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CITY OF LYNNWOOD
ORDINANCE NO. 1894

AN ORDINANCE AMENDING CHAPTER 16.04 OF THE LYNNWOOD MUNICIPAL CODE AND ADDING NEW SECTIONS THERETO; AMENDING ORDINANCE 1533; REPEALING ORDINANCE 1677, SECTION 13 OF ORDINANCE NO. 1533, SECTION 7 OF ORDINANCE 1381, AND SECTION 1 OF ORDINANCE 328; PROVIDING FOR THE PROTECTION OF PUBLIC HEALTH, WELFARE AND SAFETY BY ADOPTING A NEW UNIFORM BUILDING CODE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, CONVERSION, DEMOLITION, RELOCATION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF BUILDINGS OR STRUCTURES IN THE CITY OF LYNNWOOD; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING PENALTIES FOR VIOLATION OF THE CODE.

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. Amendment: LMC 16.04.010. Section 16.04.010 of the Lynnwood Municipal Code (hereinafter referred to as "LMC") and Section 1 of Ordinance No. 1533 are amended to read as follows:

ADOPTION OF UNIFORM CODE

As amended by the provisions of this Chapter and the State of Washington Building Code Council, the Uniform Building Code, 1991 Edition, by the International Conference of Building Officials, together with Appendix Chapters 10, 11, 29, 32, 38, 49, 55, 70, and Division 1 of 23, one copy of which, along with the State of Washington Building Code Council's amendments, shall be on file in the office of the Lynnwood City Clerk, are adopted by this reference.

Section 2. LMC 16.04.015 Added. A new section is added to the LMC, to read as follows:

16.04.015. DEFINITIONS

A. Sec. 401 UBC Amended. Section 401 of the edition of the Uniform Building Code adopted by this Chapter, entitled "Definitions", is amended by adding to the first paragraph thereof the following:

Whenever the term "jurisdiction" or "City" is used herein, it shall mean the City of Lynnwood. Whenever the term "Code" is used herein, it shall mean the edition of the Uniform Building Code as adopted by Chapter 16.04 LMC and the provisions of Chapter 16.04 LMC.

B. Sec. 407 UBC Amended. That subsection of Section 407 of the edition of the Uniform Building Code adopted by this chapter, defining "Fire Code," is amended to read as follows:

FIRE CODE is the edition of the Uniform Fire Code promulgated jointly by the Western Fire Chiefs Association and the International Conference of Building Officials, as adopted by this jurisdiction, and the provisions of Ch. 9.04 LMC.

C. Whenever the term "Code" is used in this Chapter, it shall mean and include the provisions of this Chapter and the edition of the Uniform Building Code as adopted by this Chapter. Whenever the term "City" or "jurisdiction" is used in this Chapter, it shall mean the City of Lynnwood.

Section 3. Repealer: LMC 16.04.016. Section 1 of Ordinance No. 328 and LMC 16.04.016 are hereby repealed.

Section 4. Amendment: LMC 16.04.020. LMC 16.04.020 and Section 2 of Ordinance No. 1533 are amended to read as follows:

SEC. 102 UBC AMENDED: PURPOSE AND INTENT

The edition of the Uniform Building Code adopted by this Chapter is hereby amended by adding to Section 102 thereof, entitled "Purpose", the following paragraphs:

It is expressly the purpose of this Code to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code.

It is the specific intent of this Code that no provision or term used in this Code is intended to impose any duty whatsoever upon the City or any of its officers or employees for whom the implementation or enforcement of this Code shall be discretionary and not mandatory.

Nothing contained in this Code is intended to be nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from the failure of a building to comply with the provisions of this Code, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval, authorized or issued or done in connection with the implementation or enforcement of this Code, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this Code by its officers, employees or agents.

