

CITY OF LYNNWOOD
ORDINANCE NO. 2505

City of Lynnwood

JUN 18 2004

SCANNED

AN ORDINANCE RELATING TO THE STATE BUILDING CODE; ADOPTING THE 2003 EDITIONS OF THE UNIFORM PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL BUILDING CODE, AND THE INTERNATIONAL RESIDENTIAL CODE; ADDING PENALTY PROVISIONS UNDER THE WASHINGTON STATE ENERGY CODE AND THE WASHINGTON STATE VENTILATION AND INDOOR AIR QUALITY CODE; AMENDING CHAPTERS 15.04, 15.08, 16.04, 16.05, 16.06, 16.07, 16.09 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING CHAPTER 16.36 OF THE LYNNWOOD MUNICIPAL CODE; ADDING A NEW CHAPTER 16.50 TO THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Washington State Legislature adopted the International Building Code, the International Residential Code, the International Mechanical Code, and the Uniform Plumbing Code, and directed that the State Building Code Council adopt these codes as a part of the state building code; and

WHEREAS, the State Building Code Council adopted the 2003 editions of such codes, effective as of July 1, 2004 in all Washington cities; and

WHEREAS, the City Council has determined that adoption of the 2003 codes with certain local amendments is in the public interest; and

WHEREAS, the City Council previously adopted and incorporated by reference the Washington State Energy Code and the Washington State Ventilation and Indoor Air Quality Code and desires to incorporate violation and penalties provisions, and has determined that such requirements are in the public interest;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Title 15 of the Lynnwood Municipal Code is hereby amended as follows:

Title 15

PLUMBING*

Chapters:

15.04 Plumbing Code

15.08 International Mechanical Code

*For provisions on sewers and connections, see LMC Title 14.

Chapter 15.04

PLUMBING CODE

Sections:

15.04.010 Adoption of Uniform Code.

15.04.015 Definitions.

15.04.020 Repealed.

15.04.030 Subsection 102.3 of Part 1 UPC amended – Violations and penalties.

15.04.040 Plumbing permit.

15.04.050 Repealed.

15.04.060 Repealed.

15.04.010 Adoption of Uniform Code.

As amended by the provisions of this chapter and the State of Washington Building Code Council, the 2003 Edition of the Uniform Plumbing Code together with Appendices A, B, C, and I published by the International Association of Plumbing and Mechanical Officials, one copy of which, along with the State of Washington Building Code Council's amendments, shall be on file with the Lynnwood finance director, are adopted by this reference; provided, that in the event of a conflict between the International Fire Code and the Uniform Plumbing Code, the International Fire Code shall govern.

15.04.015 Definitions.

A. Section 201 UPC Amended. Section 201, General Definitions, of the edition of the Uniform Plumbing Code adopted by this chapter is amended by adding thereto the following paragraph:

Whenever the term "Code" is used herein, it shall mean the provisions of this chapter and the edition of the Uniform Plumbing Code as adopted by this chapter. Whenever the term "City" or "jurisdiction" is used herein, it shall mean the City of Lynnwood.

15.04.020 Repealed.

15.04.030 Subsection 102.3 of Part 1 UPC amended – Violations and penalties.

The edition of the Uniform Plumbing Code adopted by this chapter is amended by deleting therefrom Subsection 102.3 of "Part 1: Administration," regarding violations and penalties, and inserting in its place the following wording:

A. 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.

B. 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.

C. Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

15.04.040 Plumbing permit fees.

The edition of the Uniform Plumbing Code adopted by this chapter is amended by deleting therefrom section 103.4 (Fees) and Table No. 1-1, entitled "Plumbing Permit Fees," and inserting in its place the following wording:

Plumbing permit fees shall be set forth in a fee resolution adopted, and from time to time amended, by the city council.

15.04.050 Solder used for joints.

Repealed by Ord. 2214.

15.04.060 Fuel gas piping.

Repealed by Ord. 2214.

