

CITY OF LYNNWOOD

ORDINANCE NO. 2840

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING TITLE 9 AND CHAPTERS 15.04, 15.08, 16.04, 16.09 AND 16.10 OF THE LYNNWOOD MUNICIPAL CODE, ADOPTING THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE, THE 2009 EDITION OF THE UNIFORM PLUMBING CODE, THE 2009 EDITION OF THE INTERNATIONAL MECHANICAL CODE, THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE, THE 2009 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE AND THE 2008 EDITION OF THE NATIONAL ELECTRIC CODE; REPEALING LYNNWOOD MUNICIPAL CODE CHAPTERS 16.06 AND 16.07; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, in November 2009, the Washington State Building Code Council adopted the 2009 International Building, Residential, Mechanical and Fire Codes, and the 2009 Uniform Plumbing Code; and

WHEREAS, the City Council desires to update certain chapters of the Lynnwood Municipal Code to conform to the newly adopted State codes which become effective July 1, 2010; and

WHEREAS, the City Council has determined that adoption of the 2009 codes with certain local amendments is in the public interest; NOW THEREFORE

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

Section 1. Amendment. Title 9 of the Lynnwood Municipal Code is hereby amended as follows:

Title 9

FIRE*

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9.10 *Superseded*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. (Ord. 2683 § 10, 2007)

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. (Ord. 2683 § 10, 2007)

9.04.010 Adoption of International Fire Code.

As amended by the provisions of this chapter, the 2009 Edition of the International Fire Code published by the International Code Council, including Appendices B, C, and J as amended by Chapter 51-54 WAC, one copy of which shall be on file in the office of the Lynnwood finance director, is adopted by this reference. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2213 § 1, 1998; Ord. 2040 § 1, 1995; Ord. 1901 § 1, 1992; Ord. 1532 § 1, 1986; Ord. 1382 § 2, 1983)

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.(Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2040 § 2, 1995; Ord. 1901 § 2, 1992)

9.04.013 Section 105 IFC– Fees.

All fees authorized under Section 105 IFC shall be set forth in a fee ordinance adopted, and from time to time amended, by the city council. Fees required for fire permits can be found in Chapter 3.104 LMC. (Ord. 2699 § 18, 2007; Ord. 2683 § 10, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 2506 § 1, 2004; Ord. 213 § 2, 1998; Ord. 2040 § 3, 1995; Ord. 1901 § 3, 1992)

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 tent, canopy, or temporary membrane structure shall not be allowed; except 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 Chapter 5.30 LMC or the time period of any permit issued in connection with such activities, whichever shall occur first. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2040 § 4, 1995; Ord. 1901 § 4, 1992)

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 1.40 and 2.22 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 Chapter 16.50 LMC. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 1901 § 5, 1992)

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.(Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2040 § 5, 1995; Ord. 1901 § 6, 1992; Ord. 1532 § 4, 1986; Ord. 1382 § 5, 1983)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2040 § 6, 1995; Ord. 1901 § 7, 1992; Ord. 1532 § 3, 1986; Ord. 1382 § 4, 1983)

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

A. Subsection 3404.2.9.6 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 3404.2.9.6 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 the provisions of LMC Title 21, 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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2040 § 7, 1995; Ord. 1901 § 8, 1992; Ord. 1532 § 5, 1986; Ord. 1382 § 6, 1983)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2040 § 8, 1995; Ord. 1901 § 9, 1992; Ord. 1382 § 6, 1983)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2040 § 9, 1995; Ord. 1901 § 10, 1992; Ord. 1532 § 7, 1986; Ord. 1382 § 7, 1983)

9.04.070 Appeals.

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2040 § 10, 1995; Ord. 1532 § 8, 1986; Ord. 1382 § 8, 1983)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2040 § 11, 1995; Ord. 1532 § 9, 1986; Ord. 1382 § 9, 1983)

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 5,000 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:

1. For the purpose of determining the required exterior wall and opening protection, buildings on the same property, adjacent property and court walls of buildings shall be separated by 20 feet or shall be 1-hour rated with 45 minute protected openings. (This section replaces IBC Table 705.8.)

