

ORDINANCE NO. 3926

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING TITLE 19 ECDC TO INCORPORATE THE 2012 INTERNATIONAL BUILDING AND FIRE CODE UPDATES AND TO USE A HEARING EXAMINER IN LIEU OF A BOARD OF APPEALS.

WHEREAS, the 2012 International Building Codes (see RCW 19.27.031), as amended by the State, become effective statewide on July 1, 2013; and

WHEREAS, RCW 19.27.040 authorizes cities to amend these codes as they apply within the city as long as minimum performance standards of the codes and the objectives enumerated in RCW 19.27.020 are not diminished; NOW, THEREFORE,

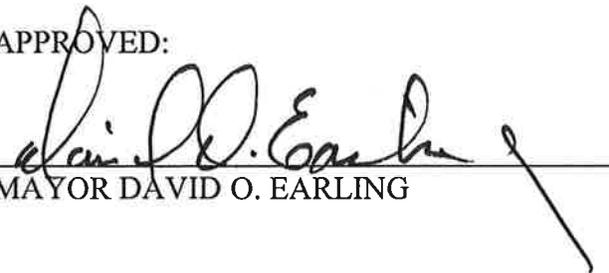
THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Title 19 of the Edmonds Community Development Code, entitled “Building Codes” is hereby amended to read as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference as if set forth in full (new text is shown in underline; deleted text is shown in ~~strike-through~~).

Section 2. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. 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 DAVID O. EARLING

ATTEST/AUTHENTICATED:

Sandra S. Chase
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFF TARADAY

FILED WITH THE CITY CLERK:	06-14-2013
PASSED BY THE CITY COUNCIL:	06-18-2013
PUBLISHED:	06-23-2013
EFFECTIVE DATE:	06-28-2013
ORDINANCE NO. <u>3926</u>	

SUMMARY OF ORDINANCE NO. 3926

of the City of Edmonds, Washington

On the 18th day of June, 2013, the City Council of the City of Edmonds, Washington passed Ordinance No. 3926. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING TITLE 19 ECDC TO INCORPORATE THE 2012 INTERNATIONAL BUILDING AND FIRE CODE UPDATES AND TO USE A HEARING EXAMINER IN LIEU OF A BOARD OF APPEALS.

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

DATED this 19th day of June, 2013.


CITY CLERK, SANDRA S. CHASE

Title 19

BUILDING CODES

Chapters:

19.00 Building Code 3

19.05 Residential Building Code 16

19.10 Building Permits – Earth Subsidence and Landslide Hazard Areas 17

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Exhibit A to Ordinance No. 3926

Chapter 19.00

BUILDING CODE

Sections:

- 19.00.000 Purpose.
- 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. [Ord. 3796 § 1, 2010].

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. [Ord. 3796 § 1, 2010].

19.00.010

Conflict between codes.

In case of conflict among any of the codes referenced in ECDC 19.00.005 ~~and adopted and subsequently adopted~~ amended 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. [Ord. 3796 § 1, 2010].

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 ECDC 19.00.005(A), (B), (C), (D) and (F), unless otherwise ~~indicated~~ required to meet the purpose of the code. . [Ord. 3796 § 1, 2010].

19.00.020

International Building Code adopted.

The International Building Code (IBC), ~~2009-2012~~ 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. [Ord. 3796 § 1, 2010].

19.00.025

International Building Code section amendments.

The following sections 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 5000 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.~~

(l) 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.

(m) Repair of appliances which do not alter original approval, certification, listing or code.

(n) Replacement or adding new insulation with no drywall removal or placement.

(o) Replacement or repair of existing gutters or downspouts.

(p) 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.

(b) Reinstallation or replacement of approved prefabricated plumbing fixtures that do not involve or require the replacement or rearrangement of valves or pipes.

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 windows or doors provided; no alteration of structural members is required, the replacement would not require installation of safety glazing, the installation does not affect involve required egress requirements windows. ECDC Title 23 provisions shall not apply.

(g) Minor like-for-like drywall repairs not involving fire-rated assemblies.

(gh) Replacement or repair of individual decking, joists, Stair-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.

(k) Reroof overlays, except that all existing layers of roofing must first be removed if the existing material is wood shake, slate, clay, cement or asbestos tile, or where the existing roof has two or more applications of any type of roofing.

F. Section 105.3.2, Time limitation of permit application, is amended to read:

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 except as allowed within this section. 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.

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

(a) Compliance with the State Environmental Policy Act is in progress; or

(b) Any other City review is in progress; provided, the applicant has submitted a complete response to City requests or the Building Official determines that unique or unusual

circumstances exist that warrant additional time for such response, and the Building Official determines that the review is proceeding in a timely manner toward final City decision; or

(c) Litigation against the City or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

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 required intake 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 19 shall expire by limitation 360 days after issuance, except as provided in ECDC 19.00.025J025I(2).

2. The following permits shall expire by limitation, 180 days after issuance and may not be extended, unless they are associated with a primary building permit for a larger construction project, in which case they may run with the life of the primary permit:

Demolition permits required by ECDC 19.00.030;

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 p~~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-quarter~~ 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. Permit fees shall be charged at a rate of one quarter the original building permit fee to extend the permit.~~

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 ECDC 19.00.015. 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 Chapter 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, 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 subsection (E)(1)(q) of this section.

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. [Ord. 3845 § 6, 2011; Ord. 3796 § 1, 2010].

19.00.030

Architectural design review – Optional vesting.

In addition to the vesting rights created by RCW 19.27.095 and ECDC 19.00.015, 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 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 19.00.025 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 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(G) (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. [Ord. 3796 § 1, 2010].

19.00.040

Excluding nonconforming religious building from certain requirements.

Existing legal nonconforming churches, synagogues, mosques and other buildings used 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:

A. 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 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.

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

1. 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.

2. 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.

3. Provide an operational smoke detection system.

4. 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.

5. 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.

C. 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.

D. These provisions are for the purpose of providing for and promoting the health, safety and welfare of the general public. See Chapter 19.90 ECDC, Limitation of Benefited and Protected Classes. [Ord. 3796 § 1, 2010].

Chapter 19.05

RESIDENTIAL BUILDING CODE

Sections:

- 19.05.000 International Residential Code adopted.
- 19.05.010 Chapter 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), 2009–2012 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, R and S. [Ord. 3819 § 1, 2010; Ord. 3796 § 2, 2010].

19.05.010

Chapter 1 not adopted.

Chapter 1 is not adopted, except as provided for in 19.00.015. See ECDC 19.00.015. [Ord. 3796 § 2, 2010].

19.05.015

Other Chapters not adopted.

Chapters 11, 20, 21, and Part VII Plumbing and Part VIII Electrical are not adopted. See 19.20 for adopted Plumbing Code and 19.55 for adopted Electrical Code.

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) = D2D1
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.

C. Appendix S – Section AS107.1, Fire Sprinklers. An approved automatic fire sprinkler system shall be installed in new one-family and two-family dwellings and townhouses exceeding 3,000 square feet of fire area, and in accordance with Appendix R. ~~No modifications will be made to this threshold limit prior to next code cycle update on July 1, 2013.~~ [Ord. 3819 § 2, 2010; Ord. 3796 § 2, 2010].

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 Sections 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.

[Ord. 3796 § 2, 2010].

Chapter 19.10

BUILDING PERMITS – EARTH SUBSIDENCE AND LANDSLIDE HAZARD AREAS

Sections:

- 19.10.000 Statement of purpose and application.
- 19.10.010 Section amendments.
- 19.10.020 Definitions.
- 19.10.030 Minimum required application submittals.
- 19.10.040 Site posting notice, disclosures, declarations, covenants and waivers.
- 19.10.050 Site bonds and contractor general public liability insurance.
- 19.10.060 Review to determine compliance with engineering practice and best available science.
- 19.10.070 Issuance and denial of permits.
- 19.10.080 Site access, professional/special inspection, monitoring during construction and final geotechnical report.

19.10.000

Statement of purpose and application.

A. This chapter has been enacted in order to provide both substantive and procedural provisions relating to the issuance of permits within designated earth subsidence and landslide hazard areas of the city. It shall be the policy of the city that no permit shall be issued for any site which is found to be unsuitable for improvement due to excessively steep slopes, unsatisfactory foundation support, instability or unsuitable topography for the particular permit requested for issuance. When development occurs on an unstable site, an unreasonable risk of danger may exist to the public, to public improvements or to adjacent property owners. If such a site can be stabilized through the construction of on-site improvements, that risk may be reduced.

B. The construction of professionally designed structures addressing the risks of earth movement, and employing feasible attendant measures (including but not limited to drainage improvements, specially designed foundations, retaining walls, removal of overburden and other improvements designed to minimize the risk of earth movement, prevent avoidable damage to structures, safeguard adjacent properties, limit risk to inhabitants, and to stabilize the structure in the event of movement) may mitigate and reduce the risk of earth movement on individual properties. Nothing herein shall relieve an owner of any obligation imposed by the State Building Code or city ordinance to take all reasonable and practical measures available to reduce or eliminate the risk or hazard.

C. The IRC/IBC, as promulgated by the state of Washington and required to be adopted by the city, does not specify a standard regarding lot stability. Since the city's request for an interpretation of the International Building Code by the State Building Code Council to designate an acceptable level of lot stability was denied, and because the city wishes to comply with state law requiring that the issuance of building permits be a ministerial and not a discretionary act, the provisions of this chapter have been adopted in order to provide reasonable certainty in the permit issuance process. The purpose of these provisions is not to lessen the minimum requirements of the current adopted building code, but rather to define its requirements for city implementation.

D. These provisions have been adopted in order to establish a policy that permits shall not be issued for any site where a substantial risk of earth subsidence and landslide hazard exist unless:

1. The risks can be defined with reasonable scientific certainty and found to be within acceptable limits as determined in accordance with this chapter.

2. Any hazard associated with the site is scientifically ascertained and fully disclosed through the permit process.

3. Notice of any risk is given to future purchasers through the land records of Snohomish County.

4. Any risks associated with construction and habitation are assumed by the builder and future owners of the site.

5. Adequate indemnification is provided by the builder, and the owner, of the site in order that the general public not assume or bear any portion of the costs or liability associated with the builder's investigation, design and construction as well as the continuing maintenance of the site by the property owner.

E. Notwithstanding any contrary provision of this chapter or the IRC/IBC, all applications for permits received for any site, any portion of which lies within an earth subsidence and landslide hazard area, shall be governed by the provisions of this chapter. In addition to all other requirements of these sections, the restrictions and provisions of this chapter shall apply to all building, grading, fill and excavation permits (herein "permits"). Minor permits such as plumbing, mechanical, re-roof and interior alterations are exempt from the requirements of this chapter.

F. All applications for permits under this chapter shall disclose within the geotechnical report whether or not any part of the site lies within or adjacent to an earth subsidence and landslide hazard area or within a critical area as defined by the city's environmentally critical areas title. The building official may require preliminary investigation by a geotechnical engineer for any applicant whose property lies within or lies adjacent to a known earth subsidence landslide hazard area, or within a known hazard area, or areas with steep slopes or unusual topography or which has a history of earth movement in order to assist the building official in determining whether these provisions should be applied.

G. Nothing in this chapter should or shall be interpreted to guarantee issuance of a permit with respect to any property unless the requirements of the IRC/IBC as amended and interpreted by this chapter have been met. [Ord. 3651 § 1, 2007].

19.10.010

Section amendments.

The provisions of this section amend the 2003 Edition of the IRC/IBC and all subsequent revisions adopted by RCW 19.27.031 as the State Building Code as previously amended by Chapter 19.05 ECDC. All prior substantive amendments have received the approval of the State Building Code Council. All provisions of the IRC/IBC which conflict with this chapter shall be deemed amended hereby, and any ambiguity created shall be resolved in favor of the specific provision or general intent of said chapter. In addition to the amendments of the IRC/IBC by its alteration, improvement and correction to incorporate the chapter, the following specific code provisions are amended and the substantive and procedural requirements of this chapter are amended by the correction and alteration of the following sections of the IRC/IBC:

A. Chapter 1, Administration.

1. Section R105.1.1 Permit review applicability. Any permit requested for a site lying in whole or in part within an earth subsidence and landslide hazard area as defined by ECDC 19.10.020(F) shall be processed and acted upon in accordance with the provisions of Chapter 19.10 ECDC.