Chapter 15.08

UNIFORM MECHANICAL CODE

Sections:

15.08.010 Adoption.

15.08.015 Definitions.

15.08.020 Section 108.4 IMC amended – Violation – Penalty.

15.08.030 Mechanical Permit Fees.

15.08.040 Repealed.

15.08.050 Appeals.

15.08.010 Adoption.

As amended by this chapter and the State of Washington Building Code Council, the 2003 Edition of the International Mechanical Code, as published by the International Code Council, one copy of which, along with the State of Washington Building Code Council's amendments, shall be on file with the Lynnwood finance director, are adopted by this reference.

15.08.015 Definitions.

Section 201 IMC Amended. Section 201 of the edition of the International Mechanical Code adopted by this chapter regarding general definitions, is amended by adding thereto the following paragraph:

Whenever the term "Code" is used herein, it shall mean the provisions of this chapter and the edition of the International Mechanical Code as adopted by this chapter. Whenever the term "City" or "jurisdiction" is used herein, it shall mean the City of Lynnwood.

15.08.020 Section 108.4 IMC amended – Violation – Penalty.

The edition of the International Mechanical Code adopted by this chapter is amended by adding to Section 108.4 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.

Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

15.08.030 Mechanical Permit Fees.

The edition of the International Mechanical Code adopted by this chapter is amended by deleting the language of section 106.5 and inserting in its place the following:

Mechanical permit fees shall be set forth in a fee resolution adopted, and from time to time amended, by the city council.

15.08.040 Repealed.

15.08.050 Appeals.

Appeals under the International Mechanical Code shall be brought before the hearing examiner in accordance with chapter 16.50 LMC.

Section 2: Chapter 16.04 of the Lynnwood Municipal Code is hereby amended as follows:

**Chapter 16.04
BUILDING CODE***

Sections:

- 16.04.010 Adoption of International Building Code.**
- 16.04.015 Definitions.**
- 16.04.016 Repealed.**
- 16.04.020 Section 101.3 IBC amended – Purpose and intent.**
- 16.04.030 Section 104.1 IBC Powers and duties of building official.**
- 16.04.035 Section 112 IBC amended - Appeals.**
- 16.04.040 Section 113 IBC Violations and penalties.**
- 16.04.050 Repealed.**
- 16.04.060 Section 105 IBC amended.**
- 16.04.065 Repealed.**
- 16.04.070 Section 105.3 IBC amended –Application for a building permit.**
- 16.04.071 Fully complete building permit application defined.**
- 16.04.075 Section 106.1.1 IBC amended – Signed, dated, stamped drawings required.**
- 16.04.080 Repealed.**
- 16.04.090 Repealed.**
- 16.04.095 Security deposit required to move or remove building.**
- 16.04.100 Section 108 - Fees**
- 16.04.105 Valuation**
- 16.04.110 Repealed**
- 16.04.120 Repealed.**
- 16.04.130 Repealed.**
- 16.04.140 Repealed.**
- 16.04.150 Section 180.7 IBC amended.**
- 16.04.160 Section 3307 IBC amended.**
- 16.04.170 Repealed.**
- 16.04.180 Repealed.**
- 16.04.190 Repealed.**
- 16.04.200 Repealed.**
- 16.04.210 Section 704 – Exterior walls.**
- 16.04.250 Restricting issuance of permits.**
- 16.04.900 Severability.**

*For building code adoption by reference, see RCW 35.21.180.

16.04.010 Adoption of the International Building Code.

As amended by the provisions of this chapter and the State of Washington Building Code Council, the International Building Code, 2003 Edition-published by the International Code Council; together with Appendix J, 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 finance director, are adopted by reference.

16.04.015 Definitions.

A. Section 202 of the edition of the International Building Code adopted by this chapter, is amended by adding definitions as follows:

City – City of Lynnwood

Code – International Building Code

Exterior Walls – 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.

Fire Code – International Fire Code

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.

B. The definition of “Jurisdiction” in Section 202 of the edition of the International Building Code is amended to read as follows:

Jurisdiction - City of Lynnwood

C. The definition of “story” is revised by adding a new sentence, the whole of which definition is amended to read as follows:

Story - That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see “Basement,” “Mezzanine” and Section 502.1). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. For any portion of a basement 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.