Section 5. Amendment: LMC 16.04.030. LMC 16.04.030 and Section 3 of Ordinance No. 1533 are amended to read as follows:

SUBSECTION 202(a) UBC AMENDED: BUILDING OFFICIAL'S DUTIES

The edition of the Uniform Building Code adopted by this Chapter is amended by deleting therefrom subsection 202(a), regarding general Powers and Duties of the Building Official, AND INSERTING IN ITS PLACE THE FOLLOWING WORDING:

Sec. 202.(a) General. The Building Official is hereby authorized to enforce all the provisions of this Code. For such purpose, he shall have the powers of a police officer. For the purpose of administering and enforcing Appendix Chapter 70 of this Code, the Director of Public Works is appointed and designated as the Building Official with respect to all matters contained within said Appendix Chapter 70.

The Building Official shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this Code as he may deem necessary in order to clarify the application of the provisions of this Code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Code.

Section 6. Amendment: LMC 16.04.040. LMC 16.04.040 and Section 4 of Ordinance No. 1533 are amended to read as follows:

SEC. 205 UBC AMENDED: VIOLATIONS AND PENALTY

The edition of the Uniform Building Code adopted by this Chapter is amended by adding to Section 205 thereof, entitled "Violations", the following paragraphs:

Any person, firm, or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person, firm, or corporation shall be guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this Code is committed, continued, or permitted.

Anyone concerned in the violation or failure to comply with the provisions of this Code, whether directly committing the act or effecting the omission constituting the offense, or aiding or abetting the same, whether present or absent; and anyone who directly or indirectly counsels, encourages, hires, commends, induces or otherwise procures another to violate or fail to comply with the provisions of this Code, is and shall be guilty of a misdemeanor.

Upon conviction of any such misdemeanor, such person, firm, or corporation shall be punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

Section 7. Amendment: LMC 16.04.050. LMC 16.04.050 and Section 5 of Ordinance No. 1533 are amended to read as follows:

SEC. 206 ADDED TO UBC: NOTICES

The edition of the Uniform Building Code adopted by this Chapter is amended by adding thereto a new section, to read as follows:

Notices

Sec. 206. It shall be unlawful for any person to remove, mutilate, destroy or conceal any lawful notice issued or posted by the Building Official pursuant to the provisions of this Code.

Section 8. Amendment: LMC 16.04.060. LMC 16.04.060 and Section 6 of Ordinance No. 1533 are amended to read as follows:

SUBSECTIONS 301(a), (b) UBC AMENDED: PERMITS REQUIRED

The edition of the Uniform Building Code adopted by this Chapter is amended by deleting therefrom subsections (a) and (b) of section 301, entitled "Permits", AND INSERTING IN THEIR PLACE THE FOLLOWING WORDING:

Sec. 301.(a) Permits Required. Except as specified in subsection (b) of this section, no building or structure regulated by this Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished without first

obtaining from the Building Official a separate permit for each building or structure, unless the work does not exceed one hundred dollars.

(b) **Exempted Work.** A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds and similar uses, provided the projected roof area does not exceed 64 square feet.
2. One-story playhouses not exceeding 48 square feet of projected roof area.
3. Fences not over three feet high.
4. Movable cases, counters and partitions not over five feet 9 inches high.
5. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding Class I, II or III-A liquids.
6. 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 to one.
7. Platforms, walks and driveways not more than 12 inches above grade and not over any basement or story below.
8. Painting, papering and similar finish work.
9. Temporary motion picture, television and theater stage sets and scenery.
10. Window awnings supported by an exterior wall of Group R, Division 3, and Group M occupancies when projecting not more than 54 inches.
11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons.

Unless otherwise exempted by this Code, separate plumbing, electrical and mechanical permits shall be required for the above exempted items.

Exemption from the 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 of this jurisdiction.

