

**CITY OF LYNNWOOD  
ORDINANCE NO. 2683**

AUG 24 2007

**SCANNED**

**AN ORDINANCE RELATING TO THE STATE BUILDING CODE; ADOPTING THE 2006 EDITIONS OF THE UNIFORM PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, AND THE INTERNATIONAL FIRE CODE; THE 2005 EDITION OF THE NATIONAL ELECTRIC CODE; THE 1997 EDITION OF THE UNIFORM SIGN CODE; THE 1997 EDITION OF THE UNIFORM HOUSING CODE; THE 1997 EDITION OF THE UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS; AND AMENDING CHAPTERS 15.04, 15.08, 16.04, 16.09, 16.10, 16.16, 16.24, 16.32, AND 16.44, AND TITLE 9 OF 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, the International Fire 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 2006 editions of such codes, effective as of July 1, 2007 in all Washington cities; and

WHEREAS, the City Council has determined that adoption of the 2006 codes with certain local amendments is in the public interest; and

WHEREAS, the City Council previously has adopted and incorporated by reference the National Electric Code, the Uniform Sign Code, the Uniform Housing Code, and the Uniform Code for Abatement of Dangerous Buildings, and has determined that it is in the public interest to adopt more recent versions of each of these codes, with certain local amendments, all as set forth below in this Ordinance; and

WHEREAS, the City Council previously as adopted and incorporated by reference the Uniform Swimming Pool, Spa and Hot Tub Code, and has determined that it is in the public interest to amend that Code as forth below in this Ordinance;

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

Section 1. Chapter 15.04 of the Lynnwood Municipal Code is hereby amended as follows:

**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- 15.04.020 Repealed.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 fees.
- 15.04.045 Section 104 amended - Appeals.
- 15.04.050 Repealed.
- 15.04.060 Repealed.
- 15.04.900 Severability.

**15.04.010 Adoption of Uniform Code.**

As amended by the provisions of this chapter and the State of Washington Building Code Council under WAC 51-56 and 51-57, the 2006~~3~~ Edition of the Uniform Plumbing Code less Chapters 12 and 15 together with Appendices A, B, D, 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 Subsection 217 UPC amended– Plumbing system defined.**  
Repealed by Ord. 2505.

**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 103.4.1 and 103.4.2 (Fees) and Table No. 1-1, entitled "Plumbing Permit Fees," and inserting in its place the following wording:

Section 103.4.1 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.

Section 103.4.2 Reinspection fees shall be charged at the Building Official's discretion when: 1. Site or construction work are not available when inspection is requested. 2. Plans or the permit are not on site. 3. Work not completed or ready for inspection at time inspection was requested. 4. Written corrections are not complete when reinspection is requested (this does not include normal corrections found on the first inspection.)

Section 103.4.3 Investigation Fees. Any person, firm or corporation starting work prior to permit issuance shall be charge an investigation fee in addition to permit fees.

**Exception.** Emergency repairs and installations as determined by the building official.

#### **15.04.045 Appeals.**

The edition of the Uniform Plumbing Code adopted by this chapter is amended by adding thereto Section 104 Appeals by inserting the following wording.

104.1 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.

104.2 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 hereunder 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.

**15.04.050 Solder used for joints.**

Repealed by Ord. 2214.

**15.04.060 Fuel gas piping.**

Repealed by Ord. 2214.

**15.04.900 Severability.**

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

Section 2. Chapter 15.08 of the Lynnwood Municipal Code is hereby amended as follows:

**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 amended.

15.08.040 Repealed.

15.08.050 Appeals.

15.08.900 Severability.

**15.08.010 Adoption.**

As amended by this chapter and the State of Washington Building Code Council, the 2006 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 106.5.1, 106.5.2, 106.5.3.2 and 106.5.3.3 and inserting in their place the following:

**106.5.1 Work commencing before permit issuance.** Any person, firm or corporation starting work prior to permit issuance shall be charged an investigation fee in addition to permit fees.

**Exception.** Emergency installations as determined by the building official.

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

Reinspection fees may be charged at the Building Official's discretion when: 1. Site of work not available when inspection is requested; 2. Plans or the permit are not on site; 3. Work not ready at time inspection was requested; or 4. Written corrections are not complete when reinspection is requested (this does not include normal corrections found on the first inspection.)

**106.5.3.2** Maximum refund is 80% of the fee in 106.5.2.

**106.5.3.3** Maximum refund is 80% of the fee in 106.5.2.

**15.08.040 Chapter 20 UMC amended.**

Repealed by Ord. 2505.

**15.08.050 Appeals.**

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

**15.08.900 Severability.**

If any section, sentence, clause or phrase of this chapter is 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, sentence, clause, phrase or word of this chapter.)

Section 3. Chapter 16.04 of the Lynnwood Municipal Code is hereby amended as follows:

**Chapter 16.04  
BUILDING CODE\***

Sections:

- 16.04.010 Adoption of the International Building Code.
- 16.04.012 Section 101.4 IBC amended – Reference Codes.
- 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 Section 103 UBC amended.
- 16.04.060 Section 105 IBC amended.
- 16.04.065 Section 303(a) UBC amended – Permit to move or remove buildings.
- 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 108.2 amended - Fees.
- 16.04.105 Section 108.3 IBC amended - Valuation.
- 16.04.108 Certificate of Occupancy amended.
- 16.04.110 Repealed.
- 16.04.120 Repealed.
- 16.04.130 Repealed.
- 16.04.140 Repealed.
- 16.04.150 Section 1807 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.
- 16.04.220 Section 903.2.13 IBC amended – Suppression Systems.
- 16.04.250 Repeal, See amended IBC section 105.3.1.1.
- 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, under WAC 51-50, the International Building Code, 2006 Edition, published by the International Code Council; together with Appendix E, G, I and 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.

**16.04.012 Chapter 1 – Administration, Section 101.4 Referenced Codes.**

Subsection 101.4.1 of the Edition of the International Building Code adopted by this chapter is amended by deletion therefrom of "ICC Electrical Code" and insertion of "NEC as adopted in LMC 16.10".

Subsection 101.4.4 of the Edition of the International Building Code adopted by this chapter is amended by deletion therefrom of "International Plumbing Code" and insertion of "Uniform Plumbing Code as adopted in LMC 16.04".

Subsection 101.4.7 of the Edition of the International Building Code adopted by this chapter is amended by deletion therefrom "International Energy Code" and insertion of "Washington State Energy Code as adopted by WAC 51.11".

**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 or 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 by addition of the following:

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 Section 103 UBC amended.**

Repealed by Ord. 2505.

**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 IIIA 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 with a value of less than \$500 as determined by the Building Official.

**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.

Section 105.3. of the IBC as adopted by this chapter is amended by addition of the following:

105.3.1.1 Actions on Applications. The following prerequisites shall be met prior to issuance of a building permit.

1. Any requirements or regulations imposed on a project as a condition of land use approval process.
2. The landscape plans have been approved.
3. If required all fire apparatus roads have been approved
4. When not already available the water supplied for fire protection are installed and made serviceable.
5. Address(es) is/are as assigned by the City of Lynnwood.
6. Plans in compliance with LMC 12.12 related to the construction of frontage improvements for curb, gutter, sidewalks, city utilities and street surfacing have been submitted and approved by the Public Works Department.
7. When required submittals shall have be made for compliance with LMC 16.46 (Flood Plains), 17.02 (SEPA), 17.10 (Sensitive Areas), 19.00 (Platting) and 21.25 (Project Design Review).

**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:

Section 106.1.1. 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.

Section 106.1.1.1. All fire suppression (sprinkler) drawings shall be stamped by a fire sprinkler engineer as required by state law.

**16.04.080 Repealed.**

Repealed by Ord. 2039.

**16.04.090 Section 109.1 UBC amended.**

Repealed by Ord. 2505.

**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 Section 108.2 IBC amended - Fees.**

Section 108.2 of the IBC as adopted by this chapter is deleted and replaced with a new Section 108.2 to read as follows:

Section 108.2.1 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.

Section 108.2.2 Reinspection fees shall be charged at the Building Official's discretion when: 1. Site or construction work are not available when inspection is requested. 2. Plans or the permit are not on site. 3. Work not completed or ready for inspection at time inspection was requested. 4. Written corrections are not complete when reinspection is requested (this does not include normal corrections found on the first inspection.)

Section 108.2.3 Investigation Fees. Any person, firm or corporation starting work prior to permit issuance shall be charge an investigation fee in addition to permit fees.

**Exception.** Emergency repairs and installations as determined by the building official.

**16.04.105 Section 108.3 IBC amended - Valuation.**

Section 108.3 of the IBC as adopted by this chapter is deleted and replaced with a new Section 108.3 to read as follows:

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.

**16.04.108 Section 110.2 – Certificate of Occupancy.**

Section 110.2 of the IBC as adopted by this chapter is amended by deletion of the first paragraph and replace with the following:

110.2. Certificate Issued. After the Building Official inspects the building or structure and finds no violations of the provisions this code or other ordinances enforced by the City of Lynnwood, the Building Official shall issue a Certificate of Occupancy containing the following information:

**16.04.110 Section 216-O UBC– “Occupancy” defined.**

Repealed by Ord. 2505.

**16.04.120 Section 220-S UBC amended.**

Repealed by Ord. 2505.

**16.04.130 Section 224-W UBC amended.**

Repealed by Ord. 2505.

**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. For the purpose of administering this subsection, the director of public works is appointed and designated as 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.

**16.04.220 Section 903.2.13 Suppression systems.**

Section 903.2.13 of the edition of the International Building Code as adopted in this chapter is amended by addition of subsection 903.2.13.1 to read as follows:

903.2.13.1 Other suppression system requirements. In addition to all other requirements of this code all buildings or structures with floor area on all floors of 6000 square feet or greater shall have an approved suppression system throughout per IBC section 903.3 and LMC 9.04.090.E.1 (fire code).

Exceptions: 1. U occupancies. 2. Open parking garages of Type I construction. 3. All buildings and structures built under the International Residential Code as adopted in LMC 16.09.

**16.04.250 Repeal, See amended IBC section 105.3.1.1**

**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 4. Chapter 16.09 of the Lynnwood Municipal Code is hereby amended as follows:

**Chapter 16.09  
RESIDENTIAL CODE**

Sections:

- 16.09.010 Adoption.
- 16.09.020 Section R101.3 – Purpose and intent.
- 16.09.025 Section R102.7.2 of WAC 51-51 amended – Moved Buildings.
- 16.09.030 Section R104 – Powers and duties of the building official.
- 16.09.040 Section R105 – Permits.
- 16.09.050 Section R108 – Fees and values.
- 16.09.060 Section R109 IRC – Inspections.
- 16.09.065 Section R110 IRC – Certificate of Occupancy.
- 16.09.070 Section R112 IRC – Appeals.
- 16.09.080 Section R113 IRC – Violations.
- 16.09.090 Section R202 – Definitions.



16.09.100 Table 301.2(1) – Climate and Geographic Design Criteria.  
16.09.900 Severability.

**16.09.010 Adoption.**

As amended by this chapter and the State of Washington Building Code Council under WAC 51-51 the International Residential Code (IRC) 2006 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.

**16.09.025 Section R102.7.2 of WAC 51-51 amended – Moved Buildings.**

Section 102.7.2 of the IRC as adopted by the State of Washington in WAC 51-51 is amended by deletion of Exceptions 1 and 2 and the last paragraph.

**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.**

A. 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 by the Building Official.

B. Section R105.3.1 of the IRC as adopted by this chapter is amended by addition of the following:

R105.3.1.1 The following prerequisites shall be met prior to issuance of a building permit.

1. Any requirements or regulations imposed on a project as a condition of land use approval process.
2. If required all fire apparatus roads have been approved.
3. When not already available the water supplied for fire protection are installed and made serviceable.
4. Address(es) is/are as assigned by the City of Lynnwood.

5. Plans in compliance with LMC 12.12 related to the construction of frontage improvements for curb, gutter, sidewalks, city utilities and street surfacing have been submitted and approved by the Public Works Department.
6. When required submittals shall have be made for compliance with LMC 16.46 (Flood Plains), 17.02 (SEPA), 17.10 (Sensitive Areas) and 19.00 (Platting).

**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:

Section R108.2.1 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.

Sections R108.2.2 of the IBC. Reinspection fees is added to this chapter as follows:

Section R108.2.2 Reinspection fees shall be charged at the Building Officials discretion when: 1. Site or construction work are not available when inspection is requested. 2. Plans or the permit are not on site. 3. Work not completed or ready for inspection at time inspection was requested. 4. Written corrections are not complete when reinspection is requested (this does not include normal corrections found on the first inspection.)

