

# **CITY OF GRANITE FALLS**

## **ORDINANCE NO. 747-07**

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, REPEALING CHAPTER 15.02 OF THE GRANITE FALLS MUNICIPAL CODE AND REPEALING ORDINANCE NO. 697-04 RELATING TO BUILDING AND OTHER CONSTRUCTION RELATED CODES AND ADOPTING A NEW CHAPTER 15.02 ENTITLED "BUILDING CODE"; ESTABLISHING PENALTIES FOR NONCOMPLIANCE AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS,** Washington statutes require all jurisdictions in the state to adopt by reference and enforce the Building Code throughout Washington; and

**WHEREAS,** Washington established the 2006 International Codes, promulgated by the International Code Council (ICC), as the basis of the new State Building Code pursuant to SHB 1734 and RCW 19.27; and

**WHEREAS,** the exceptions to the International Code are the 2006 Uniform Plumbing Code published by the International Association of Plumbing & Mechanical Officials and the National Electric Code, published by the National Fire Protection Association; and

**WHEREAS,** Washington previously developed an Energy Conservation Code and a code for the elimination of physical barriers to promote accessibility; and

**WHEREAS,** the Washington State Energy Code is a stand alone code while the accessibility provisions reside as a State Amendment to the International Building Code; and

**WHEREAS,** the Washington State Building Code Council on November 17, 2006, voted to adopt the 2006 Editions of the National Model Codes, with some changes to the proposed amendments; and

**WHEREAS,** the recent amendments to the State Building Code became effective July 1, 2007; and

**WHEREAS,** RCW 19.27.060 gives the City authority to amend the codes enumerated in RCW 19.27.031 as they apply within the City's jurisdiction, but such amendments may not result in the code that achieves "less than the minimum performance standards and objectives contained in the State Building Code."

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 15.02 of the Granite Falls Municipal Code is hereby repealed and replaced with a new Chapter 15.02 entitled "Building Code" covering Uniform Codes and fee schedules under Uniform Codes to read as follows:

## Chapter 15.02

### BUILDING CODE

Sections:

- 15.02.010 International Building Code (Chapter 51-50 WAC).
- 15.02.020 Inspections and fees.
- 15.02.030 Building valuation costs.
- 15.02.040 Board of appeals/adjustment.
- 15.02.050 International Residential Code (Chapter 51-51 WAC).
- 15.02.060 International Existing Building Code.
- 15.02.070 International Property Maintenance Code.
- 15.02.080 International Mechanical Code (Chapter 51-52 WAC).
- 15.02.090 Uniform Plumbing Code (Chapter 51-56 WAC).
- 15.02.100 International Fuel Gas Code.
- 15.02.110 Reserved.
- 15.02.120 International Fire Code (Chapter 51-54 WAC).
- 15.02.130 Reserved.
- 15.02.140 Washington State Ventilation and Indoor Air Quality Code (Chapter 51-13 WAC).
- 15.02.150 Washington State Residential Energy Code (Chapter 51-11 WAC).
- 15.02.160 Documents available for public inspection.
- 15.02.170 Enforcement and Penalties.
- 15.02.180 Civil Penalties.

**15.02.010 International Building Code (Chapter 51-50 WAC).**

The International Building Code, 2006 Edition, as published by the International Code Council, together with Sections 101 through 111 of Appendix J, together with all Washington State amendments as contained in Chapter 51-50 WAC, and together with the applicable references to the National Fire Protection Association (NFPA), current edition and as amended, is hereby adopted as modified by GFMC 15.04.020, 15.04.030, and 15.04.040, except that International Building Code Sections 101.4.1 and 101.4.7 are not adopted and Section 105.2 shall be modified to add the following item:

- #14. Platforms not more than 30 inches above the grade plane and not over any basement or story below.

**15.02.020 Inspections and fees.**

Table 1-A (Building Permit Fees) contained in Section 107 of the Uniform Building Code, 1997 Edition, is hereby adopted as the city's schedule of such fees where applicable. Section 108.7 (Other Inspections and Fees) of the Uniform Building Code, 1997 Edition, is hereby adopted as the city's schedule of such fees where applicable and is amended to read as follows:

Reinspection fees assessed under 1997 Uniform Building Code Section 108.8 (Reinspections) shall be in the sum of \$75.00.

**15.02.030 Building valuation costs.**

Permit fees shall be based on building valuation costs from the most current issue of Building Safety Journal as published by the International Code Council.