Section 9. Revision: LMC 16.04.070. Section 7 of Ordinance No. 1381 and LMC 16.04.070 are repealed, revised and amended to read as follows:

16.04.070. SEC. 302(a) UBC AMENDED: BUILDING MOVING REQUIREMENTS

The edition of the Uniform Building Code adopted by this Chapter is amended by adding a new paragraph to subsection 302(a) thereof, entitled "Application", to read as follows:

8. For a building being moved or removed, two thousand (\$2,000) dollars cash security will be required to the effect that the site from which the building is being moved or removed has been cleared of all debris, concrete foundation, etc., and left in a tidy condition; provided, however, that the Building Official may waive said security deposit if, for the property, there is in force and effect an active building permit or an active fill and grading permit for which the applicable bonds have been posted. Waiver of the security deposit does not constitute waiver of the duty to restore the site as herein provided. Restoration of the site must be accomplished within thirty (30) days from the date of issuance of the permit. The sanitary sewer is required to be capped at the property line prior to issuance of the permit to move or remove the building from any site in the City of Lynnwood.

Section 10. LMC 16.04.075 Added. A new section is added to Ch. 16.04 LMC, to read as follows:

16.04.075. SIGNED, DATED, STAMPED DRAWINGS REQUIRED

All applications for building permits shall be accompanied by construction drawings signed, dated, and sealed or stamped on each individual page by a registered architect or professional engineer in accordance with Chapters 18.08 or 18.43 RCW, as now existing or hereafter amended, revised, recodified, or reenacted, unless exempted by RCW 18.08.410 or RCW 18.43.130(1)-(7),(9), as now existing or hereafter amended, revised, recodified, or re-enacted. Applications that do not comply with this section shall not be accepted or processed by the Building Official.

Section 11. Amendment: LMC 16.04.080. LMC 16.04.080 and Section 7 of Ordinance No. 1533 are amended to read as follows:

SUBSECTION 303(d) UBC AMENDED: EXPIRATION OR EXTENSION OF PERMITS

The edition of the Uniform Building Code adopted by this Chapter is amended by deleting therefrom Subsection 303(d), entitled "Expiration", AND INSERTING IN ITS PLACE THE FOLLOWING WORDING:

(d) **Expiration.** Every permit issued by the Building Official under the provisions of this Code, except demolition permits, shall expire by limitation and become void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days or at the expiration of 18

months from date of issuance of the permit. Before such work can be recommenced, a new permit to do so shall be first obtained. The fee therefor shall be one-half the amount required for the original permit for such work, or shall be based on the valuation of the work that remains to be done, whichever is less, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded 18 months. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. Demolition permits shall expire by limitation 30 days after date of issue.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this Section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

Section 12. Amendment: LMC 16.04.090. LMC 16.04.090 and Section 8 of Ordinance No. 1533 are amended to read as follows:

SUBSECTION 307(a) UBC AMENDED: USE AND OCCUPANCY

Subsection 307(a) of the edition of the Uniform Building Code adopted by this Chapter, entitled "Use and Occupancy," is amended by deleting the words "Group R, Division 3, and" from the EXCEPTION thereto.

Section 13. Amendment: LMC 16.04.100. LMC 16.04.100 and Section 9 of Ordinance No. 1533 are amended to read as follows:

TABLE 3-A OF UBC AMENDED: BUILDING PERMIT FEES

The edition of the Uniform Building Code adopted by this Chapter is amended by deleting therefrom Table 3-A, "Building Permit Fees", AND INSERTING IN ITS PLACE THE FOLLOWING WORDING:

TABLE 3-A: BUILDING PERMIT FEES

Total Valuation	Fee
\$101.00 to \$500.00	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.

Total Valuation	Fee
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.

Other Inspections and Fees:

1. Inspections outside of normal business hours....\$40.00 per hr (minimum charge - two hours)
2. Reinspection fee assessed under provisions of Section 305(g).....\$40.00 per hr
3. Inspections for which no fee is specifically indicated.....\$40.00 per hr (minimum charge - one-half hour)
4. Additional plan review required by changes, additions or revisions to approved plans.....\$40.00 per hr (minimum charge - one-half hour)
5. Fee for processing and issuing a permit for which no plan review fee is charged.....\$9.75
6. Plan review fees for stock basic single family residential plans where there are no changes to the plan whatsoever shall be.....\$100.00
7. Plan review fees for duplicate multi-family buildings on a specific project shall be a complete plan review fee for the first structure and \$50.00 per individual dwelling unit thereafter. This is applicable where there are no changes to subsequent buildings whatsoever. This does not apply to phased projects.

