

**CITY OF NORTH BONNEVILLE
ORDINANCE NO. 967**

An Ordinance of the City of North Bonneville Adopting New Construction Codes including the International Building Code, 2009 Edition, the International Residential Code 2009 Edition, the International Mechanical Code, 2009 Edition, the 2009 Uniform Plumbing Code, the International Fire Code, 2009 Edition, the 2009 Washington State Energy Code, the 2009 International Fuel Gas Code, the rules adopted by the Washington State Building Code Council regulating accessibility, the 2009 Washington State Ventilation and Indoor Air Quality Code and Repealing Chapter 17.04 of the North Bonneville Municipal Code, Existing Construction Codes in their entirety.

WHEREAS, Washington statutes (RCW 19.27 State Building Code, et al.) require all jurisdictions within the State to adopt by reference and enforce the same building codes throughout the State; and,

WHEREAS, the State legislature established the 2009 International Codes, promulgated by the International Code Council as the basis of the new State Building Code with the exception of the 2009 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials; and,

WHEREAS, the purpose of this chapter is to promote the health, safety and welfare of the occupants or users of buildings and structures and the general public by the adoption of building codes generally uniform throughout the State; and,

WHEREAS, this chapter shall establish and require minimum performance standards and requirements for construction and construction materials, for supplied utilities and facilities, for all property, buildings and structures consistent with accepted standards of engineering, fire and life safety for the City of North Bonneville; and,

WHEREAS, this chapter shall provide for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said 'Building Code' on file in the Office of the Building Inspector for the City of North Bonneville.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BONNEVILLE, WASHINGTON DOES ORDAIN as follows:

Section 1. Repealing and replacing Chapter 17.04

This ordinance shall constitute the "construction codes" of the City of North Bonneville and will repeal Chapter 17.04 Construction Codes (Ordinances 756, 739, and 892) in their entirety,

The new chapter shall read:

17.04.10 Citation

This chapter shall constitute the construction codes for the city and may be so cited and will be referenced to herein as “this chapter”.

17.04.020 Definitions

Unless a different meaning is plainly required by the context, the following words or phrases as hereinafter used in this chapter or in any of the construction codes shall have the following meanings:

“Building Official” means the officer or any other designated authority charged with the administration and enforcement of the construction codes of the city, and shall have the authority to render interpretations of this code, or his duly authorized representative.

“Construction codes” means the codes, regulations and standards listed in Section 17.04.030 as adopted by the City of North Bonneville.

“Fire Marshal” means the officer or other designated authority charged with the administration and enforcement of the fire code.

“Mobile Home” means a factory-built dwelling built before June 15, 1976 to standards other than the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.) and acceptable under applicable state codes in effect at the time of construction or introduction of the home into this state; a structure, transportable in one or more sections, which is thirty-two body feet or more in length and is eight body feet or more in width, and which is a minimum of four hundred eighty square feet, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein, except as hereinafter specifically excluded, and excluding recreational vehicles, travel trailers and mobile/manufacture housing.

“Mobile/Manufactured Housing” means a single-family dwelling intended for permanent occupancy and constructed in accordance with the requirements prescribed under RCW 43.22.340, as amended, and the Federal Department of Housing and Urban Development Standards promulgated under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C.5401 et seq.) as amended and all rules and regulations thereto, which meets the requirements of North Bonneville Municipal Code, Section 17.38.120, and which is designed for transportation, after fabrication, on public streets and highways on its own chassis and wheels and which, when sited, is designed to be permanently connected to required utilities.

“Person” means a natural person, his heirs, executor, administrators and assigns; a firm, a partnership, corporation or association, its or their successors or assigns, or the agent of any of the aforesaid; and state and local governments and agencies.

“Police Department” means the North Bonneville Police Department.

“Start of construction” means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading (see Appendix J Grading in the ‘International Building Code’) and filling, nor does it include the installation on the property of accessory buildings (less than 200 sq. ft.), such as sheds not occupied as dwelling units or not as part of the main structure. Permanent construction does include the erection of a permanent foundation for a mobile home or mobile/manufactured housing when such work is beyond the stage of excavation.

“Structure” means an edifice or building of any kind artificially built up or composed of parts joined together in some definite manner, which is principally above ground.