2. Exterior Building walls located within 10 feet of the property line or the assumed property line shall be 1-hour rated with 45 minute protected openings. (This section replaces IBC Table 705.8.)

3. 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 occupancies under 1000 square feet and buildings constructed under the International Residential Code (IRC), that are 5,000 square feet or more shall be fully fire sprinkler protected.

D. All type V-A buildings except U occupancies and buildings constructed under the International Residential Code shall have 1-hour rated construction throughout.

E. Maximum Square Footage without Sprinklers.

1. All buildings that have a total square footage on one or more stories of 5,000 square feet or larger and Type V-B buildings over 400 square feet shall be sprinkler protected per section 903.3.1.1 of the International Fire Code (IFC). Where IFC section 903.2 requires sprinkler protection at less than 5,000, those provisions shall also apply.

Exceptions:

a. U occupancies under 1,000 square feet.

b. Open parking garages of Type I-A, Type I B, Type II-A, and Type II-B that do not apply Section 603.1 of the International Building Code in the design.

c. Single Family Residences constructed under the IRC and townhomes less than 5,000 square feet constructed under the IRC.

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 less than 1,000 square feet 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, except U occupancies under 1,000 square feet and buildings constructed under the IFC, 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. New and Existing Construction.

All existing buildings, except U occupancies under 1,000 square feet and buildings constructed under the IRC that are enlarged, added to, or expanded, such that the total area will exceed 5,000 square feet, shall be fire sprinkler protected per section 903.3.1.1 of the IFC.

A firewall shall be constructed meeting all the requirements of the most recently adopted edition of the International Building Code.

H. Size and Protection of Openings in Firewalls.

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2213 § 3, 1998; Ord. 2126 § 1, 1997; Ord. 2040 § 12, 1995; Ord. 1901 § 11, 1992; Ord. 1382 § 11, 1983)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2040 § 13, 1995; Ord. 1901 § 12, 1992)

9.04.110 Subsection 2204 IFC amended.

Section 2204 IFC “Dispensing Operations” is amended by deleting subsections 2204.3, 2204.3.1 – 2204.3.5, 2204.3.6 and 2204.3.7 IFC. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2040 § 14, 1995; Ord. 1901 § 13, 1992)

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 there under, or any certificate or permit issued there under, 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 \$1,000 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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2040 § 15, 1995; Ord. 1901 § 14, 1992; Ord. 1382 § 10, 1983)

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. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2040 § 16, 1995; Ord. 1901 § 15, 1992)

*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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 1042 § 1, 1979)

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.) (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 1042 § 2, 1979)

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.) (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 1042 § 3, 1979)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 1042 § 4, 1979)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 1042 § 5, 1979)

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 an alternate means of access as approved by the fire chief. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 1160 § 1, 1980; Ord. 1042 § 6, 1979)

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 of 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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 1160 § 2, 1980; Ord. 1042 § 7, 1979)

9.06.080 Violation– Penalty.

A. The penalty for a fire lane traffic infraction shall be \$100.00.

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 1160 § 3, 1980; Ord. 1042 § 8, 1979)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 1258 § 2, 1982)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998; Ord. 1395 § 1, 1984; Ord. 1258 §§ 3, 4, 1982)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998; Ord. 1510 § 1, 1986)

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 \$150.00 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 15th, 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. (Ord. 2699 § 19, 2007; Ord. 2683 § 10, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998; Ord. 1463 § 1, 1985; Ord. 1395 § 2, 1984; Ord. 1258 § 5, 1982)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998; Ord. 1258 § 6, 1982)

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 appropriate 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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998; Ord. 1395 § 3, 1984; Ord. 1258 § 7(a), 1982)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998; Ord. 1258 § 7(b), 1982)

9.12.070 Cleanup– Cash debris bond.

The cash debris bond in the amount of \$150.00 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 exceed the amount of the bond. (Ord. 2699 § 20, 2007; Ord. 2683 § 10, 2007; Ord. 2656 §§ 1, 2, 2006; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998; Ord. 1395 § 4, 1984; Ord. 1258 § 7(c), 1982)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998; Ord. 1395 § 7, 1984; Ord. 1258 § 8, 1982)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998; Ord. 1258 § 9, 1982)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998; Ord. 1463, 1985; Ord. 1395 § 8, 1984; Ord. 1258 § 9, 1982)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998; Ord. 1958 § 1, 1993; Ord. 1395 § 9, 1984; Ord. 1258 § 10, 1982)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998; Ord. 1258 § 11, 1982)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998; Ord. 1515 § 2, 1986; Ord. 1395 § 11, 1984; Ord. 1258 § 12, 1982)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2183 § 1, 1998)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 1958 § 3, 1993)

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 the 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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 1491, 1985)

*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. (Ord. 2683 § 10, 2007; Ord. 2568 § 1, 2005)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 1, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 2, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 3, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 4, 1969)

9.16.050 Flush type prohibited.

The installation of flush type hydrants is prohibited. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 5, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 6, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 7, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 8, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 9, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 10, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 11, 1969)

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. The two two-and-one-half inch hose outlets shall be national standard thread and the four-and-one-half inch pumper port outlet shall be a four-and-one-half inch quick-connect Storz outlet. 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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 12, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 13, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 14, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 15, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 16, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 17, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 2045 § 2, 1995; Ord. 453 § 18, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 19, 1969)

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. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 20, 1969)

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 \$500.00 or by imprisonment in the city jail for a period not to exceed 90 days or by both such fine and imprisonment. (Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord. 453 § 21, 1969)

Section 2. Amendment. Lynnwood Municipal Code Chapter 15.04 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.
- 15.04.035 Section 103.3.4 of UPC - Expiration
- 15.04.040 Section 103.4 of the UPC - Plumbing permit fees.
- 15.04.045 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 Chapters 51-56 and 51-57 WAC, the 2009 Edition of the Uniform Plumbing Code less Chapters 12 and 15 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. (Ord. 2683 § 1, 2007; Ord. 2505 § 1, 2004; Ord. 2214 § 1, 1998; Ord. 1896 § 2, 1992; Ord. 1534 § 1, 1986; Ord. 1380 § 1, 1983)

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.

(Ord. 2683 § 1, 2007; Ord. 2505 § 1, 2004; Ord. 2214 § 2, 1998; Ord. 1896 § 3, 1992)

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, commands, 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.

15.04.035 Section 103.3.4 of UPC - Expiration

Section 103.3.4 of the edition of the UPC adopted by this chapter is amended to read as follows:

Section 103.3.4 Expiration. Every permit issued shall expire 18 months after the date of issuance. The Building Official may authorize one 180 day extension.

The request for an extension shall be in writing and submitted before the expiration date of said permit. Justifiable cause for the extension shall be demonstrated.

15.04.040 Section 103.4 of the UPC - Plumbing permit fees.

The edition of the Uniform Plumbing Code adopted by this chapter is amended by deleting therefrom Sections 103.4 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 charged an investigation fee in addition to permit fees.

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

(Ord. 2683 § 1, 2007; Ord. 2505 § 1, 2004; Ord. 2214 § 5, 1998; Ord. 1896 § 6, 1992; Ord. 1534 § 4, 1986; Ord. 1380 § 4, 1983)

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.

(Ord. 2683 § 1, 2007)

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. (Ord. 2683 § 1, 2007)

Section 3. Amendment. Lynnwood Municipal Code Chapter 15.08 is hereby amended as follows:

Chapter 15.08 INTERNATIONAL MECHANICAL CODE

Sections:

15.08.010 Adoption.

- 15.08.015 Definitions.
- 15.08.020 Section 108.4 IMC amended – Violation – Penalty.
- 15.08.025 Section 106.4.3 2009 IMC Amended - Expiration
- 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 2009 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. (Ord. 2683 § 2, 2007; Ord. 2505 § 1, 2004; Ord. 2215 § 1, 1998; Ord. 1895 § 2, 1992; Ord. 1536 § 1, 1986; Ord. 1378 § 1, 1983)

15.08.015 Definitions.

A. 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 his 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.

(Ord. 2683 § 2, 2007; Ord. 2505 § 1, 2004; Ord. 2215 § 2, 1998; Ord. 1895 § 3, 1992)

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, commands, 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.

15.08.025 Section 106.4.3 2009 IMC amended - Expiration

Section 106.4.3 expiration is amended to read as follows:

Every permit issued shall expire 18 months after the date of issuance. The Building Official may authorize one 180 day extension. The extension shall be in writing and submitted before the expiration date of said permit. Justifiable cause for the extension shall be demonstrated.

(Ord. 2683 § 2, 2007; Ord. 2505 § 1, 2004; Ord. 2215 § 3, 1998; Ord. 1895 § 4, 1992; Ord. 1536 § 2, 1986; Ord. 1378 § 2, 1983)

15.08.030 Mechanical permit fees amended.

The edition of the International Mechanical Code adopted by this chapter is amended by deleting the language of Sections 106.5.1, 106.5.2, 106.5.3. 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.

(Ord. 2683 § 2, 2007; Ord. 2505 § 1, 2004; Ord. 2215 § 4, 1998; Ord. 1895 § 5, 1992)

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. (Ord. 2683 § 2, 2007; Ord. 2505 § 1, 2004)

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. (Ord. 2683 § 2, 2007)

Section 4. Amendment. Lynnwood Municipal Code Chapter 16.04 is hereby amended as follows:

**Chapter 16.04
BUILDING CODE**

Sections:

- 16.04.010 Adoption of the International Building Code.
- 16.04.012 Chapter 1 – Administration, Section 101.4 IBC amended – Referenced 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 113 IBC amended – Appeals.
- 16.04.040 Section 114 IBC – Violations and penalties.
- 16.04.050 *Repealed.*
- 16.04.060 Section 105 IBC amended.
- 16.04.065 *Repealed.*
- 16.04.070 Section 105.3 IBC amended – Application for a building permit.
- 16.04.071 Fully complete building permit application defined.
- 16.04.072 Section 105.5 IBC amended - Expiration
- 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 Fees.
- 16.04.105 Section 109.3 IBC amended – Valuation.
- 16.04.108 Section 111.2 – Certificate of occupancy.
- 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 705.5 IBC amended – Exterior walls.
- 16.04.215 Section 705.8 IBC amended – Openings.
- 16.04.220 Section 903.2.IBC amended – Suppression systems.16.04.250 *Repealed.*
- 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 Chapter 51-50 WAC, the International Building Code, 2009 Edition, published by the International Code Council; together with Appendices 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. (Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004; Ord. 2039 § 1, 1995; Ord. 1894 § 1, 1992; Ord. 1533 § 1, 1986)

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.” (Ord. 2683 § 3, 2007)

16.04.015 Definitions.

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

City – City of Lynnwood.

Code – International Building Code.

Exterior Walls – Is any wall or element of a wall, or any member or group of members, which defines the exterior boundaries or courts of a Building or which has a surface in contact with the exterior atmosphere and which has a slope of 60 degrees or greater with horizontal plane.

Fire Code – International Fire Code.

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

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

Jurisdiction – City of Lynnwood.

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

Story – That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see “Basement,” “Mezzanine” and Section 502.1). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. For any portion of a basement intended for human habitation, or for assemblage of people for any purpose, or parking, such basement shall be considered a story only for the purpose of determining maximum allowable areas for the fire sprinkler requirements.

(Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004; Ord. 2039 § 2, 1995; Ord. 1894 § 2, 1992)

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.

(Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004; Ord. 2039 § 3, 1995; Ord. 1894 § 4, 1992; Ord. 1533 § 2, 1986)

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.

(Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004; Ord. 2076 § 19, 1996; Ord. 2039 § 4, 1995; Ord. 1894 § 5, 1992; Ord. 1533 § 3, 1986)

16.04.035 Section 113 IBC amended – Appeals.

Section 113 IBC is deleted in its entirety and replaced with a new Section 113 to read as follows:

113.1 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.

113.2 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.

(Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004)

16.04.040 Section 114 IBC – Violations and penalties.

Section 114 of the edition of the International Building Code adopted by this chapter is deleted in its entirety and replaced with a new Section 114 to read as follows:

114 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, commands, 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.

(Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004; Ord. 2039 § 5, 1995; Ord. 1894 § 6, 1992; Ord. 1533 § 4, 1986)

16.04.050 Section 103 UBC amended.

Repealed by Ord. 2505.

16.04.060 Section 105 IBC amended - Permits.

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.

(Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004; Ord. 2039 § 7, 1995; Ord. 1894 § 8, 1992; Ord. 1533 § 6, 1986)

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.

Section 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 therefor in writing on a form furnished by the city of Lynnwood’s building official for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made;
2. Describe the land on which the proposed work is to be done by legal description and/or parcel number(s). Street address or similar description, if available, shall be provided to readily identify and definitely locate the proposed building or work;
3. Indicate the proposed use or occupancy for which the application is intended;
4. Be accompanied by plans, diagrams, computations, specifications and other data as required by 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.

Subsection.105.3.1 of the edition of the International Building Code 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 been 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).

(Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004; Ord. 2216 § 9, 1998; Ord. 1914 § 1, 1992; Ord. 1894 § 9, 1992)

16.04.071 Section 105.3 IBC amended - 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.

16.04.072 Section 105.5 IBC amended – Expiration.

Section 105.5 of the edition of the International Building Code adopted by this chapter is amended to read as follows:

Section 105.5 Expiration. Every permit issued shall expire 18 months after the date of issuance. The Building Official may authorize one 180 day extension. The request for an extension shall be in writing and submitted before the expiration date of said permit. Justifiable cause for the extension shall be demonstrated.

16.04.075 Section 107.1. IBC amended – Signed, dated, stamped drawings required.

Section 107.1 of the edition of the International Building Code as adopted in this chapter is amended by addition of new paragraphs to read as follows:

Section 107.1. 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.

(Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004; Ord. 2216 § 10, 1998; Ord. 1894 § 10, 1992)

16.04.080 Repealed.

Repealed by Ord. 2039.

16.04.090 Section 109.1 UBC amended.

Repealed by Ord. 2505.

16.04.095 Section 3410 IBC amended - Security deposit required to move or remove building.

Section 3410 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 3410.2. 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.

(Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004; Ord. 2216 § 13, 1998; Ord. 1914 § 4, 1992)

16.04.100 Fees.

Fees shall be set forth in an ordinance adopted and from time to time amended by the city council. (Ord. 2699 § 23, 2007; Ord. 2683 § 3, 2007; Ord. 2588 § 4, 2005; Ord. 2505 § 2, 2004; Ord. 2216 § 14, 1998; Ord. 2039 § 11, 1995; Ord. 1894 § 13, 1992; Ord. 1533 § 9, 1986)

16.04.105 Section 109.3 IBC amended – Valuation.

Section 109.3 of the IBC as adopted by this chapter is deleted and replaced with a new Section 109.3 to read as follows:

The building official shall establish the valuation of construction projects for which fees are 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.

(Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004; Ord. 2216 § 15, 1998; Ord. 2039 § 12, 1995; Ord. 1894 § 14, 1992)

16.04.108 Section 111.2 amended – Certificate of occupancy.

Section 111.2 of the IBC as adopted by this chapter is amended by deletion of the first paragraph and replacement with the following:

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

(Ord. 2683 § 3, 2007)

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 1805 IBC amended – Footings and Foundations.

Section 1805 of the edition of the International Building Code adopted by this chapter is amended by a new subsection to read as follows:

1805.4 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.

(Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004; Ord. 2039 § 16, 1995; Ord. 1894 § 19, 1992; Ord. 1533 § 15, 1986)

16.04.160 Section 3307 IBC amended – Protection of Adjoining Property.

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.

(Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004; Ord. 2039 § 17, 1995; Ord. 1894 § 20, 1992; Ord. 1533 § 17, 1986)

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 705.5 – Exterior walls.

Section 705.5 of the edition of the International Building Code adopted by this chapter is amended to read as follows:

705.5 Fire-Resistive Ratings. Exterior wall's between five feet and ten feet from property lines shall have a minimum fire rating of 1 hour and be rated for exposure from both sides or the more restrictive of Tables 601 and 602. Exterior walls five feet or closer to the property line shall be two hour fire resistive construction and shall be rated for exposure from both sides or per Tables 601 and 602 whichever is the greatest required protection.

16.04.215 Section 705.8 IBC amended - Openings

Section 705.8 of the edition of the International Building Code adopted by this chapter is amended to read as follows:

All openings between five feet through ten feet of a property line or an assumed property line shall be 45 minute rated opening or the more restrictive of Table 705.8.

No openings are allowed within the first five feet of the property line or assumed property line between two structures.

16.04.220 Section 903.2 IBC amended – Automatic sprinkler systems - where required

Section 903.2. of the edition of the International Building Code adopted by this chapter is amended to read as follows:

903.2. Approved automatic sprinkler systems shall be installed throughout all additions or new buildings or structures where the total combined floor area of all floors exceeds 5,000 square feet or the most restrictive of sections 903.2.1 through 903.2.12 shall have a sprinkler system installed throughout per IBC section 903.3 and LMC [9.04.090.E.1](#) (fire code).

Exceptions: Open parking garages of Type IA, Type IB, Type IIA or Type IIB construction, that do not apply Section 603.1 of this code in their design.

(Ord. 2683 § 3, 2007)

16.04.250 Restricting issuance of permits.

Repealed by Ord. 2683. See amended IBC Section 105.3.1.1. (Ord. 2505 § 2, 2004; Ord. 278 § 2, 1966)

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. (Ord. 2683 § 3, 2007; Ord. 2505 § 2, 2004; Ord. 1894 § 23, 1992; Ord. 1533 § 20, 1986)

Section 5. Amendment. Lynnwood Municipal Code Chapter 16.09 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 Chapter 51-51 WAC amended – Moved buildings.
- 16.09.030 Section R104 – Powers and duties of the building official.
- 16.09.040 Section R105 – Permits.
- 16.09.045 Section R105.5 - Expiration
- 16.09.050 Section R108 – Fees and values.
- 16.09.060 Section R109 IRC – Inspections.
- 16.09.065 Section R110.3 – 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 R301.2(1) – Climate and geographical design criteria.
- 16.09.900 Severability.

16.09.010 Adoption.

As amended by this chapter and the State of Washington Building Code Council under Chapter 51-51 WAC, the International Residential Code (IRC) 2009 Edition published by the International Code Council except Chapters 11 and 25-43, 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. (Ord. 2683 § 4, 2007; Ord. 2505 § 6, 2004)

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 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 part of the City related in any manner to the enforcement of this Code by its officers, employees or agents. (Ord. 2683 § 4, 2007; Ord. 2505 § 6, 2004)

16.09.025 Section R102.7.2 of Chapter 51-51 WAC amended – Moved buildings.

Section R102.7.2 of the IRC as adopted by the state of Washington in Chapter 51-51 WAC is amended by deletion of Exceptions 1 and 2 and the last paragraph. (Ord. 2683 § 4, 2007)

16.09.030 Section R104 – Powers and duties of the building official.

Section R104.1 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. (Ord. 2683 § 4, 2007; Ord. 2505 § 6, 2004)

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.

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 been made for compliance with LMC 16.46 (Flood Plains), 17.02 (SEPA), 17.10 (Sensitive Areas) and 19.00 (Platting).

Section 16.09.045 Section R105.5 amended – Expiration.

