

ORDINANCE NO. 133 -01

AN ORDINANCE RELATING TO BUILDING CODES AND PERMITS; ADOPTING THE 1997 EDITIONS OF THE UNIFORM BUILDING CODE, THE UNIFORM MECHANICAL CODE, AND THE UNIFORM PLUMBING CODE AND THE UNIFORM PLUMBING CODE STANDARDS; ADOPTING THE WASHINGTON STATE REQUIREMENTS FOR BARRIER FREE ACCESS TO BUILDINGS; ADOPTING THE WASHINGTON STATE ENERGY CODE; ADOPTING THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; ADOPTING ADDITIONS, DELETIONS, AND EXCEPTIONS TO THE UNIFORM CODES AS APPROVED BY THE STATE BUILDING CODE COUNCIL; ADOPTING LOCAL AMENDMENTS TO THE ADMINISTRATIVE PROVISIONS OF SAID CODES; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SAID CODES; PRESCRIBING PENALTIES FOR VIOLATIONS; AND REPEALING ALL OR PORTIONS OF ORDINANCE NOS. 106-87, 108-89, AND 112-91

WHEREAS, Section 19.27.031 of the Revised Code of Washington mandates the enforcement of the State Building Code as updated from time to time by the State Building Code Council; and

WHEREAS, effective July 1, 2001, the State Building Code Council did update the State Building Code to include amended versions of the 1997 editions of the uniform codes; and

WHEREAS, it is in the public interest for Wahkiakum County to administer and enforce its Ordinances in a manner consistent with state law;

**NOW, THEREFORE:**

**IT IS HEREBY ORDAINED BY THE BOARD OF WAHAKIAKUM COUNTY COMMISSIONERS, as follows:**

**Section 1.** Wahkiakum County adopts by reference the 1997 edition of the Uniform Building Code, as published by the International Conference of Building Officials, and as last amended on November 17, 2000, or as hereafter amended, by the Washington State Building Code Council, and with the further additions, deletions, and exceptions, contained in Section 2 of this Ordinance.

**Section 2.** Pursuant to Section 51-04-030 of the Washington Administrative Code, Wahkiakum County adopts the following amendments to the Uniform Building Code, 1997, edition:

- (a) The following subsections are added to Section 106.2 relating to work exempt from a building permit:

“12. Unheated and unoccupied Group U Occupancies, Division 1.”

“13. Non-structural maintenance, **PROVIDED, HOWEVER,** any work regardless of its nature, that results in a change in occupancy classification shall require a building permit and shall be subject to inspection.”

(b) Section 106.4.4 is amended to read as follows:

“Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one (1) year from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one (1) year. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plan and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.”

(c) Section 107.2 is amended to read as follows:

“The fee for each permit required hereunder shall be set from time to time by a Resolution adopted by the Board of County Commissioners.”

“The determination of value or valuation under any of the provisions of this Code shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.”

- (d) Section 107.3 is amended to read as follows:

“When submittal documents are required by Section 106.3.2, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be set from time to time by a Resolution adopted by the Board of County Commissioners.”

“The plan review fees specified in this Section are separate fees from the permit fees specified in Section 107.2 and are in addition to the permit fees.”

“When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.3.4.2, an additional plan review fee shall be charged as established by Resolution of the Board of County Commissioners.

- (e) The following subsection is added to Section 215:

“NON-STRUCTURAL MAINTENANCE shall mean the non-structural replacement of materials or parts in a structure or in equipment with an essentially like item when such replacement is for the purpose of keeping the structure or equipment in good condition or working order.”

**Section 3.** Wahkiakum County adopts by reference the 1997 edition of the Uniform Mechanical Code, as published by the International Conference of Building Officials, and as last amended on November 17, 2000, or as hereafter amended, by the Washington State Building Code Council, and with the further additions, deletions, and exceptions contained in Section 4 of this Ordinance.