17.04.030 Adoption

The City of North Bonneville hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27.074 for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties. If any section, subsection, sentence, clause, phrase, or other portion of this chapter or the codes as amended by the State of Washington, or its application to this chapter or any other person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

- A) The International Building Code, 2009 Edition, published by the International Code Council Inc., as amended as set forth in Chapter 51-50 of the Washington Administrative Code, and adopted by the State Building Code Council, including Chapters 1 through Chapter 35 and the following appendices:
 - a. Appendix H - Signs,
 - b. Appendix I - Patio Covers, and
 - c. Appendix J - Grading;

- B) The International Residential Code, 2009 Edition for One and Two Family Dwellings, published by the International Code Council Inc., and as amended as set forth in Chapter 51-51 of the Washington Administrative Code, and adopted by the State Building Code Council, including Chapters 1 through Chapter 44, excluding section 313 – Automatic Sprinkler Systems, and in addition the following appendices:
 - a. Appendix A - Sizing and Capacities of Gas Piping,
 - b. Appendix B – Sizing of Venting Systems Serving Appliances Equipped with Draft hoods, Category 1 Appliances, and Appliances Listed for Use with Type B Vents,

- c. Appendix C – Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems,
 - d. Appendix D – Recommended Procedure for Safety Inspection of an existing Appliance Installation,
 - e. Appendix E – Manufactured Housing Used as Dwellings,
 - f. Appendix F – Radon Control Methods,
 - g. Appendix H – Patio Covers,
 - h. Appendix J – Existing Buildings and Structures,
 - i. Appendix K – Sound Transmission;
- C) The International Mechanical Code, 2009 Edition, published by the International Code Council, Inc., and as amended as set forth in Chapter 51-52 of the Washington Administrative Code, and adopted by the State Building Code Council, including Chapters 1 through 15 except that the standards for handling liquefied petroleum gas installations shall be NFPA 58 “Storage and Handling of Liquefied Petroleum Gases” and ANSI Z223.1/NFPA 54 “National Fuel Gas Code”, and Appendix A – Combustion Air Openings and Chimney Connector Pass-Throughs.
- D) The 2003 Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, as amended and adopted by the State Building Code Council, including Chapters 1 through 15 together with:
- a. Appendix A – Sizing Water Supply System,
 - b. Appendix B – Explanatory Notes on Combination Waste and Vent Systems,
 - c. Appendix D – Sizing Storm Water Drainage Systems,
 - d. Appendix E – Manufactured/Mobile Home Parks and recreational Vehicle Parks,
 - e. Appendix G – Gray Water Systems for Single-Family Dwellings,
 - f. Appendix H – Recommended Procedures for Design, Construction, and Installation of Commercial Kitchen Grease Interceptors,
 - g. Appendix I – Installation Standards,
 - h. Appendix J – Reclaimed Water Systems for Non-Residential Buildings, and
 - i. Appendix L – Alternate Plumbing Systems.
- E) The International Fire Code, 2009 Edition, as published by the International Code Council, Inc., and as amended as set forth in Chapter 51-54 of the Washington Administrative Code, and adopted by the State Building Code Council, including Chapters 1 through Chapter 45, together with:
- a. Appendix E - Hazard Conditions,
 - b. Appendix F – Hazard Ranking, and
 - c. Appendix G – Cryogenic Fluids – Weight and Volume Equivalents.

- F) The 2009 Washington State Energy Code, as amended as set forth in Chapter 51-11 of the Washington Administrative Code, and adopted by the State Building Code Council.
- G) The 2009 International Fuel Gas Code as published by the International Code Council, Inc.
- H) The rules adopted by the Washington State Building Code Council establishing standards for making buildings and facilities accessible to and usable by the physically disabled or elderly persons as provided in RCW 70.92.100 through 70.92.160.
- I) The 2009 Washington State Ventilation and Indoor Air Quality Code, as amended and as set forth in Chapter 51-13 of the Washington Administrative Code, and as adopted by the State Building Code Council.
- J) In case of conflict among the codes enumerated in subsections A through I of this section, the codes adopted in subsections A and B shall govern over those adopted in subsections C through I.
- K) When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. In the event the conflict cannot be determined, the building official shall have discretion to render interpretations of these codes and to make and enforce rules and supplemental regulations in order to carry out the application and intent of its provisions.
- L) One complete copy of the City of North Bonneville Construction Code, together with complete copies of the above listed codes and/or rules are on file and open for inspection during regular business hours by the general public in the office of the City Building Official.

