

ORDINANCE NO. 1998-07-051

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 17.08 RELATING TO TECHNICAL CODES, REGULATIONS AND STANDARDS FOR BUILDING CONSTRUCTION AND ADOPTING, BY REFERENCE, THE 1997 EDITION OF THE UNIFORM BUILDING CODE, RELATED STANDARDS, ALL AS MODIFIED BY WASHINGTON ADMINISTRATIVE CODE CHAPTER 51-40; THE 1997 UNIFORM HOUSING CODE, AND THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, ALL PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, EXCEPT AS MODIFIED HEREIN; AND REPEALING ORDINANCE 10639.

WHEREAS, RCW 19.27, as amended by Chapter 360, Laws of 1985, requires cities to enforce the State Building Code; and

WHEREAS, the State Building Code Council has updated and amended the State Building Code by adopting the 1997 Edition of the Uniform Codes with modifications; and

WHEREAS, local adoption of the above-named codes will promote and protect the health, safety and welfare of the general public and fulfill the state-mandated enforcement obligation; and

WHEREAS, local amendments to the State Building Code which affect single family or multifamily residential buildings, as defined therein, except Chapters 1, 17 and 34 of the Uniform Building Code, must be reviewed and approved by the State Building Code Council under RCW 19.27.074(1)(b);

WHEREAS, a copy of each code herein adopted by reference has been placed on file with the Finance Director for use by the public,

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Ordinance No. 10639 and Chapter 17.08 of the Bellingham Municipal Code are repealed in their entirety, and a new Chapter 17.08, entitled Building Codes, is added to the Bellingham Municipal Code as set forth below.

17.08.010 PURPOSE - ADOPTION BY REFERENCE.

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, nor to identify and protect any particular class of persons. The purpose of this chapter is to provide minimum standards to safeguard life or limb, health or property, construction and public welfare, by

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regulating and controlling building and related work thereto. It is not the intent of this chapter to impose liability upon the city for failure to perform any discretionary act. Rather, it is the intent of this chapter to place the obligation of complying with its requirements upon the owner and/or contractor. Nothing contained in this chapter shall be construed to relieve from or to lessen the responsibility or liability of any person or persons for injury or damage to persons or property caused by or resulting from any defect of any nature in any construction work performed by said person or any construction equipment owned, controlled, operated or used by the contractor; nor shall the city, or any officer, agent, or employee thereof incur or be held as assuming any liability by reason or in consequence of any permission, certificate of inspection, inspection or approval authorized herein, or issued or given as herein provided, or by reasons or consequence of any things done or acts performed pursuant to the provisions of this chapter.

Except as amended by this chapter, the following codes, published by the International Conference of Building Officials, are hereby adopted by reference:

- A. The 1997 Edition of the Uniform Building Code (UBC), Volumes 1, 2 and 3, and Appendix Chapters 15 and 34, all as modified by WAC Chapter 51-40;
- B. The 1997 Edition of the Uniform Housing Code (UHC);
- C. The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings (UCADB);

Also adopted by reference, except as amended in this chapter, are the 1997 Edition of the Washington State Energy Code, WAC 51-11, the 1995 Edition of the Washington State Ventilation and Indoor Air Quality Code, WAC 51-13, and the Washington State Historic Building Code, WAC 51-19.

17.08.020 MOVED BUILDINGS AND TEMPORARY BUILDINGS - UBC §3103 AMENDED.

Section 3103 of the Uniform Building Code, 1997 Edition, is hereby amended to read as follows:

3103 Temporary Buildings or Structures. Temporary buildings or structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

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Temporary structures may also be allowed when used to shelter the regular occupants of another building during repairs or remodeling. The building official may impose conditions on the installation of such temporary structures as are necessary to protect the safety of its occupants and neighbors. In no event shall the use of temporary structures in this context exceed 6 months from the date of installation, unless an extension made necessary by delays beyond the control of the responsible parties, is allowed by the building official. A building permit for the installation of a temporary structure shall be obtained prior to the performance of any installation work.