**Section 4.** Pursuant to Section 51-04-030 of the Washington Administrative Code, Wahkiakum County adopts the following amendments to the Uniform Mechanical Code, 1997, edition:

- (a) The following subsection is added to Section 112.2 relating to Exempt Work:

“6. Non-Structural Maintenance.”

- (b) Section 114.4.1 is amended to read as follows:

“Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one (1) year from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one (1) year. Before such work can be recommenced, a new permit

shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.”

- (c) Section 115.1 is amended to read as follows:

“Fees for permits required hereunder may be set from time to time by a Resolution duly adopted by the Board of County Commissioners.”

- (d) Section 115.2 is not adopted and is therefore deleted from the Code.

- (e) The following subsection is added to Section 216:

“NON-STRUCTURAL MAINTENANCE shall mean the non-structural replacement of materials or parts in a structure or in equipment with an essentially like item when such replacement is for the purpose of keeping the structure or equipment in good condition or working order.”

**Section 5.** Wahkiakum County adopts by reference the 1997 edition of the Uniform Plumbing Code and the Uniform Plumbing Code Standards, as published by the International Conference of Building Officials, and as last amended on November 17, 2000, or as hereafter amended, by the Washington State Building Code Council, and with the further additions, deletions, and exceptions contained in Section 6 of this Ordinance.

**Section 6.** Pursuant to Section 51-04-030 of the Washington Administrative Code, Wahkiakum County adopts the following amendments to the Uniform Plumbing Code, 1997, edition:

- (a) The following subsection is added to Section 103.1.2 relating to exempt work:

“103.1.2.3. Non-Structural maintenance.”

- (b) Section 103.3.4 is amended to read as follows:

“Every permit issued by the Administrative Authority under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one (1) year from the date of such permit, or if the work authorized by such permit is suspended or

abandoned at any time after the work is commenced for a period of one (1) year. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further, that such suspensions or abandonment has not exceeded one year.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Administrative Authority may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

- (c) Section 103.4.1 is amended to read as follows:

“Fees for permits required hereunder may be set from time to time by a Resolution duly adopted by the Board of County Commissioners.”

- (d) The following subsection is added to Section 260:

“NON-STRUCTURAL MAINTENANCE shall mean the non-structural replacement of materials or parts in a structure or in equipment with an essentially like item when such replacement is for the purpose of keeping the structure or equipment in good condition or working order.”

**Section 7.** Wahkiakum County adopts by reference WAC 51-40-1100, Chapter 11, Requirements for Barrier Free Access to Buildings, as adopted by the Washington State Building Code Council pursuant to Chapters 70.92 and 19.27 RCW, as last amended on November 17, 2000, or as hereafter amended, by the Washington State Building Code Council.

**Section 8.** Wahkiakum County adopts by reference the Washington State Energy Code, adopted by the Washington State Building Code Council and as now published in Chapter 51-11 of the Washington Administrative Code, or as hereafter amended by the Washington State Building Code Council.

**Section 9.** Wahkiakum County adopts by reference the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the International Conference of Building Officials and as now or hereafter amended by the Washington State Building Code Council.

**Section 10.** The Public Works Director of Wahkiakum County, or his designees, is hereby appointed and designated as the official responsible for the enforcement and administration of this Ordinance.

**Section 11.** Enforcement of this Ordinance shall not be construed for the particular benefit of any individual person or group of persons, other than the general public. Nothing in this Ordinance or the codes adopted by reference herein shall be construed to impose any legal duty, directly or indirectly, upon the County of Wahkiakum or any of its officials, employees, or contractors, to protect the individual persons or property in individual circumstances. In the event of a conflict between the intent of this section and any other section or sub-section of this Ordinance, this section shall govern insofar as applicable.