17.04.030 Basic Building Design

To meet specific climatic and conditions the Council adopts design criteria for the City of North Bonneville as follows:

Roof /Grnd Snow Loads	Wind Speed	Seismic Design Category	Weathering	Frost Line Depth	Termites	Decay	Winter Design Temp	Ice Shield Underlay	Air Freeze Index	Mean Annual Temp
50 PSF / 72 PSF	110 mph @3 sec gust	D-1	Moderate	12 "	Slight to moderate	Slight to moderate	25° F	None	172	55° F

A) Any construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location removal and demolition of a building or structure will require an application for and issuance of a permit prior to start of construction. Accessory buildings less than 120 sq. feet not intended to be used as dwelling units are exempt from this requirement.

B) Persons needing water and/or sewer during construction must have paid the connection fees for both water and sewer. Upon these fees being paid the persons needing water and/or sewer will be charged the normal monthly rate for water and /or sewer service beginning at the connection time forward.

17.040.060 Manufactured home placement

The City finds it necessary to establish standards and procedures for installing manufactured homes in the City and that the home is properly installed prior to occupancy to protect the life, safety, health and welfare of the general public.

A) Each person proposing to move a manufactured home to a new location, including a new location on the same lot, if site footing locations will be different than the original location, must first obtain a manufactured home placement permit. All new placements must comply with all local design standards applicable to general construction under these construction codes.

B) Each application for a manufactured home placement permit must include the name, registration number and telephone number of the certified manufactured home installer.

C) The building official shall determine by inspection whether such installation conforms to installation standards issued by the manufacturer of the mobile home, SMC 17.38.120 and the requirements of Washington Administrative Code 296-150M as applicable.

D) Any proposed addition not structurally attached to a manufactured home, including but not limited to decks, stairs, ramps, carports, and walkways, shall be governed by the construction codes and applicable sections of the International Codes as listed in this chapter and work shall not commence until the appropriate permits are obtained and applicants must receive final inspection approval prior to occupancy or use of that unattached structure.

E) Any proposed structural addition or alteration to a manufactured home requires permit approval from both the Washington State Department of Labor and Industries and the City Building Official prior to construction of the addition.

F) Fees for placement permits shall be as established from time to time by City Council resolution.

G) Manufactured homes placed on sales lots exclusively for the purposes of sale, provided the unit remains unoccupied and the sales activity is consistent with applicable ordinances and codes is exempt from the requirement for a placement permit.

17.040.070 Building Official

The building official for the City is appointed to administer, implement and enforce the codes as listed in this ordinance in accordance with its provisions. The duties of the building official shall include, but not be limited to:

- A. Reviewing all applications for permits submitted pursuant to the provisions of this chapter to determine that the permit requirements of this ordinance have been satisfied;
- B. Performing all inspections required by the provisions of this ordinance;
- C. Serving as the City's fire marshal.
- D. Determining the value or valuation used in computing permits and fees under the provisions of this chapter. The Building Official will set fees for permits and values for all construction work from time to time as adopted by resolution.
- E. Serving as the City's nuisance code enforcer for the maintenance and/or abatement of dangerous buildings under NBMC Chapter 18.10 that shall include mobile/manufactured housing and mobile homes.

17.040.080 Permits

All work conducted under this chapter requires a permit unless specifically exempted.

- A. The ownership of a City of North Bonneville building permit under this chapter inures to the property owner. The permit applicant is an agent of the property owner if not the property owner.
- B. All fees for permits shall be established by the City Council under a separate resolution. Fees may be assessed for plan review, inspection and investigation.
- C. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official. The Building Official shall use the square footage building valuation data standards set forth in the International Code Council's Building Safety Journal as updated to guide the establishment of valuation for a permit. A copy of said valuation standards shall be on file

and available for public use and inspection at North Bonneville City Hall.

17.040.090 Board of Appeals

This section shall constitute the general provisions relating to construction codes of the city and may be so cited and will be referred to as General Provisions, or this chapter.

A. Purpose

The purpose of this chapter is to provide uniformity in the procedures used in construction with the administration and enforcement of the construction codes.

