

**CITY OF LYNNWOOD
ORDINANCE NO. 2216**

AN ORDINANCE AMENDING CHAPTER 16.04 OF THE LYNNWOOD MUNICIPAL CODE AND ADDING NEW SECTIONS THERETO; 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. LMC 16.04.010 Amended. Section 16.04.010 of the Lynnwood Municipal Code (hereinafter referred to as "LMC") is amended to read as follows:

ADOPTION OF UNIFORM CODE

As amended by the provisions of this Chapter and the State of Washington Building Code, the Uniform Building Code, 1994-1997 Edition (Volumes 1, 2 and 3) by the International Conference of Building Officials, together with Appendix Chapters 15, 29 and 33, 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 Finance Director, are adopted by this reference.

Section 2. LMC 16.04.015 Amended. The following are re-adopted as part of the Lynnwood Municipal Code:

16.04.015. DEFINITIONS

- A. **211-J, UBC Amended.** Section 211- j 1 of the edition of the Uniform Building Code adopted by this Chapter, entitled "Jurisdiction", is amended by deleting there from the definition "Jurisdiction" in 211-J thereof and inserting in its place the following:

Whenever the term "jurisdiction" or "City" is used herein, it shall mean the City of Lynnwood. Whenever the term "Code" 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. 207-F. UBC Amended. Subsection 207-F 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 by the International Fire Code Institute, 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 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. LMC 16.04.020 and Section 101.2 UBC Amended. LMC 16.04.020 and Section 101.2 of the edition of the Uniform Building Code as adopted by this Chapter are re-adopted as follows:

101.2 PURPOSE AND INTENT

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 of 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 4. LMC 16.04.030 and Section 104.2 UBC Amended. LMC 16.04.030 and Section 104.2 of the edition of the Uniform Building Code adopted by this Chapter are re-adopted as follows:

SUBSECTION 104.2.1 POWERS AND DUTIES OF BUILDING OFFICIAL

104.2.1 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 33 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 33.

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 5. LMC 16.04.040 and Section 104.2 UBC Amended. LMC 16.04.040 and Section 104 of the edition of the Uniform Building Code adopted by this Chapter are re-adopted as follows:

104.2.11 Violations & Penalties: 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, continue, 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 omissions 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 6. LMC 16.04.050 and Section 103 UBC Amended. LMC 16.04.050 and Section 103 of the edition of the Uniform Building Code adopted by this Chapter are re-adopted as follows:

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 7. LMC 16.04.060 and Section 106 UBC Amended. LMC 16.04.060 and Section 106 of the edition of the Uniform Building Code adopted by this Chapter are re-adopted as follows:

106.1 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.

106.2 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 protected 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 U 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 8. LMC 16.04.065 Repealed. LMC 16.04.065, which reads

16.04.065 Subsection 303(a) UBC Amended

~~The Building Official may issue a permit to move or remove a building only if the sanitary sewer is capped at the property line prior to permit issuance.~~

is repealed in its entirety.

Section 9. LMC 16.04.070 UBC Section 106.3 UBC Amended. LMC 16.04.070 & Section 106.3 of the addition of the Uniform Building Code adopted by this Chapter are re-adopted as follows:

Subsection 106.3 of the edition of the Uniform Building Code adopted by this Chapter, entitled "Application" is amended as follows:

Section 106.3.1 Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the City of Lynnwood's Building Official for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description and/or parcel number(s). Street address or similar description, if available, shall be provided to readily identify and definitely locate the proposed building or work;
3. Indicate the proposed use or occupancy for which the application is intended;
4. Be accompanied by plans, diagrams, computations, specifications and other data as required by Subsection 106.3.2 UBC, which also meet the applicable requirements of LMC 16.04.075.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building, in accordance with the provisions of LMC 16.04.105.
6. Provide such information and evidence as is required by current State law to be furnished in connection with an application for a building permit or as a prerequisite to the issuance of a building permit.
7. Provide such other data and information as may be required by the Building Official.
8. Be signed by the applicant, or the applicant's authorized agent.

(Ord. 1914 ss1, 1992: Ord. 1894 ss9, 1992: Ord. 1381 ss7, 1983)

**16.04.071* FULLY COMPLETE BUILDING PERMIT APPLICATION
DEFINED**

A. To constitute a fully complete application for a building permit, such application shall:

1. Comply with all provisions of Subsection 106.3.1 of the edition of the Uniform Building Code as adopted and amended by this jurisdiction; and

2. If the applicant is a contractor required to be registered under Chapter 18.27 RCW, as now existing or hereafter amended, said contractor shall have been so registered at the time he submitted his application to the City's Building Official; and

3. The applicant shall have paid any industrial insurance premiums if required to do so by the State's Department of Labor and Industries at the time he submits his application to the Building Official or the applicant shall have been qualified as a self-insurer.