2. Section R105.2 Work exempt from a permit. ECDC 19.00.010-025E(1) exemptions A(a), B(b), D(d), E(e), F(f), G(g), J(j), K(k), M(m), and P-(p) and ECDC 19.0500.010-025E(4) exemptions A(a), C(c), (h), and D-(i) shall not apply in any area designated as an earth subsidence and landslide hazard area as defined in ECDC 19.10.020(F).

3. Section R105.3.2 Time limitation of permit application.

a. Applications, for which no permit is issued within two (2) years 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.

b. The building official may not extend the time for action by the applicant on an expired application. In order to renew action on an expired application, the applicant shall submit a new application, revised plans based on current adopted codes and pay new plan review fees as well as any outstanding peer review fees incurred to date.

4. Section R105.5 Permit expiration and extension.

a. Every permit issued under the provisions and development standards of Chapter 19.10 ECDC shall expire by limitation two (2) years after issuance, except as provided in ECDC 19.00.005(A)(6)(b).

b. Prior to expiration of an active permit the applicant may request in writing an extension for a third and final 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.

c. 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 fees, in order for the applicant to complete work. The issuance of a new 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 the Land Use Petition Act, the time limit periods imposed under this section shall also be stayed until final decision.

d. The building official shall reject requests for permit extensions if modifications or amendments to the applicable zoning and building codes have occurred since the original issuance of the permit, and modifications or amendments would significantly promote public health and safety if applied to the project through the issuance of a new permit.

5. Section R105.5.1 Recommence work on an expired permit.

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

b. 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 at the time of complete application for the new permit, not the expired permit. When additional plan review is required, plan review fees shall be charged. When applicable, peer review and peer review fees shall be assessed.

6. Section R106.3.3.1 Phased approval.

a. The building official may require sequencing of construction phases or activities such as the installation of shoring or temporary erosion control remedies and/or drainage systems, well in advance of grading or foundation construction on a time frame consistent with geotechnical recommendations and peer review. As part of the sequencing process, the building official may impose permit conditions that address site work sequencing to include but not be limited to: limiting all excavation, drainage systems and foundation installation to the drier season between May 1st and September 30th.

b. When permit conditions such as groundwork are limited by the building official on a particular project, the applicant's geotechnical engineer may submit a letter detailing geotechnical recommendations that portions of work may progress. The letter shall include a detailed work schedule submitted by the general contractor specifying work to be done, timeline, provisions for monitoring and equipment to be used. Any such recommendation shall be based upon best available science and be consistent with standard geotechnical engineering practice. The building official may require a peer review prior to a decision which provides concurrence regarding at least the following issues:

i. Duration of work,

ii. Type of equipment to use,

iii. Additional temporary erosion and sediment control provisions required, and

iv. Applicability of special inspections, and similar issues.

c. The building official may issue partial permits for phased construction before the entire plans and specifications for the whole building or structure have been approved provided peer review approval has been granted. Phased approval

means separate permits for grading, shoring, and foundation may be issued separately, provided concurrent approval is granted by the planning manager, city engineer, and city public works director, 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. 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.

B. Chapter 2, Definitions.

1. Section R202 and IBC 202 are hereby amended to include the definitions set forth in ECDC 19.10.020, incorporated by this reference as fully as if herein set forth.

C. Chapter 4, Foundations.

1. Section R401.1 General Exception 3. Any permit requested for a site lying in whole or in part within an earth subsidence and landslide hazard area shall be processed and acted upon in accordance with the provisions of Chapter 19.10 ECDC.

D. IBC Chapter 16, Structural design.

1. Section IBC 1601.1.1 Scope. Setting forth the requirements of Chapter 19.10 ECDC, incorporated by this reference as fully as if herein set forth.

E. IBC Appendix J, Grading.

1. Section IBC Appendix J 101.1.2, Scope. Setting forth the requirements of Chapter 19.10 ECDC, incorporated by this reference as fully as if herein set forth.

[Ord. 3651 § 1, 2007].

19.10.020

Definitions.

The following terms, when used within this chapter, shall have the following definitions:

A. "Architect" shall mean a person licensed to practice architecture by the state of Washington.

B. "Best available science" shall be determined in accordance with the criteria established in WAC 365-195-900, et seq.

C. "Bluff" shall mean any slope 10 feet in height or greater inclined at greater than one unit vertical in one unit horizontal or 100 percent slope.

D. "Building official" shall mean the building official of the city of Edmonds.

E. "Director" shall mean the director of development services as well as any authorized representative of the director.

F. "Earth subsidence and landslide hazard area" shall mean any area of the city which, by reason of excessively steep slopes, unsatisfactory foundation support, stability or topogra-

phy, has a risk of earth subsidence and landslide hazard in excess of normal allowances. The earth subsidence and landslide hazard area is a subcategory of “landslide hazard area” (a geologically hazardous area) as defined in city of Edmonds environmentally critical areas title (ECDC Title 23). The hazard area designated as the North Edmonds Earth Subsidence Landslide Hazard Area in the 2007 report of Landau Associates and as may be amended in future adopted earth subsidence and landslide hazard maps are hereby incorporated by this reference and made a part of this chapter as fully as if herein set forth and may be provided in a summary text form. Future adopted landslide hazard maps shall be incorporated by reference upon adoption by ordinance.

Areas designated on the adopted North Edmonds Earth Subsidence and Landslide Hazard Areas Map, or any future adopted landslide hazard map, as having a risk of earth subsidence or landslide hazard, areas with slopes as designated in ECDC 23.80.020, areas which exhibit geologic characteristics of earth movement, or any other area identified as having a history of earth movement shall be presumed to have such risk and shall be considered to be an earth subsidence and landslide hazard area. Applicants for permits in such areas shall submit a geotechnical report and complete plan set submittal as required by this chapter to the building official for review.

The presumption of risk shall be rebuttable and the decision of the director or building official that any area lies within, or adjacent to, such earth subsidence and landslide hazard area shall be appealable as a staff decision to superior court in accordance with the Land Use Petition Act.

Copies of the reports and maps shall be maintained in the offices of the building official and shall be available for inspection during all normal working hours. Individual copies of the reports and map may be obtained by the public upon the payment of the cost of reproduction.

G. “General contractor” shall mean a bonded, insured and registered contractor in the state of Washington. A general contractor shall maintain state-required bonding and shall carry general public liability insurance in the minimum amount of \$1,000,000. The general contractor shall have a current valid state contractor’s license with the state of Washington and a city of Edmonds resident or nonresident business license, whichever is applicable.

H. “Geologist” means a practicing geologist licensed in the state of Washington with at least four years’ experience as a licensed geologist in responsible charge, including experience with landslide evaluation.

I. “Geotechnical engineer” means a practicing geotechnical/civil engineer licensed as a professional civil engineer in the state of Washington who has at least four years of professional employment as a geotechnical engineer in responsible charge, including experience with landslide evaluation.

J. “Landslide hazard areas” means areas mapped or otherwise defined by the city of Edmonds as environmental critical areas or geologically hazardous areas.

K. “Land surveyor” means a person who holds a Washington State land surveyor’s license.

L. “Lead design professional” means the person designated by the applicant to oversee and coordinate the permit review process on behalf of the applicant.

M. “Plan set submittal” means a complete application pursuant to ECDC 19.00.015 including:

1. Vicinity map.
2. Topography map and survey.

3. Civil plans including grading, temporary erosion and sediment control, storm drainage, utilities and site improvements.

4. Tree cutting/land clearing plans.

5. Geotechnical report.

6. Architectural and structural plans with design calculations, stamped and signed by licensed design professionals of the state of Washington.

N. "Site" means the entire area within the boundaries, as described in a legal description, of the property that is to be developed under the permit for which the applicant has applied.

O. "Stable" shall mean that the risk of damage to the proposed development, or to adjacent properties, from soil instability is minimal subject to the conditions set forth in the reports developed under the requirements of ECDC 19.10.030 and the proposed development will not increase the potential for soil movement.

In the event that any site has an underlying risk of movement based upon deep-seated earth movement or large-scale earth failure which is not susceptible to correction by on-site improvements, such hazard shall not render a site proposed for single-family residences to be presumed unstable for the purpose of this provision if the geotechnical engineer of record and recommendation of any peer reviewer confirm the risk of probability of earth movement is 30 percent or less within a 25-year period.

In order to meet the definition of "stable" the geotechnical report shall include identified hazards for the property and the mitigation measures proposed to reduce or correct the hazards along with measures taken to mitigate potential impacts from the remaining hazards, including all on- and off-site measures taken to correct or reduce the risk. These shall be fully disclosed to the applicant and future owners, heirs and assigns in the covenant required to be executed in accordance with provisions of this chapter, in which case the defined risk may be approved as an acceptable condition.

P. "Steep slope" shall be defined and calculated pursuant to Chapter 23.80 ECDC.

Q. "Storm event" means one inch or greater precipitation in a 24-hour period as reported by the National Oceanic and Atmospheric Administration (NOAA).

R. "Structural engineer" means a person licensed to practice structural engineering by the state of Washington.

S. "Structural fill" shall mean any fill placed below structures, including slabs, where the fill soils are intended to support loads without unacceptable deflections or shearing. Structural fill should be clean and free-draining and should be placed above unyielding native site soils compacted in accordance with an approved geotechnical report prepared utilizing best engineering science. [Ord. 3651 § 1, 2007].

19.10.030

Minimum required application submittals.

A. The applicant shall submit a complete plan set submittal and permit application and specifications for the proposed development as defined in ECDC 19.10.020(M) and this chapter.

B. An earth subsidence and landslide hazard area permit submittal checklist shall be adopted at the direction of the director and shall be provided to all persons inquiring regarding building permit applications or development permits in the designated earth subsidence and landslide hazard area of North Edmonds. The submittal checklist shall include but not be limited to the requirements contained in city public handouts, written pol-

icies, adopted maps, reference maps, summary reports, minimum geotechnical report guidelines, and the following:

1. North Edmonds Earth Subsidence and Landslide Hazard Map.
2. Vicinity map.
3. Topographic map and survey.
4. Civil plans (i.e., grading, temporary erosion and sediment control, storm drainage, utilities and site improvements).
5. Tree cutting/land clearing plan.
6. Geotechnical report.
7. Owner and professional declarations.
8. Detailed architectural and structural plans with structural calculations and specifications.
9. Bonds, covenants and contractor public liability insurance in accordance with the detailed requirements stated below.

If any item in the checklist is inapplicable to a particular project, a letter or a report shall be provided to the director stamped by the appropriate licensed design professional, with sufficient information or data to demonstrate why the item is inapplicable. The director may utilize appropriate licensed consultants to determine if generally accepted engineering practice requires submission of an application requirement. When consultants are used to determine if generally accepted engineering practice requires submission of an application requirement, the cost of review shall be paid by the applicant.

C. A copy of the North Edmonds Earth Subsidence and Landslide Hazard Map shall be included in the submittal checklist materials.

D. The vicinity map shall be suitable for locating the site and include information related to existing conditions on or near the site, based on the topographic map and survey and shall designate all known landslide masses, or debris flows or mud flows on or near the site which could threaten proposed structures within 100 feet, as referenced, noted, described or discussed in the geotechnical report.

E. The applicant shall submit a topographic map and survey prepared and stamped by a licensed land surveyor, prior to studies and evaluations by the geotechnical engineer, and shall show:

1. Map scale, north arrow, legal description, tax account parcel numbers, easements, and lot property lines.
2. Existing grade contour lines, at two-foot intervals.
3. All distances between existing structures on the site and approximate distances of existing habitable structures on adjacent sites within 50 feet of property lines (all adjacent sites which could affect or be affected by the proposed development shall be shown).
4. Lowest footing or basement slab elevation of existing and proposed structures on the property and on adjacent properties to the extent that such information is reasonably available, and proposed finish floor elevations.
5. The location of existing sanitary sewers, stormwater drainage facilities, septic tanks, drain fields, wells, piezometers, private drainage systems, underground storage tanks, subsurface drains, and other sewer/drainage facility components on, and adjacent to, the site to the extent such information is reasonably available.
6. The location of all existing underground utilities on, and adjacent to, the site including, but not limited to, telephone, cable television, gas, electric and water utilities,

vaults, fire hydrants and other cables, wires, meters and drainage pipes to the extent that such information is available.