B. Function and Jurisdiction

- a. The board shall hear all appeals from any notice or order issued, or any action taken by the building official under the provisions of the construction codes.
- b. The board shall have jurisdiction and advisory authority to determine the suitability of alternate materials or alternate types of construction, if an alternate is contemplated or recognized by the express terms of the codes or ordinances of the city.
- c. The board shall make reasonable interpretations of provisions of the construction codes of the city.
- d. The board shall have no authority to consider or determine any matter arising under the zoning or land use ordinances.

C. Membership, appointment terms and compensation.

- a. The board shall consist of five voting members who shall be appointed by the mayor. In addition to the voting members, the building official shall be an ex officio member of and shall act as secretary to the board. As an ex officio member, the building official is without authority to vote.
- b. Vacancies occurring in any position on the board shall be filled by appointment by the mayor.
- c. The term of each voting member, unless sooner terminated by the appointing authority, shall be for one year.
- d. All members of the board shall serve without compensation.

D. Qualifications of voting members.

- a. Voting members of the board shall be land owners and residents of the city
- b. Voting members of the board shall not be employees of the city.

E. Appeal procedures required of appellant.

- a. Any person aggrieved by any notice and order issued by or any ruling made by the building official of the city relating to any of the construction codes shall have the right to appeal to the board.
- b. An appeal shall be initiated by filing with the city clerk a written appeal, within thirty days of the date of the notice and order or other action appealed. Such written appeal shall contain the following:

1. A hearing in the words: "Before the Construction Board of Appeals of the City of North Bonneville";
2. A caption reading: "Appeal of _____" giving the names of all appellants anticipating in the appeal;
3. A brief statement setting forth the legal interest of each of the appellants in the building or land involved in the notice and order, or other action being appealed;
4. A brief statement in ordinary and precise language of the specific order or action protested and all material facts claimed to support the contentions of the appellant;
5. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;
6. Signatures of all parties named as appellants and their official mailing addresses;
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of matters stated in the appeal;
8. A filing fee of one hundred fifty dollars shall be paid when the written appeal is filed.

10) Procedure required of the board.

- a. Within a reasonable time after receiving the written appeal, the city clerk shall fix a date, time and place for the hearing of the appeal by the board. The date shall be not less than fourteen days, except with the written consent of the appellant, no more than sixty days from the date the written appeal was filed.
- b. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant, except where the appellant has waived such ten-day requirement. The written notice shall be served either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at this address as shown on the written appeal.

11) Failure to appeal ... Scope of hearing ... Stay of order.

- a. Failure of any person to file an appeal in accordance with the provisions of this chapter shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order, or other ruling, or any portion thereof.
- b. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
- c. Except for vacation orders and stop-work orders, enforcement of any notice and order, or other ruling of the building official, issued under a code or ordinance from which appeal to the board is available, shall be stayed during the pendency of an appeal there from which is properly and timely filed.

12) Right of building official to seek recommendation.

- a. The building official of the city shall have the right, without the payment of any filing fee, to submit to the board a proposition or question for its consideration and recommendation. It shall be the duty of the board to consider such matter and to make its recommendation in the same manner as is required by this chapter in the hearing of any other matter within its jurisdiction.

17.040.100 Violations

A. Enforcement of final orders

1. No person to whom a final order is directed shall fail, neglect or refuse to obey a final order of the board. A person who fails, neglects or refuses to comply with the final order is liable for a civil violation of up to \$500.00 per day or portion thereof.
2. If a person to whom a final order is directed fails, neglects or refuses to obey such final order, the Building Official may cause the person to be prosecuted under this section.
3. Declaration of Nuisance. A violation of the Construction Code that places the property owners or other members of the public or their property at risk or otherwise endangers life, health or safety, is hereby deemed to be a nuisance under and may be prosecuted as such at the City's discretion.
4. A decision of the board on matters appealed to it shall be a final order unless within twenty calendar days after the decision of the board has been received by the appellant, an aggrieved party makes application to the Superior Court of the State for Skamania County for a Writ of Certiorari, a Writ of Prohibition or a Writ of Mandamus.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Effective Date and Publication. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JULY 27, 2010.

Don Stevens, Mayor

ATTEST:

John Spencer, City Clerk

APPROVED AS TO FORM:

Teunis J. Wyers, City Attorney

Published:

Effective Date: