

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: July 23, 2007

SUBJECT: Adoption of the 2006 Washington State Building Codes

PROPONENT: Community Development Services Department

PREPARED BY: Community Development Services Department

AGENDA LOCATION: Comments/Communications ☐ Consent ☐ Committee Reports ☐
Unfinished Business ☐ Council Action Items ☐ Public Hearing ☐ Standing Committees ☐

ATTACHMENTS:

- Ordinance 07-2671
- Exhibit A

REQUEST: Request approval of amendments.

BACKGROUND:

The International Codes are designed and promulgated to be adopted by reference by ordinance. Adoption of this ordinance regulates and governs the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such structures in the City of Blaine; and provides for the issuance of permits and collection of fees.

DISCUSSION:

The Washington State Building Code Council on November 17, 2006 voted to adopt the 2006 Editions of the International Code Council's model codes, with some changes to the proposed amendments. The Council also adopted changes to the Washington State Energy Code and Ventilation and Indoor Air Quality Code for the current editions. Amendments to the 2003 Editions will carry over to the 2006 Editions unless noted as a proposed change. Those amendments include:

- 1) Amendments to the 2006 International Building Code (includes amendments to IEBC (International Existing Building Code) as Appendix M)
- 2) Amendments to the 2006 International Residential Code (includes adoption of Appendix F)
- 3.) Amendments to the 2006 International Mechanical Code (includes International Fuel Gas Code, NFPA 54 and NFPA 58)
- 4) Amendments to the 2006 International Fire Code
- 5) Amendments to the 2006 Uniform Plumbing Code
- 6) Amendments to the current edition of the Washington State Energy Code

7) Amendments to the current edition of the Washington State Ventilation and Indoor Air Quality Code

RCW 19.27 is known as the State Building Code. The purpose of this code is to promote the health, safety and welfare of the occupants or users of buildings and structures and the general public by the provisions of building codes throughout the state. RCW 19.27.031 states there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

- 1) The 2006 International Building Code (IBC)
- 2) The 2006 International Residential Code (IRC)
- 3.) The 2006 International Mechanical Code (IMC), except that standards for LPG shall be:
LPG installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases
and ANSI Z223.1/NFPA 54 National Fuel Gas Code
- 4) The 2006 International Fire Code (IFC)
- 5) The 2006 Uniform Plumbing Code and Uniform Plumbing Code Standards

BUDGET IMPLICATIONS:

N/A

RECOMMENDATION:

Staff recommends that the Council approve the adoption of Ordinance 07-2671, effective upon signature of the Mayor by July, 2007.

REVIEWED BY:

City Manager _____ Finance Dir. _____ City Clerk _____

COUNCIL ACTION:

☐ Approved ☐ Denied ☐ Tabled/Deferred ☐ Assigned to: _____

COUNCIL ACTION: _____

ORDINANCE NO. 07-2671

AN ORDINANCE OF THE CITY OF BLAINE, WASHINGTON, AMENDING THE BLAINE MUNICIPAL CODE, TITLE 15 BUILDING AND CONSTRUCTION; CHAPTER 15.04 BUILDING CODES AND CHAPTER 15.05 WASHINGTON STATE ENERGY CODE; REPEALING ORDINANCES IN CONFLICT; ESTABLISHING PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, Washington statutes require all jurisdictions in the state to adopt by reference and enforce the same 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 RCW 19.27. The exceptions to the International Codes are the 2006 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials and the National Electrical 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 changes to the proposed amendments;

NOW, THEREFORE, the City Council of the City of Blaine, Washington, do ordain as follows:

Section 1. Findings of fact:

1. Adoption of the 2006 International Building Code (IBC) and the 2006 International Fire Code (IFC) is a state mandated requirement.
2. Adoption of the IBC will insure a consistent set of building standards with those of other cities and Counties in Washington State.
3. Adoption of the IBC updates minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire and life safety.
4. The IBC includes standards and requirements in terms of performance and nationally accepted standards.
5. The IBC permits the use of modern technical methods, devices and improvements.
6. The IBC eliminates restrictive, obsolete, conflicting, duplicating and unnecessary regulations and requirements which could unnecessarily increase construction costs or retard the use of new materials and methods of installation or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction.
7. The IBC provides for standards and specifications for making buildings and facilities accessible to and usable by physically disabled persons.

Section 2. Chapter 15.04 and 15.05 of the Blaine Municipal Code is hereby amended as set forth in **EXHIBIT A**, which is attached hereto.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance shall 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. Effective date. This ordinance shall be in full force and effect upon the date of the Mayor's signature, during the month of July 2007.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON on the ____ day of _____, 2007, and approved by the Mayor on the same day.