Section R108.2.3 of the IBC. Investigation fees is added to this chapter as follows:

Section R108.2.3 Investigation Fees. Any person, firm or corporation starting work prior to permit issuance shall be charge an investigation fee in addition to permit fees.

**Exception.** Emergency repairs and installations as determined by the building official.

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 of 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.

**16.09.065 Section R110.3 – Certificate of Occupancy.**

Section R110.3 of the IRC as adopted by this chapter is amended by deletion of the first paragraph and replace with the following:

R110.3. Certificate Issued. After the Building Official inspects the building or structure and finds no violations of the provisions this code or other ordinances enforced by the City of Lynnwood, the Building Official shall issue a Certificate of Occupancy containing the following information:

**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.

**16.09.100 Table R301.2(1)- Climate and Geographical Design Criteria.**

Table 301.2(1) of the IRC shall have the following design criteria: 1. Ground snow load 25 lbs; 2. Wind speed 85 MPH exposure B; 3. Seismic category D; 4. Weathering light; 5. Frost line 18”; 6. Termites moderate; 7. Winter design temperature 17 degrees; 8. Ice barriers not required; 9. Flood hazards light; 10. Air freezing index N/A.

**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 shall not affect the validity of constitutionality of any section, subsection, sentence, clause, phrase or work of this chapter.

Section 5. Chapter 16.10 of the Lynnwood Municipal Code is hereby amended as follows:

**Chapter 16.10  
ELECTRIC CODE**

Sections:

- 16.10.010 Copies of codes on file.
- 16.10.020 Purpose.
- 16.10.030 Definitions.
- 16.10.040 Enforcement and penalty for violation.
- 16.10.050 Codes adopted.
- 16.10.060 Permits.
- 16.10.070 Application for permits.
- 16.10.080 Plan review fees.
- 16.10.090 Electrical permit fees, reinspection fees and investigation fees.
- 16.10.100 Temporary installation.
- 16.10.110 Wiring and circuit specifications – New work.
- 16.10.120 Effect of chapter on existing wiring.

- 16.10.130 Service entrance conductors.
- 16.10.140 Grounding procedures.
- 16.10.150 Raceways.
- 16.10.160 Pool installations.
- 16.10.900 Severability.

**16.10.010 Copies of codes on file.**

The city shall at all times keep on file with the finance director, for reference by the general public, not less than one copy of the codes and resolutions, or parts thereof, as herein adopted by reference, together with the amendments and supplements thereto herein made a part of this chapter.

The copies of the codes on file may be placed by the finance director in the custody of the office of the building official in order to make them more readily available for inspection and use by the general public.

**16.10.020 Purpose.**

This chapter is enacted as an exercise of the police power of the city for the benefit of the public at large. It is not intended to create a special relationship with any individual, or individuals, or to identify and protect any particular class of persons. The purpose of this chapter is to provide minimum standards to safeguard persons and property from hazards arising from the use of electricity.

**16.10.030 Definitions.**

Whenever the following words appear in the codes adopted by reference in this title they are to be interpreted as follows:

- A. "Administrative authority" means the building official or designee.
- B. "Chief or director of fire services" means the fire chief or designee.
- C. "Corporation counsel" means the city attorney or designee.
- D. "City treasurer" means the finance director or designee.
- E. "Local zoning code" means the City of Lynnwood Zoning Code, Title 21, as amended.
- F. "Municipality" and "the jurisdiction" mean the city of Lynnwood.
- G. Whenever reference is made to local authority, codes, jurisdiction, and similar concepts within the codes adopted by reference in this chapter, such reference shall apply to the city of Lynnwood.

**16.10.040 Enforcement and penalty for violation.**

The building official or designee is authorized and directed to enforce all of the provisions of this chapter.

In addition to the administrative remedies provided for in this chapter, any person found by a court of competent jurisdiction to be in violation of or to have violated any mandatory provision of this title shall be guilty of a misdemeanor, and upon conviction thereon may be sentenced to up to 90 days of confinement, a \$1,000 fine, or both confinement and fine. Each day that a violation is found to exist shall be deemed a separate offense.

A person who has previously been convicted of a crime for violation of this chapter shall be guilty of a gross misdemeanor for any subsequent violation, and upon conviction thereon, may be sentenced to up to one year confinement, a \$5,000 fine, or both confinement and fine.

**16.10.050 Codes adopted.**

The National Electrical Code issued by the National Fire Protection Association, 2005 Edition, and as further amended and adopted by the Washington State Department of Labor and Industries, together with amendments or additions thereto, is adopted in its entirety.

The Uniform Administrative Code Provisions, 1997 Edition, as published by the International Conference of Building Officials, together with amendments or additions thereto, is hereby adopted in its entirety for the purposes of this chapter only.

**16.10.060 Permits.**

Section 301 of the Uniform Administrative Code Provisions is amended and supplemented to read as follows:

Sec. 301

Section 301.1 Permits Required. Except as specified in Section 301.2.3 of this section, no electrical system regulated by this code shall be installed, altered, repaired, replaced, or remodeled unless a separate electrical permit for each building or structure has first been obtained from the building official.

A separate permit is required for each building of an apartment or condominium complex.

The electrical permit shall be posted on the job site at the service switch or other conspicuous place and shall remain so posted during the entire course of work.

Violation prohibited. Exemption from the permit requirements in Section 301.2.3 shall not be deemed to grant authorization for work to be done in violation of the provisions of the National Electrical Code or other laws or ordinances of the City.

Section 301.2.3 Exempt Work.

An electrical permit shall not be required for the following:

- A. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the National Electrical Code;
- B. Repair or replacement of fixed motors, transformers or fixed approved appliances or devices rated 50 amps or less with the same type and rating in the same location;
- C. Temporary decorative lighting;
- D. Repair or replacement of current-carrying parts of any switch, or control device of up to 100 amperes capacity;
- E. Reinstallation of attachment plug receptacles, but not the outlets therefor;
- F. Repair or replacement of any over current device of the required capacity in the same location;
- G. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems;
- H. Taping joints;
- I. Removal of electrical wiring in connection with a permit for installation of new wiring. Removal when no installation permit is issued shall obtain a permit;
- J. Temporary wiring for experimental purposes in suitable experimental laboratories;
- K. Replacing flush or snap switches, fuses, lamp sockets, receptacles, or ballast.
- L. Low voltage wiring installed in new single family residences and available for inspection at the same time as the permitted house wiring and line voltage.

**16.10.070 Application for permits.**

Section 302 of the Uniform Administrative Code Provisions is amended and supplemented to read as follows:

302.1 Application. Application for an electrical permit shall be made on a form provided by the building official. Each application shall state the name and address of the owner, vendee, or occupant in possession of the building or premises where the work is to be done, the name of the licensed contractor, if any, making the application, and such other information as the building official may require. The building official shall refuse to issue or may revoke the permit if any statement on a permit application is found to be untrue, or if the permit application is incomplete.



### 302.3 Plans and Specifications.

1. General. In addition to the requirements of Section 302.1 two sets of plans and specifications shall be submitted with each application for an electrical permit for and installation of: services or feeders, any proposed installation which cannot be adequately described on the application form, and installation of emergency generators.

Exception: Plans and specifications shall not be required for installations for one- and two-family dwellings.

All electrical plans for new or altered electrical installations in educational, institutional, and health or personal care occupancies classified or defined in WAC 296-46-130 and as indicated in WAC 296-46-150, Table 1 or 2 shall be reviewed and approved by the Washington State Department of Labor and Industries Electrical Division before a permit is issued or the electrical installation or alteration is begun.

2. Clarity of Plans. Plans shall be drawn to clearly indicated and commonly accepted scale of not less than one-eighth inch to one foot upon substantial paper such as blueprint quality or standard drafting paper. Plans shall indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of this code. All electrical work shall be readily distinguishable from other mechanical work. If plans are incomplete, unintelligible or indefinite, the building official may require that the plans be prepared by a licensed electrical engineer, or may reject or refuse to examine such plans, even though a plan examination fee has been paid.

3. Information on Plans and Specifications. Plans and specification shall indicate the following:

- a. The proposed use or occupancy of the various portions of the building in which the installation is to be made.
- b. A complete rise diagram.
- c. The calculated load schedule and demand factor selected for each branch circuit, feeder, and service. Panel and circuit schedules shall be shown.
- d. Fault current calculations and the listed interrupting rating for feeder or service installation or alteration.
- e. A key to any symbols used.
- f. Letters and numbers designating mains, feeders, branch circuits and distribution panels.

- g. Wattage, number of sockets and type of lighting fixture.
- h. Wattage and purpose of all other outlets.
- i. Voltage at which any equipment will operate.
- j. Identification of size of wires, type of insulation and all conduit sizes.
- k. Any other information as may be required by the plans examiner.

**16.10.080 Plan review fees.**

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

**16.10.090 Electrical permit fees, reinspection fees and investigation fees.**

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

**Reinspection fees.** Reinspection fees may be charged at the Building Officials discretion when: 1. Site of work not available when inspection is requested. 2. Plans or the permit are not on site. 3. Work not ready at time inspection was requested. 4. Written corrections are not complete when reinspection is requested (this does not include normal corrections found on the first inspection.)

**Work commencing before permit issuance.** Any person, firm or corporation starting work prior to permit issuance shall be charge an investigation fee in addition to permit fees.

**Exception.** Emergency installations as determined by the building official.

**16.10.100 Temporary installation.**

If the building official finds that the safety of life and property will not be jeopardized, permits may be issued for temporary electrical installations for use during the construction of buildings or for carnivals, conventions, festivals, fairs, the holding of religious services, temporary lighting of streets, or other approved uses. Permission to use such temporary installations shall not be granted for a greater length of time than 45 days, except that a permit for a temporary installation to be used for construction of a building may be issued for the period of construction. Should such temporary lighting be over the street area, the proper authorization for such use of the street must first be obtained. All such temporary installations shall be made in a manner as nearly as practicable in conformance with the requirements of this code for permanent work; provided, that the building official may permit deviations which will not permit hazards to life or property; and further provided, that whenever such hazards are deemed by the building official to exist, the building official may at once rescind or cancel the permit

covering such installation and disconnects, or order the disconnection of all energy to such equipment.

**16.10.110 Wiring and circuit specifications— New work.**

Minimum size of conductors:

- A. In commercial installations, #12 American Wire Gauge copper; control wiring and voltages of 24 or less are excepted.
- B. In residential installation, #14 American Wire Gauge copper.
- C. In all installations, no aluminum wire shall be used.

Exceptions:

- 1. Service entrance conductors;
- 2. Branch circuits of 50 amperes or greater.

**16.10.120 Effect of chapter on existing wiring.**

- A. The provisions of this chapter are not intended to apply to electrical installations in existence at the time of its adoption, except in those cases which, in the opinion of the building official, are found to be dangerous to life or property, and except as is otherwise specifically provided in this chapter.
- B. When more than 50 percent of the wiring of any circuit, as measured in lineal feet, is changed, then the entire circuit must be rewired to bring it into conformance with this chapter.
- C. Whenever an existing electrical service is to be moved, altered, or enlarged, the service equipment must be reinstalled in conformance with this chapter and LMC 16.14 for underground utilities.
- D. Additions or alterations to existing electrical systems shall be done using materials and methods equivalent to, or exceeding the currently adopted national state and city of Lynnwood Electrical Codes.
- E. Conductors not in use shall be removed.

**16.10.130 Service entrance conductors.**

Service entrance conductors shall be installed in the following manner:

- A. Minimum coverage shall be 24 inches below finished grade.
- B. Distribution equipment and conductor shall be of the same rating. On existing services, the ampacity of installed conductors shall be labeled on service distribution equipment when not of the same rating.

- C. Where current limiters are permitted, they shall be installed in an approved enclosure, and labeled "current limiters."
- D. Where Section 230-95(c) of the National Electrical Code applies, tests shall be performed by an approved testing agency.
- E. Single-family dwellings may be served with approved direct burial cable provided such cable shall be sleeved under paving, and installed to conform to Section 230(d) and 300-5 of the National Electric Code.