7. A separate topographical drawing shall be submitted showing proposed grade contours at two-foot intervals. This drawing shall include the bottom of proposed footing elevations including all stepped footing elevations.

F. Civil-engineered plans shall be prepared and stamped by a state of Washington licensed civil engineer pursuant to the provisions of Chapter 18.30 ECDC and current adopted city stormwater manual. Geotechnical report recommendations affecting civil plans shall be incorporated into the design and detailed on the plans and shall include:

1. Storm drainage plan with storm drainage calculations.
2. Provisions for building pad and foundation drainage.
3. Temporary erosion and sediment control with drainage and maintenance provisions, and/or other sediment control assemblies.
4. Permanent erosion control with drainage and maintenance provisions.
5. Fill/soil stockpile limitation provisions, specific location, height, protection and maintenance.
6. Slope protection plans, rockeries, retaining walls, ecology blocks, keystone block walls, soldier pile walls, and soil nail walls.
7. Utilities and site improvements.
8. Grading plans, temporary and permanent shoring plans, top and toe of slope setbacks, driveway slope.

G. In lieu of the procedural requirements of Chapter 18.45 ECDC, a tree cutting/land clearing plan shall be submitted when significant trees are proposed to be removed. A significant tree is a tree with a trunk diameter of six inches or greater measured four feet from the ground. No significant tree shall be removed until the permit is approved.

A detailed landscape plan may also be required in order for the city to evaluate long-term erosion control measures. The plan shall comply with all requirements of the ECDC relating to tree clearing and critical areas review, if applicable. The director may require the project geotechnical engineer's concurrence regarding an approval of a tree cutting/land clearing plan when slope stability is at issue.

H. Included in the permit submittal checklist shall be general and specific soils and geotechnical information, details or analysis required pursuant to IBC 1802. The applicant shall retain a geotechnical engineer to prepare a report and evaluation of the subsurface soil conditions on the site to include:

1. The geotechnical report shall be prepared in accordance with generally accepted geotechnical engineering practices, under the supervision of, and signed and stamped by, the geotechnical engineer. A geologist may be required to be part of the geotechnical consulting staff. The report shall reference the Landau Associates Summary Report (2007) as a technical document reviewed as part of the geologic analysis for the project and discuss all items listed in the permit submittal checklist and shall make specific recommendations concerning development of the site.

2. The opinions and recommendations contained in the geotechnical report shall be supported by field observations and, where appropriate or applicable, by literature review, conducted by the geotechnical engineer. The report shall be based on best available science.

3. The report shall include an analysis of material gathered through appropriate explorations, such as borings or test pits to a minimum depth of six feet below the proposed lowest footing or pile, an analysis of soil characteristics conducted by or under the

supervision of the engineer in accordance with the standards adopted by the American Society of Testing and Materials (ASTM) or other applicable standards. The report must provide subsurface data to support the engineer's conclusions regarding slope stability.

4. If the evaluation involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geologist. It shall be the responsibility of the geotechnical engineer to assure that the geologist meets the qualifications listed in ECDC 19.10.020. A letter of concurrence from the geologist shall be included in the report.

5. Based upon the North Edmonds Landslide Area Geology and Slide Mechanisms map and table found in the Landau Associates Summary Report (2007), any lot which contains any portion of any hazard zone or is adjacent thereto (regardless of whether the proposed building pad is located within any hazard area) shall specifically consider within the geotechnical report the following types of typical hazard zones and shall specifically note if the hazard is, or is not, present on the site. The report shall address hazards from encroaching landslide materials, hazards from ground failure in material that has not previously failed, and hazards from ground failure in previously failed material. For each landslide hazard identified on a property, the geotechnical engineer shall identify the types of specific processes associated with the hazard and include design features to reduce such hazards and mitigate impacts.

6. For properties containing or adjacent to bluffs, the geotechnical engineer shall, as a part of the building permit process, provide analysis of the rate of retreat of the bluff prepared by a geologist and estimate the bluff retreat amount and regression rate for periods of 25 and 125 years. The geotechnical engineer shall address the effects of bluff retreat on the stability of structures and/or improvements. A "structure" is defined as:

- a. A building intended for human habitation,
- b. A building, structure or other improvement whose stress or weight, collapse or movement would endanger public safety in the event of slope failure, and
- c. Any improvement on the site which is necessary to mitigate danger to public safety or provide stability.

If the bluff retreat rate analysis shows that the rate of retreat of the bluff is such that any structure or improvement constructed pursuant to the building permit would be unreasonably endangered or reasonably could be anticipated to be endangered by landslide or earth subsidence during its normal useful life, the application shall be denied.

7. Geotechnical letter addressing the provisions of Chapter 23.80 ECDC.

I. The applicant shall submit, consistent with the findings of the geotechnical report, detailed structural plans with corresponding calculations prepared and stamped by the structural engineer of record. When architectural plans incorporate such structural details, said plans shall be stamped and signed by the structural engineer of record. All other architectural plans may be prepared by an architect, designer, builder or lay person.

J. The applicant shall submit documentation of required bonds, frozen funds or adequate instrument of credit. The applicant shall submit a copy of the contractor's general public liability insurance pursuant to ECDC 19.10.050.

K. The applicant shall submit declarations, disclosures, covenants and waivers as required by ECDC 19.10.040. [Ord. 3651 § 1, 2007].

19.10.040

Site posting notice, disclosures, declarations, covenants and waivers.

A. Notices of permit submittal application with the city shall be posted pursuant to ECDC 20.03.002. Such notices shall be conspicuously posted and maintained at each street frontage. Notice of permit issuance or denial shall be conspicuously posted as required above. Upon each posting a 10-day appeal period shall commence. Appeals shall be to the

Snohomish County superior court in accordance with the Land Use Petition Act, and no other appeal shall be permitted.

19.10.040

B. At permit application submittal, the applicant shall submit a written declaration with the permit application that includes the statement that the accuracy of all information is warranted by the owner/applicant in a form which relieves the city and its staff from any liability associated with reliance on such submittals.

The declaration shall also state that the owner/applicant understands and accepts the risk of developing in an area with potential unstable soils and that the owner/applicant will advise in writing any prospective purchasers of the site, or any prospective purchasers or residential lessees of structures or portions of a structure on the site, of the slide potential of the area.

The owner/applicant shall also acknowledge that he, she or they understand and accept the need for future monitoring and maintenance of the property as described in the final geotechnical report when future monitoring and maintenance may affect slope stability over time. While an application may reference the reports of prior public consultants to the city, all conclusions shall be those of the owner/applicant and his or her professionals.

C. The plan set submittal shall include a disclosure letter from the geotechnical engineer and civil engineer who prepared the geotechnical report and civil plans, stating that in his or her judgment the plans and specifications submitted for the project conform to the recommendations in the geotechnical report, and that the risk of damage to the proposed development, or to adjacent properties, from soil instability will be minimized subject to the conditions set forth in the report, and the proposed development will not increase the potential for soil movement.

“Minimized” shall mean that the applicant has utilized best available science and commonly accepted engineering and architectural practice to minimize, to the extent possible, the risks associated with development of the property.

The geotechnical engineer shall review the erosion and sediment control plan and provide a statement about the adequacy of the plan with respect to site conditions and report findings. The geotechnical engineer’s statement shall also include an identification of landslide hazards applicable to the site, the on-site measures taken to correct or reduce the hazards, as applicable, and measures taken to mitigate potential impacts from the remaining hazards.

For sites where the hazards are not mitigated or where the risks from deep-seated or large-scale earth movement cannot be practically reduced by individual lot owners, the geotechnical engineer shall prepare a statement identifying what design measures will be taken to mitigate the risk to structures, adjacent properties, and inhabitants in the event of deep-seated or large-scale movement. The statement shall specify any risks from earth movement that are not fully mitigated by design measures and render an opinion as to whether the site will be stable within the meaning of this chapter following installation of all proposed improvements. The statement will clarify to current and future owners what measures were installed to reduce risks and what hazards could not be addressed by individual lot development.

D. Further recommendations signed and sealed by the geotechnical engineer shall be provided should there be additions or exceptions to the original recommendations based on the plans, site conditions or other supporting data. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the director accompanying the plans and specifications, express agreement or disagreement with the recommendations in the geotechnical report and state that the revised plans and specifications conform to the new recommendations.

E. The plan set submittal shall include a disclosure letter or notation on the design drawings by the structural engineer of record stating that he has reviewed the geotechnical report(s), that he understands its recommendations, has explained or has had explained to the owner/applicant the risk of loss due to slides on the site, and that he has incorporated into the design the recommendations of the report and established measures to reduce the potential risk of injury or damage that might be caused by any risk of earth movement referenced in the report. The statement shall note any risks, hazards, and potential problems from earth movement that are not fully mitigated by design measures.

F. The owner shall execute a covenant (in a form provided by the city) to be submitted with the application (with necessary fee) to be filed with the Snohomish County auditor. The director shall cause such completed covenant to be so filed. A copy of the recorded covenant shall be forwarded to the owner. This covenant shall be a covenant running with the land, which shall at a minimum include:

1. A legal description of the property.

2. A statement explaining that the site is in a potential earth subsidence and landslide hazard area, that the risk associated with the development of the site is set forth in permit file No. _____ with the city of Edmonds building department, that conditions or prohibitions on development may have been imposed by the city in the course of permit issuance, and referencing any features in the design which will require maintenance or modification to address anticipated soil changes. The covenant may incorporate by reference the statements and conditions to be observed in the form proposed by the owner/applicant's geotechnical engineer, geologist, architect and/or structural engineer as approved after the review set forth in ECDC 19.10.060.

3. A statement waiving and promising to indemnify and hold harmless the city of Edmonds, its officers and employees from any claims the owner/applicant and his/her successors or assigns may have for any loss or damage to people or property either on or off the site resulting from soil movement and arising from or out of the issuances of any permit(s) authorizing development on the site, as well as due to any act or failure to act by the indemnitor, its agents or successors, in interest under or following issuance of the permit.

4. The date of permit issuance and permit number authorizing the development. [Ord. 3817 § 9, 2010; Ord. 3736 § 36, 2009; Ord. 3651 § 1, 2007].

19.10.050

Site bonds and contractor general public liability insurance.

A. Site Bonding Requirements.

1. A surety bond, in an amount to be determined by the director, executed by a surety company authorized to do business in the state of Washington shall be posted by the owner/applicant or general contractor to assure the restoration of any areas on the site, or in the surrounding area, disturbed or damaged by slides during construction, and to ensure completion of the work authorized by the permit, or, if the work is not completed, to assure that the site will be restored to a safe and stable condition at least equal to the safety and stability of the site prior to commencement of work under the permit. The bond will be exonerated upon occupancy approval of the building permit by the building official.

2. In lieu of the surety bond, the owner/applicant or general contractor may propose to file a cash deposit or an instrument of credit with the director in an amount equal to that which would be required in the surety bond, and similarly conditioned.

B. Public Liability Insurance. The general contractor of record shall carry general public liability insurance effective through final occupancy in the minimum amount of \$1,000,000, and which shall name the city as an additional named insured, against the injury, death, property damage and/or loss arising from or out of the city's involvement in the permitting process for the project.

19.10.060

C. Homeowner Insurance. The city strongly recommends that each property owner maintain policies of liability insurance, adequate to provide sufficient funds, to indemnify and hold harmless third parties in the event of earth subsidence or landslides emanating from or across the owner's property. [Ord. 3651 § 1, 2007].

19.10.060

Review to determine compliance with engineering practice and best available science.

A. The city shall require professional peer review of the plan set submittals accompanying the permit application by a civil engineer, geotechnical engineer, geologist, and/or structural engineer as may be necessary and determined by the building official or director, in order to determine whether the plan set submittals were prepared in accordance with generally accepted engineering practice or the practice of the particular engineering or design specialty and are based upon best available science. The full cost of such peer review shall be paid in full by the owner/applicant within 30 days of billing by the city. Failure to make timely payments shall result in a stay of city plan review services on the application.