B. In addition to fulfilling the requirements of Subsection A, to constitute a fully complete application for a building permit, the applicant shall also pay, at the time of application, any and all City fees that are required to be paid at the time that the application is submitted.

Section 10. LMC 16.04.075 & UBC Section 3.2 UBC Amended. LMC 16.04.075 & Section 106.3.2 are amended by adding a new paragraph as follows:

~~16.04.2.~~ **106.3.2. 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)-(8), (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. LMC 16.04.080.**~~ LMC 16.04.080 and Ordinance No. 1533 are deleted in their entirety. [previously deleted]

Section 12. LMC 16.04.090 and Subsection 109.1 UBC Amended. LMC 16.04.090 and Subsection 109.1 of the edition of the Uniform Building Code adopted by this Chapter are re-adopted as follows:

109.1 USE AND OCCUPANCY

EXCEPTION: Group U Occupancies

Section 13. LMC 16.04.095 and Subsection 106.4.1 UBC Amended. LMC 16.04.095 and Subsection 106.4.1 of the edition of the Uniform Building Code adopted by this Chapter are re-adopted as follows:

106.4.1 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 14. LMC 16.04.100 & Table 1-A of the addition of the Uniform Building Code adopted by this Chapter are amended by Addition of the Following:

Other Inspections and Fees:

6. Fee for processing and issuing a permit for which no plan review fee is charged.....~~Actual costs~~ \$ 15.00
7. Plan review fees for stock basic single family residential plans where there are no changes to the plan whatsoever shall be~~\$110.00~~ \$115.00
8. 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~~ \$65.00 per individual dwelling unit thereafter.
This is applicable where there are no changes to subsequent buildings whatsoever. This does not apply to phased projects.
9. Cost to set up basic plan shall be the full plan check fee.

Section 15. LMC 16.04.105 and UBC Section 107.2 Amended. LMC 16.04.105 is amended by addition of the following:

~~16.04.105 Valuation of Construction~~ 107.2 PERMIT FEES.

The Building Official shall establish the valuation of construction projects for which fees as specified under Table 1-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 Finance Director, 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 1-A will be assessed.

Section 16. LMC 16.04.110 and Section 216-0 UBC Amended. LMC 16.04.110 and Section 216-0 of the edition of the Uniform Building Code adopted by this Chapter are re-adopted as follows:

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 17. LMC 16.04.120 and Section 220-S UBC Amended. LMC 16.04.120 and Section 220-S of the edition of the Uniform Building Code adopted by this Chapter are re-adopted 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 18. LMC 16.04.130 and Section 224-W UBC Amended. LMC 16.04.130 and Section 224-W of the edition of the Uniform Building Code adopted by this Chapter are re-adopted as follows:

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 19. LMC 16.04.150 and Section 1804.7 UBC Amended. LMC 16.04.150 and Section 1804.7 of the edition of the Uniform Building Code adopted by this Chapter are re-adopted as follows:

(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 this 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. LMC 16.04.160 and Section 3303 UBC Amended. LMC 16.04.160 and Section 3303 of the edition of the Uniform Building Code adopted by this Chapter are re-adopted as follows:

Cleanup of Public Streets

3303.10. 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. LMC 16.094.170 Repealed.** LMC 16.04.170 is repealed in its entirety. [previously deleted by Ord. 2039]~~

~~**Section 22. LMC 16.04.180 Repealed.** LMC 16.04.180 is repealed in its entirety.~~

~~**Section 23. LMC 16.04.190 Repealed.** LMC 16.04.190 is repealed in its entirety.~~

~~**Section 24. LMC 16.05.200 Repealed.** LMC 16.04.200 is repealed in its entirety.~~

Section 25. 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.

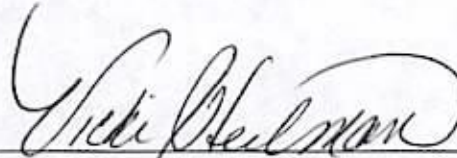
Section 26. Effective Date. This Ordinance shall take effect and be in full force January 1, 1999.

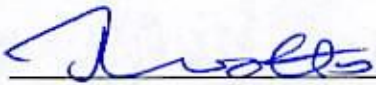
PASSED this 23RD day of November, 1998, and signed in authentication of its passage this 24th day of November, 1998.


TINA ROBERTS, Mayor

ATTEST:

APPROVED AS TO FORM:


INTERIM FINANCE DIRECTOR


CITY ATTORNEY