CITY OF BLAINE, WASHINGTON

Mike Myers
Mayor

ATTEST/AUTHENTICATE:

APPROVED AS TO FORM:

Sheri Sanchez
City Clerk

Jon Sitkin
City Attorney

EXHIBIT A

**AMMENDMENTS TO THE BLAINE MUNICIPAL CODE, TITLE 15, BUILDING AND
CONSTRUCTION; CHAPTER 15.04, BUILDING CODES AND CHAPTER 15.05,
WASHINGTON STATE ENERGY CODE.**

**Chapter 15.04
BUILDING CODES**

15.04.010 - Adoption of Referenced Codes.

The City of Blaine hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27.031 for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties:

- 1 a). The **2006 International Building Code** published by the International Code Council, Inc. (IBC) as contained in Chapter 51-50 WAC. The following Appendix is specifically adopted:

Appendix I, Patio Covers.

- b). The **2006 International Residential Code** published by the International Code Council, Inc. (IRC) as contained in Chapter 51-51 WAC. The following Appendices are specifically adopted:

Appendix A (IFGC), Sizing and Capacities of Gas Piping.

Appendix B (IFGC), Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use and Type B Vents.

Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.

Appendix F, Radon Control Methods.

Appendix H, Patio Covers.

Appendix J, Existing Buildings and Structures.

2. The **2006 International Mechanical Code** published by the International Code Council, Inc. (IMC) as contained in Chapter 51-52 WAC, except that the standards for liquefied petroleum gas installations shall be the 2004 Edition of NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and 2006 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

3. Except as provided in RCW 19.27.170, the **2006 Uniform Plumbing Code (UPC) and Uniform Plumbing Code Standards**, as contained in Chapter 51-56 and Chapter 51-57 WAC, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, that any provisions of such code affecting sewers or fuel gas piping are not adopted; and the rules adopted by the Washington State Building Code Council establishing standards for making buildings and facilities accessible to and usable by the physically disabled or elderly persons as provided in RCW 70.92.100 through 70.92.160.

4. The **2006 International Fuel Gas Code** as published by the International Code Council, Inc. (IFC).

In case of conflict among the codes enumerated in subsections 1, 2, 3, and 4 of this section, the first named code shall govern over those following.

5. The **Washington State Energy Code, current edition, with all Washington State amendments as contained in** Chapter 51-11 WAC.

6. The **1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings** published by the International Conference of Building Officials, Whittier California.

8. The **2006 International Property Maintenance Code** as published by the International Code Council, Inc.

**15.04.020. General Requirements for all Referenced Codes:
Reserved**

15.04.030 Conflict between Codes. Whenever there is a conflict between a Referenced Code in Section 15.04.010 of this code and the General Requirements contained in Section 15.04.030 of this code, the General Requirements shall apply.

All references to the Uniform Building Code (UBC) or the 2003 International Building codes which may exist in the Blaine Municipal Code shall be interpreted to refer to the 2006 International Building Codes.

15.04.040 Design Requirements:

Ground Snow Load *	Wind Speed (Gust)	Seismic Design Category	Weathering	Frost line depth	Termites	Decay	Winter Design Temp	Ice Shield Underlay	Flood Hazards	Air Freeze Index	Mean Annual Temp
25lbs/ft ²	85 mph	D-1	Moderate to Severe	18"	None to Slight	None to slight	22 °	No	2003 1992 FIRM		51°

* Minimum roof snow load to be 30 lbs/ft² in the City of Blaine.

15.04.050 Professional Preparation of Plans. Unless otherwise determined by the Building official, the City of Blaine shall require a Washington licensed design professional, licensed under the provisions of RCW 18.08 , WAC 308-12 or RCW 18.43 to prepare or oversee the preparation of plans for any building or structure containing five or more residential dwelling units or doing design work including preparing construction contract documents and administering the contract for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy over four thousand square feet of construction.

15.04.060 Construction Plans. All submitted construction documents must be of sufficient detail to show the entire project with emphasis on the following:

- Structural integrity
- Life safety
- Architectural barriers (ADA handicap compliance)
- Compliance with all codes having jurisdiction
- Scope of work
- Special Inspection requirements and protocols.
- Deferred Submittal Schedule

In general, the amount of detail required will vary, depending on the nature and complexity of the project.

**15.04.070 Permits.
Reserved.**

15.050.080 Ownership. The property owner shall be the owner of a Blaine Building Permit. An agent for the owner must provide written authorization from the owner before the city will accept a building permit application.

15.04.090 Expiration of Permits. All permits shall expire by limitation and be declared void if a) work is not started within 180 days of obtaining a permit, or b) work is abandoned for 180 days or more after beginning work, or c) after two years from the date of permit issuance, regardless of whether the work is finished. If a permit is expired for time, a new permit may be Issued at the discretion of the Building Official upon payment of a re-activation fee as listed in the City of Blaine Uniform Fee Schedule.

15.04.100 Referenced Codes. All referenced codes are available for review at the City of Blaine Community Development Office.

15.04.110 Building Permit Fees. All Blaine Permit fees shall be established by a City of Blaine Resolution and may be found in the Uniform Fee Schedule, updated on an annual basis.