Section 14. LMC 16.04.105 Added. A new section is added to Ch. 16.04 LMC, to read as follows:

16.04.105. VALUATION OF CONSTRUCTION.

The Building Official shall establish the valuation of construction projects for which fees as specified under Table 3-A are assessed.

Said valuation shall be determined by using the most current "Building Valuation Data", excluding the regional modifiers, as published in "Building Standards" by the International Conference of Building Officials, a copy of which shall be kept on file in the office of the Lynnwood City Clerk, and which is incorporated herein by this reference.

Valuations for tenant improvement and interior remodel construction shall be determined by the following formula:

Square footage of area of work MULTIPLIED BY 30% of the cost per square foot for new construction EQUALS the construction valuation for which fees from Table 3-A will be assessed.

Section 15. Amendment: LMC 16.04.110. LMC 16.04.110 and Section 10 of Ordinance No. 1533 are amended to read as follows:

SEC. 416 UBC AMENDED: "OCCUPANCY" DEFINED

The edition of the Uniform Building Code adopted by this Chapter is amended by deleting therefrom the definition of "Occupancy" in Section 416 thereof, AND INSERTING IN ITS PLACE THE FOLLOWING:

OCCUPANCY is the purpose for which a building, or part thereof, is used or intended to be used. Occupancy includes the installation of shelving, furniture, fixtures and appliances unless such items are included in a building permit. Occupancy also includes stocking of shelves, storage of furniture or material for sale, interviewing personnel or use for managerial duties.

Section 16. Amendment: LMC 16.04.120. Ordinance No. 1677 is hereby repealed and LMC 16.04.120 is repealed, revised and amended to read as follows:

SEC. 420 UBC AMENDED: "STORY" DEFINED

The definition of "STORY" in Section 420 of the edition of the Uniform Building Code adopted by this Chapter is amended to read as follows:

STORY is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered as a story. If any portion of a basement is intended for human habitation, or for assemblage of people for any purpose, or parking, such basement shall be considered a story only for the purpose of determining maximum allowable areas for the fire sprinkler requirements.

Section 17. Amendment: LMC 16.04.130. LMC 16.04.130 and Section 12 of Ordinance No. 1533 are amended to read as follows:

SEC. 424 UBC AMENDED: "EXTERIOR WALL" DEFINED

The edition of the Uniform Building Code adopted by this Chapter is amended by deleting therefrom the definition of "Exterior Wall" in Section 424 thereof, AND INSERTING IN ITS PLACE THE FOLLOWING WORDING:

EXTERIOR WALL is any wall or element of a wall, or any member or group of members, which defines the exterior boundaries or courts of a building or which has a surface in contact with the exterior atmosphere and which has a slope of 60 degrees or greater with horizontal plane.

Section 18. Repealer: LMC 16.04.140. Section 13 of Ordinance No. 1533 and LMC 16.04.140 are hereby repealed.

Section 19. Amendment: LMC 16.04.150. LMC 16.04.150 and Section 15 of Ordinance No. 1533 are amended to read as follows:

SUBSECTION 2905(f) UBC AMENDED: WATER DRAINAGE

The edition of the Uniform Building Code adopted by this Chapter is amended by deleting therefrom Subsection 2905(f), entitled "Drainage", AND INSERTING IN ITS PLACE THE FOLLOWING WORDING:

(f) **Water Drainage.** When brought to his attention that a water drainage problem or a potential water drainage problem exists on any lot or parcel of land, the Building Official may require the owner or builder to correct such problem or to submit plans showing the proposed method to correct such problem. The plan shall indicate in sufficient detail all pipes, ditches or other means of alleviating the water drainage problem such that the water will not damage any public or private property. If the Building Official does not approve the drainage plan, he then may require a drainage study to be conducted by a licensed professional engineer. The Building Official shall approve water drainage plans or drainage studies in writing. No new construction may commence or continue in the area that may be affected by the potential water drainage problem. In all such occurrences, said corrective work shall commence within thirty (30) days and be completed within sixty (60) days after receipt of notice from the Building Official. For the purpose of administering this subsection, the Director of Public Works is appointed and designated as the Building Official.