B. This requirement may be selectively waived at the discretion of the director, provided the applicable project geotechnical engineer, civil engineer or structural engineer provides written concurrence, determination, details, facts and/or data that individual site conditions warrant an exemption from outside peer review. Once waived, the building official shall not be required to inquire further into the adequacy of any report, plans, or data, but rather may rely upon the submittals as warranted by the owner/applicant as reviewed by the city's consultant. Nothing herein shall relieve the owner/applicant of the obligation to submit a complete application fulfilling all the requirements of this chapter and the IRC/IBC.

C. The final recommendation of the peer review regarding whether a submittal complies with generally accepted practice and/or is based on best available science shall be binding upon the building official. Such recommendation may be appealed to superior court under the Land Use Petition Act. [Ord. 3651 § 1, 2007].

19.10.070

Issuance and denial of permits.

A. Permit Issuance. The following requirements must be satisfied before a permit will be issued:

1. An approved geotechnical report has been submitted and approved.
2. Plans and specifications have been submitted incorporating the recommendations of the geotechnical report and said plans have been approved.
3. The required declarations, disclosures, covenants and waivers have been submitted and approved.
4. Required bonds, cash deposits and public liability insurance have been posted with the city.
5. When peer review has been required, all submittals have been determined to have been prepared in accordance with generally accepted engineering practice.
6. Peer review concurrence for permit issuance has been received by the building official.
7. All other provisions of ECDC Titles 16, 18 and 20 have been reviewed and approved by the appropriate city official.

B. Permit Denial. The following criteria shall result in the denial of issuance of permit:

1. Building, grading and excavation permits for construction on land which the director finds to be unsuitable for improvement due to excessively steep slopes, unsatisfactory foundation support, instability or unsuitable topography, or

2. The resulting development would increase the potential of soil movement resulting in an unacceptable risk of damage to adjacent properties or an unreasonable risk of damage to the proposed development, or

3. Excessive flooding, seepage, high water table, or inadequate drainage, or

4. If the bluff retreat rate analysis shows that the rate of retreat of the bluff is such that any structure or improvement would be unreasonably endangered or reasonably could be anticipated to be endangered by landslide or earth subsidence during its normal useful life, the application shall be denied. A "structure" is defined as:

a. A building intended for human habitation,

b. A building, structure or other improvement whose stress or weight, collapse or movement would endanger public safety in the event of slope failure, and

c. Any improvement on the site which is necessary to mitigate danger to public safety or provide stability, or

5. Other hazardous conditions posing an unreasonable risk to public health, safety, or welfare, or

6. Where the noted site dangers or geologic hazards are not minimized to the extent possible by the use of best available science and generally accepted engineering and architectural practice, or

7. If the applicant's geotechnical engineer determines that there is a greater chance than 30 percent in a 25-year period that landslide damage on site will occur.

C. In making a determination of permit denial, the director shall consider not only the land which is the subject of the application, but in addition, the surrounding area which would be adversely affected if the permit were granted. Permit denial shall be made in writing to the owner/applicant when the site cannot be rendered "stable" as defined in ECDC 19.10.020(O). This decision and other preliminary determinations as referenced herein shall be appealable to Snohomish County superior court in accordance with the Land Use Petition Act. No other appeal shall be permitted. The appeal period shall commence upon the date of mailing of any preliminary or final decision, or upon posting, if posting is the only notice a party with standing receives under the terms of this chapter.

D. Prohibitions. Because of the relationship of groundwater to stability, the discharge of collected surface water or stormwater to the ground surface or subsurface is prohibited on sites within the earth subsidence and landslide hazard area. In addition, the following construction, buildings, or improvements are hereby prohibited within the earth subsidence and landslide hazard area:

1. Swimming pools or hot tubs.

2. Ponds or other artificial impoundments of water.

3. Watering or irrigation systems.

4. Temporary or permanent stockpile of fill on top or bottom of slopes.

5. Rockeries.

E. Waiver. The prohibitions established in subsection (D) of this section shall apply unless the property owner requests a waiver based upon the written analysis of a geotechnical engineer which clearly establishes that the proposed improvement will have no reasonable likelihood of triggering or otherwise contributing to any landslide hazard or earth

subsidence risk either on the site or in the neighboring earth subsidence or landslide hazard area.

In any review or appeal of the director's or building official's denial of a waiver to construct an otherwise prohibited improvement, the burden of proof shall always be upon the applicant to establish by a clear preponderance of the evidence that no such risk will be created by the improvement. Any geotechnical engineering report provided in any review shall consider not only the risk incurred due to or during construction of the otherwise prohibited improvement, but also the potential impacts due to failure to maintain the improvement, damage through reasonably foreseeable events such as earthquakes or other acts of God, or the reasonably foreseeable negligence of the owner or future owners. The director may utilize peer review consultants. [Ord. 3651 § 1, 2007].

19.10.080

Site access, professional/special inspection, monitoring during construction and final geotechnical report.

A. Site Clearing and Grading. The owner/applicant or contractor shall secure the building official's approval before entering an earth subsidence and landslide hazard area site with excavating or other grading and clearing equipment to clear, remove trees or grade for any purpose including the creation of access to the site.

The building official may condition such access approval if site conditions are warranted and when discretionary approval permits are required. As part of the approval process the building official may impose conditions that address site work issues; such measures could include but are not limited to limiting all excavation and drainage installation to the drier season between May and the end of September, or sequencing activities such as the installation of drainage systems well in advance of construction.

Requests for early site access in advance of building permit approval or in the time period between October 1st and April 30th for any purpose shall be submitted to the building official accompanied by written concurrence of the owner/applicant's geotechnical engineer of record.

The building official may utilize peer review consultants to determine whether the request is based on generally accepted engineering practice and is reasonable with regard to time-frame to complete the work, types of equipment proposed to perform the work, length of exposure of slopes, and adequacy of site monitoring and temporary erosion control measures. When such peer review is utilized, the applicant is responsible for the peer review fee.

B. Reporting Authority. The owner/applicant shall retain a geotechnical engineer to monitor the site during construction. The owner/applicant shall preferably retain the geotechnical engineer who prepared the final geotechnical report in the plan set submittal and who has reviewed the approved plans and specifications.

If a different geotechnical engineering consultant is retained by the owner/applicant, the new geotechnical engineer shall submit a letter to the director stating that he or she has read all reports and recommendations and reviews to date and state whether or not he or she agrees with the opinions and recommendations of the original geotechnical report and peer review comments. Further recommendations, signed and sealed by the new geotechnical engineer, and supporting data shall be provided should there be exceptions or changes to the original recommendations that would affect the approved plans.

C. Construction Monitoring, Special Inspections.

1. Inspection Requirements. During the period from October 1st to April 30th, when on site, the owner/applicant or designated erosion sedimentation control (ESC) site supervisor shall perform erosion and sedimentation control inspections. Records of installed ESC facilities shall be maintained by the erosion and sedimentation control supervisor and copies of all ESC records shall be provided to city inspectors upon request.

ESC facilities on inactive sites (sites where no work will be performed for more than three consecutive days) shall be inspected weekly by the erosion and sedimentation control supervisor. During all other times of the year, weekly inspections by the ESC site supervisor are required and shall be recorded.

2. Weekly Field Reports. The geotechnical engineer shall monitor, during construction, compliance with the recommendations in the geotechnical report including: site excavation, shoring, temporary erosion control, soil support for foundation, piles, subdrainage installation, soil compaction and other geotechnical aspects of the construction. Unless otherwise approved by the director, the specific recommendations contained in the geotechnical report shall be implemented by the owner/applicant. Omissions or deviations from the approved geotechnical report and civil plans shall be highlighted to the city in a separate report. All reports shall be submitted to the city on a weekly basis for review. Failure to submit required reports may result in the issuance of a stop work order.

3. Storm Events. During all work periods, special inspections shall be performed after “storm events” as defined in ECDC 19.10.020(Q). The storm event report shall be provided within one week of the event.

D. Final Construction Report. The geotechnical engineer of record shall prepare a final written report to be submitted to the building official stating that, based upon his or her professional opinion, site observations and final site grading, the completed development substantially complies with the recommendations of the geotechnical report and with all geotechnical-related permit requirements as shown on the approved plans.

“Substantially complies” means that the completed development offers at least the level of stability and safety, on- and off-site, as was afforded by the original recommendations and report. Recommendations to the owner/applicant shall be included in the report for future monitoring and maintenance of the property including drainage, tightlines, catch basins, berms, retaining wall drainage, hazard mitigation improvements, slopes, bluffs, vegetation, and permanent erosion control that affect slope stability over time. Occupancy of the residence shall not be granted until the report has been reviewed and accepted by the building official. [Ord. 3651 § 1, 2007].

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), ~~2009–2012~~ 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. [Ord. 3796 § 3, 2010].

19.15.005

Amendments.

Chapter 1 is not adopted, ~~except as provided for in 19.00.015. See ECDC 19.00.015.~~ [Ord. 3796 § 3, 2010].

19.15.010

International Fuel Gas Code adopted.

The International Fuel Gas Code, ~~2009–2012~~ 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. [Ord. 3796 § 3, 2010].

19.15.015

Amendments.

~~Chapter 1 is not adopted, except as provided for in 19.00.015. See ECDC 19.00.015.~~ [Ord. 3796 § 3, 2010].

19.20.000

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), 2009-2012 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. [Ord. 3796 § 4, 2010].

19.20.005

Amendments.

- A. Chapter 1 is not adopted, except as provided in 19.00.015. ~~See ECDC 19.00.015.~~
- B. ~~Section 1014, Grease traps and interceptors, is deleted. See Chapter 7.90 ECC.~~
- 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. [Ord. 3796 § 4, 2010].

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. [Ord. 3796 § 4, 2010].

Chapter 19.25

FIRE CODE

Sections:

- 19.25.000 International Fire Code adopted.
- 19.25.005 Section amendments.
- 19.25.010 Department of fire prevention.
- 19.25.015 Definitions.
- 19.25.020 Permits.
- 19.25.025 Charges for fire review and inspection.
- 19.25.030 Modifications, interpretations and appeals.
- 19.25.035 Automatic sprinkler systems.
- 19.25.036 Dwelling fire sprinkler systems and connection fees.
- 19.25.040 Fire protection water supplies.
- 19.25.045 Charges for water mains and hydrants.
- 19.25.050 Mains and service lines.
- 19.25.055 Location of public hydrants.
- 19.25.060 Location of private hydrants.
- 19.25.065 Hydrant specifications.
- 19.25.070 Penalties.

19.25.000 International Fire Code adopted.

Under the statutory authority of RCW 19.27.031 and 19.27.074, the International Fire Code (IFC), 2012 Edition, as published by the International Code Council including amendments set forth in Chapter 51-54A WAC, and subsequently revised by this chapter, is hereby adopted including reference standards of the National Fire Protection Association and Appendix Chapters B, and C.

19.25.005 Section amendments.

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

A. Chapter 1 Administration.

1. Section 102.5 Application of Residential Code. Adopted as originally set forth in IFC (notwithstanding revisions thereto by the state building code council).
2. Section 103.1-.2 Department of Fire Prevention. Replaced by ECDC 19.25.010.
3. Section 104.8 Modifications. Replaced by ECDC 19.25.030.
4. 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 and enforcement and hazardous conditions of this code when requested by the fire marshal.

5. Section 105.1.1 Permits required. Replaced by ECDC 19.25.020.

6. Section 108 Board of appeals. Replaced by Chapter ECDC.

7. Section 109.4 Violation Penalties. Replaced by ECDC 19.25.070.

B. Chapter 5, Fire Service Features.

Section 503 Fire Apparatus Access Roads. The following sections are adopted as originally set forth in the IFC:

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.

C. Chapter 56, Explosives and Fireworks.

Section 5601.1.3 Fireworks. Replaced by Chapter 5.27 ECC.

D. Chapter 57 Flammable and Combustible Liquids.

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 districts and shall be no more than 1,000 gallons capacity in residential zones designated by the city.

E. Chapter 61 Liquified Petroleum Gases.

Section 6104.2 Maximum capacity within established limits. The maximum capacity for each installation is restricted for the protection of residential districts within the city and shall be no more than 500 gallons water capacity in residential zones designated by the city.