16.04.016 Repealed.

Repealed by Ord. 1894.

16.04.020 Section 101.3 IBC_amended – Purpose and intent.

Section 101.3 of the edition of the International Building Code as adopted by this chapter is amended to read as follows:

101.3 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 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.

16.04.030 Section 104.1 IBC – Powers and duties of building official.

Section 104.1 IBC of the edition of the International Building Code adopted by this chapter is amended to read as follows:

104.1 General. For the purpose of administering and enforcing Appendix J 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 J.

16.04.035 Section 112 IBC amended - Appeals.

Section 112 IBC is deleted in its entirety and replaced with a new section 112 to read as follows:

112.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code in accordance with chapter 16.50 LMC.

112.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

16.04.040 Section 113 IBC – Violations and penalties.

Section 113 of the edition of the International Building Code adopted by this chapter is deleted in its entirety and replaced with a new section 113 to read as follows:

113. Violations and 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, continued, or permitted.

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.

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.

Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

16.04.050 Repealed.

16.04.060 Section 105 IBC amended.

Section 105.2 "Building" of the edition of the International Building Code adopted by this chapter is amended to read as follows:

1. One-story detached accessory buildings used as tool and storage sheds and similar uses, provided the projected roof area does not exceed 120 square feet.
2. Fences not over six feet high as follows:
 - a. Vision obscuring fences as defined in chapter 21.10 LMC in residential zones that are set back over 15 feet from front property line, over 15 feet from driveways, and 30 feet from any intersection.
 - b. Non-Vision obscuring fences as defined in chapter 21.10 LMC in residential zones.
3. Oil derricks
4. Movable cases, counters and partitions not over five feet, nine 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 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
7. Platforms, walks and driveways not more than 30 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.
12. Swings and playground equipment accessory to one and two family dwellings.
13. Non-structural work less than \$500.

16.04.065 Section 303(a) UBC amended – Permit to move or remove buildings.

Repealed by Ord. 2216.

16.04.070 Section 105.3 IBC amended – Application for a building permit.

Subsection 105.3 of the edition of the International Building Code adopted by this chapter is amended to read as follows:

Sec. 105.3 Application. To obtain a permit, the applicant shall first file an application therefore 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 section 106 IBC, 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.
9. When a contractor is to perform the work, its name, address and current Washington State contractor's license number and city business license number.

16.04.071 Fully complete building permit application defined.

Section 105.3 of the edition of the International Building Code as adopted in this chapter is amended by adding a new subsection 105.3.3 to read as follows:

105.3.3 To constitute a fully complete application for a building permit:

1. The application shall be in compliance with all provisions of section 105.3 of the edition of the International 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.
4. 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.

16.04.075 Section 106.1.1 IBC amended – Signed, dated, stamped drawings required.

Section 106.1.1 of the edition of the International Building Code as adopted in this chapter is amended by addition of a new paragraph to read as follows:

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 re-enacted, unless exempted by RCW 18.08.410 or 18.43.130, 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.

16.04.080 Repealed.

Repealed by Ord. 2039.

16.04.090 Repealed.

16.04.095 Security deposit required to move or remove building.

Section 3408 of the edition of the International Building Code adopted by this chapter, is amended by adding a new paragraph thereto, to read as follows:

Section 3408.2. For a building being moved or removed, \$2,000 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 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.

16.04.100 Fees.

Section 108.2 of the edition of the International Building Code adopted by this chapter is deleted and replaced with the following:

Fees shall be set forth in a fee resolution adopted, and from time to time amended, by the city council.

16.04.105 Valuation.

The building official shall establish the valuation of construction projects for which fees as specified in the city council fee resolution.

Said valuation shall be determined by using the construction cost or a nationally recognized value calculation system or table, in the discretion of the building official.

16.04.110 Repealed.

16.04.120 Repealed.

16.04.130 Repealed.

16.04.140 Repealed.

Repealed by Ord. 1894.

16.04.150 Section 1807 IBC amended.

Section 1807 of the edition of the International Building Code adopted by this chapter is amended by a new subsection to read as follows:

1807.4.4 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 30 days and be completed within 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.

16.04.160 Section 3307 IBC amended.

Section 3307 of the edition of the International Building Code adopted by this chapter is amended by adding thereto a new section, to read as follows:

Section 3307.2. Cleanup of Public Streets. 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 sewer when required by the building official.

The building official may stop work of the building permit for violation of this section.

16.04.170 Repealed.

Repealed by Ord. 2039.

16.04.180 Section 5506 UBC added – Membrane structures.

Repealed by Ord. 2216.

16.04.190 Section 3305(e) UBC amended – Access to exits.

Repealed by Ord. 2216.

16.04.200 Restriction of building permits – Over one acre.

Repealed by Ord. 2216.

16.04.210 Section 704 Exterior walls.

Section 704.5 of the edition of the International Building Code as adopted by this chapter is amended to read as follows:

704.5 Fire-Resistive Ratings. Exterior wall greater than five feet from property lines shall be rated in accordance with Tables 601 and 602. Exterior walls five feet or closer to the property line shall be two hour fire resistive construction or per Tables 601 and 602 whichever is the greatest required protection.

16.04.250 Restricting Issuance of Permits.

No building permit shall be issued by the city for construction of any structure of any kind or description unless or until the public roadway upon which the same abuts is improved to the minimum standards for development of roadways within the city, including requirements existing at the time of issuance of the permit, paved streets, curbing and sidewalks. Nothing in this section shall be construed to require any property owner to make any improvement to the public right-of-way beyond the centerline of the dedicated roadway or beyond the property lines of the subject property as extended into the public right-of-way; provided, however, upon proper application to the building department of the city, the director of public works may authorize issuance of a building permit upon delivery to the city of a bond or reasonably equivalent guarantee that the improvements to the public right-of-way could and would be installed at the expense of the building permit applicant or assigns upon the right-of-way within a reasonable time after notice so to do is given by the city.

16.04.900 Severability.

If any section, sentence, clause or phrase of this chapter be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this chapter.

Section 3: Chapter 16.05 of the Lynnwood Municipal Code is hereby amended as follows:

**Chapter 16.05
ENERGY CODE**

Sections:

16.05.010 Washington State Energy Code.

16.05.020 Violations and penalties.

16.05.900 Severability.

16.05.010 Washington State Energy Code.

The "Washington State Energy Code", Chapter 51-11 WAC, is adopted by reference and one copy shall be on file with the Lynnwood finance director.

16.05.020 Violations and penalties.

Section 106 of the edition of the Washington State Energy Code adopted by this chapter is amended by adding a new paragraph to read as follows:

Violations and 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, continued, or permitted.

Anyone concerned in the violation or failure to comply with the provisions of this Code, whether indirectly 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.

Conviction of any such misdemeanor 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.

16.05.900 Severability.

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

Section 4: Chapter 16.06 of the Lynnwood Municipal Code is hereby amended as follows:

**Chapter 16.06
REGULATIONS FOR BARRIER-
FREE BUILDINGS**

Sections:

16.06.010 Adoption.

16.06.020 Citation of code.

16.06.030 Conflicting regulations.

16.06.010 Adoption.

The Regulations for Barrier-Free Facilities as required by the Washington State Building Code, Chapter 19.27 RCW, and currently adopted by the Washington State Building Code Council under chapter 51-50 WAC, one copy of which is on file in the office of the city clerk of Lynnwood as amended and modified by the provisions of this chapter, is adopted and by this reference made a part of the Lynnwood Municipal Code as fully as though herein set forth at length, and the several sections and provisions as numbered and classified therein shall constitute the same numbers, titles and classifications of this chapter.

16.06.020 Citation of code.

The regulations of the barrier-free facilities with additions thereto or deletions therefrom are declared to be the barrier-free code of the city of Lynnwood, and may be cited as such.

16.06.030 Conflicting regulations.

This chapter supersedes any ordinances and other provisions of the Lynnwood Municipal Code in conflict therewith.

Section 5: Chapter 16.07 of the Lynnwood Municipal Code is hereby amended as follows:

**Chapter 16.07
VENTILATION AND INDOOR
AIR QUALITY CODE**

Sections:

16.07.010 Ventilation and indoor air quality code.

- 16.07.020 Violations and penalties.
- 16.07.090 Severability.

16.07.010 Ventilation and indoor air quality code.

The "Washington State Ventilation and Indoor Air Quality Code", Chapter 51-13 WAC, is adopted by reference and one copy shall be on file with the Lynnwood Finance Director.

16.07.020 Violations and penalties.

Section 107 of the edition of the Washington State Ventilation and Indoor Air Quality Code adopted by this chapter is amended by adding a new section 107.2 to read as follows:

107.2 Violations and 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, 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.

Conviction of any such misdemeanor 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.

16.07.900 Severability.

If any section, subsection, paragraph, sentence, clause, word or phrase of this chapter 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 chapter.

Section 6: A new chapter 16.09 is added to the Lynnwood Municipal Code as follows:

**Chapter 16.09
RESIDENTIAL CODE**

Sections:

- 16.09.010 Adoption
- 16.09.020 Section R101 IRC – Purpose and Intent
- 16.09.030 Section R104 IRC Powers and Duties of the Building Official
- 16.09.040 Section 105 IRC – Permits - Exceptions
- 16.09.050 Section 108 IRC – Fees and Value
- 16.09.060 Section 109 IRC - Inspections
- 16.09.070 Section 112 IRC - Appeals
- 16.09.080 Section 113 IRC – Violations and Penalties
- 16.09.090 Section 202 IRC - Definitions
- 16.09.900 Severability

16.09.010 Adoption

As amended by this chapter and the State of Washington Building Code Council the International Residential Code (IRC) 2003 edition published by the International Code Council except chapters 11 and 25-42, one copy of which, along with the State of Washington Building Code Council Amendments, shall be on file in the office of the Lynnwood finance director, is adopted by reference.

16.09.020 Section R101.3 – Purpose and intent

Section R101.3 of the IRC as adopted by this chapter is deleted and replaced with a new section R101.3 to read as follows:

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 part of the City related in any manner to the enforcement of this Code by its officers, employees or agents.

16.09.030 Section R104 – Powers and Duties of the Building Official

Section 104.1 of the IRC as adopted by this chapter is deleted and replaced with a new section R104.1 to read as follows:

Subsection 104.1 General. The building official is hereby authorized to enforce all the provisions of this Code. For the purpose of administering and enforcing Appendix J of the International Building Code, the director of public works is appointed and designated as the building official with respect to all matters contained within Appendix J.

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.

16.09.040 Section R105 – Permits

Section R105.2 of the IRC as adopted by this chapter is amended by revising the buildings exempt from permit to read as follows:

Building:

1. One story detached accessory structures, provided the floor area does not exceed 120 square feet.
2. Fences not over six feet high as follows:
 - A. Vision obscuring fences as defined in chapter 21.10 LMC in residential zones that are set back over 15 feet from front property line, over 15 feet from driveways, and 30 feet from any intersection;
 - B. Non-vision obscuring fences as defined in chapter 21.10 LMC in residential zones.
3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to

- the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
 5. Decks, sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story.
 6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 7. Prefabricated swimming pools that are less than 24 inches deep.
 8. Swings and other playground equipment accessory to a one or two-family dwelling.
 9. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
 10. Non-structural work valued less than \$300.00 dollars.

16.09.050 Section R108 – Fees and values

A. Section R108.2 of the IRC as adopted by this chapter is deleted and replaced with a new section R108.2 to read as follows:

R108.2 Fees shall be set forth in a fee resolution adopted, and from time to time amended, by the city council. Value of work shall include all costs related to construction and shall be set by the Building Official using a nationally recognized value table.