Project valuation. The applicant for a permit shall provide an estimated project value at the time of application. Project valuations shall include the total value of the work, including materials and labor, for which the permit is being issued. The project valuation shall be set by the Building Official. The valuation shall be based on the most recent Building Valuation Data, Square Foot Construction Costs, published by the International Code Council or the actual value of the work, whichever is higher.

Plan Review Fee. The plan review fee shall be a minimum of sixty five percent (65%) of the total Building Permit fee.

15.04.120 Investigation Fees: Work without a Permit.

1. **Investigation.** Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
2. **Fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in City of Blaine Uniform Fee Schedule. This fee is an additional, punitive fee and shall not apply to any Blaine Grading or Building Permit Fee that may subsequently be issued. Payment of the investigative fee does not vest the illegal work with any legitimacy, nor does it establish any right to a Blaine Permit for continued development of that project. If the work done remains illegal for 90 days after service of the Stop Work Order, it shall be considered hazardous.
3. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

15.04.130 Fee Refunds.

1. The Building Official may authorize the refunding of:
 - a. 100% of any fee erroneously paid or collected.
 - b. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
 - c. Up to 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
2. The Building Official shall not authorize refunding of any fee paid except on written

application filed by the original permittee not later than 180 days after the date of fee payment.

15.04.140 2006 International Residential Code - Reserved

15.04.150 2006 International Mechanical Code -Reserved.

15.04.160 2006 Uniform Plumbing Code – Reserved

15.04.170 2006 International Fuel Gas Code - Reserved.

15.04.180 Washington State Energy Code, Current Edition - Reserved.

15.04.190 1997 Uniform Code for the Abatement of Dangerous Buildings

15.04.200 Dangerous Buildings. Add additional definitions of a dangerous building:

19. Drug Properties and Structures. It is hereby declared that any building, structure and/or associated property, identified by the City of Blaine Chief of Police, wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public, such building, structure and/or associated property is not only a dangerous property as defined by the City of Blaine but is also a classification of property calling for the special procedures set forth in this section. The Building Official is authorized to abate such dangerous buildings, structures, and/or associated properties in accordance with the dangerous building procedures set forth in this code and Washington statute, RCW 64.44.010, with the following modifications:

19.1. Due to public safety hazard in drug production facilities, the utilities shall be disconnected;

19.2. Building(s) and structures shall be inspected to determine compliance with all city ordinances and codes;

19.3. Building(s) and any entry gates to the property shall be secured against entry in the manner set forth in this code;

19.4. No reconnection of utilities or occupancy of the building(s), structures or property shall be allowed until all violations have been successfully addressed, all dangerous conditions abated and a notice of release for re-occupancy has been received from the health department and sheriff's office; and

19.5. If dangerous conditions cannot be abated, occupancy shall be prohibited. Resolution of said property shall be in conformance with RCW 35.80A.010, Condemnation of blighted property.

20. Blighted Property. In conformance with RCW 35.80A.010, the City of Blaine may acquire by condemnation, in accordance with the notice requirements and other procedures for condemnation provided in Title 8 RCW, any property, dwelling, building, or structure which constitutes a blight on the surrounding neighborhood. A "blight on the surrounding neighborhood" is any property, dwelling, building, or structure that meets any two of the following factors:

20.1 If a dwelling, building, or structure exists on the property, the dwelling, building, or structure has not been lawfully occupied for a period of one year or more;

20.2 the property, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the executive authority of the City of Blaine or the designee of the executive authority; or

20.3 the property, dwelling, building, or structure is or has been associated with illegal drug activity during the previous twelve months. Prior to such condemnation, the City of Blaine City Council shall adopt a resolution declaring that the acquisition of the real property

described therein is necessary to eliminate neighborhood blight. Condemnation of property, dwellings, buildings, and structures for the purposes described in this chapter is declared to be for a public use.

15.04.210 The 2006 International Property Maintenance Code - Reserved.

15.04.220 Violation--Misdemeanor. Any person who violates or fails to comply with any of the provisions of this chapter, or who violates or fails to comply with any City order, or who builds in violation of any detailed statement of specifications or plans submitted and approved by the City, or by a court of competent jurisdiction, within the time fixed therein, is for each and every violation or failure to comply, guilty of a misdemeanor. The imposition of a criminal penalty shall not excuse the violation or permit it to continue and shall not be held to prevent the enforced removal of prohibited conditions. Violation fees shall be contained in the Uniform Fee Schedule.

15.04.230. Appeals. All appeals of any Building Official decision, order or determination relative to the application and interpretation this chapter shall be made in conformance with the Chapter 17.06.180.

Chapter 15.05 WASHINGTON STATE ENERGY CODE

15.05.010 Adopted.

This chapter adopts the the current edition of the Washington State Energy Code and the the current edition of the Ventilation and Indoor Air Quality Code as enacted by the Washington State Building Code Council and filed in the Washington Administrative Code.

15.05.020 Severability.

If any section or provision of this chapter or the Energy Code or the Ventilation and Indoor Air Quality Code, or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter or the codes adopted thereby.