F. Chapter 36, Marinas. Replaced in entirety by Chapter 19.65 ECDC.

19.25.010 Department of fire prevention.

A. There is established in the city a department of fire prevention supervised by the fire marshal or deputy chief of fire prevention acting under the supervision of the fire chief. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

B. An annual report shall be provided to the mayor containing proceedings under this code, with other statistics as the fire chief and mayor wish to include. The fire marshal may also recommend any changes to the code. [Ord. 3798 § 1, 2010].

19.25.015 Definitions.

A. Whenever the term "fire code official" is used in the IFC, it shall mean the fire marshal or deputy chief of fire prevention.

B. Whenever the word "jurisdiction" is used in the IFC, it shall mean the city of Edmonds.

C. Whenever the term "legal representative of the jurisdiction" is used in the IFC, it shall mean the city attorney.

D. Whenever the term "police" is used in the IFC, it shall mean the city of Edmonds police department. [Ord. 3798 § 1, 2010].

19.25.020 Permits.

A. Operational permits required under the city's fire code and regulated by the city shall be issued by the fire marshal. The application for the permit shall be accompanied by the full application fee in order to vest rights under the permit and to constitute a complete permit application. The permit fee shall be set by the city council annually by resolution or on such review cycle as the council, in its discretion, shall determine. All permits shall be renewed annually unless the specific time period is set forth when the permit is granted. No permit shall be transferable and each permit shall be issued on a single job, transaction, owner, or occupancy basis, except that the fire marshal is authorized to consolidate permits for a single location, building, or unit.

B. In the event that the activity, location or risk associated with the activity requires a fire safety inspection in excess of the time estimated within the permit fee (one hour) an inspection fee equal to the actual cost to the city of providing the inspection shall be charged pursuant to ECDC 19.25.025. [Ord. 3798 § 1, 2010].

19.25.025 Charges for fire review and inspection.

A. Certain licenses and permits issued by the city include a fire department inspection. The cost of the permit may include an estimate of the normal time associated with the fire inspection. Where the permit does not include such an estimate, or when the estimate of time established within the ordinance is exceeded by the actual time spent inspecting a premises, location or activity, the actual cost of conducting the inspection shall be charged. The administrative services director is authorized to establish on an annual basis, in conjunction with or immediately following the budget process, a

fee for the hourly charge associated with the provision of services by reasonable classifications of fire marshal and fire inspector.

B. The permittee shall pay the actual charges of inspection, in addition to the permit fee associated with such activity. Licenses and permits requiring the actual payment of inspection charges include, but are not limited to, public amusement licenses issued pursuant to Chapter 4.32 ECC, cabaret dance licenses issued pursuant to Chapter 4.48 ECC, adult entertainment facility licenses issued pursuant to Chapter 4.52 ECC, business licenses pursuant to Chapter 4.72 ECC, and aircraft landing licenses issued pursuant to Chapter 4.80 ECC.

C. No charge shall be levied against any department or agency of the city of Edmonds operating within the city's general fund..

19.25.030 Modifications, interpretations and appeals.

A. 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.

B. 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. Whenever the fire marshal disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire marshal to the hearings examiner. Such appeals shall be governed by the procedures set forth in Chapter ECDC..

19.25.035 Automatic sprinkler systems.

An automatic sprinkler system shall be installed and maintained throughout every building constructed under the International Residential Code containing five or more attached dwelling units. Residential or quick response standard sprinkler heads shall be used in accordance with their approved listing in the dwelling. [Ord. 3798 § 1, 2010].

19.25.036 Dwelling fire sprinkler systems and connection fees.

A. Where dwelling fire sprinkler systems are required to be installed in a dwelling (building containing one or two dwelling units) constructed under the International Residential Code (IRC), a single water connection may provide fire protection and domestic services through combination water lines utilizing an integrated fire and plumbing flow-through piping system described in IRC Appendix R (WAC 51-51-60105).

B. Automatic sprinkler systems installed pursuant to subsection (A) of this section shall not be subject to the cost differential from general facility charges for connection to the public water system when an up-sized meter is required to meet the design flow rate for, and is solely attributable to, the installation of the automatic sprinkler system. All other costs, including the expense of a larger meter, a general facility charge attributable to the meter sized for the domestic service alone, and other permits and fees, shall remain the responsibility of the owner.

C. When automatic sprinkler systems designed for life safety and installed pursuant to subsection (A) of this section are integrated and dependent upon the domestic water supply of the residential dwelling unit, the property owner shall be responsible for maintaining the service connection and paying for an adequate supply of water to the residential dwelling unit. [Ord. 3819 § 3, 2010].

19.25.040 Fire protection water supplies.

All fire hydrant, water main and appurtenance installations shall meet the provisions of this chapter as well as other applicable plans, standards and codes adopted by the city of Edmonds, as a condition of approval of subdivisions and building permits. [Ord. 3798 § 1, 2010].

19.25.045 Charges for water mains and hydrants.

A. For private development, owners shall be responsible for the replacement (upgrade) of the existing public main (including fire hydrants and appurtenances) to city standard when identified by the city engineer as a condition of development approval. The city will pay the difference in material costs only between six inches and the size that is required to be installed only when the existing system is a looped system.

B. A hydrant use permit issued by the public works director is required in order for any person or entity other than fire department personnel to draw water from any fire hydrant.

C. The installation of water mains, fire hydrants and appurtenances to properties not previously served shall be sized in accordance with the city's water comprehensive plan, built to city standard and shall be at the benefited property owner's or developer's expense.

D. Oversized water mains required for special use demands relating to a particular property or development shall be installed at the developer's or property owner's expense.

E. If the water mains installed pursuant to subsections (C) and (D) of this section provide service or benefits to properties other than owned by the water main installer, latecomer agreements may be arranged between the city and the installer for the construction and dedication of the water facilities pursuant to the provisions of Chapter 35.91 RCW. [Ord. 3798 § 1, 2010].

19.25.050 Mains and service lines.

A. All public hydrants in single-family areas shall be supplied by not less than six-inch looped water mains. All hydrants in areas other than single-family residential shall be supplied by not less than eight-inch looped water mains. Dead-end water mains to hydrants shall be at least eight inches in

diameter, with the exception of mains up to 50 feet long which may be no less than six inches in diameter.

B. The service line from the water main to the hydrant shall be no less than six inches in diameter. Any service lines over 50 feet in length from water main to hydrant shall be no less than eight inches in diameter.

C. When city streets, or state highways having water mains in the public right-of-way, are improved to permanent street or highway improvement standards, any water mains in the public right-of-way of said streets or highways that are substandard as to size or material according to applicable city standards shall be replaced with ductile iron water mains conforming to applicable city standards and plans. [Ord. 3798 § 1, 2010].

19.25.055 Location of public hydrants.

A. Public hydrants are those owned by the city.

B. All public fire hydrants shall be installed at street intersections where possible. Public hydrant spacing shall be measured along vehicle access routes.

C. In areas zoned for single-family residential use, public hydrants shall be spaced no more than 600 feet apart. If dead-end streets, or driveways, singly or in combination, are over 300 feet long, additional public hydrants shall be installed so that the public hydrant spacing is not over 600 feet.

D. In areas other than single-family residential, public fire hydrants shall be spaced an average of 300 feet apart. If dead-end streets or driveways, singly or in combination, are over 150 feet long, additional public hydrants shall be installed so that the public hydrant spacing is not over 300 feet. [Ord. 3798 § 1, 2010].

19.25.060 Location of private hydrants.

A. A private hydrant is privately owned, but is subject to the use of the city for inspection and testing at reasonable times, and for fire suppression at any time. All private hydrants shall be connected to the city water main through a privately owned and maintained double detector check valve assembly.

B. All buildings except single-family dwellings that are located so that a portion is more than 200 feet from a street, as measured along vehicle access routes, shall have private fire hydrants located at the building. Single-family dwellings with a fire-flow calculation area greater than 4,800 square feet may require a private hydrant.

C. Buildings having required fire flows of 3,000 gallons per minute may have fire hydrants on one side of the building only. There shall never be fewer than two fire hydrants for any building larger than 5,000 square feet in the first floor area including covered parking and storage. When the required fire flow is 3,000 gallons per minute or greater, the fire hydrants shall be served by a looped main around the building or complex of buildings.

D. Fire hydrants shall be spaced on an average 300 feet around the perimeter line, 50 feet out of the buildings. All hydrants shall be placed in locations accessible to fire department vehicles adjacent to fire apparatus access roads. The fire marshal shall determine the location of fire hydrants depending on utility, topography and building location for maximum fire protection. [Ord. 3798 § 1, 2010].

19.25.065 Hydrant specifications.

A. The installation of flush type hydrants (hydrants entirely below grade) is prohibited.

B. Fire hydrants shall have two two-and-one-half-inch hose outlets and one four-and-one-half-inch pumper outlet. All outlets' ports shall have national standard thread. Additionally, the pumper outlet shall be provided with a four-inch Storz adapter. Fire hydrants shall meet the American Water Works Association Standard No. C-502 and current city standards.

C. Fire hydrants and appurtenances shall be installed in accordance with generally accepted engineering practices and city standards, and to the approval of the city engineer, who shall also approve the selection and use of all pipe fittings and valves. There shall be a foot valve installed between the service main and the hydrant sufficient to permit the repair and replacement of the hydrant without disruption of water service. The foot valve shall be installed to city standards. The location of all such valves installed shall be properly and accurately marked on as-built plans or drawings with generally acceptable engineering detail, two copies of which shall be furnished to the public works department. Valves shall be furnished with a standard valve box.

D. Hydrants shall stand plumb, be set to established street grade with the lowest outlet of the hydrant at least 18 inches above the adjacent finished grade and at least 36 inches of clear area around the hydrant for clearance of hydrant wrench on both outlets and on the control valve. The pumper port shall face the street, as determined by the fire marshal.

E. Where reasonably necessary to protect a hydrant from damage, the fire marshal may require hydrants to be protected by two or more posts, eight inches in diameter by five feet long, made either of reinforced concrete or steel.

F. If there presently exist fire hydrants which do not conform to these requirements, they shall be replaced with conforming hydrants upon redevelopment or the timetable established by the city's comprehensive plan.

G. No person shall plant any vegetation, erect any structure or perform any action which results in the obstruction of a fire hydrant for a distance of 50 feet along the immediate route of approach. The owner-occupant of any area in which a hydrant is located shall be responsible for removing weed and tree growth from around the hydrant for a distance of not less than five feet. The purpose of this section is to maintain clear approach and visual area around the hydrant.

H. The installation of the fire hydrants and mains may be accomplished by city capital contract, developers (as a condition of development) or public works department employees. All installations are to be approved by the city engineer.

I. Following the installation of fire hydrants, all pipes, valves and hydrants shall be pressure tested, purified, flushed and sampled to meet the requirements of the American Water Works Association Standard No. C-502. [Ord. 3798 § 1, 2010].

19.25.070 Penalties.

A. Any person who violates any of the provisions of the IFC including those standards of the National Fire Protection Association specifically referenced in the IFC as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by decision of the city's hearings examiner, or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a gross misdemeanor, punishable as provided in ECC 5.50.020.

B. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions exist or are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. [Ord. 3798 § 1, 2010].

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, ~~2009-2012~~ Edition, as adopted and amended by the Washington State Building Code Council in Chapter 51-11 WAC, is hereby adopted. [Ord. 3796 § 5, 2010].

Chapter 19.35

VENTILATION CODE

(Repealed by Ord. 3796)

19.40.000

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, 2009–2012 Edition, published by the International Code Council, is hereby adopted. [Ord. 3796 § 6, 2010].

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 20.110.040(C).

E. Section 302 is deleted.

F. Section 303 is deleted.

G. Section 308 is deleted.

H. Section 309 is deleted. [Ord. 3796 § 6, 2010].

Chapter 19.45

INTERNATIONAL CODE COUNCIL PERFORMANCE CODE

Sections:

19.45.000 International Code Council Performance Code adopted.

19.45.000

International Code Council Performance Code adopted.

The International Code Council Performance Code, 2009-2012 Edition, published by the International Code Council, is hereby adopted. [Ord. 3796 § 7, 2010].

Chapter 19.50

INTERNATIONAL EXISTING BUILDING CODE

Sections:

19.50.000 International Existing Building Code adopted.

19.50.000

International Existing Building Code adopted.

