

**CITY OF GRANITE FALLS
ORDINANCE NO. 1002-2021**

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, AMENDING
TITLE 15 OF THE GRANITE FALLS MUNICIPAL CODE AND REPEALING
ORDINANCE NO. 913-2016 RELATING TO BUILDING AND OTHER
CONSTRUCTION RELATED CODES 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 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 Department of Enterprise Services (Building Code Council) voted to adopt the 2018 Editions of the National Model Codes, with some changes to the proposed amendments; and

WHEREAS, the recent amendments to the State Building Code will become effective February 1, 2021; 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. Title 15 of the Granite Falls Municipal Code is hereby amended by adopting the revised version of GFMC Title 15, which revised version is set forth in the attached Exhibit A and is incorporated herein by this reference.

Section 2. If any section, subsection, sentence, clause, phrase or word of this ordinance 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 ordinance.


Section 3. Effective Date. This ordinance shall take effect February 1, 2021.

ADOPTED by the City Council and APPROVED by the Mayor this 20th day of January, 2021.

CITY OF GRANITE FALLS

By 
Matthew Hartman, Mayor

ATTEST:

By 
Darla Reese, MMC, City Clerk

APPROVED AS TO FORM:

By 
Thom H. Graafstra, City Attorney
Emily Guildner, City Attorney

Date of First & Last Reading: January 20, 2021

Date of Publication: January 23, 2021

Effective Date: February 1, 2021

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/Hearing Examiner.
- 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 International Swimming Pool and Spa code.
- 15.02.120 International Fire Code (Chapter 51-54 WAC).
- 15.02.130 Reserved
- 15.02.140 Reserved
- 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 Fines.

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

The International Building Code, 2018 Edition, as published by the International Code Council, together with Appendix E, 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 15.02.020, 15.02.030, and 15.02.040, and below in this section.

Section 105.2 shall be revised to add the following items:

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

#15. Replacement of nonstructural siding on IRC structures except for veneer, stucco, or exterior finish and insulation systems (EIFS).

#16. In-kind window replacement for IRC structures where no alteration of structural members is required and which the window U values meet the prescriptive requirements within the Washington State Energy Code.

#17. Job shacks that are placed at a permitted job site during construction may be allowed on a temporary basis and shall be removed upon final approval of construction.

#18. In-kind reroofing of one and two family dwellings provided roof sheathing is not removed or replaced.

Section 105.3.2 shall be revised as follows:

1. Applications for which no permit is issued within 18 months following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law.

2. Applications may be cancelled for inactivity, if an applicant fails to respond to the department's written request for revisions, corrections, actions or additional information within 90 days of the date of request. The building official may extend the response period beyond 90 days.

Section 105.5 shall be revised as follows:

Time limitation on building permits:

1. Every permit issued shall expire two years from the date of issuance. The building official may approve a request for an extended expiration date where a construction schedule is provided by the applicant and approved prior to permit issuance.

2. Every permit that has been expired for one year or less may be renewed for a period of one year for an additional fee as long as no changes have been made to the originally approved plans. For permits that have been expired for longer than one year, a new permit must be obtained and new fees paid. No permit shall be renewed more than once.

15.02.020 Inspections and fees.

All building and other construction code permit fees and charges under this title shall be as established by resolution of the city council.

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/hearing examiner.

(A) Should any code adopted in this chapter provide for an appeal to a board of appeals or board of adjustment, the city of Granite Falls hearing examiner shall serve as the board of appeals or board of adjustment. The decision of the hearing examiner shall be final subject to only (1) an appeal to the Building Code Council where the adopted code provides for such appeal, or (2) an appeal to the Snohomish County superior court in accordance with the Land Petition Act in all other instances.

(B) Whenever the city manager 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 have been misconstrued or wrongly interpreted, the applicant may appeal such decision to the hearing examiner. Appeals shall be submitted and filed with the city clerk within 10 working days after said decision.

(C) The board of appeals/adjustment created pursuant 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, 2018 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 GFMC 15.02.020, 15.02.030, and 15.02.040.

15.02.060 International Existing Building Code.

The International Existing Building Code, 2018 Edition, as published by the International Code Council, is hereby adopted.

15.020.70 International Property Maintenance Code

The International Property Maintenance Code 2018 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, 2018 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, 2018 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 and Chapter 16, Gray Water Systems are not adopted. The Uniform Plumbing Code Standards (Appendix 1),

2015 Edition, together with all Washington State amendments contained in Chapters 51-56 and 51-57 WAC, are hereby adopted.