Section R105.5 Expiration of the IRC as adopted by this chapter is amended by addition of the following:

R105.5 Expiration is amended to read as follows:

Every permit issued shall expire 18 months after the date of issuance. The Building Official may authorize one 180 day extension. The extension shall be in writing and submitted before the expiration date of said permit. Justifiable cause for the extension shall be demonstrated.

16.09.050 Section R108 – Fees and values.

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

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

B. Sections R108.3, R108.4 and R108.5 of the IRC adopted by this chapter are deleted in their entirety. (Ord. 2699 § 24, 2007; Ord. 2683 § 4, 2007; Ord. 2505 § 6, 2004)

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.

(Ord. 2683 § 4, 2007; Ord. 2505 § 6, 2004)

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 replacement with the following:

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

(Ord. 2683 § 4, 2007)

16.09.070 Section R112 IRC – Appeals.

Section R112 IRC is deleted in its entirety and replaced with a new Section R112 to read as follows:

R112.1 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.

R112.2 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.

(Ord. 2683 § 4, 2007; Ord. 2505 § 6, 2004)

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, commands, 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.

(Ord. 2683 § 4, 2007; Ord. 2505 § 6, 2004)

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.

(Ord. 2683 § 4, 2007; Ord. 2505 § 6, 2004)

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.

(Ord. 2683 § 4, 2007)

16.09.900 Severability.

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any section, subsection, sentence, clause, phrase or word of this chapter. (Ord. 2683 § 4, 2007; Ord. 2505 § 6, 2004)

Section 6. Amendment. Lynnwood Municipal Code Chapter 16.10 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
- 16.10.075 Expiration of permits
- 16.10.080 Plan review fees.
- 16.10.090 Electrical permit 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. (Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)

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. (Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)

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. “Hazardous location” means a hazardous location as determined by the City of Lynnwood Building Official pursuant to 2008 NEC Article 100.
- F. “Local zoning code” means the City of Lynnwood Zoning Code, LMC Title [21](#), as amended.
- G. “Municipality” and “the jurisdiction” mean the city of Lynnwood.
- H. 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. (Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)

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 thereof 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 thereof, may be sentenced to up to one year confinement, a \$5,000 fine, or both confinement and fine. (Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)

16.10.050 Codes adopted.

The National Electrical Code issued by the National Fire Protection Association, 2008 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. (Ord. 2683 § 5, 2007; Ord. 2288 § 1, 1999; Ord. 2143 § 1, 1997)

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 code 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 therefore;

- 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.

(Ord. 2683 § 5, 2007; Ord. 2288 § 2, 1999; Ord. 2143 § 1, 1997)

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 and the City of Lynnwood 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.

(Ord. 2683 § 5, 2007; Ord. 2288 § 3, 1999; Ord. 2143 § 1, 1997)

16.10.075 Expiration.

Section 303.4 of the Uniform Administrative Code Provisions is amended and supplemented to read as follows:

303.4 Expiration. Every permit shall expire 18 months after the date of issuance. The Building Official may authorize one 180 day extension. The request for an extension shall be in writing and submitted before the expiration date of said permit. Justifiable cause for the extension shall be demonstrated.

16.10.080 Plan review fees.

Fees shall be set forth in an ordinance adopted and from time to time amended by the city council. (Ord. 2699 § 25, 2007; Ord. 2683 § 5, 2007; Ord. 2588 § 5, 2005; Ord. 2288 § 4, 1999; Ord. 2218 § 1, 1998; Ord. 2143 § 1, 1997)

16.10.090 Electrical permit fees.

Fees shall be set forth in an ordinance adopted and from time to time amended by the city council. (Ord. 2699 § 26, 2007; Ord. 2683 § 5, 2007; Ord. 2588 § 6, 2005; Ord. 2288 § 5, 1999; Ord. 2217 § 2, 1998; Ord. 2143 § 1, 1997)

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. (Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)

16.10.110 Wiring and circuit specifications – New work.

Minimum size of conductors:

- A. In commercial installations, #12 American Wire Gauge copper; control wiring of 24 volts or less are exempt.
- 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. (Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)

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 Chapter 16.14 LMC for underground utilities.