The International Existing Building Code, 2009–2012 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 Chapter A (Guidelines for the seismic retrofit of existing buildings) and Resource A (Guidelines on fire ratings of archaic materials and assemblies). [Ord. 3796 § 8, 2010].

19.55.000

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, 2008–2011 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. 3796 § 9, 2010; 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. [Ord. 3796 § 9, 2010; Ord. 3651 § 1, 2007].

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. [Ord. 3796 § 9, 2010; Ord. 3651 § 1, 2007].

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. [Ord. 3796 § 9, 2010; Ord. 3651 § 1, 2007].

Chapter 19.60

MOVING BUILDINGS

Sections:

- 19.60.000 Permit required.
- 19.60.005 Applicability.
- 19.60.010 Application requirements.
- 19.60.015 Pre-move inspection requirements and building upgrades.
- 19.60.020 Correction of defects.

19.60.000

Permit required.

Any person who proposes to move an existing building into or through the city of Edmonds shall, before the move, apply for and obtain a moving permit from the building official. A moving permit is separate from, and in addition to, any and all other permits required to bring the moved building into compliance with current adopted codes and city regulations. Separate permit approvals for grading, shoring, foundation, remodeling, repair or alteration may be imposed to bring the building to current adopted code standards and zoning compliance for height and setbacks. [Ord. 3651 § 1, 2007].

19.60.005

Applicability.

Buildings or structures moved into or within the city shall comply with the provisions of this code including the current adopted editions of the following codes: International Building Code, International Residential Code, International Mechanical Code, International Fire Code, Uniform Plumbing Code, Washington State Energy Code, ~~Ventilation and Indoor Air Quality Code~~, State Historic Building Code, ~~Uniform Housing~~ International Property Maintenance Code, and applicable state WAC amendments. [Ord. 3651 § 1, 2007].

19.60.010

Application requirements.

A. In order to obtain permits to move any building through, along, or across the streets or any public place within city limits, the building official shall determine permit submittal requirements which, at a minimum, shall contain:

- 1. Proposed route;
- 2. Location of any overhead utility lines or traffic signals along with their height along the route; and
- 3. Dimensions of building proposed to be moved.

B. The permit application shall be reviewed by the building official, public works director, police chief, traffic engineer, fire department and any other affected city department. If the proposed moving will unduly interfere with the rights of the public as determined by the city engineer or designee, the permit shall be denied. Denial of the application by one department shall constitute denial of the permit by the city.

C. A performance bond or frozen fund, pursuant to Chapter 17.10 ECDC, in an amount to be determined by the building official shall be posted prior to permit issuance guaranteeing the completion of all required site development improvements or site clean-up and/or repair

of damage to public property no later than 180 days after the permit is issued. The bond or frozen fund will be exonerated upon final project approval provided all required site restoration and/or improvements are installed, inspected and approved to city standards.

D. The moving contractor shall be state licensed and carry general public liability insurance for the amount no less than \$1,000,000, valid during entire building moving operations, and the insurance policy shall name the city as an additional named insured, against the injury, death, property damage and/or loss arising from or out of the city's involvement in the permitting process for the project.

E. As a condition of obtaining a moving permit, the moving contractor shall assume all liability for any damage to public property by such moving operations. Repair of damage to any public property improvement shall be completed under a valid permit within 30 days of date of notice. Emergency repair work performed by city crews to repair damage to public improvements shall be charged against the moving contractor. [Ord. 3651 § 1, 2007].

19.60.015

19.60.015

Pre-move inspection requirements and building upgrades.

A. Upon application and payment of the building moving permit fee, the building official shall ~~notify~~ coordinate a date and time to perform a pre-move inspection with the applicant. ~~of the date and time of his pre-move inspection.~~ The pre-move inspection shall be made at the original location of the building before it is moved.

B. The applicant shall remove from the building as much of the interior wall and ceiling coverings as is necessary in the judgment of the building official to conduct a thorough inspection of the wiring, plumbing and structural features of the building. The building official shall determine what structural, energy, ventilation, plumbing, mechanical and life-safety upgrades shall be imposed on any building moved into or within city limits in compliance with current adopted codes. Designated historic buildings are also subject to provisions of Chapter 19.50 ECDC. [Ord. 3651 § 1, 2007].

19.60.020

Correction of defects.

If, at or after the time of the inspection, the building official notifies the applicant that any portion of the building, electrical wiring or rough plumbing is in any way in violation of the ordinances of the city of Edmonds, so that compliance will require a replacement of any parts or materials used, then any defective parts or materials shall be removed from the building before it is moved. Any corrections required to comply with the ECDC, IBC and IRC shall be completed and inspected before final approval and occupancy is granted. [Ord. 3651 § 1, 2007].

Chapter 19.65

MARINAS

Sections:

19.65.000 Application.

19.65.005 Building code – Compliance required.

19.65.010 Design live loads.

19.65.015 Materials.

19.65.020 Area and location requirements.

19.65.025 Fire Protection Standard adopted.

19.65.030 Fuel floats.

19.65.000 Application.

The provisions of this chapter apply to the construction, changes, repair and use of a small boat marina providing covered floating boat moorage within the city. A marina is a basin of safe anchorage providing moorage for small vessels. [Ord. 3798 § 2, 2010].

19.65.005 Building code – Compliance required.

All construction on or in connection with a marina shall comply with all the provisions of this title including permits, permit fees and penalties and all other applicable ordinances of the city and other applicable laws. [Ord. 3798 § 2, 2010].

19.65.010 Design live loads.

A. Decks. Float decks shall have a design live load of at least 40 pounds per square foot minimum.

B. Roofs. The roof structures shall have a design live load of at least 25 pounds per square foot minimum.

C. Ramps. The ramps to floats shall have a design live load of at least 40 pounds per square foot minimum. [Ord. 3798 § 2, 2010].

19.65.015 Materials.

A. Roofs. Roof coverings shall be noncombustible.

B. Floats. Floating structures and floats shall be material of a type approved by the building official. [Ord. 3798 § 2, 2010].

19.65.020 Area and location requirements.

A. Length of Floats. The maximum length of any combination of floats shall be 500 feet from the shore end of the gangplank to the outer end of the main float. A main float is a center or side float connected by a ramp to the shore, being fixed laterally by a system of piling but allowed to move vertically, and may have finger floats connected at intervals.

B. Length of Roofs. The maximum length of any roof over floats shall be 400 feet, measured along a main float. At least 75 percent of the exterior walls shall be open. The maximum area covered shall be 30,000 square feet over any single main float area.

C. Separation. The minimum separation of covered moorage shall be 20 feet.

D. Floats, piers, and walkways shall provide an aisle not less than 44 inches in width.

E. Slips and mooring spaces shall be individually identified by an approved numeric or alphabetic designator that shall be posted at each space. Signs indicating the space designators located on finger piers and floats shall be posted at the base of all piers, finger piers, floats and finger floats. [Ord. 3798 § 2, 2010].

19.65.025 Fire Protection Standard adopted.

A. The "Fire Protection Standard for Marinas and Boatyards," 2006 Edition, of the National Fire Protection Association Publication No. 303 is hereby adopted to provide the minimum acceptable level of safety to life and property from fire and electrical hazards at marinas and boatyards. The most restrictive requirements from all codes and adopted standards may apply. In the event of any conflict between provisions of the fire and electrical codes of the city of Edmonds as adopted by this title, the fire and electrical codes shall prevail.

B. Access and Water Supply. Piers shall be provided with fire apparatus access roads and water-supply systems with on-site hydrants where required by the fire marshal. The maximum distance from any point on a float system to an approved fire hydrant shall be 600 feet, except for fuel floats there shall be 300 feet.

C. Emergency Operations Staging Areas. Approved areas on piers and ashore shall be provided for the staging of emergency equipment. These areas shall be posted with approved signage to keep clear for emergency operations. [Ord. 3798 § 2, 2010].

19.65.030 Fuel floats.

A. Fuel floats shall be constructed of gas-resistant flotation material and shall be separated from other floats by at least 80 feet of open water.

B. All fuel storage tanks shall be located underground.

C. All fuel lines shall be provided with flexible connections from shore to floating facilities.

D. Fire extinguishers shall be provided near fuel dispensers as approved by the Edmonds fire department.

E. Gangplank access from shore to fuel floats shall be within 175 feet of fuel dispensers.

F. Fresh water taps shall be available on fuel floats.

G. All portions of a fuel float shall be located within 300 feet of a fire hydrant.

H. Moorage at any fuel float shall be prohibited and unlawful except during the shortest time necessary to take on fuel. Moorage shall be unlawful at any fuel float at any time the fuel pumps are not open for business and physically attended by the fuel pump proprietor, his agent, employee or port tenant trained to a fire department approved environmental and safety standard. It shall be the independent responsibility of the fuel pump proprietor, vessel operator, and vessel owner to comply with this subsection and each said person or class of persons shall be subject to the penalties of [ECC 5.50.020](#) for any and all violations hereof.

I. All fuel spills shall be reported immediately in accordance with local, state and federal requirements. [Ord. 3798 § 2, 2010].

Chapter 19.70

FEES

Sections:

- 19.70.000 Scope.
- 19.70.005 ~~Payment of fees.~~
- 19.70.010 Schedule of permit fees.
- 19.70.015 Establishing building construction valuation.
- 19.70.020 Work commencing before permit issuance.
- 19.70.025 Refunds.

19.70.000

Scope.

Fees associated with this title including plan review, permit, inspection and related development or mitigation fees are established by this chapter and as set forth in ECDC 15.00.020. Fees may be altered pursuant to city Resolution 997. [Ord. 3651 § 1, 2007].

19.70.005

Payment of fees.

~~A permit shall not be considered valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. Before issuance of any permit authorized by this code, the building official shall collect all applicable permit fees. Separate permits and fees shall apply as indicated elsewhere in this code and shall be collected prior to permit issuance. [Ord. 3651 § 1, 2007].~~

19.70.010

Schedule of permit fees.

For buildings, structures, grading, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with this chapter and ECDC 15.00.020. Fee schedules are on file in the city clerk's office.

A. Plan Review Fee. Before accepting a set of plans and specifications for plan review, the building official shall collect the full plan review fee. Plan review fees shall be in addition to, and a percentage of, the required permit fee as calculated pursuant to ECDC 19.70.015.

B. Permit Fee. Before issuing a building permit and releasing approved plans, the building official shall collect the full building permit fees including supplemental required permit fees, inspection fees and any additional plan review fee or violation compliance fee, development fee or mitigation fee outstanding at the time of permit issuance. Building construction valuation shall be determined by ECDC 19.70.015.

C. Inspection Fee. Inspection and reinspection fees shall be paid prior to any inspection by city staff. Inspection fees are established and set forth in this chapter.

D. Related Development or Mitigation Fees. The payment of the fee for construction, alteration, removal or demolition done in connection, 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. Fees for other permits or related development fees shall be as set forth in ECDC 15.00.020. [Ord. 3651 § 1, 2007].

19.70.015

Establishing building construction valuation.

The applicant for a permit shall provide an estimated building construction valuation at time of application. Building construction valuation for the purpose of calculating permit fees shall include total value of work including fair-market labor and materials with equipment needed to complete the work, including but not limited to all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. If, in the opinion of the building official, the building construction valuation is underestimated on the application, the building official shall assign a building construction valuation. Permit valuation for new construction shall be based on square footage building construction valuation as established by the building official. [Ord. 3651 § 1, 2007].

19.70.020

Work commencing before permit issuance.

Any person who commences any work regulated by this title including work on a building, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a violation compliance fee established by the building official pursuant to the city's fee schedule adopted by resolution that shall be in addition to the required permit fees. The violation compliance fee shall be collected whether or not a permit is then or subsequently issued. The payment of such violation compliance fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law. Violation compliance fees are set forth in this chapter. [Ord. 3651 § 1, 2007].

19.70.025

Refunds.

The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The building official shall not authorize refunding of any fee on an expired permit, paid except on written application filed by the original permittee no later than 180 days after the date of fee payment. Any application for a refund must be made in writing and describe the circumstances to justify. [Ord. 3651 § 1, 2007].

Chapter 19.75

STREET NAMES AND ADDRESS NUMBERING

Sections:

19.75.000 Adoption of street name map and criteria.

19.75.005 Adoption of property and building numbering system and criteria.

19.75.010 Other street names and premises numbers prohibited.

19.75.000 Adoption of street name map and criteria.

A. There is hereby established a uniform system of designating street names/numbers in the city of Edmonds. The street names/numbers are those depicted on that map entitled, "official street map," a copy of which has been authenticated by the mayor of the city and the attestation of the city clerk. The map and all explanatory matter on the map is re-adopted and affirmed and by this reference is incorporated herein as if set forth in full. Official street name/number designations are the responsibility of the city engineer.

B. Pursuant to ECDC 18.50.030, any change to the name or number of any street on the official street map shall be by action of the city council approving an ordinance changing the official street map.

C. The city engineer shall maintain and update the official street map and shall designate/approve public and private street names/numbers in accordance with this chapter. All approved street names/numbers shall be forwarded to the United States Postal Service (USPS), public and private utilities, law enforcement agencies, emergency services providers, and other persons of new or corrected street names/numbers. The city engineer shall develop policies and guidelines for street names and numbers in accordance with the following guidelines:

1. New street designations shall be in accordance with the Snohomish County grid system and the official street map.
2. When descriptive street names (as opposed to numerical street designations) are allowed by subsection (C)(1) of this section, preference shall be for descriptive names with logical relationship to locale or geographic area, and avoidance of private individual names.
3. Facilitation of map reading and indexing to assist in rapid location of streets and addresses.
4. Avoidance of multiple and/or alternative names for single street sections and requirement of selection of a primary street designation to assist in the Enhanced 9-1-1 grid system for emergency services dispatching.

5. Any other appropriate and applicable standards concerning street and street designations as well as current department of public works policies, guidelines, or rules for naming public streets as determined by the director. [Ord. 3651 § 1, 2007].

19.75.005 Adoption of property and building numbering system and criteria.

A. There is hereby established a uniform system for numbering properties, buildings and primary structures in the city of Edmonds. The official building and property address map depicting all issued property address numbers is maintained by the building official or designee. The building official assigns, maintains and corrects addresses for the city of Edmonds and shall notify the United States Postal Service (USPS), emergency services providers and other persons of new or corrected addresses.

B. Addresses shall conform to the numerical grid system established by Enhanced 9-1-1. The number utilized by each building or property shall be that number within the system assigned by the building official. Addresses are assigned based on the location of the driveway access or house frontage to a street and only one address is allowed per building on any lot. Numbers assigned during any previous numbering system that fit within the grid system **are** hereby ratified and shall remain in full force and effect.

C. The building official shall require any address not in conformance or any address that poses any problem or confusion for safety and emergency response be changed within 30 days of written notification from the city of Edmonds.

D. All owners or occupants of all buildings and structures in the city of Edmonds, other than garages or other similar buildings or structures of a secondary nature to the primary building or structure, shall affix and maintain the officially designated premises number to the building or structure pursuant to ECDC 19.00.025(O). When topography or vegetation may obscure vision from the street, the numerals shall be affixed as to be reasonably visible from the street.

E. Where any commercial building, multiple-family residential structure, or other similar structure has more than one entrance serving separate occupants, a suite designation or apartment number shall be assigned to each entrance serving a tenant or resident in addition to the number assigned to the principal entrance of the building or structure. The unit designations shall be progressive as assigned in the progressive direction of the street and per the property numbering system approved by this code.

F. All requests for a building or property address change shall be made in writing to the building official and all of the following conditions shall be present in order for the request to be approved:

1. An obvious error shall exist (i.e., the building was addressed off a street not associated with the site, the building or property addresses **are** out of sequence, duplicate address exists), etc.

2. The existing address could delay fire, police or emergency services from finding the location in an emergency.

3. The fire department agrees the address change is necessary. [Ord. 3651 § 1, 2007].

19.75.010 Other street names and premises numbers prohibited.

It is unlawful for any owner or occupant of any premises, building or structure to display a street name or premises number other than those officially designated pursuant to the provisions of this chapter, subject to penalties per Chapter 5.50 ECC and Chapter 20.110 ECDC. [Ord. 3651 § 1, 2007].

Chapter 19.80

BOARD OF APPEALS

Sections:

- 19.80.000 Purpose and applicability.
- 19.80.005 Application and fee.
- ~~19.80.010 Board of appeals membership.~~
- 19.80.015 ~~Board of appeals~~Hearing examiner procedures.
- 19.80.020 Powers and duties of the ~~board~~hearing examiner.
- ~~19.80.023 Alternate to board of appeals.~~
- 19.80.025 Appeals from decisions of the ~~hearing examiner~~board.
- 19.80.030 Snohomish County regional board of appeals.

19.80.000

Purpose and applicability.

A. All properly filed appeals pursuant to the adopted codes of this title shall be heard by the ~~hearing examiner~~~~board of appeals created by this chapter~~. The ~~hearing examiner board~~ shall have no authority to review administrative decisions or grant modifications to the provisions of any administrative chapter as adopted by this title, nor can the ~~hearing examiner board~~ waive a code requirement.

B. The term “building code official” refers to the building official or fire marshal in exercise of authority over applicable building and fire codes from this chapter.

~~BC. The ~~hearing examiner board of appeals~~ shall hear appeals from the ~~building code official’s~~ interpretation of the adopted building codes, determinations of suitable alternative methods and materials, and any other appeal ~~delegated to a board of appeals~~ pursuant to the state building codes and this code, including but not limited to the International Building Code, the International Residential Code, the International Fire Code, the International Property Maintenance Code, Uniform Housing Code, the State Historical Building Code, the Uniform Code for the Abatement of Dangerous Buildings, the International Fuel Gas Code, the International Mechanical Code, the Uniform Plumbing Code and any and all other codes adopted pursuant to the direction and authority of Chapter 19.27 RCW.~~

~~CD. The provisions of the state building codes as adopted by the city are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this code, provided any alternative has been approved and its use authorized by the ~~building code~~ official or on appeal or request for review by the ~~board of appeals~~hearing examiner. [Ord. 3651-§-1, 2007].~~

E. The provisions of this chapter shall not apply to hearing examiner proceedings under Title 20 ECDC (land use hearings) unless such a hearing is required to be combined with a hearing under this chapter, in which case the provisions of this chapter shall only apply to the Title 19 portions of that combined hearing.

19.80.005

Application and fee.

An application for appeal shall be filed with the ~~building-code~~ official upon a departmental form within 10 days of the date of formal written decision. The application shall be accompanied by the required fee as set forth in Chapter 19.70 ECDC and shall be complete in all aspects before the hearing shall be scheduled. Failure to supplement an incomplete application within 10 business days of filing shall constitute an incomplete application and the administrative recourse of appeal shall be denied. [Ord. 3651 §-1, 2007].

19.80.010

Board of appeals membership.

~~A. There is created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the city of Edmonds. The technical expertise of board members shall be supplied through training or experience as an architect, builder, general contractor, developer, fire inspector, mechanical engineer, electrician, plumber, or structural engineer. The board members shall be active, practicing members of one of the prior listed disciplines or professions and include one lay person. Technical members of the board shall be appointed by the mayor and must reside in Snohomish County; the lay person shall be a resident of the city of Edmonds.~~

~~B. The board shall consist of nine voting members and four alternates appointed by the mayor. The board shall be comprised of persons with the following backgrounds or professional designations:~~

~~1. Position One. Structural engineer registered by the state of Washington with at least five years' experience.~~

~~2. Position Two. Certified fire protection specialist with at least five years' experience.~~

~~3. Position Three. Mechanical engineer registered by the state of Washington with at least five years' experience.~~

~~4. Position Four. Architect registered by the state of Washington with at least five years' experience.~~

~~5. Position Five. Electrician licensed by the state of Washington with at least five years' experience.~~

~~6. Position Six. Journeyman plumber licensed by the state of Washington with at least five years' experience.~~

~~7. Positions Seven and Eight. General contractor, developer or builder licensed by the state of Washington with at least five years' experience.~~

~~8. Position Nine. Citizen member of the city of Edmonds who is not associated with the building industry.~~

~~9. Alternates. Four additional alternates will be chosen to be called by the board during absence or disqualification of a member. Alternate members are required to meet one of the technical qualifications required for board membership. In the absence of any member of the board, the alternates shall be authorized to fill such temporary vacancy, regardless of the resulting composition of the board, with the full power accorded the regular member. The board chairman shall appoint the alternate. A permanent vacancy shall be filled by an alternate who is appointed by the mayor. Alternates may appear at all meetings but shall not vote unless they are filling a temporary vacancy.~~

~~C. Building Official Duties.~~

~~1. Hearing Secretary. The secretary of the board shall be the building official. The secretary shall be the custodian of the records, shall conduct official correspondence of the board and generally be responsible for clerical work of the board. The secretary shall be present at the appeal meetings and shall present all relevant information regarding appeals to the board, including the application and other information submitted by the appellant prior to the hearing. The secretary shall notify all interested parties regarding matters of the board.~~

~~2. Building Department Representatives. The building official shall be an ex-officio member of the board without voting power.~~

~~D. Fire Department Representatives. The chief of the fire prevention bureau, or his authorized representative, shall be an ex-officio member to the board without voting power. [Ord. 3651 § 1, 2007].~~

19.80.015

Board of appeals Hearing examiner procedures.

~~A. Terms. As of the effective date of the ordinance codified in this title, the mayor shall appoint the initial board members to overlapping terms. Two technical members shall be appointed to a one-year term, two technical members shall be appointed to two-year terms, two technical members shall be appointed to three-year terms, and the remaining members shall be appointed to three-year terms. Following initial terms, subsequent terms of all board members and alternates shall be for three calendar years. No member of the board shall serve more than three consecutive full terms, or a total of more than nine consecutive calendar years.~~

~~B. Regular Meetings. Regular meetings may be held once each month, or as often as may be required. At the first regular meeting of each calendar year, the board shall elect a chairman and a vice chairman. The chairman of the board shall require that all members of the board be polled during voting at the meeting. Seven members of the board shall constitute a quorum.~~

~~C. Special Meetings. Special meetings may be held by the chairman and at such times as the board shall determine. The board, the city or an appellant may request a special meeting. Any special meeting held at the request of an appellant shall be paid for by the appellant in the amount set forth in Chapter 19.70 ECDC. Five members of the board shall constitute a quorum at special meetings.~~

~~D. Executive Sessions. Executive sessions of the board may be called pursuant to the State Open Public Meetings law by the chairman or the vice chairman of the board and are not open to the public. The building official shall attend as secretary.~~

~~EA. Public Notice. Public notice shall be given of all meetingshearings. Upon written receipt and confirmation of a complete appeal of a request, notice shall be sent to the fire department, the health department, the city attorney and the owner of the real estate and parties within 100 feet affected by the request. No hearing shall be scheduled until 15 days after the required hearing notifications are mailed. Meetings-Hearings shall be open to the public. The appellant, the appellants' representative, the building-code official, and any person whose interests are affected shall be given an opportunity to be heard.~~

~~F. Oath/Subpoena. The chairman may administer oaths, accept affirmations and compel the attendance of witnesses. A failure or refusal to appear in response to a subpoena issued by the board shall constitute a violation of these adopted codes and be subject to the penalties as outlined in Chapter 19.85 ECDC.~~

~~GB. Department/Interested Party. At any public meeting-hearing a representative of the city building and fire department and any other interested party may appear in person, by agent or by attorney, offer evidence and testimony and cross-examine witnesses. All evidence and testimony shall be presented publicly. The board-hearing examiner may take judicial notice of facts to the same extent and in the same manner as courts of record and may consider relevant facts within the personal knowledge of any member of the board that are stated into the record by such member.~~

~~HC. Recording. All meetings-hearings before the board shall be recorded.~~

~~I. Compensation. The board shall receive no compensation regardless of number or type of cases heard.~~

~~J. Removal. Board members shall be removed from office by the mayor prior to the end of their terms only for just cause. Any member who is unavailable for three consecutive appeal hearings shall be automatically removed and an alternate appointed as provided for herein.~~

~~K. Conflict of Interest. Members with a material or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations, and voting on such matters. [Ord. 3651-§ 1, 2007].~~

19.80.020

Powers and duties of the hearing examinerboard.

A. The ~~hearing examiner board~~ shall adopt rules and procedures governing all proceedings consistent with the provisions set forth herein. The rules and regulations shall include meeting location, meeting time, procedures, contents of a complete appeal application and time to be allotted for each case.

B. Subject to the limitations enumerated herein, the ~~hearing examiner board~~ shall have and may exercise the following powers:

1. The ~~hearing examiner board~~ shall have no authority relative to the interpretation of the administrative provisions of any of the state building codes, nor shall the ~~hearing examiner board~~ be empowered to waive any requirement of any such code.

2. Nothing herein shall be interpreted to permit the ~~hearing examiner board~~ to hear any appeal, nor any request for deviation of design or alternative methods with respect to any property lying within a recognized landslide hazard and earth subsidence area or which is otherwise subject to the requirements of Chapter 19.10 ECDC including effecting map changes.

3. The ~~hearing examinerboard~~, on review, may approve the use of any material, alternate design or method of construction providing that it finds that the proposed design is satisfactory and complies with the provisions of this code and that the material, design, or method is, for the purpose intended, at least the equivalent of that prescribed in the applicable code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The decision of the building ~~code~~ official shall not be overturned unless the ~~hearing examiner board~~ shall find that the following conditions exist:

- a. That the appellant properly applied for an appeal;
- b. That sufficient evidence, proof or testing reports were submitted by the appellant that substantiated claims of equivalency;
- c. That the proposed modification or alternate will not weaken the general purpose of the adopted code;

d. That the proposed modification or alternate will be in harmony with the spirit and purpose of the adopted code;

e. That the proposed modification or alternate will not adversely affect the public health and safety;

f. That the proposed modification or alternate will not adversely affect the structural integrity of the building; and

g. That the proposed modification or alternate will not adversely affect the fire safety of the building.

4. To hear and decide appeals where it is alleged there is error in any notice or order made by the building code official and/or fire marshal in the enforcement of the adopted codes in this title. The hearing examiner board shall have the power to stay the enforcement of any order issued by the building and/or fire prevention department unless the building code official ~~and/or fire marshal~~ certifies that a stay of the order or denial would, in the opinion of the building code official ~~and/or fire marshal~~, cause imminent peril to life or property. A stay shall not constitute hearing examiner board approval, shall be personal to the appellant and not transferable, and shall be subject to the terms and conditions imposed by the hearing examinerboard. Any determination or order of the building and/or fire department shall be presumed to be correct until evidence is introduced that would support a contrary determination.

5. Whenever the owner or legally responsible person of an alleged unsafe building, structure, utility or other condition does not agree with the order from the building code official and/or fire marshal as to the correction to be made, he shall have the right to appeal to the hearing examiner board within 10 days from the date of said order. In his appeal, the appellant shall state how he proposes to make the unsafe building, structure, utility or other condition safe and the hearing examiner board may require the appellant to submit detailed engineering analysis or recommendations, accompanied by plans and specifications prepared by a state licensed architect or registered professional engineer, as prescribed in this adopted code. The hearing examinerboard, in hearing such appeals, may require substantiating data concerning the removal or other remedial steps to be taken to render the unsafe building, structure, utility or other condition safe. In any matter in which an order or notice relating to an unsafe building, structure, utility or other condition is appealed, the building and/or fire department may certify to the hearing examiner board that the unsafe building, structure, utility or other condition could become an imminent hazard, in which case the hearing examiner board shall schedule a meeting-hearing within five business days to hear said appeal.

C. Burden of Proof.

1. The appellant bears the burden of proof in any proceeding before the hearing examinerboard. If there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or construction does not conform to the requirements of this code, the appeal from the decision of the building code official shall be denied.

2. The hearing examiner board may continue any proceeding in order to permit the appellant to provide proof of compliance through tests conducted in accordance with general engineering practice and best scientific evidence. Such tests shall be made by the appellant and at no expense to the jurisdiction. Test methods shall be as specified by the applicable building code or by other recognized testing standards. If there are not recognized and accepted test methods for the proposed alternate, testing methods shall

utilize generally accepted engineering practice and best scientific method. Reports of such tests shall be retained and made a part of record of the proceedings.

D. Decision of the **hearing examiner**Board.

1. The **hearing examiner board** shall render formal written decisions within 10 days of the date of the hearing. Every decision of the **hearing examiner board** shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed compliance with the code. The building **code** official shall take immediate action in accordance with the decision of the **hearing examinerboard**.

2. Copies of the decision shall be forwarded to the appellant, a copy shall be placed in the appeal file and copies shall be made available to any person as a matter of public information. Decisions shall be filed with the building or fire department as a matter of public record.

3. In the exercise of the powers described above, the **hearing examiner board** may reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination appealed from the **hearing examinerboard**, may impose conditions or requirements as deemed necessary and may hold cases in abeyance until proper information needed by the **hearing examiner board** is supplied. [Ord. 3651 § 1, 2007].

19.80.023

Alternate to board of appeals.

~~Whenever it appears to the building official that an appeal covered under this chapter may be unreasonably delayed because the board of appeals is unable to convene to hear and decide the appeal in a timely manner, the appeal shall be brought instead before the hearing examiner, who shall have the same power and duties to hear and decide the appeal as the board of appeals under this chapter. All aspects and requirements for the appeal shall remain unchanged. The building official's decision and reasons to shift the appeal from the board of appeals to the hearing examiner shall be provided timely to the appellant and all interested parties in writing. [Ord. 3740 § 1, 2009].~~

19.80.025

Appeals from decisions of the **hearing examinerboard.**

A. The filing of a land use petition for review shall not stay proceedings upon the decision appealed but the court may grant a stay in accordance with the Land Use Petition Act.

B. All decisions of the **hearing examiner board** are appealable by Land Use Petition Act to Snohomish County superior court. [Ord. 3651 § 1, 2007].

19.80.030

Snohomish County regional board of appeals.

~~As to such time that a regional board of appeals is established within Snohomish County, the city reserves the right to replace the local city board of appeals with said regional board once an interlocal agreement is approved and adopted by council action. [Ord. 3651 § 1, 2007].~~

Chapter 19.85

PENALTIES

Sections:

19.85.000 Applicability.

19.85.000

Applicability.

The provisions of all adopted codes within this title shall be subject to penalties as described herein.

It is unlawful for any person, firm, corporation or other organization to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter. Any person, firm, corporation or other organization violating any of the provisions of this title as adopted herein, or other provision of this chapter, shall be guilty of a misdemeanor, and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title herein is committed, continued or permitted, and upon the conviction thereof of such violation, and each violation thereof such person, firm, corporation or other organization, and the officers, directors and managers thereof shall be punishable as set forth in ECC 5.50.020 and Chapter 20.110 ECDC.

Nothing herein shall be interpreted to limit the discretion of the city to seek any other available civil, statutory or common law remedies. [Ord. 3651 § 1, 2007].

Chapter 19.90

LIMITATION OF BENEFITED AND PROTECTED CLASSES

Sections:

19.90.000 Limitation of benefited and protected classes.

19.90.000

Limitation of benefited and protected classes.

The building and supplemental codes adopted by this title are for the purpose of providing for and promoting the health, safety and welfare of the general public. Nothing in this title shall be interpreted to create or otherwise establish any particular class or group of persons who will or would be especially protected or benefited by the adoption of any code in this title. [Ord. 3651 § 1, 2007].

Chapter 19.95

CONVERSION CONDOMINIUMS

Sections:

- 19.95.010 Definitions.
- 19.95.020 Relocation assistance.
- 19.95.030 Violations.
- 19.95.040 Civil penalty.
- 19.95.050 Enforcement.

19.95.010

Definitions.

The following words and phrases used in this chapter shall have the meaning set forth in this section:

A. "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to this chapter.

B. "Conversion condominium" means a condominium (1) that at any time before creation of the condominium was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, for which the tenant or subtenant had not received the notice described in subsection (2) of this definition; or (2) that, at any time within 12 months before the conveyance of, or acceptance of an agreement to convey, any unit therein other than to a declarant or any affiliate of a declarant, was lawfully occupied wholly or partially by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which, before the effective date of the ordinance codified herein, any unit therein had been conveyed or been made subject to an agreement to convey to any transferee other than a declarant or an affiliate of a declarant.

C. "Declarant" means any person who:

1. Executes as declarant the document, however denominated, that creates a condominium by setting forth the information required by RCW 64.34.216 and any amendments to that document; or

2. Reserves any special declarant right in the declaration; or

3. Exercises special declarant rights or to whom special declarant rights are transferred; or

4. Is the owner of a fee interest in the real property which is subjected to the declaration at the time of the recording of an instrument pursuant to RCW 64.34.316 and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the condominium created by the recording of the instrument; or

5. Undertakes to convert, sell, or offer for sale units in a conversion condominium.

D. "Director" means the development services director or his designee.

E. "Notice of conversion" means the 90-day notice pursuant to RCW 64.34.440(1) required to be given by the declarant or his agent to residential tenants and subtenants in possession of a portion of a conversion condominium.

F. "Person" means a natural person, corporation, partnership, limited partnership, trust, association, or other legal entity.

G. "Tenant" or "subtenant" means any person who occupies and has a leasehold interest in a rental unit under a lawful rental agreement, whether oral or written, express or implied.

H. "Unit" means a physical portion of the condominium designed for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(d). [Ord. 3651 § 1, 2007].

19.95.020

Relocation assistance.

A. Declarant shall pay relocation assistance of \$500.00 per unit to tenants and subtenants who elect not to purchase a unit and who are in lawful occupancy for residential purposes of a unit, and whose monthly household income from all sources, on the date of the notice of conversion, was less than an amount equal to 80 percent of the monthly median income for comparably sized households in the Seattle-Everett Standard Metropolitan Statistical Area, as defined and established by the United States Department of Housing and Urban Development.

B. The household size of a unit shall be based on the number of natural persons actually in lawful occupancy of the unit on the date of the notice of conversion.

C. The tenant or subtenant actually in lawful occupancy of the unit shall be entitled to the relocation assistance.

D. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled. Unpaid rent or other amounts owed by the tenant or subtenant to the landlord may be offset against the relocation assistance.

E. Rights of tenants and subtenants set forth in the notice of conversion pursuant to RCW 64.34.440(1) must set forth tenants' and subtenants' right to relocation assistance as provided in this section. [Ord. 3651 § 1, 2007].

19.95.030

Violations.

It shall be a violation of this chapter for a declarant to fail or refuse to comply with the provisions of this chapter. Each tenant and subtenant who is subjected to a violation of the provisions of this chapter shall constitute a separate violation. Each day of violation shall constitute a separate violation. [Ord. 3651 § 1, 2007].

19.95.040

Civil penalty.

Any person who fails or refuses to comply with the provisions or requirements of this chapter shall be subject to a civil penalty in the amount of \$100.00 per violation per day from the date that the violation is first committed until the declarant complies with the requirements of this chapter. [Ord. 3651 § 1, 2007].

19.95.050

Enforcement.

A. Tenants and subtenants subjected to violations of the provisions of this chapter, or their agents, may file a complaint with the director. The director is authorized and directed to receive complaints and conduct such investigations as are deemed necessary such as contacting declarants and seeking explanation for apparent violations.

B. Whenever it is determined that there has been a violation of this chapter, the director is authorized to pursue, at the director's discretion, enforcement of the code pursuant to the provisions of Chapter 20.110 ECDC. [Ord. 3651 § 1, 2007].

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

SUMMARY OF ORDINANCE NO. 3926

of the City of Edmonds, Washington

On the 18th day of June, 2013, the City Council of the City of Edmonds, Washington passed Ordinance No. 3926. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING TITLE 19 ECDC TO INCORPORATE THE 2012 INTERNATIONAL BUILDING AND FIRE CODE UPDATES AND TO USE A HEARING EXAMINER IN LIEU OF A BOARD OF APPEALS.

The full text of this Ordinance will be mailed upon request. DATED this 19th day of June, 2013.

CITY CLERK, SANDRA S. CHASE

Published: June 23, 2013.

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. 3926

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 23, 2013

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

Karen E. Zomer

Principal Clerk

Subscribed and sworn to before me this

24th

day of June, 2013

Diana L. Hendrix

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