**16.10.140 Grounding procedures.**

Electrical systems shall be grounded by one or all of the following means:

- A. An approved conductor sized in accordance with Table 250-66 of the National Electrical Code attached by approved means to the concrete foundation reinforcing steel (Uffer Ground) shall be required in all new construction. Uffer grounds shall be inspected prior to concrete placement; concrete encased electrodes per National Electrical Code 250-50(c), shall be accepted only if inspected and approved prior to placing of concrete.
- B. Two electrodes shall be installed no less than 8 feet apart. Electrodes placed horizontally in a trench, and plate electrodes, shall not be approved without written approval from the building official. The upper end of the electrodes shall be flush or below ground level unless the aboveground end and the grounding electrode conductor attachment are protected against physical damage as specified in Section 250-68 of the National Electrical Code is allowed for service modifications only.
- C. Section 250-52 of the National Electrical Code shall apply where none of the above are applicable.
- D. All required grounding shall be fully installed and visible at rough in inspection.
- E. Flexible metal conduit shall contain an equipment grounding conductor sized per National Electrical Code Section 250-95.

**16.10.150 Raceways.**

Metal Clad (M.C.) cable shall not be smaller than #14 AWG National Electrical Code copper, with a grounding conductor contained within the outer jacket, approved per National Electrical Code for use only with approved fittings.

**16.10.160 Pool installations.**

All electrical equipment installed in the water, walls or deck of any pool or fountain shall comply in full with the provisions of Article 680 of the National

Electrical Code, without distinguishing between “storable” and “permanently installed” pools and fountains.

**16.10.900 Severability.**

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

Section 6. Chapter 16.16 of the Lynnwood Municipal Code is hereby amended as follows:

**Chapter 16.16  
SIGNS\***

Sections:

- 16.16.010 Adoption of Uniform Code.
- 16.16.015 Definitions.
- 16.16.016 Section 208 USC amended – “Ground sign” defined.
- 16.16.017 Section 210 USC amended – “Marquee sign” defined.
- 16.16.018 Section 212 USC amended – “Pole sign” defined.
- 16.16.019 Section 213 USC amended – “Roof sign” defined.
- 16.16.020 Section 214 USC amended – “Sign” defined.
- 16.16.030 Section 217 USC amended – “Wall sign” defined.
- 16.16.040 Subsection 303(3) USC amended – Sign restrictions.
- 16.16.050 Section 304 USC amended – Fees.
- 16.16.060 Section 305 USC amended – Maintenance.
- 16.16.070 Subsection 401.6 added to USC – Erector’s name.
- 16.16.071 Subsections 403.5 and .6 USC amended – Design and construction projection and clearance – Projection over alleys – Clearance from streets.
- 16.16.072 Chapter 5 USC deleted – Fin signs.
- 16.16.074 Section 602 USC amended – Pole signs design.
- 16.16.076 Section 603 USC amended – Pole signs projection and clearance.
- 16.16.078 Section 701 USC amended – Ground signs general.
- 16.16.080 Section 702 USC amended – Ground signs design.
- 16.16.081 Section 703 USC amended – Ground signs projection.
- 16.16.082 Section 802 USC amended – Roof signs design.
- 16.16.083 Subsection 803.1 USC amended – Roof signs projection and clearance, projection.
- 16.16.084 Section 902 USC amended – Wall signs design.
- 16.16.085 Subsections 903.1 and .2 USC amended – Wall signs projection and clearance, projection – Thickness.
- 16.16.086 Section 1002 USC amended – Projecting signs design.
- 16.16.087 Subsection 1003.1 USC amended – Projecting signs projections and clearance, projection.
- 16.16.088 Section 1101 USC amended – Combination signs general.

- 16.16.089 Sections 1102, 1103.1 and 1103.2 USC amended – Combination signs design – Projection and clearance, projection – Projection and clearance, thickness.
- 16.16.090 Subsection 1302.2 USC deleted.
- 16.16.100 Section 1401 USC amended – Temporary signs.
- 16.16.110 Subsection 1402.1 USC deleted.
- 16.16.120 Subsection 1402.3 USC deleted.
- 16.16.125 Subsections 402.2 and 402.3 USC amended – Standards of Quality and Materials.
- 16.16.130 Immoral or obscene advertising prohibited.
- 16.16.140 Expired advertising sign – Removal – Lien.
- 16.16.150 Subsection 103.4 USC amended – Violation and penalty.
- 16.16.155 Subsection 103.3 USC amended – Board of appeals.
- 16.16.900 Severability.
- \*For provisions relating to sign code adoption by reference, see RCW 35.21.180.

**16.16.010 Adoption of Uniform Code.**

As amended by the provisions of this chapter, the Uniform Sign Code, 1997<sup>4</sup> Edition, by the International Conference of Building Officials, one copy of which, shall be on file in the office of the Lynnwood city clerk, is adopted by this reference.

**16.16.015 Definitions.**

A. Section 201 USC Amended. Section 201 of the edition of the Uniform Sign Code adopted by this chapter, entitled “General Definitions,” is amended by adding thereto the following paragraph:

Whenever the term “Code” is used herein, it shall mean the provisions of Chapter 16.16 LMC and the edition of the Uniform Sign Code as adopted by Chapter 16.16 LMC. Whenever the term “City” or “jurisdiction” is used herein, it shall mean the City of Lynnwood. Whenever the term Building Code is used in this chapter, it shall mean the International Building Code.

B. Whenever the term “code” is used in this chapter, it shall mean the provisions of this chapter and the provisions of the edition of the Uniform Sign Code as adopted by this chapter. Whenever the term “city” or “jurisdiction” is used in this chapter, it shall mean the city of Lynnwood.

C. Whenever a sign is not defined in this code, its definition shall be per LMC 21.02.665 through 21.02.720 as interpreted by the Community Development Director.

**16.16.016 Section 208 USC amended – “Ground sign” defined.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 208 defining “ground sign” and inserting in its place the following wording:

“Ground sign” is a freestanding sign which is not more than 3.5 feet in height and permanently placed in the ground.

**16.16.017 Section 210 USC amended – “Marquee sign” defined.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 210 defining “marquee sign” and inserting in its place the following wording:

“Marquee sign” is a sign placed on, constructed in or attached to a marquee.

**16.16.018 Section 212 USC amended – “Pole sign” defined.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 212 defining “pole sign” and inserting in its place the following wording:

“Pole sign” is any permanent freestanding sign which does not meet the definition of a ground sign, monument sign, internal information sign or incidental sign.

**16.16.019 Section 213 USC amended – “Roof sign” defined.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 213 defining “roof sign” and inserting in its place the following wording:

“Roof sign” is a business sign erected upon or above a roof or a parapet of a building.

**16.16.020 Section 214 USC amended – “Sign” defined.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 214 defining “sign” and inserting in its place the following wording:

“Sign” is any structure, device, object or display used to identify, advertise, direct or attract attention to a business, product, service, activity, place, person, institution or event using words, figures, graphics, symbols, fixtures, colors, illumination or projected images, for example balloons with or without letters or pictorial figures on them.

**16.16.030 Section 217 USC amended – “Wall sign” defined.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 217 defining “wall sign” and inserting in its place the following wording:

“Wall sign” is any business sign painted on, or attached directly to and supported by a wall of a building or structure with the exposed face of the sign generally parallel to the wall.

**16.16.040 Subsection 303(3) USC amended – Sign restrictions.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Subsection 303(3), regarding signs less than six feet above grade, and inserting in its place the following wording:

3. Signs less than three square feet per sign face, if attached to a building below the roof line.

**16.16.050 Section 304 USC amended – Fees.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 304, entitled “Fees,” and inserting in its place the following wording:

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

**16.16.060 Section 305 USC amended – Maintenance.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 305, entitled “Maintenance,” and inserting in its place the following wording:

305. Maintenance. All signs and sign support structures together with all their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. All signs shall be kept in good repair and maintained in a safe condition and any damage or deterioration including but not limited to missing sign faces, cabinet covers and sign components; damaged structural elements; and rust or peeling paint shall be repaired. The display surface of all signs shall be kept neatly painted or posted at all times. Presently existing signs may not be altered or re-erected unless in conformity with this Code and LMC Title 21. Damaged or deteriorated signs shall be repaired within 30 days of notification by the City.

**16.16.070 Subsection 401.6 added to USC – Erector’s name.**

The edition of the Uniform Sign Code adopted by this chapter is amended by adding a new subsection to Section 401 thereof, entitled “General,” to read as follows:

401.6 Erector’s Name. Every sign shall have posted on it the name of the sign erector and date of erection. Such name and date shall be of sufficient size and contrast to be readable from a reasonable distance. Failure to provide such name and date shall be grounds for rejection of the sign by the building official.



**16.16.071 Subsections 403.5 and .6 USC amended – Design and construction projection and clearance – Projection over alleys – Clearance from streets.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Subsections 403.5, entitled “Design and Construction Projection and Clearance – Projection over Alleys” and 403.6, entitled “Clearance from Streets,” and inserting in their place the following wording:

Sec. 403.5 Projection over Alleys. Signs or sign structures shall not project into a public alley.

403.6 Clearance from Streets. Signs shall conform to the setbacks from streets set forth in Chapter 21.16 LMC.

**16.16.072 Chapter 5 USC deleted – Fin signs.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Chapter 5, entitled “Fin Signs.”

**16.16.074 Section 602 USC amended – Pole signs design.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 602, entitled “Pole Signs Design,” and inserting in its place the following wording:

Sec. 602. Supports for pole signs shall be placed upon private property and shall be securely built, constructed and erected to conform with requirements specific in Chapter 4 and Chapter 21.16 LMC.

**16.16.076 Section 603 USC amended – Pole signs projection and clearance.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 603, entitled “Pole Signs Projection and Clearance,” and inserting in its place the following wording:

Sec. 603. Projection of pole signs shall conform to the requirements of Section 403 and Chapter 21.16 LMC.

**16.16.078 Section 701 USC amended – Ground signs general.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 701, entitled “Ground Signs General,” and inserting in its place the following wording:

Sec. 701. Ground signs may be constructed of materials meeting the requirements of this code, except as provided in Chapter 4 and Chapter 21.16 LMC.

**16.16.080 Section 702 USC amended – Ground signs design.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 702, entitled “Ground Signs Design,” and inserting in its place the following wording:

702. Ground Sign Design. Ground signs should be designed in accordance with the requirements specified in Chapter 4 and Chapter 21.16 LMC. Ground signs may be constructed of combustible material.

**16.16.081 Section 703 USC amended – Ground signs projection.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 703, entitled “Ground Signs Projection,” and inserting in its place the following wording:

Sec. 703. Ground signs shall not project beyond the legal setback per Chapter 21.16 LMC.

**16.16.082 Section 802 USC amended – Roof signs design.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 802, entitled “Roof signs design,” and inserting in its place the following wording:

Sec. 802. Roof signs shall be thoroughly secured and anchored to the frame of the building over which they are constructed and erected and shall be designed in accordance with the requirements specified in Chapter 4 and Chapter 21.16 LMC.

**16.16.083 Subsection 803.1 USC amended – Roof signs projection and clearance, projection.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Subsection 803.1, entitled “Roof Signs Projection and Clearance, Projection,” and inserting in its place the following wording:

Sec. 803.1 Projection. Roof signs may not project behind the legal setback line complying with the requirements specified in Section 403 and Chapter 21.16 LMC.

**16.16.084 Section 902 USC amended – Wall signs design.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 902, entitled “Wall Signs Design,” and inserting in its place the following wording:

Sec. 902. Wall signs shall be designed in conformance with the requirements specified in Chapter 4 and Chapter 21.16 LMC.

**16.16.085 Subsections 903.1 and .2 USC amended– Wall signs projection and clearance, projection – Thickness.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Subsections 903.1, entitled “Wall Signs Projection and Clearance Projection,” and 903.2, entitled “Thickness,” and inserting in their place the following wording:

Sec. 903.1 Projection. Wall signs shall not project over public property.

**16.16.086 Section 1002 USC amended – Projecting signs design.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 1002, entitled “Projecting Signs Design,” and inserting in its place the following wording:

Sec. 1002. Projecting signs shall be designed in accordance with the requirements specified in Chapter 4 and Chapter 21.16 LMC.

**16.16.087 Subsection 1003.1 USC amended – Projecting signs projections and clearance, projection.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Subsection 1003.1, entitled “Projecting Signs Projection and Clearance, Projection,” and inserting in its place the following wording:

Sec. 1003.1 Projection. Signs may not project over public property.

**16.16.088 Section 1101 USC amended – Combination signs general.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 1101, entitled “Combination Signs General,” and inserting in its place the following wording:

Sec. 1101. Combination signs shall be constructed of noncombustible materials, except as specified in Chapter 4 and Chapter 21.16 LMC.

The individual requirements of roof, projecting and pole signs shall each be applied to combination signs incorporating any or all of the requirements specified in this chapter and Chapter 21.16 LMC.

**16.16.089 Sections 1102, 1103.1 and 1103.2 USC amended – Combination signs design – Projection and clearance, projection – Projection and clearance, thickness.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 1102, entitled “Combination Signs Design,” Subsection 1103.1, entitled “Projection and Clearance, Projection,” and Subsection 1103.2, entitled “Projection and Clearance, Thickness,” and inserting in its place the following wording:

Sec. 1102. Supports for combination signs shall be placed in or upon private property and shall be securely built, constructed and erected to conform with the requirements specified in Chapter 4 and LMC Chapter 21.16.

Sec. 1103.1 Projection. Combination signs may not project over public property or beyond a legal setback line as specified in Chapter 21.16 LMC.

**16.16.090 Subsection 1302.2 USC deleted.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Subsection 1302.2, entitled "Erector's Name."

**16.16.100 Section 1401 USC amended – Temporary signs.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 1401, entitled "Temporary Signs."

**16.16.110 Subsection 1402.1 USC deleted.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Subsection 1402.1 providing an exception for temporary cloth signs.

**16.16.120 Subsection 1402.3 USC deleted.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom the second paragraph of Subsection 1402.3 regarding sign projections and clearance.

**16.16.125 Subsections 402.2 and 402.3 of the USC deleted and amended.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting subsections 402.2 and 402.3 and inserting in their place the following wording:

SECTION 402.2 Standards of quality - Standards of quality shall conform to the requirements of the International Building Code as adopted.

SECTION 402.3 Materials - Materials used in signs and sign structures shall be of the grade and quality as specified in the International Building Code.

**16.16.130 Immoral or obscene advertising prohibited.**

It is unlawful to display on any outdoor advertising structure or billboard any advertising or advertisement which is immoral or obscene.

**16.16.140 Expired advertising sign – Removal – Lien.**

A. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or products sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure or property upon which such sign may be found within 10 days after written notification from the building official, and upon failure to comply with such notice within the time specified in such order, the building official is authorized to

cause removal of such sign, and any expense incidental thereto shall be paid by the owner of the building or structure to which such sign is attached. In the event of a failure of payment of such expense of removing such sign or structure, the building official shall refuse to grant a permit to the same parties for any sign or structure until such expense and charges have been paid.

B. In the event that any work required to be done by any landowner or violator of this chapter shall not be done such that the city shall be required to perform such work, the city shall be entitled to a lien upon the land upon which the work shall be done and may refuse to permit any further use or occupancy of the subject land until the expenses incurred by the city shall be repaid to it.

**16.16.150 Subsection 103.4 USC amended – Violation and penalty.**

The edition of the Uniform Sign Code adopted by this chapter is amended by adding to Subsection 103.4 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 any 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 are 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 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

**16.16.155 Subsection 103.3 - Board of Appeals.**

The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom Section 103.3 entitled “Board of Appeals” and inserting in its place the following wording:

103.3.1 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.

103.3.2 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.

**16.16.900 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 work of this chapter.

Section 7. Chapter 16.24 of the Lynnwood Municipal Code is hereby amended as follows:

**Chapter 16.24  
SWIMMING POOL, SPA AND  
HOT TUB CODE**

Sections:

- 16.24.010 Adopted by reference.
- 16.24.015 Definitions.
- 16.24.020 Repealed.
- 16.24.025 Chapter 5 of Uniform Code deleted – Fuel gas piping.
- 16.24.030 Abandoned swimming pools.
- 16.24.040 Safety devices.
- 16.24.050 Setbacks.
- 16.24.055 Permit fees.
- 16.24.060 Repealed.
- 16.24.070 Section 1.7 of Uniform Code amended – Violation and penalties.
- 16.24.080 Section 1.18 of the uniform code amended – Board of Appeals.
- 16.24.900 Severability.

**16.24.010 Adopted by reference.**

As amended by the provisions of this chapter and the State of Washington Building Code Council, the Uniform Swimming Pool, Spa and Hot Tub Code, 1991 Edition, 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 in the office of the Lynnwood city clerk, is adopted by this reference.

**16.24.015 Definitions.**

A. Section 101 of Uniform Code Amended. Section 101 of the edition of the Uniform Swimming Pool, Spa and Hot Tub Code adopted by this chapter, entitled "General Definitions" is amended by adding thereto the following paragraph:

Whenever the term "Code" is used herein, it shall mean the edition of the Uniform Swimming Pool, Spa, and Hot Tub Code as adopted by Chapter 16.24

LMC and the provisions of Chapter 16.24 LMC. Whenever the term "City" or "jurisdiction" is used herein, it shall mean the City of Lynnwood.

B. Whenever the term "code" is used in this chapter, it shall mean the provisions of this chapter and the edition of the Uniform Swimming Pool, Spa and Hot Tub Code as adopted by this chapter. Whenever the term "city" or "jurisdiction" is used in this chapter, it shall mean the city of Lynnwood.

**16.24.020 Amendments and additions.**

Repealed by Ord. 1504.

**16.24.025 Chapter 5 of Uniform Code deleted– Fuel gas piping.**

The edition of the Uniform Swimming Pool, Spa and Hot Tub Code adopted by this chapter is amended by deleting therefrom Chapter 5, entitled "Fuel Gas Piping."

**16.24.030 Abandoned swimming pools.**

Swimming pool installations which have been determined to be abandoned shall be filled with sand or other granular materials as may be approved by the administrative authority.

**16.24.040 Safety devices.**

A. The entire area surrounding the swimming pool shall have a security fence or other barrier conforming to the height and openings as required for fences.

B. Fences shall be constructed of wood, masonry, concrete, or other substantial materials acceptable to the building department, not less than five feet in height, with no opening, other than doors and gates, such that a sphere four inches in diameter cannot pass through.

C. All gates or doors opening through such enclosure shall be equipped with a self-closing and a self-latching device designed to keep such gates or doors securely closed and latched at all times when not in actual use; all latches shall be placed at least four and one-half feet above the ground; provided, however, that the door to any dwelling occupied by human beings and forming any part of the enclosure herein above required need not be so equipped.

D. Such fencing and latches shall be installed prior to the filling of the pool with water for use.

**16.24.050 Setbacks.**

All swimming pools, portable or permanent, shall be placed so as to observe the minimum setbacks for structures.

**16.24.055 Permit fees.**

Section 1.11 of the edition of the Uniform Swimming Pool, Spa and Hot Tub Code adopted by this chapter is amended by deleting therefrom Section 1.11, entitled "Cost of Permit," and inserting in its place the following wording:

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

**16.24.060 Building official – Enforcement of chapter.**

Repealed by Ord. 1504.

**16.24.070 Section 1.7 of Uniform Code amended – Violation and penalties.**

The edition of the Uniform Swimming Pool, Spa and Hot Tub Code adopted by this chapter is amended by deleting therefrom Section 1.7, entitled "Violations and Penalties," and inserting in its place the following wording:

Any person, firm or corporation violating any provision of this Code shall be deemed 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 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

**16.24.080 Section 1.18 of the Uniform Code Amended - Board of Appeals.**

The edition of the Uniform Swimming Pool and Spa and Hot tub code adopted by this chapter is amending by deleting therefrom Section 1.18 entitled "Board of Appeals" and inserting in its place the following wording.

1.18.1 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.

1.18.2 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.

**16.24.900 Severability.**

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

Section 8. Chapter 16.32 of the Lynnwood Municipal Code is hereby amended as follows:

**Chapter 16.32  
HOUSING CODE**

Sections:

- 16.32.010 Adoption.
- 16.32.015 Definitions.
- 16.32.020 Compliance inspection fee.
- 16.32.025 Section 203 of the UHC amended - Housing Authority and Board of Appeals.
- 16.32.030 Section 204 UHC amended – Violation and penalty.
- 16.32.040 Chapter 1 of the UHC amended – Title and Scope.
- 16.32.050 Chapter 3 of the UHC amended – Permits and Inspections.
- 16.32.060 Chapter 5 of the UHC amended – Space and Occupancy Standards.
- 16.32.070 Chapter 8 of the UHC amended - Exits.
- 16.32.900 Severability.

**16.32.010 Adoption.**

As amended by the provisions of this chapter, the Uniform Housing Code, 1997~~4~~ Edition except chapters 12 and 13, by the International Conference of Building Officials, one copy of which shall be on file in the office of the Lynnwood city clerk, is adopted by this reference.

**16.32.015 Definitions.**

A. Section 401 UHC Amended. Section 401 of the edition of the Uniform Housing Code adopted by this chapter, entitled “Definitions,” is amended by adding to the first paragraph thereof the following:

Whenever the term “Code” is used herein, it shall mean the edition of the Uniform Housing Code as adopted by Chapter 16.32 LMC and the provisions of Chapter 16.32 LMC. Whenever the term “City” or “jurisdiction” is used herein, it shall mean the City of Lynnwood.

B. Whenever the term “Building Code or Mechanical Code” is used in this chapter, it shall mean the edition of the International Existing Building Code as

reference in International Residential Code (as adopted in LMC 16.09) section R101.2 (Scope). Whenever the term "city" or "jurisdiction" is used in this chapter, it shall mean the city of Lynnwood.

**16.32.020 Compliance inspection fee.**

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.

**16.32.025 Section 203 amended – Housing Authority and Board of Appeals.**

The edition of the Uniform Housing Code adopted by this chapter is amended by deletion of Section 203 and the addition of wording as follows:

Section 203.1 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.

Section 203.2 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.

**16.32.030 Section 204 UHC amended – Violation and penalty.**

The edition of the Uniform Housing Code adopted by this chapter is amended by adding to Section 204 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 violations of any of the provisions of this Code are 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 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 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

**16.32.040 Chapter 1 of the Uniform Housing Code amended – Title and Scope.**

A. Section 103 - Scope. The edition of the Uniform Housing Code adopted by this chapter is amended by deletion of the first paragraph of section 103 and adding the following:

Section 103. The provisions of this code shall apply to all buildings or portions thereof used, designed or intended to be used for human habitation. Such occupancies in existing structures may be continued as provide in the Building Code, except such structures as are found to be substandard as defined in this code.

B. Section 104.1 – Application to Existing Buildings and Structures. The edition of the Uniform Housing Code adopted by this chapter is amended by deletion of Section 104.1 and addition of the following:

Section 104.1 Application to Existing Buildings and Structures. For additions, alterations and repairs see the International Existing Building Code.

**16.32.050 Chapter 3 of the Uniform Housing Code amended – Permits and Inspections.**

Section 301 – General. The edition of the Uniform Housing Code adopted by this chapter is amended by deleting therefrom the phrase “section 106 of”.

Section 302 – Fees. The edition of the Uniform Housing Code adopted by this chapter is amended by deletion therefrom the phrase “Section 107 of”.

Section 303 – Inspections. The edition of the Uniform Housing Code adopted by this chapter is amended by deletion therefrom the phrase “Section 108 and 1701 of”.

**16.32.060 Chapter 5 of the Uniform Housing Code amended – Space and Occupancy Standards.**

Section 504.4 – Hallways. The edition of the Uniform Housing Code adopted by this chapter is amended by deletion and addition of new wording as follows:

All public hallways, stairs, and other exitways shall be lighted at all times in accordance with the Building Code.

Section 505.5 – Water Closet Compartments. The edition of the Uniform Housing Code adopted by this chapter is amended by deletion and addition as follows;

Walls and floors of water closet compartments, except in dwelling units, shall be finished in accordance with the Building Code.

**16.32.070 Section 801 of the Uniform Housing Code is amended – Exits General.**

Section 801 – Exits. The edition of the Uniform Housing Code adopted by this chapter is amended by deletion of the first paragraph and addition as follows:

Dwelling units or guest rooms shall have access to the outside or to a public corridor. All building or portions thereof shall be provide with exits as required by the Building Code.

**16.32.900 Severability.**

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

Section 9. Chapter 16.44 of the Lynnwood Municipal Code is hereby amended as follows:

**Chapter 16.44  
ABATEMENT OF DANGEROUS BUILDINGS**

Sections:

16.44.010 Adoption of code.

16.44.011 Section 103 of the uniform code amended – Alterations, additions and repairs.

16.44.015 Definitions.

16.44.020 Section 203 of uniform code amended – Violation.

16.44.030 Section 205 of the uniform code amended – Board of Appeals.

16.44.900 Severability.

**16.44.010 Adoption of code.**

The Uniform Code for the Abatement of Dangerous Buildings, 1997~~4~~ Edition, by the International Conference of Building Officials except chapters 5 and 6, one copy of which shall be on file in the office of the Lynnwood city clerk, is adopted by this reference

**16.44.011 Section 103 of the uniform code amended - Alterations, Additions and Repairs.**

The edition of the Uniform Code for Abatement of Dangerous Buildings adopted by this chapter is amended by deletion of Section 103 and the addition of wording as follows:

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the Building Code.

**16.44.015 Definitions.**

A. Section 301 of Uniform Code Amended. Section 301 of the edition of the Uniform Code for the Abatement of Dangerous Buildings adopted by this chapter, entitled “General Definitions,” is amended by adding to the first paragraph thereof the following:

Whenever the term “Code” is used herein, it shall mean the edition of the Uniform Code for the Abatement of Dangerous Buildings as adopted by Chapter 16.44 LMC and the provisions of Chapter 16.44 LMC. Whenever the term “City” or “jurisdiction” is used herein, it shall mean the City of Lynnwood.

B. Whenever the term "code" is used in this chapter, it shall mean the edition of the Uniform Code for the Abatement of Dangerous Buildings as adopted by this chapter and the provisions of this chapter. Whenever the term "city" or "jurisdiction" is used in this chapter, it shall mean the city of Lynnwood.

C. Whenever the term Building Code is used for single family dwelling units as defined under WAC 51-51 it shall mean the International Residential Code, and in all other uses it shall mean the International Building Code.

**16.44.020 Section 203 of uniform code amended – Violation.**

The edition of the Uniform Code for the Abatement of Dangerous Buildings adopted by this chapter is amended by adding to Section 203 thereof, entitled "Violation," the following paragraphs:

Any person, firm or corporation violating any of the provisions of this code shall be guilty of a misdemeanor, and any such person, firm, or corporation shall be guilty of a separate offense for each and every day, or portion thereof, during which any violations of any of the provisions of this code are 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 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

**16.44.030 Section 205 of the uniform code amended - Board of Appeals.**

The edition of the Uniform Code for Abatement of Dangerous Buildings adopted by this chapter is amended by deletion of Section 205 and addition of wording thereto as follows:

205.1 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.

205.2 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 hereunder 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.

**16.44.900 Severability.**

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

Section 10. Title 9 of the Lynnwood Municipal Code is hereby amended as follows:

**Title 9**

**FIRE\* - Lynnwood Fire Code**

Chapters:

9.04 International Fire Code

9.06 Fire Lanes

9.10 *Superseded*

9.12 Fireworks

9.14 Smoking in Public Places

9.16 Hydrants

\*For provisions regarding storage of inflammables, see LMC Title 10; for fire department, see Chapter 2.34 LMC; for obstructing fire fighting, see LMC Title 10 and Chapter 9.40 RCW.

**Chapter 9.04**

**INTERNATIONAL FIRE CODE**

Sections:

9.04.005 Title, Authority, and Applicability.

9.04.007 Lynnwood Fire Department Standards.

9.04.010 Adoption of International Fire Code.

9.04.012 Section 105.5 IFC amended – Revocation of permits.

9.04.013 Section 105 IFC – Fees.

9.04.014 Section 2403.5 IFC amended – Tents, canopies and temporary membrane structures.

9.04.015 Civil penalty for operating without a required permit.

9.04.020 Definitions.

9.04.030 Establishment and duties of bureau of fire prevention.

9.04.040 Storage of flammable or combustible liquids in outside above-ground tanks – Where prohibited.

9.04.050 Bulk storage of liquefied petroleum gases – Where restricted.

9.04.060 Storage of explosives – Where prohibited.

9.04.070 Appeals.

9.04.080 New materials, processes or occupancies requiring permits.

9.04.090 Building construction – New, alterations, and remodeling.

9.04.095 *Repealed.*

9.04.100 Section 901.4.1 IFC amended – Sprinkler riser rooms.

9.04.110 Subsection 2204 IFC amended.

9.04.120 Subsection 109.3 IFC amended – Violation and penalty.

#### 9.04.130 Severability.

#### **9.04.005 Title, Authority, and Applicability.**

The Lynnwood Fire Code is comprised of the state and locally adopted model code (IFC) and locally adopted regulations. While it is the intent of the City of Lynnwood to be consistent with regional, state and national good practice, the City of Lynnwood is responsible for the evaluation of risk and benefit regarding the public health, safety and welfare. As such, the City has exercised and continues to reserve its right to institute local rules and regulations governing the development and use of businesses, operations, occupancies, and structures.

#### **9.04.007 Lynnwood Fire Department Standards.**

It is the intent of the Lynnwood Fire Department to enforce the provisions of adopted codes in a manner that is consistent, fair, without undue burden, efficient, and beneficial to the short and long term health, safety and economic well being of the citizens, businesses, employees and visitors of our community. In meeting this intent and in accordance with the authority and jurisdiction granted in the International Fire Code Chapter 1, the Lynnwood Fire Department Standards have been created. They are formulated as individual standards on specific topics as deemed necessary. Requirements found in the International Code, State Law, Community Development Guides, or other references are not generally repeated herein.

#### **9.04.010 Adoption of International Fire Code.**

As amended by the provisions of this chapter, the 2006~~3~~ Edition of the International Fire Code published by the International Code Council, including Appendices B and C, as amended by WAC 51-54, one copy of which shall be on file in the office of the Lynnwood finance director, is adopted by this reference.

#### **9.04.012 Section 105.5 IFC amended – Revocation of permits.**

Section 105.5, entitled “Revocation of Permits,” of the edition of the International Fire Code (IFC) adopted by this chapter, is amended by adding a subsection thereto, to read as follows:

There has been a false statement or misrepresentation as to a material fact in the application or plans on which the permit or application was based; or any fee for such permit has not been paid.

#### **9.04.013 Section 105 IFC – Fees.**

All fees authorized under Section 105 IFC shall be set forth in a fee resolution adopted, and from time to time amended, by the city council.

#### **9.04.014 Section 2403.5 IFC amended – Tents, canopies and temporary membrane structures.**

Section 2403.5 IFC is deleted and replaced with text to read as follows:

Section 2403.5 IFC Use Period. The use of any non-exempt tent, canopy, or temporary membrane structure shall not exceed a use period of 180 days within a 12-month period on a single premises; provided, however, that in the case of a tent, canopy, or temporary membrane structure used in conjunction with any temporary activity, such use shall not exceed the time and frequency of use provisions of Chapters 5.30, LMC or the time period of any permit issued in connection with such activities, whichever shall occur first.

**9.04.015 Civil penalty for operating without a required permit.**

Whenever the fire marshal determines that a person, firm, corporation or company is operating without permit(s) as required by this code, he may, in addition to, or as an alternative to, any other enforcement remedies the city may have, impose a civil penalty in an amount equal to two times the amount of the required permit fee, plus \$100.00 per day for each day that operations continue without the required permit(s). Written notice of intent to impose such penalty shall be served pursuant to the notice provisions of Chapters 2.22 and 1.40 LMC. Such civil penalty notice may be appealed by filing with the fire marshal, within five working days of service of said notice, a written request for a hearing before the city's Hearing Examiner, per LMC 16.50.

**9.04.020 Definitions.**

Section 201.1 IFC is amended by adding the following subsections:

- A. Whenever the word "jurisdiction" or "city" is used, it shall mean the city of Lynnwood.
- B. Wherever the term "corporation counsel" is used, it shall mean the attorney for the city of Lynnwood.
- C. Whenever the term "code" is used, it shall mean the provisions of Chapter 9.04 LMC, as now existing or hereafter amended, and the edition of the International Fire Code as adopted by Chapter 9.04 LMC.
- D. Whenever the term "International Building Code" or "Building Code" is used, it shall mean the edition of the International Building Code as adopted by the city of Lynnwood.

**9.04.030 Establishment and duties of bureau of fire prevention.**

Subsections 103.1, 103.2 and 103.3 IFC adopted by this chapter are amended to read as follows:

IFC 103.1 The code shall be enforced by the bureau of fire prevention in the fire department of the city, which is established, and which shall be operated, under the supervision of the chief of the fire department.

IFC 103.2 The chief (or fire marshal) in charge of the bureau of fire prevention shall be appointed by the mayor of the city on the basis of examination to determine his qualifications.

IFC 103.3 The chief of the fire department may assign members of the fire department's fire suppression staff to fire prevention activity, as necessary. The chief of the fire department shall recommend to the mayor the employment of technical inspectors, who, when such authorization is made, shall be selected



through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department and appointments made after examination shall be for an indefinite term with removal only for cause.

**9.04.040 Storage of flammable or combustible liquids in outside above-ground tanks – Where prohibited.**

A. Subsection 3404.2.9.5.1 IFC regarding restricted locations of above-ground outdoor tanks for storage of Class I and Class II liquids is amended to read as follows:

Subsection 3404.2.9.5.1 IFC Restricted Locations. Storage of flammable or combustible liquids (Class I and Class II liquids) in outside above-ground tanks is prohibited in all areas of the city except those zoned for industrial use; provided, that, above-ground flammable or combustible liquid tanks may be installed on property zoned general commercial, when approved by the city of Lynnwood fire chief and the Community Development director, subject to the provisions of LMC Title 21, as now existing or hereafter amended, the requirements of the International Fire Code, as adopted by this chapter, and the following requirements:

1. Tank size shall be limited to 500 gallons.
2. Tanks shall be listed for above-ground use.
3. Tanks shall be located in accordance with LMC 21.46.200 and 21.46.210, as now existing or hereafter amended; provided, that in no case shall tanks be located less than 20 feet from the property line.
4. Tanks shall be a minimum of 20 feet away from any building.
5. Spacing between tanks shall comply with the provisions of the International Fire Code as adopted by this chapter.
6. Tanks shall be installed only when plans for such installation have been approved and all necessary permits have been issued by the city of Lynnwood. In the event of any conflict between the provisions of subsection (A) of this section and to the provisions of Title 21 LMC, or the provisions of the edition of the International Fire Code as adopted by this chapter, the most restrictive requirements shall control.

B. Section 3406.4 IFC regarding storage of Class I, II and III-A liquids in bulk plants, is amended by adding thereto a new paragraph to read as follows: Storage of Class I, Class II and Class III-A liquids in bulk plants is prohibited in all areas except those zoned for industrial use.

**9.04.050 Bulk storage of liquefied petroleum gases – Where restricted.**

Subsection 3801.1 IFC regarding general requirements for the location of containers storing liquefied petroleum gases is amended by adding thereto the following paragraph:

Bulk storage of liquefied petroleum gases is prohibited in all areas of the city except those zoned for industrial use and those zoned for commercial use, when

approved by the city fire chief and Community Development director pursuant to the requirements of LMC 9.04.040.

**9.04.060 Storage of explosives – Where prohibited.**

Subsection 3304.1 IFC regarding general requirements for storage of explosives and blasting agents, is deleted and replaced with the following paragraph:

Subsection 3304.1 IFC. The storage of explosives and blasting agents is prohibited within city limits, except for temporary storage for use in connection with approved blasting operations; provided, however, that this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive actuated power tools in quantities involving less than 500 pounds of explosive material.

**9.04.070 Appeals.**

Section 108 of the IFC adopted by this chapter is deleted in its entirety and replaced with a new Section 108 to read as follows:

Whenever the chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply, or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief to the hearing examiner in accordance with Chapter 16.50 LMC.

**9.04.080 New materials, processes or occupancies requiring permits.**

The mayor, the fire chief and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

**9.04.090 Building construction – New, alterations, and remodeling.**

Chapter 9 IFC adopted by this chapter is amended by adding text to read as follows:

A. Definitions.

1. Automatic Fire Extinguishing System is an automatic sprinkler, or other approved system that conforms with all applicable requirements of the current edition of the NFPA Pamphlet as amended by the International Building Code and the International Fire Code regarding such systems, one copy of which shall be on file with the Lynnwood finance director, and which is hereby adopted by this reference; and is connected to an alarm receiving facility as approved by the fire chief. The system shall be capable of providing a minimum flow of 1,000 GPM at 20 PSI at the base of the riser if the building is 65,000 square feet or larger. Other systems shall provide the designed flow. Rooms housing electrical equipment

may be provided with other means of extinguishment if approved by the fire chief.

2. Automatic Fire Alarm System is an early warning system consisting of fixed temperature, or rate-of-rise, detectors installed by a contractor licensed by the State of Washington. These systems shall be supervised by an approved alarm receiving facility and shall consist of two basic systems as follows:

- a. UL Certificated Fire Alarm Systems. Certificated systems are those that meet the requirements of Underwriters Laboratory's Listing Process
  - b. Non-Rated System. Non-rated systems may be installed, maintained and supervised only if approved by the fire chief and/or his designated representative and in compliance with written guidelines prepared by the fire department, one copy of which shall be kept on file in the office of the Lynnwood finance director.
3. Firewall is a four-hour wall constructed in accordance with the International Building Code for the purpose of subdividing buildings to restrict the spread of fire.

4. Noncombustible, as applied to this Code, means a material no part of which, in the form it is used, will ignite when subjected to fire. Any material which liberates flammable gas when heated to any temperature up to 1,380° Fahrenheit for five minutes shall not be considered noncombustible.

5. Nurseries and Horticultural Structures are any structures used exclusively for storing or growing plants and other natural vegetation.

B. Proximity of Buildings to Property Lines and other Buildings. Except for U occupancies and buildings constructed under the International Residential Code, locations of buildings shall meet the following requirements or the most restrictive of IBC Table 601 and 602:

- a. For the purpose of determining the required wall and opening protection, buildings on the same property, adjacent property and court walls of buildings shall be separated by 20 feet or shall have 45 minute protected openings. (*This section replace IBC Table 704.8*)
- b. Buildings located within 10 feet of the property line or the assumed property line shall have 45 minute protected openings. (*This section replaces IBC Table 704.8*)
- c. Buildings located within 5 feet of the property line or assumed property line shall have two-hour construction with no openings or the most restrictive of IBC Table 601 or 602.

C. All occupancies except U and buildings constructed under the IRC shall be Type I-A, II-A, III-A, Type IV, Type V-A or V-B and II-B and III-B fully sprinklered buildings.

D. All new buildings except U occupancies and buildings constructed under the International Residential Code shall have one-hour exterior walls, except in Type V-B, II-B and III-B sprinklered buildings.

E. Maximum Square Footage without Sprinklers.

1. All buildings constructed for all larger than 6000 square feet and Type V-B buildings over 400 square feet shall be sprinkler protected per section 903.3 of the

IFC. Where IFC section 903.2 requires sprinkler protection at less than 6000 square feet, those provisions shall also apply.

Exceptions:

- a. U occupancies under 1000 square feet.
- b. Open parking garages of Type I A & Type I-B construction.
- c. Buildings constructed under the IRC which contain square footage on one or more stories.

2. An approved automatic fire alarm system shall be installed in all new buildings that are not protected by an automatic fire extinguishing system, except U occupancies built under the International Building Code that are under 1,000 square feet and buildings constructed under the International Residential Code.

F. Existing Buildings.

1. All existing buildings of Type V-B construction, except U occupancies and buildings constructed under the IRC, which contain square footage on one or more stories in excess of 400 square feet shall be protected by an approved automatic fire detection system; provided, that all existing buildings of Type V-B construction shall be considered to be V-A construction for purposes of determining the maximum allowable square footage for conformance with the provisions of LMC 9.04.090(E)(1) above. However, existing Type V-B single-family dwelling units, if used for commercial purposes, shall not exceed 1,500 square feet on one or more floors and shall have exterior walls and soffits of one-hour construction if located 10 feet or less from an interior or exterior property line and shall comply with LMC 9.04.090(C).

2. Existing buildings housing Group R-1 and R-2 occupancies shall be equipped with an approved sprinkler system or an automatic fire detection system.

3. Any existing building over 400 square feet which is vacant for a period of 60 days or longer, or any existing structure which has a change in occupancy classification, shall have an automatic fire detection system installed meeting the requirements of new buildings prior to occupancy.

4. Buildings or structures to which additions, alterations, or repairs exceeding 25 percent of the assessed or appraised building value shall comply with all the requirements for new buildings required in LMC 9.04.090(E) above.

G. Type II-B and V-B and Type V Buildings - New and Existing Construction.

1. For the purpose of avoiding the sprinkler requirements of LMC 9.04.090(E), a four-hour firewall is required to divide a building into two or more separate buildings.

2. When an existing Type V-B building over 400 square feet is enlarged, added to, or expanded, such that the total area will exceed 6,000 square feet, then the following shall be required between the existing and new construction in addition to a four-hour firewall.

- a. A firewall shall be constructed of noncombustible material. The wall shall protrude at least three feet beyond the building lateral wall; or
- b. Alternately at the firewall there shall be constructed of noncombustible material an exterior wall extending from the foundation to the roof line, said wall to adjoin the firewall a lateral distance of at least 10 feet; such 10 foot distance may be

wholly on one side of the firewall or divided up on either side of the firewall such that the total distance is at least 10 feet; and

c. When roof projections exist on the building or its additions, then at the joining of the firewall the projected soffit shall be protected for the required distance and shall be of similar construction as outlined in LMC 9.04.090(G)(2)(b) above.

3. A four-hour firewall for Type II-B, II-A and Type V construction shall be defined as follows:

a. Firewalls shall be of noncombustible materials having a fire resistive rating of not less than four hours and shall have sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the firewall itself.

b. The firewall shall begin at the foundation and extend continuously through all stories and shall extend not less than 30 inches above any portion of the roof within 15 feet.

c. Where structural members project into hollow masonry units, the hollow space shall be filled with noncombustible material that is approved by the building official the full thickness of the wall and six inches or more above, between and below such members.

H. Size and Ratings of Protected of Openings.

1. The aggregate width of openings in a firewall shall not exceed 25 percent of the length of the firewall.

2. When a building on either side of a firewall is not sprinklered, no opening in the firewall shall exceed 120 square feet in area with no dimension greater than 12 feet.

3. All openings shall be protected by an approved three-hour automatic-closing fire assembly.

I. All structural steel in any unsprinklered building except Type II-B buildings shall be one-hour protected.

J. Fireplace Shafts. Shafts for fireplace flues in buildings constructed under the International Building Code may be unprotected if all the following items are provided.

1. The shaft is located outside the building wall and is separated from the building by a one-hour separation.

2. Each flue is separated from all other flues by a one-hour separation or in a listed flue with clearances per the listing.

K. Projections. Cornices, architectural appendages, eave overhangs, exterior private balconies and similar projections, extending beyond the floor area as defined in Section 202 of the International Building Code shall be noncombustible, heavy-timber construction or one-hour fire resistive construction, except for U occupancies and buildings constructed under the International Residential Code. No vent openings shall be installed in projecting soffits unless made of galvanized wire screen installed as approved by the city's building official.

**9.04.095 Division IX added – Service stations.**

Repealed by Ord. 1681.

**9.04.100 Section 901.4.1 IFC amended – Sprinkler riser rooms.**

Section 901.4.1 IFC is amended by adding text to read as follows:

Sprinkler riser room(s) shall be located on an outside wall at grade. Such room(s) shall be provided with a door opening to the outside. Such room(s) shall be heated to a minimum of 40° Fahrenheit to prevent freezing. Fire alarm panels shall be located in the sprinkler room.

**9.04.110 Subsection 2204 IFC amended.**

Section 2204 IFC “Supervision of Dispensing Operations - General,” is amended by deleting subsections 2204.3, 2204.3.1-2204.3.5, 2204.3.6 and 2204.3.7 IFC.

**9.04.120 Subsection 109.3 IFC amended – Violation and penalty.**

Section 109.3 IFC as adopted by this chapter is amended to read as follows:

Any person who violates any of the provisions of this Code or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Board of Appeals or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$1000.00 or by imprisonment for not more than 90 days or both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**9.04.130 Severability.\***

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

\*Ord. 1901 § 14, codified as § 15.

**Chapter 9.06  
FIRE LANES**

Sections:

9.06.010 Fire lanes authorized.

9.06.020 Access roadways for newly constructed buildings.

- 9.06.030 Duty to establish.
- 9.06.040 Duty of fire department.
- 9.06.050 Failure to comply – Lien on property.
- 9.06.060 Duty not to obstruct fire lane.
- 9.06.070 Enforcement.
- 9.06.080 Violation – Penalty.

**9.06.010 Fire lanes authorized.**

The chief of the fire department shall determine and specify, after giving notice by mailing to persons whose names appear on the property tax rolls maintained in the Snohomish County assessor's office in connection with said property, and to the current occupier(s) and by posting a copy of said determination upon the premises in a conspicuous place, access roadways of not less than 20 feet of unobstructed width for fire department apparatus and other emergency equipment and personnel. Said lanes are authorized on streets or ways open to the public or where, because of the congregating of people or the stopping, standing, or parking of vehicles, there exists an especially hazardous condition in case of fire or other disaster; provided, building sites which contain more than 100 parking spaces shall be designed with access lanes and fire lanes not less than 20 feet in width, forming a continuous route or loop connecting at both ends with public streets as illustrated in LMC 21.18.700. In parking lots containing less than 100 parking spaces, emergency access shall be provided subject to approval of the fire chief. Emergency access shall be provided to within 50 feet of any multiple-family building; provided further, that if any of these requirements are impractical due to the peculiarities of the site and/or existing buildings, other provisions for emergency access may be approved by the fire chief. The fire chief shall prepare written guidelines for fire access roadways to be kept on file in the office of the finance director.

**9.06.020 Access roadways for newly constructed buildings.**

Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways approved by the fire department with all-weather driving surfaces of not less than 20 feet of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum of 13 feet, six inches of vertical clearance.

Exception: When there are not more than two single-family residential occupancies as defined in the building code, the requirement of this section may be modified when, in the opinion of the chief, firefighting or rescue operations would not be impaired.

A. The access roadway shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building. Where the access roadway cannot be provided, an approved fire protection system or systems shall be provided as required and approved by the chief. (See Fire Lane Guidelines.)

B. Where fire protection systems approved by the fire chief are provided, the above required clearances may be modified. (See Fire Lane Guidelines.)

C. The chief shall have the authority to require an increase in the minimum access widths where such width is not adequate for fire or rescue operations. (See Fire Lane Guidelines.)

**9.06.030 Duty to establish.**

It shall be the duty of any and all owners, occupiers, or others with a possessory interest in any real property to designate and maintain at all times fire lanes determined and specified by the fire chief. Designation and maintenance shall include the installation and maintenance of no-parking signs, and/or other appropriate notice prohibiting obstructions within the fire lane. Such signs and/or other appropriate notice shall be in a format and so placed as approved by regulation of the fire chief. (See Fire Lane Guidelines.)

**9.06.040 Duty of fire department.**

Whenever it comes to the attention of the fire chief or any employee or officer of the fire or police department that a required fire lane has either not been designated or is not being maintained, then such officer or employee shall cause notice to be given to any owner, occupier or others with a possessory interest in said property that failure to designate and maintain a fire lane is in violation of the ordinance codified in this chapter, and that such violation must be corrected within 30 days of the date of such notice, and that in the event such violation continues beyond 30 days, the city may commence enforcement proceedings either by filing an ordinance violation or, in the alternative, to come on the property of the violator and designate and sign the required fire lane.

**9.06.050 Failure to comply– Lien on property.**

Any expense reasonably incurred by the city as a result of the fire department carrying out its duty imposed in this chapter shall become a charge against the owner of the property and a lien against the property. The notice of lien shall be substantially the same as provided by law for lien for labor and materials in the state of Washington, and shall be filed with the same officer within the same time and manner and enforced and foreclosed as is provided by the laws of the state of Washington for liens for labor and materials; provided, the city must give notice as set forth in this section to the owner of said property whose name appears on the property tax rolls of the county prior to commencing the work giving rise to the city's lien on the property.

**9.06.060 Duty not to obstruct fire lane.**

A. It is a traffic infraction for any person to park, stop and/or stand a vehicle, occupied or unoccupied, within a fire lane in violation of this chapter.

B. No person shall obstruct or cause to be obstructed in any manner any fire lanes as authorized herein. No person shall erect or cause to be allowed gates, chains, or other barriers, or security gates on fire lanes unless approved by the fire chief. When any locked gate, barrier or chain has been approved, the owner shall supply a sufficient number of entry keys or key cards to the fire chief.



**9.06.070 Enforcement.**

A. When an infraction of this chapter involving a vehicle exists, the Lynnwood police department is authorized to issue a notice of traffic infraction pursuant to RCW 46.63.030 as is now or hereafter amended.

B. In situations involving an immediate risk or harm to people or property, the Lynnwood police department may impound any vehicle or obstruction found within a fire lane or within 15 feet of any fire hydrant whether on public or private property; provided, such impoundment shall be in accordance with RCW 46.55.113 and the impound provisions of RCW 46.52.120 et seq., as each is now or hereafter amended.