**15.02.040 Board of appeals/adjustment.**

A. The board of appeals/adjustment for the city shall be as provided in Section 105.1 of the Uniform Building Code, 1997 Edition, which is adopted and amended to read as follows:

Sec. 105.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals/Adjustment consisting of five (5) members appointed by the City Council, who shall hold office at its pleasure, who shall be qualified by experience and training to pass on matters pertaining to building construction, and who are not employees of the City. The Building Official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

B. Whenever the Mayor or his designee disapproves of an application or refuses to grant a permit applied for under the codes adopted by this chapter, or when it is claimed that the provisions of the International Fire Code do not apply or that the true intent and meaning of the International Fire Code has been misconstrued or wrongly interpreted, the applicant may appeal such decision to the board of appeals/adjustment. Appeals shall be submitted and filed with the city clerk within ten (10) working days after said decision.

C. The board of appeals/adjustment to this section shall serve as the board of appeals/adjustment for all building and construction-related codes adopted in this chapter.

**15.02.050 International Residential Code (Chapter 51-51 WAC).**

The International Residential Code, 2006 Edition, as published by the International Code Council, together with all Washington State amendments as contained in Chapter 51-51 WAC, is hereby adopted as modified by GPMC 15.04.020, 15.04.030, and 15.04.040, except that Appendix G is adopted and Sections P2501 through P3201 and E3301 through E4204 are not adopted.

**15.02.060 International Existing Building Code.**

The International Existing Building Code, 2006 Edition, as published by the International Code Council, is hereby adopted.

**15.02.070 International Property Maintenance Code.**

The International Property Maintenance Code, 2006 Edition, as published by the International Code Council, is hereby adopted.

**15.02.080 International Mechanical Code (Chapter 51-52 WAC).**

The International Mechanical Code, 2006 Edition, as published by the International Code Conference, together with all Washington State amendments as contained in Chapter 51-52 WAC, is hereby adopted.

**15.02.090 Uniform Plumbing Code (Chapter 51-56 WAC).**

The Uniform Plumbing Code, 2006 Edition, as published by the International Association of Plumbing and Mechanical Officials, together with all Washington State amendments as contained in Chapter 51-56 WAC, is hereby adopted, except that Table 1-1; Chapter 11, Storm Drainage; and Chapter 12, Fuel Gas Piping, are not adopted. The Uniform Plumbing Code Standards (Appendix 1), 2006 Edition, together with all Washington State amendments contained in Chapter 51-57 WAC, is hereby adopted.

**15.02.100 International Fuel Gas Code.**

The International Fuel Gas Code, 2006 Edition, as published by the International Code Council, is hereby adopted.

**15.02.110 Reserved.**

**15.02.120 International Fire Code (Chapter 51-54 WAC).**

A. The International Fire Code, 2006 Edition, together with Appendices A, B, C, E, F, and G, and together with all Washington State amendments as contained in Chapter 51-54 WAC, is hereby adopted, except that International Fire Code Section 903.2 is hereby amended to include B occupancies.

B. The International Fire Code, 2006 Edition, is hereby amended to define certain terms used in the International Fire Code as follows:

1. "Municipality" or "jurisdiction" shall mean the city of Granite Falls.
2. "Fire chief" or "administrator" shall mean the Mayor or his designee.
3. "Corporation counsel" shall mean the city attorney.

**15.02.130 Reserved.**

**15.02.140 Washington State Ventilation and Indoor Air Quality Code (Chapter 51-13 WAC).**

The Washington State Ventilation and Indoor Air Quality Code, 2006 Edition, contained in Chapter 51-13 WAC, is hereby adopted.

**15.02.150 Washington State Residential Energy Code (Chapter 51-11 WAC).**

The Washington State Residential Energy Code, 2006 Edition, contained in Chapter 51-11 WAC, is hereby adopted.

#### **15.02.160 Documents available for public inspection.**

The codes, appendices, and standards adopted in this chapter shall be filed with the city clerk and a copy thereof made available for use and examination by the public pursuant to RCW 35A.12.140.

#### **15.02.170 Enforcement and Penalties.**

A. Any person who shall violate any of the provisions of this chapter or the codes or standards adopted herein or fail to comply therewith, or who shall violate or fail to comply with any order made hereunder, or who shall build in violation of any statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of appeals/adjustment or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a gross misdemeanor, punishable by a fine of not more than \$5,000.00 or by imprisonment for not more than one year or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or allow it to continue. Each day that a prohibited condition, violation or noncompliance is maintained shall constitute a separate offense subject to a separate fine.

B. At the discretion of the Building Official, a penalty arising under subsection A of this section may be treated and enforced as a civil penalty in accordance with GFMC 15.02.180..

C. The application of any monetary penalty shall not prevent an order or injunction for removal of any prohibited condition(s) or cessation of any violation(s) or noncompliance. All persons shall be required to timely correct or remedy violations, defects or noncompliance with this chapter.

#### **15.02.180 Civil Fines.**

A. Authority. A person who violates any provision of this Chapter, and/or who fails to obtain any necessary permit, and/or who fails to comply with a regulatory order after notice thereof, shall be subject to a civil fine.