**Section 12.** Any person, firm, or corporation violating any of the provisions of this Ordinance, including the provisions of any code adopted by reference herein, or failing to comply therewith or violating or failing to comply with any order issued or made pursuant to its provisions, shall severally and for each and every violation and non-compliance respectively, be guilty of a misdemeanor. Any person so convicted shall be punished for each offense by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

**Section 13.** The imposition of one penalty for a violation of this Ordinance shall not excuse the violation or permit it to continue. Any person, firm, or corporation shall be required to correct such violations or defects. Each week after notice of violation to such person, firm, or corporation shall constitute a separate offense unless time for correction is otherwise expressly extended in writing by the official enforcing this Ordinance. **PROVIDED**, that where such official has ordered any work, occupancy, or condition, stopped or corrected immediately, or, has revoked or suspended any permit or certificate, each and every day that such work, occupancy, or condition continues or is permitted to continue shall constitute a separate offense.

**Section 14.** The owner, lessee, or tenant of any building, structure, premises, or part thereof, or any employee, agent or other person, who commits, authorizes, participates in, assists in, or who maintains, after notice, a violation of this Ordinance may be found guilty of a separate offense and be punished as provided in Section 12 of this Ordinance.

**Section 15.** In addition to any criminal proceedings brought to enforce this Ordinance, and in addition to any fine or imprisonment provided for herein, continuing violations of this Ordinance may be enjoined or ordered abated in a civil proceeding for injunction or for abatement commenced in the Superior Court for Wahkiakum County. For purposes of abatement actions, such violations are hereby declared to be public nuisances. Any person, firm, or corporation violating the provisions of this Ordinance shall be liable for all costs of such proceedings, including reasonable attorneys fees and expenses of abatement. The provisions of this Section are in addition to any other remedies available at law or equity.

**Section 16.** The invalidity of any Section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

**Section 17.** Sections 1(A), 1(B), 1(D), and 1(E), 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, and 15 of Ordinance No. 106-87, Sections 1, 2, 3, 4, 5, 6, and 7 of Ordinance No. 112-91, and Ordinance No. 108-89, and Sections 30.04.010, 30.04.020, 30.04.030, 30.04.040, 30.04.050, 30.04.060, 30.04.120, 30.04.130, 30.04.140, 30.04.150, 30.04.160, 30.04.170, and 30.04.180 of the Revised Code of Wahkiakum County, are each hereby repealed.

**Section 18.** The Ordinance provisions repealed by this Ordinance are repealed except with respect to rights and duties which matured, penalties which were incurred, and proceedings which were begun prior to the effective date of this Ordinance.

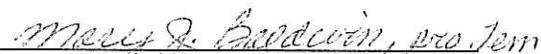
**Section 19.** This Ordinance shall be in full force and effect from and after the 15<sup>th</sup> day of October, 2001.

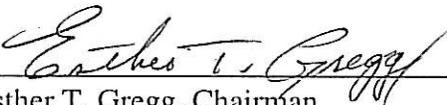
**Section 20.** This Ordinance shall be codified in the Revised Code of Wahkiakum County as part of Chapter 30.04.

**DULY PASSED AND ADOPTED FOLLOWING PUBLIC HEARINGS THEREON**  
this 9<sup>th</sup> day of October, 2001.

**BOARD OF COUNTY COMMISSIONERS  
OF WAHKIAKUM COUNTY, WASHINGTON**

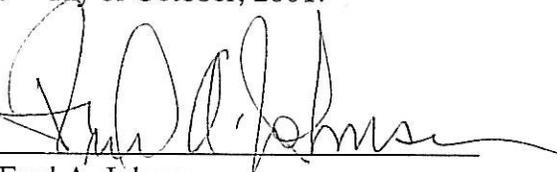
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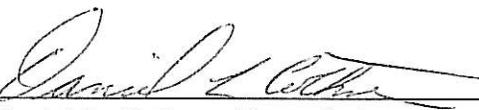
  
Holly A. Pfenniger  
Clerk of the Board

  
Esther T. Gregg, Chairman

**APPROVED AS TO FORM** this  
9<sup>th</sup> day of October, 2001:

  
George A. Trott, Commissioner

  
Fred A. Johnson  
Prosecuting Attorney

  
Daniel L. Cothren, Commissioner