C. Notwithstanding any other provision of this chapter, the chief officers of the city of Lynnwood fire department are authorized and directed to enforce all of the provisions of this chapter. For such purposes they shall have the powers of a police officer.

**9.06.080 Violation – Penalty.**

A. The penalty for a fire lane traffic infraction shall be \$50.00.

B. Except as otherwise provided, any person who violates the provisions of this chapter shall be guilty of a misdemeanor and punished by a fine not to exceed \$350.00.

**Chapter 9.10**

**REGULATIONS FOR USE OF TENTS, CANOPIES AND TEMPORARY MEMBRANE STRUCTURES IN CONNECTION WITH TEMPORARY ACTIVITIES\***

(Superseded by Ord. 2506)

Code reviser's note: See LMC 9.04.014 for provisions regarding tents, canopies, and temporary membrane structures.

**Chapter 9.12  
FIREWORKS**

Sections:

9.12.010 Title.

9.12.020 Definitions.

9.12.025 State statutes and regulations adopted by reference.

9.12.030 Application for annual retail fireworks sales permit.

9.12.040 Investigation and granting of permits – Number issued by city.

9.12.050 Permit required.

9.12.060 License from State Patrol Fire Protection Bureau required.

9.12.070 Cleanup – Cash debris bond.

9.12.100 Fireworks stands – Operators.

9.12.110 Fireworks stands – Compliance with state and local laws and regulations.

9.12.120 Fireworks stands – Additional regulations.

9.12.130 Fireworks – Time of sale and use.

- 9.12.140 Public display of fireworks – Rules – Investigation – Permit.
- 9.12.145 Repealed.
- 9.12.150 Violation – Penalties.
- 9.12.160 Suspension, denial or revocation of permit.
- 9.12.900 Severability.

**9.12.010 Title.**

This chapter shall be known as the “fireworks ordinance” of the city of Lynnwood, and may be cited as such.

**9.12.020 Definitions.**

- A. “Fireworks” means any fireworks as defined in RCW 70.77.126, as now or hereafter amended.
- B. “Common fireworks” means any fireworks as defined in RCW 70.77.136, as now or hereafter amended.
- C. “Special fireworks” means any fireworks as defined in RCW 70.77.131, as now or hereafter amended.

**9.12.025 State statutes and regulations adopted by reference.**

The following statutes and administrative code sections, as now or hereafter amended, are adopted by reference as and for a portion of the fireworks provisions of this city as if set forth in full herein:

**RCW**

- 70.77.255 Acts prohibited without appropriate license.
- 70.77.260(2) Application for public display permit.
- 70.77.285 Public display permit – Bond or insurance for liability.
- 70.77.295 Public display permit – Amount of bond or insurance.
- 70.77.345 Duration of licenses and retail fireworks sales permits.
- 70.77.420 Storage permit required – Application – Investigation – Issuance.
- 70.77.425 Approved storage facilities required.
- 70.77.485 Unlawful possession of fireworks.
- 70.77.488 Unlawful discharge or use of fireworks.

**WAC**

- 212-17-21509 Location of retail fireworks stands.
- 212-17-21511 Area around the retail fireworks stand.
- 212-17-21513 Stand use and construction.
- 212-17-21515 Operation of retail fireworks stands.
- 212-17-21517 Temporary fireworks storage associated with the retail fireworks stand operation.

**9.12.030 Application for annual retail fireworks sales permit.**

A. Application for an annual retail fireworks sales permit shall be made on forms prescribed by the city and shall:

- 1. Be signed by an officer of the corporation, association or other entity who will operate the stand and be submitted to the office of the finance director no later than June 1st of the year for which the permit is desired;

2. Contain the street address and telephone number where any fireworks stock will be stored if not left in the stand, including the name of the person(s) responsible for each storage location;
  3. Set forth the exact location of the fireworks stand for which application is made;
  4. Include a certificate of insurance with the city and the applicant as named insured. Policy limits shall be not less than \$50,000 and \$500,000 for bodily injury liability for each person and occurrence, respectively, and \$100,000 for property damage liability for each occurrence, unless such insurance is not readily available from at least three approved insurance companies. If insurance in this amount is not offered, each fireworks permit shall be covered by a liability insurance policy in the maximum amount offered by at least three different approved insurance companies;
  5. Be accompanied by a permit fee of \$100.00 for each retail sales outlet. In addition, a detailed construction plan of each proposed stand and plot plan shall be submitted with the application, showing parking configurations and traffic lanes, and proposed barricaded or roped-off areas;
  6. Contain an affirmation by the applicant that the applicant shall familiarize all persons working in its retail fireworks stand(s) with the provisions of Chapter 212-17 WAC;
  7. Be accompanied by a cash debris bond in the amount of \$100.00 per stand, conditioned upon the removal of the temporary stand and the cleaning up of all debris and litter from the site and adjoining area of the temporary stand by 11:59 p.m., July 7th, for the Fourth of July selling period; and otherwise as prescribed by the city; and
  8. Be accompanied by a permission letter signed by the property owner, or owner's authorized representative, authorizing the applicant's use of the property for retail fireworks sales.
- B. No person less than 18 years of age may apply for or be issued a permit under this chapter.
- C. Applications which are incomplete or submitted late will not be processed.

**9.12.040 Investigation and granting of permits– Number issued by city.**

- A. Upon receiving an application for a retail fireworks sales permit or other permit authorized under RCW 70.77.260(1), the city fire marshal shall investigate the application and submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the finance director who shall forward a copy of the report to the city council.
- B. The finance director shall be the designee of the city council under RCW 70.77.270, and shall grant the application for a permit if the application meets the standards set forth in the State Fireworks Law, Chapter 70.77 RCW, and the applicable ordinances of the city. The finance director shall grant or deny the application within 30 days of receipt of the application.
- C. There shall be no limitation on the number of retail fireworks sales permits issued within or by the city of Lynnwood; however, each stand shall be

considered a separate business from any other stand and must have a separate permit.

**9.12.050 Permit required.**

A. It is unlawful for any person, firm, partnership, corporation, association or other entity to engage in the retail sale of fireworks, or in any other activity for which a city permit is required under RCW 70.77.255, within the city without first obtaining the appropriated permit from the city.

B. The permit shall be posted in a conspicuous place on or in the retail stand so as to be readily visible from outside the stand.

**9.12.060 License from State Patrol Fire Protection Bureau required.**

It shall be unlawful for any person, firm, partnership, corporation, association or other entity to engage in the retail sale of fireworks within the city of Lynnwood without first obtaining a license from the director of the Washington State Patrol Fire Protection Bureau. The license from the director of the Washington State Patrol Fire Protection Bureau shall be current during all retail sales of fireworks within the city of Lynnwood.

**9.12.070 Cleanup – Cash debris bond.**

The cash debris bond in the amount of \$100.00 per stand shall be returned to the permittee only in the event the permittee removes said temporary stand and cleans up all debris to the satisfaction of the proper officials of the city of Lynnwood; in the event of the permittee's failure to do so, or failure to remove the temporary stand and clean up debris by the time required in LMC 9.12.030, the bond shall be forfeited to the city. The permittee shall also be liable to the city for any cleanup costs plus a 15 percent administrative fee incurred by the city which exceeds the amount of the bond.

**9.12.100 Fireworks stands – Operators.**

No person other than the permittee, permittee's organization or affiliate shall operate the stand for which the permit is issued. At least one adult person 18 years of age or older shall be present at all times in every retail fireworks stand during the hours of sale to the public and shall be responsible for supervision of the retail fireworks stand and its operation. No person, other than customers, under the age of 16 shall be allowed within a retail fireworks stand when it is open to the public.

**9.12.110 Fireworks stands – Compliance with state and local laws and regulations.**

All retail sales of common fireworks shall be permitted only from within a temporary fireworks stand, or other structure which is in compliance with applicable provisions of the state fireworks law, Chapter 70.77 RCW, and administrative regulations promulgated thereunder. The city fire marshal will provide to all fireworks stand permittees a fireworks stand checklist setting forth a summary of certain fireworks stand requirements imposed by state law and city ordinance. Permittees are required to follow and comply with all of the specific

requirements of city and state law, including but not limited to the state fireworks law, Chapter 212-17 WAC, and the provisions of this chapter, as now or hereafter amended.

**9.12.120 Fireworks stands – Additional regulations.**

Fireworks stands shall be subject to the following provisions:

A. A fireworks stand may only be located in a commercial zone established by the city.

B. Temporary, fireworks stands less than 400 square feet need not comply with the provisions of the building code of the city; provided, however, that all stands shall be erected under the supervision of the city fire marshal or his designee, who shall require that those stands be constructed in a manner which shall reasonably ensure the safety of attendants and patrons. Fireworks stands shall be inspected and approved by the city fire marshal or his designee as a condition of, and prior to, opening for business.

C. Fireworks stands shall comply with all provisions of Chapter 212-17 WAC, as now or hereafter amended, including but not limited to, the location of the stands, setback requirements, and siting of the stands, use of the stands and areas around the stands, cleanup of the area around the stands, transportation of fireworks to and from the stands, and temporary storage of fireworks associated with the retail fireworks stands.

**9.12.130 Fireworks– Time of sale and use.**

A. Time of Sale and Use. Except as provided in RCW 70.77.311, and with the permission of the Fire Marshal, no common fireworks shall be sold within the city except from 12:00 noon on July 1st to 10:00 p.m. on July 4th. Discharging of fireworks shall be allowed from 9:00 a.m. until 11:00 p.m. on July 4th only. Except as provided above, the sale or discharge of common fireworks is prohibited.

B. Any person, corporation, association or other entity that is found guilty, pleads guilty or forfeits bail for any violation of this section, shall not be issued a permit under this chapter by the city for a five-year period.

**9.12.140 Public display of fireworks – Rules – Investigation – Permit.**

The city fire marshal shall be authorized to adopt reasonable rules for the issuance or denial of a permit for a public display of fireworks. Following receipt of an application for a permit under RCW 70.77.260(2) for a public display of fireworks, the city fire marshal shall investigate whether the character and location of the display as proposed would be hazardous to property or dangerous to any person. Based on the investigation, the fire marshal shall submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the finance director who shall forward the report to the city council. The city council shall grant the application if it meets the requirements of Chapter 70.77 RCW and this chapter.

**9.12.145 Authority of fire personnel to exercise powers of police officer.**  
Repealed by Ord. 2183.

**9.12.150 Violation– Penalties.**

A. Unless a specific penalty is prescribed in this chapter, anyone who violates any provision of this chapter or any of the conditions of any permit issued hereunder, or who causes another to do so, shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000 and 90 days imprisonment in the city jail.

B. In addition, violation(s) of any of the provisions of this chapter or any of the conditions imposed upon a permit issued hereunder shall subject the permit to suspension or revocation, as provided herein.

C. In addition, or alternatively, violation(s) of any of the provisions of this chapter or any of the conditions imposed upon a permit issued hereunder, shall subject the permittee to a daily civil penalty in the amount provided by LMC 1.01.085.

**9.12.160 Suspension, denial or revocation of permit.**

A. If an application for a retail fireworks sales permit or other permit authorized under RCW 70.77.260(1) is denied, the finance director shall so notify the applicant in writing, indicating the reasons for denial and notifying the applicant of his/her right to appeal by filing with the finance director's office within five days of the denial notice, a written request for a hearing before the finance director or his/her designee, who shall hold a hearing within three city of Lynnwood working days from receipt of the appeal. The applicant shall have the burden of proof. A written decision on the appeal shall be issued within two working days following the hearing.

B. Any permit issued hereunder may be revoked or suspended, as provided herein, by the finance director upon the giving of one day's notice; provided, however, that the fire marshal or designee may suspend or revoke such permit effective immediately whenever necessary to prevent serious injury to person(s), property or the public peace, health, safety or welfare. Written notice of suspension or revocation shall be delivered to the organizer, permittee or to the operator or manager of the activity authorized by the permit.

C. The permittee shall have the right to appeal the suspension or revocation of a permit by filing a written appeal with the finance director no later than the next working day from date of suspension or revocation. A hearing on the appeal shall occur before the finance director or designee on or before the next working day following receipt of the appeal. The permittee shall have the burden of proof. A written decision of the appeal shall be issued no later than the next working day following the hearing. If the finance director or designee determines that the permit should not be revoked or should no longer be suspended, the permit shall be reinstated. The suspension or revocation of the permit shall not be stayed during the pendency of the appeal. In the event that a permit is reinstated, the appeal period shall not extend the time period for which the permit is issued.

D. An appeal from a denial, suspension or revocation of a permit hereunder may, at the option of the city, be consolidated with any related appeal from a denial, suspension or revocation of any other required permit hereunder.

### **9.12.900 Severability.**

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

## **Chapter 9.14 SMOKING IN PUBLIC PLACES**

Sections:

9.14.010 State statute adopted by reference – Smoking in public places.

9.14.020 Smoking prohibited in city buildings and vehicles.

### **9.14.010 State statute adopted by reference– Smoking in public places.**

A. Chapter 70.160 RCW\* relating to smoking in public places is hereby adopted by reference as and for Lynnwood Municipal Code as if set forth in full herein.

B. The amendment, addition or repeal by the Washington Legislature of any section of any of the adopted statutes set forth in subsection (A) of this section shall be deemed to amend this chapter and the statutes contained in this chapter which are adopted by reference in conformity with the amendment, addition or repeal, and it shall not be necessary for the legislative authority of this city to take any action with respect to such addition, amendment or repeal, as provided by RCW 35A.12.140.

\*Ordinance references Session Laws of Washington.

### **9.14.020 Smoking prohibited in city buildings and vehicles.**

Smoking shall be and is hereby prohibited:

A. In all city buildings, offices and vehicles, including those buildings, offices or vehicles owned, rented or leased by the city;

B. Within a distance of 50 feet of any public entrance to any city building; and

C. Within a distance of 25 feet of any employee entrance to any city building;

D. The term “entrance” as used herein includes any doorway, stairway, breezeway, porch or landing leading directly into any building operated by the city and accessible to city employees and/or private citizens;

E. Signage shall be posted in areas where smoking is prohibited prior to enforcement of this section.

## **Chapter 9.16 HYDRANTS**

Sections:

9.16.005 Appendix B of the IFC amended.

9.16.010 Definitions.

9.16.020 Responsibility.

- 9.16.030 Service by water department.
- 9.16.040 Private hydrant installation.
- 9.16.050 Flush type prohibited.
- 9.16.060 Foot valve required.
- 9.16.070 Leads from service main.
- 9.16.080 Location near buildings generally.
- 9.16.090 Intersection installations.
- 9.16.100 Location in single-family residential areas.
- 9.16.110 Location according to fire flow requirements.
- 9.16.120 Port outlets – Valve openings – Barrel drains.
- 9.16.130 Approval of piping, installation required.
- 9.16.140 Pumper port direction.
- 9.16.150 Protection.
- 9.16.160 Replacement.
- 9.16.170 Obstruction prohibited.
- 9.16.180 Compliance required.
- 9.16.190 Installation work performance.
- 9.16.200 Chlorine treatment required.
- 9.16.210 Penalty for violation.

**9.16.005 Appendix B of the IFC amended.**

Appendix B of the IFC is amended by adding the requirements set forth in this chapter.

**9.16.010 Definitions.**

The definitions following are a part of this chapter. Whenever the following terms are used in this chapter they shall have the meaning as defined. The definitions given shall not necessarily be limited to the meaning given herein whenever the term is one of common usage in which case the definition shall be augmented and enlarged by accepted public use of the term.

- A. "Approving authority," for the several conditions of this chapter, means the fire chief.
- B. "Public hydrant" means a fire hydrant so situated and maintained to provide water for fire fighting purposes without restriction as to use. The location is such that it is accessible for immediate use of the fire department.
- C. "Private hydrant" means a fire hydrant so situated and maintained to provide water for fire fighting purposes with restrictions for its use limited to certain defined property or properties. The location may be such that it is not readily accessible for immediate use of the city fire department for other than private property.
- D. "Fire department" means the fire department of the city of Lynnwood and/or any recognized fire department normally responding in the area, to include private fire brigades organized, trained and equipped to protect specified property.
- E. "Commercial and industrial properties" include, but are not necessarily limited to, such risks as: stores, retail and wholesale, warehouses, service stations,



manufacturing facilities, garages, theaters, hotels, motels, restaurants, bars and taverns, banks, show rooms, barber and beauty shops.

F. "Institutional properties" include, but are not necessarily limited to: places of worship, schools, public and private hospitals, nursing homes, lodges and fraternal orders, unless the structure contains a function of a commercial or industrial nature.

G. "Residential properties" means those intended for a purpose of human habitation. Whenever "single-family dwelling" is used herein it also includes the structure known as "duplex," a two-family dwelling. A residence constructed and equipped for occupancy by more than two families shall be defined as "a multifamily dwelling" or "high-density dwelling," the terms being identical in meaning.

H. "Flush type hydrant" means a hydrant installed entirely below grade.

I. "Fire flow" means the amount of water required to extinguish a fire. For the purpose of this chapter the requirement shall be applied by the fire chief whose judgment will be based upon Appendix B, Table B 105.1 IFC.

#### **9.16.020 Responsibility.**

The installation of fire hydrants in accordance with this chapter shall be required of the owner and/or developer of any future business, commercial, institutional or industrial facility, dwelling or dwelling development.

#### **9.16.030 Service by water department.**

All fire hydrants installed as required by this chapter shall be served by the city water department unless conditions warrant a waiver of this provision.

#### **9.16.040 Private hydrant installation.**

The installation of private hydrants as defined herein shall be limited to those cases when the number of public hydrants installed under the distance provisions of this chapter shall be insufficient in number. Private hydrants shall meet city requirements for public hydrants and shall be located as designated by the approving authority. The city shall have the right to go upon the premises and to use the private hydrant for public purposes, including testing, flushing and emergency uses.

#### **9.16.050 Flush type prohibited.**

The installation of flush type hydrants is prohibited.

#### **9.16.060 Foot valve required.**

There shall be a foot valve installed between the service main and the hydrant sufficient to permit the repair and replacement of the hydrant without disruption of water service. The type and style shall be determined by the approving authority. The location of all such valves installed shall be properly and accurately marked on identifiable plans or drawings, two copies of which shall be furnished to the approving authority. This valve shall be furnished with a standard valve box.

**9.16.070 Leads from service main.**

The lead from the service main to the hydrant shall be no less than six inches in diameter. Any hydrant leads over 50 feet in length from the service main to the hydrant shall be no less than eight inches in diameter. The provisions of this section shall apply without exception and regardless of the size of the service main.

**9.16.080 Location near buildings generally.**

All mains on private property serving more than one fire hydrant shall be circulatory and not less than eight inches in diameter. All buildings, except single-family dwellings, that are located so that a portion is more than 200 feet from a street property line, or located at a different elevation than the street shall have fire hydrants located on the property as directed by the fire chief.

**9.16.090 Intersection installations.**

Fire hydrants shall be installed at all intersections in all areas except single-family residential, so that the distance between them shall not exceed 330 feet and if the distance between intersections is over 400 feet, then one hydrant shall be placed halfway between.

**9.16.100 Location in single-family residential areas.**

Fire hydrants shall be so installed in single-family residential areas so that the distance between them shall not exceed 600 feet and shall be installed at street intersections unless otherwise specified by the approving authority. If intersections are over 700 feet apart, an additional hydrant will be placed in between them so as not to be more than 600 feet from hydrants on either side. In addition to the spacing requirements set forth above, hydrants located in cul-de-sac and dead-end areas either by design or by topographic or manmade feature which prohibits straight-line distance measurement shall be located to serve no more than 120,000 square feet. The maximum distance from any front property line to a fire hydrant shall not exceed 300 feet.

**9.16.110 Location according to fire flow requirements.**

Buildings having required fire flow of less than 2,500 gpm (other than buildings of fire-resistive construction) can have fire hydrants on one side of the building only, yet there shall never be less than two fire hydrants available for any building larger than 1,000 square feet of ground area. Location of hydrants protecting buildings requiring fire flows larger than 2,500 gpm shall be determined by the fire chief.

**9.16.120 Port outlets- Valve openings - Barrel drains.**

Standard hydrants shall have two two-and-one-half-inch hose outlets and one four-and-one-half-inch pumper port outlet. All outlet ports shall be national standard thread. The valve opening shall be no less than five inches. The hydrant shall have a positive and automatic barrel drain, shall be Iowa type or equal and

shall be of the "safety" or "break away" style, i.e., when accidentally broken off, water will not flow. All ports shall be capped.

**9.16.130 Approval of piping, installation required.**

Fire hydrants shall be installed to meet sound engineering practices to include concrete blocking and strapping in all cases, and to the approval of the city engineer who shall also approve the selection and use of all pipe, fittings and valves.

**9.16.140 Pumper port direction.**

Hydrants shall stand plumb, be set to the established grade with the lowest outlet of the hydrant no less than 18 inches above the grade and no less than 36 inches of clear area about the hydrant for clearance of the hydrant wrench on both outlets and on the control valve. The pumper port shall face the street. Where the street cannot be clearly defined or recognized, the port shall face the most likely route of approach and location of the fire truck while pumping, to be determined by the approving authority.

**9.16.150 Protection.**

Where needed, the fire chief will require hydrants to be protected by two or more posts, each six inches in diameter by six feet, made either of reinforced concrete or steel, their location to meet the provisions of LMC 9.16.140.

**9.16.160 Replacement.**

If there presently exists fire hydrants which do not conform to the requirements of this chapter, such hydrants when replaced shall be replaced with hydrants which do conform to the standards defined herein. This does not preclude a requirement by proper authority that a deficient hydrant must be replaced should structural conditions of the area change to require a hydrant or hydrants of larger flow capacity.

**9.16.170 Obstruction prohibited.**

No one shall plant any vegetation, erect any structure or perform any action which results in obstructing the view of a fire hydrant for a distance of 50 feet. The owner/occupant of any area in which a hydrant is located shall be responsible for removing weed and tree growth from around the hydrant for a distance of no less than 10 feet. The purpose of this section is to maintain visual area around the hydrant and is in addition to the requirements of LMC 9.16.140.

**9.16.180 Compliance required.**

The passage of this chapter is necessary for the protection of health, safety and welfare of the citizens of the city and to avoid or abate public nuisances. No building permits shall be issued for erection of any building or structure until reasonable proof of intent to comply with this chapter is indicated and the approving authority is satisfied that hydrants are to be and/or can be installed to comply with this chapter.

**9.16.190 Installation work performance.**

The installation of fire hydrants may be accomplished by a recognized contractor, or by payment to the city, work to be accomplished by the water department, either by contract or departmental employees. All installations to be approved by the city engineer.

**9.16.200 Chlorine treatment required.**

Following the installation of fire hydrants, all piping, valves and hydrants shall be treated with chlorine as prescribed by law for installation of any other facility on a potable water system.

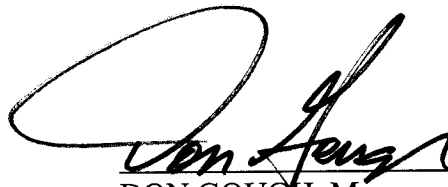
**9.16.210 Penalty for violation.**

Any person who violates this chapter shall be guilty of a misdemeanor and may be punished by a fine of \$5300.00 or by imprisonment in the city jail for a period not to exceed 90 days or by both such fine and imprisonment.

Section 11: Severability: In the event that any section, sentence, clause, or word of the ordinance shall be held unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not be deemed to affect any other section, sentence, clause or word of the ordinance.

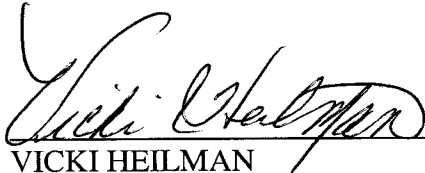
Section 12: Effective Date: This ordinance shall take effect July 1, 2007, which date is more than five (5) days after publication.

PASSED THIS 11th day of June, 2007, and signed in authentication of its passage this 18<sup>th</sup> day of June, 2007.



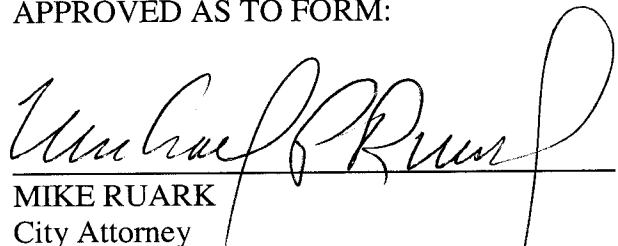
DON GOUGH, Mayor

ATTEST:



VICKI HEILMAN  
Interim Finance Director

APPROVED AS TO FORM:



MIKE RUARK  
City Attorney