B. Amount. A civil fine shall not exceed \$1,000 for each violation. Each separate event, action or occurrence shall constitute a separate violation. Each day a violation continues without correction shall constitute a separate violation. Fines imposed under this section shall continue to accrue until the violation is dismissed or remedied.

C. Notice. A civil fine shall be imposed by a written notice, and shall be effective when served or posted as set forth in GFMC 15.02.180(E). A civil fine may be imposed as part of a regulatory order or as a separate matter. If a civil fine is imposed as a separate matter, the Mayor or his designee shall issue a written notice describing the date, nature, location, and act(s) comprising the violation, the amount of the fine, the authority under which the fine has been issued, and how the fine may be appealed.

D. Collection. Civil fines shall be immediately due and payable upon issuance and receipt of a regulatory order or a notice of civil fine. Subsequent accrual of fines under subsection B of this section shall be due and payable upon such accrual. If remission or appeal of a regulatory order or notice of civil fine is timely sought, fines shall continue to

accrue until issuance of a decision on such remission or appeal by the City Council. If a civil fine remains unpaid 30 days after it becomes due and payable, the Mayor or his designee may take actions necessary to recover the fine, including judicial enforcement or assignment for collection. Civil fines shall be paid into the City's general fund when received.

E. Application for Remission. Any person to whom a Notice of civil fine has been issued may apply in writing to the Mayor or his designee for remission of the fine. Such application which shall concisely state the reasons justifying such remission shall be filed with the City Clerk within five days of the effective date of said Notice. The Notice of the civil fine shall be deemed effective when posted at the location of the violation, and/or delivered to a suitable person at the location, and/or delivered by mail or otherwise to the owner and/or other person having responsibility for the location. The Mayor or his designee shall issue a written decision on the application within five days of receipt. A fine may be remitted in whole or in part only upon a demonstration by the applicant of extraordinary circumstance and a determination by the Mayor or his designee that the fine was excessive or unwarranted under the circumstances.

F. Appeal. A Notice of civil fine may be appealed to the City Council by posting an appeal fee of \$250.00 and delivering for filing with the City Clerk a written request for an appeal containing the following:

1. The name and address of the appellant.
2. A complete copy of the decision being appealed.
3. The name of the body to whom the appeal is directed.
4. A concise statement of appellant's interest and standing in the appeal.
5. A concise explanation describing the specific reasons why the appellant believes the decision to be wrong.
6. The desired outcome of the appeal and/or changes to the recommendation or decision.

G. Administrative Appeal Procedure. The City Clerk shall notify the Mayor, City Council, City Attorney, and other appropriate personnel of the filing of every appeal (whether or not timely filed) and shall forward a copy of the appeal to the appeal body to which it is directed, and shall cause the appeal to be placed on the next regular meeting agenda for scheduling purposes. At the regular meeting at which the appeal is noted, the appeal body shall schedule further action on the appeal as necessary and appropriate to hear and resolve the appeal, including without limitation, study sessions, briefings by staff and/or parties, and argument or hearing dates. The appeal hearing shall be an open record or closed record hearing as appropriate. The appellant shall bear the burden of persuasion by a preponderance of the evidence at the hearing.

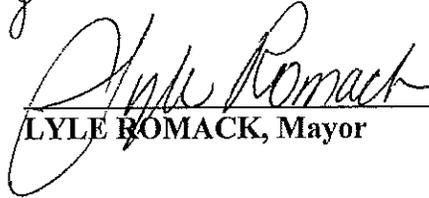
**Section 2. Repealer.** Ordinance No. 697-04 of the City of Granite Falls are hereby repealed in its entity.

**Section 3. 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 4. Publication and Summary.** This Ordinance or summary thereof consisting of the title shall be published in the official newspaper of the City.

**Section 5. Effective Date.** This Ordinance shall be in full force and effect five (5) days' after publication of the summary consisting of the title.

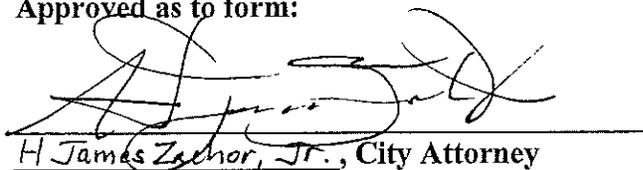
Said Ordinance was passed in open session by the City Council of the City of Granite Falls on the 10 day of July, 2007, and signed in authentication of its passage this 10 day of July, 2007.

  
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LYLE ROMACK, Mayor

Attest:

  
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GERRY JAMES, City Clerk

Approved as to form:

  
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H. James Zaehor, Jr., City Attorney

DATE OF FIRST READING:

7-10-07

DATE OF SECOND READING:

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DATE OF PUBLICATION:

July 18, 2007

EFFECTIVE DATE:

July 23, 2007