15.02.100 International Fuel Gas Code.

The International Fuel Gas Code, 2018 Edition, as published by the International Code Council, is hereby adopted.

15.02.110 International Swimming Pool and Spa Code.

The design and construction of swimming pools, spas and other aquatic recreation facilities shall comply with the International Swimming Pool and Spa Code where the facility is one of the following:

- (A) For the sole use of residents and invited guests at a single-family dwelling;
- (B) For the sole use of residents and invited guests of a duplex owned by the residents;
- (C) Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner.

All other "water recreation facilities" as defined in RCW 70.90.110 are regulated under Chapters 246-260 and 246-262 WAC.

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

(A) The International Fire Code, 2018 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 with amendment as provided in subsection (B) below, except that International Fire Code Section 903.2.6 is hereby amended to include B occupancies.

(B) The International Fire Code, 2018 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 City Manager or his designee.
- (3) "Corporation counsel" shall mean the city attorney.
- (4) "Fire marshal" and "fire inspector" shall refer to the Snohomish County fire marshal and inspectors in the employ of Snohomish County and acting under authority of contract/interlocal agreement between the city of Granite Falls and Snohomish County.

(C) The fire marshal and the fire inspector are hereby designated and have authority to enforce the administrative, operational and maintenance provisions of the fire code on conditions and operations arising after the adoption of the ordinance codified in this chapter, and on existing conditions and operations.

(D) Annual Fire Inspection and Associated Fees or Costs.

(1) The following businesses and occupancies are subject to annual inspection for compliance and shall comply with the International Fire Code as adopted by the city:

(a) All businesses requiring a business license under the city code (GFMC Title 5) in the following zones:

- (i) The downtown residential (DT-2,500) zone, GFMC 19.03.070;
- (ii) The multiple residential (MR) zone, GFMC 19.03.080;
- (iii) The central business district (CBD) zone, GFMC 19.03.090;
- (iv) The general commercial (GC) zone, GFMC 19.03.100;
- (v) The heavy industrial (HI) zone, GFMC 19.03.110;
- (vi) The light industrial (LI) zone, GFMC 19.03.120; and
- (vii) The industrial/retail (IR) zone, GFMC 19.03.130; and

(b) Any "multiple-family dwelling" as defined in GFMC 19.02.130, regardless whether a business license is required, and regardless of zone, but so long as it consists of at least three dwelling units. As to such a multiple-family dwelling, the inspection will be as to the common areas, but not as to the individual dwelling unit(s).

(2) Such businesses and occupancies shall be assessed a fee as established by resolution of the city council to defray the cost of such inspection and any reinspections.

(3) Annual Inspection Program.

(a) The initial annual inspection program will be implemented in 2015 and continue yearly thereafter.

(b) All designated businesses and occupancies are intended to be inspected initially before the end of each calendar year.

(E) Right of Inspection and Warrant.

(1) Whenever it is necessary to make an inspection to enforce the provisions of the International Fire Code (the "fire code"), or whenever the fire marshal or fire inspector has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of the fire code which make the building or premises unsafe, dangerous or hazardous, the fire marshal or fire inspector shall have the authority to enter the building or premises at all reasonable times to inspect and perform the duties imposed upon the fire marshal or fire inspector by the fire code. If such building or premises is occupied, the fire marshal or fire inspector shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire marshal or fire inspector shall make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire marshal or fire inspector has recourse to every remedy provided by law to secure entry.

(2) When the fire marshal or fire inspector has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care, or control of the building or premises shall not fail or neglect, after proper request is made, to permit entry therein for the purpose of inspection and examination pursuant to the fire code.

(F) Enforcement Authority. The fire marshal or fire inspector may issue warning notices, citations, notices of violation as provided by this chapter and as a city designated official under Chapter 19.04 GFMC. The fire marshal or fire inspector shall maintain a record of each inspection made, all notices, citations, notices of violation and enforcement actions. The fire marshal shall annually report to the city council concerning the fire inspection system of the city.

15.02.130 Reserved

15.02.140 Reserved

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

The most current version of the Washington State Residential Energy Code, contained in Chapter 51-11 WAC, is hereby adopted. [Ord. 913 § 1 (Exh. A), 2016.]

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 hearing examiner 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 misdemeanor, punishable by a fine of not more than \$5,000 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 subsection (E) of this section. 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 city manager 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 city manager 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 city manager 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 city manager 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 circumstances and a determination by the city manager 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 hearing examiner by posting an appeal fee of \$250.00, if allowed by law, and delivering for filing with the city clerk a written request for an appeal containing the following:

- (1) The name and address of 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 city manager, hearing examiner, 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.