Section 20. Amendment: LMC 16.04.160. LMC 16.04.160 and Section 17 of Ordinance No. 1533 are amended to read as follows:

SEC. 4410 ADDED TO UBC: PUBLIC STREET CLEANUP

The edition of the Uniform Building Code adopted by this Chapter is amended by adding thereto a new section, to read as follows:

Cleanup of Public Streets

Sec. 4410. Public streets adjacent to the property upon which the building permit is issued and other public streets which are used for conveyance of materials incorporated into the construction work, including excavated earth, either to or from the site, shall be kept clean with a power broom or other approved means. Wheels of trucks including the space between dual treads shall be cleaned before entering City rights-of-way. The cleanup shall include the flushing of storm sewers when required by the Building Official.

The Building Official may stop work of the building permit for violations of this section.

Section 21. Amendment: LMC 16.04.170. LMC 16.04.170 and Section 14 of Ordinance No. 1533 are amended to read as follows:

SUBSECTION 2311(b) UBC AMENDED: BASIC WIND SPEED

The edition of the Uniform Building Code adopted by this Chapter is amended by deleting therefrom Subsection 2311(b), entitled "Basic Wind Speed", AND INSERTING IN ITS PLACE THE FOLLOWING WORDING:

(b) **Basic Wind Speed.** The minimum basic wind speed for determining design wind pressure shall be taken from Figure No. 1. Where terrain features and local records indicate that 50-year wind speeds at standard height are higher than those shown in Figure No. 1, these higher values shall be the minimum basic wind speeds. The minimum basic wind speed shall be 80 m.p.h.

Section 22. Amendment: LMC 16.04.180. LMC 16.04.180 and Section 18 of Ordinance No. 1533 are amended to read as follows:

SEC. 5506 ADDED TO APPENDIX CH. 55 UBC: MEMBRANE STRUCTURES

The edition of the Uniform Building Code adopted by this Chapter is amended by adding to Appendix Chapter 55 thereof a new section, to read as follows:

Limitations For Structures Erected For a Period of Over 180 Days.

Sec. 5506. For all membrane structures erected for a period of over 180 days, the following limitations shall apply:

- (a) Membrane structures shall be limited to single family zones for accessory uses (group M occupancies) and private swimming pool covers.
- (b) Membrane structures shall be limited to a maximum of 600 square feet in area and shall be located in the rear one-third of the lot and not closer than five feet from a property line nor six feet from another structure, with a maximum height of 15 feet above grade.
- (c) Membrane structures used as swimming pool covers shall be restricted to all limitations of swimming pools.

- (d) Membrane structures complying with Sections 5506(a), 5506(b) and 5506(c) shall be permanent structures with the anchorage devices set in concrete.
- (e) All other structures, enclosures, or shelters constructed of canvas or pliable material erected for a period of less than 180 days shall be defined as a "Tent" and shall comply with all applicable City laws and regulations regarding tents.


Section 23. Severability. If any section, subsection, paragraph, sentence, clause, word or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, paragraph, sentence, clause, word, or phrase of this ordinance.

Section 24. Effective Date. This ordinance shall be in full force and effect July 1, 1992.

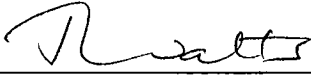
PASSED this 22nd day of June, 1992 and signed in authentication of its passage this 23rd day of June, 1992.



M. J. HRDLICKA, Mayor

ATTEST:


R. W. NORACK, City Clerk

APPROVED AS TO FORM:


CITY ATTORNEY