B. Sections R108.3, R108.4 and R108.5 of the IRC adopted by this chapter are deleted in their entirety.

16.09.060 Section R109 IRC – Inspections

Section R109.1 of the IRC as adopted by this chapter is amended by addition subsection R109.1.7 as follows:

R109.1.7. The building official shall provide by policy a list of required inspections. The list of inspections may be amended as needed to assure construction in compliance with the adopted Codes.

16.09.070 Section R112 IRC – Appeals

Section 112 IRC is deleted in its entirety and replaced with a new section 112 to read as follows:

112.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code in accordance with chapter 16.50 LMC.

112.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

16.09.080 Section R113 IRC – Violations

Section R113 of the IRC as adopted by this chapter is deleted and replaced as follows:

Section R113. Violations and 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, 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.

Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

16.09.090 Section R202 – Definitions

A. The definition of “townhouse” in section R202 of the IRC as adopted by this chapter is amended to read as follows:

Townhouse. A single-family dwelling unit constructed in a group of four or less attached units not exceeding 5,000 square feet in total which each unit extends from foundation to roof and with open space on at least two sides.

B. The following definitions are added to section R202 of the IRC as adopted by this chapter:

City – The City of Lynnwood

Jurisdiction – The City of Lynnwood

16.09.900 Severability

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction such invalidity or unconstitutionality thereof shall not affect the validity of constitutionality of any section, subsection, sentence, clause, phrase or work of this chapter.

Section 7: Chapter 16.36 of the Lynnwood Municipal Code is hereby repealed in its entirety.

Section 8: A new chapter 16.50 is added to the Lynnwood Municipal Code as follows:

Chapter 16.50 **APPEALS**

Sections:

16.50.010 Purpose

16.50.020 Powers and Duties

16.50.030 Procedures

16.50.040 Fees

16.50.900 Severability

16.50.010 Purpose.

This chapter establishes a procedure for appeals of administrative decisions and interpretations of titles 9, 15 and 16 LMC.

16.50.020 Powers and Duties of the Hearing Examiner.

All appeals authorized by those Codes adopted by titles 9, 15 and 16 LMC as to the suitability of alternate materials and methods of construction and from other rulings, interpretations or enforcement action of those officials charged with enforcing said Codes, shall be brought before the city's hearing examiner pursuant to the provisions of this chapter and chapter 2.22 LMC. The hearing examiner shall serve in lieu of all boards of appeal mentioned or described in the Codes adopted in titles 9, 15 and 16 LMC and said Codes are hereby amended to the extent necessary to provide for such substitution.

16.50.030 Procedure of Hearings.

The procedures set forth in LMC 1.35.200 through 1.35.260 shall apply to all appeals under this chapter.

16.50.040 Fees.

Fees for appeals and hearings under this chapter shall be set forth in a fee resolution adopted, and from time to time amended, by the city council.

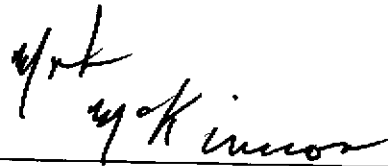
16.50.900 Severability.

If any section, subsection, paragraph, sentence, clause, word or phrase of this chapter should 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, subsection, paragraph, sentence, clause, word, or phrase of this chapter.

Section 9: Severability: In the event that any section, sentence or clause of the ordinance shall be held unconstitutional, such unconstitutionality shall not be deemed to affect any other section, sentence or clause of the ordinance.

Section 10: Effective Date: This ordinance shall take effect July 1, 2004.

PASSED BY THE CITY COUNCIL this 24th day of May, 2004, and signed in authentication of its passage this 25th day of May, 2004.



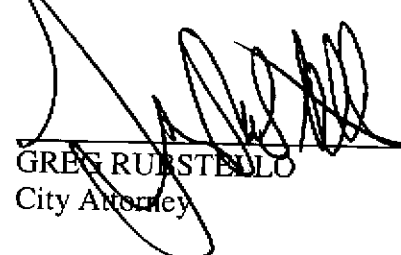
MIKE MCKINNON
Mayor

ATTEST:



MICHAEL E. BAILEY
Finance Director

APPROVED AS TO FORM:



GREG RUBSTALO
City Attorney