Exception. Repair and/or upgrade of the electrical service of a single family residence with existing overhead service drop.

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. (Ord. 2683 § 5, 2007; Ord. 2288 § 6, 1999; Ord. 2143 § 1, 1997)

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. (Ord. 2683 § 5, 2007; Ord. 2288 § 7, 1999; Ord. 2143 § 1, 1997)

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 eight 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. (Ord. 2683 § 5, 2007; Ord. 2288 § 8, 1999; Ord. 2143 § 1, 1997)

16.10.150 Raceways.

Metal Clad (M.C.) cable used in commercial applications shall not be smaller than # 12 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. (Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)

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. (Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)

16.10.900 Severability.

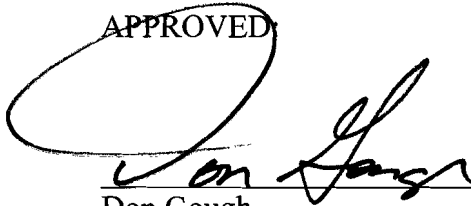
If any section, subsection, sentence, clause, phrase, or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this chapter. (Ord. 2683 § 5, 2007; Ord. 2143 § 2, 1997)

Section 7. Repealer. LMC Chapter 16.06 “Regulations for Barrier- Free Buildings” and LMC 16.07 “Ventilation and Indoor Air Quality Code” are hereby repealed.

Section 8. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.


Section 9. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the 28th day of June, 2010 and approved by the Mayor this 8th day of July, 2010.

APPROVED


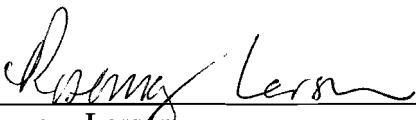
Don Gough
Mayor

ATTEST/AUTHENTICATED:



Pat Dugan
Interim Finance Director

APPROVED AS TO FORM:



Rosemary Larson
City Attorney

PASSED BY THE CITY COUNCIL: 6/28/10
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NUMBER: 2840

1 **MEMORANDUM**

2
3 DATE: June 22, 2010
4 TO: Lynnwood City Council Members
5 FROM: Paul Krauss, Director, Community Development
6 SUBJECT: Adoption of International Code and Related Materials

7
8 **BACKGROUND**

9 The Washington State Legislature adopted a new series of building codes to take effect
10 July 1, 2010. The standard code cycle modification occurs every three years and the
11 last adoption by the City was in 2007. The State Building Code Act requires that each
12 county and municipality adopt minimum code standards. Local modifications may be
13 made provided that local amendments are more restrictive (i.e. cannot be less
14 restrictive) than those passed by the Legislature.

15
16 **DISCUSSION**

17
18 The following local modifications to the Lynnwood Municipal Code are included in this
19 code cycle:

- 20
21
 - 22 ▪ Adoption of Appendix J in the Fire Code.
 - 23 ▪ Clarification in code language in the Fire Code.
 - 24 ▪ An 18 month time limit to complete issued permits.
 - 25 ▪ Clerical adjustments to all code editions to update language.

26 The only other significant change in the Building Codes (Titles 15 and 16) is the creation
27 of a time limit on permits. The intention is to create a maximum time limit for a permit to
28 be active. This will close a loop-hole in the permit process where a permit could be
29 extended for a lengthy period of time to avoid the application of current permitting
30 standards.

31
32 The attached ordinance **does not** include any provision related to requiring fire sprinkler
33 systems in new single family home construction. Based on City Council discussion at the
34 June 21, 2010 work session, this topic will be brought back to a future City Council work
35 session for additional discussion.

36
37 Finally, on June 11, 2010, the State Building Codes Council took action to delay the
38 implementation date of amendments to the Energy Code. An ordinance implementing
39 the Energy Code amendments will be brought back to Council at a later date -- likely this
40 fall or next year pending a final decision on its (Energy Code's) effective date.