17.08.030 MOVED BUILDINGS.

Section 3404 of the Uniform Building Code, 1997 Edition, as amended by WAC 51-40 shall be amended to add the following language:

3404. No person or persons shall move any building into or within the city unless, prior to moving, said building is inspected for compliance with all applicable city codes and ordinances. The cost of said inspection fee shall be payable in advance and shall not be refundable. The inspection fee shall be based upon the following schedule:

	<u>FEE:</u>
When located inside the city limits	\$50.00
When located outside the City of Bellingham but within Whatcom County	\$50.00 plus mileage at a rate of \$.25 per mile over 15 miles.

17.08.040 APPEALS - UBC §105.1 AMENDED.

Section 105.1 of the Uniform Building Code, 1997 Edition, is amended to read as follows:

105.1 General. As provided in BMC 2.63, the Board of Code Appeals is authorized to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code.

17.08.050 PERMITS REQUIRED - UBC §106.1 AMENDED.

Subsection 106.1 of the Uniform Building Code, 1997 Edition, is hereby amended to read as follows:

106.1 Permits Required. Except as specified in Section 106.2 of this section, no building, structure, parking facility or parking lot regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building, structure, parking facility or parking lot has first been

obtained from the building official.

17.08.060 PERMIT FEES - UBC §107 AMENDED.

Subsection 107.2 of the Uniform Building Code, 1997 Edition, is hereby amended to read as follows:

107.2 Permit Fees. The fee for each permit shall be as set forth in Table 1-A, which is hereby amended to read as shown in Exhibit "A" attached hereto.

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, and any other permanent equipment.

17.08.070 PLAN REVIEW FEES - UBC §107.3 AMENDED.

Subsection 107.3 of the Uniform Building Code, 1997 Edition, is hereby amended to read as follows:

107.3 Plan Review Fees. 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 65% of the building permit fee as shown in "Exhibit A".

The plan review fee is separate from and in addition to the permit fees established in Section 107.2.

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 at the rate shown in "Exhibit A".

Whenever the building official determines that plan review services of another agency, such as the International Conference of Building Officials, are necessary due to the complexity or other unusual nature of the plans, the plan review fee shall be increased by ten percent.

Whenever the applicant demonstrates to the satisfaction of the building official that the submittal documents are certified to be in compliance with the applicable building codes, by a design professional who is certified as a Plans Examiner by the International Conference of Building Officials, the plan review fee shall be reduced by 25 percent.

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17.08.080 INVESTIGATION FEE - UBC §107.5.2 AMENDED.

Subsection 107.5.2 of the Uniform Building Code, 1997 Edition, is hereby amended to read as follows:

107.5.2 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, or \$100, whichever is greater. Payment of the investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

17.08.090 AUTOMATIC FIRE EXTINGUISHING SYSTEMS - UBC §904.2.2 AMENDED.

Subsection 904.2.2 of the Uniform Building Code, 1997 Edition, is hereby amended by the addition of new paragraphs to read as follows:

6. In all buildings where the required fire flow, as established by the Uniform Fire Code, equals or exceeds 3,500 gallons per minute.

7. Under combustible piers or pilings which have more than 5,000 square feet of area over water and which have solid decking 25 feet or more in width.

17.08.100 AUTOMATIC FIRE EXTINGUISHING SYSTEMS - UBC §904.2.3 AMENDED.

Subsection 904.2.3 of the Uniform Building Code, 1997 Edition, is hereby amended by the addition of a new subsection 904.2.3.9 to read as follows:

904.2.3.9. Over-water construction. An automatic sprinkler system shall be installed throughout and under any Group A occupancy supported in any part by piers or pilings and which extends over water.

EXCEPTION: Under-pier sprinkler protection may be omitted when the entire pier or piling structure and deck are built of non-combustible Type I or Type II construction.

17.08.110 AUTOMATIC FIRE EXTINGUISHING SYSTEMS - UBC §904.2.9 AMENDED.

Subsection 904.2.9 of the Uniform Building Code, 1997 Edition, is hereby amended by the addition of a new paragraph to read as follows:

904.2.9 Group R, Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every apartment house with three or more floors or containing 16 or more dwelling

units, every congregate residence with three or more floors or having an occupant load of 20 or more, and every hotel with three or more floors or containing 20 or more guest rooms. Residential or quick-response standard sprinklers shall be used in the dwelling units and guest room portions of the building. An automatic sprinkler system shall be installed throughout and under any Group R, Division 1 occupancy having more than four dwelling units and which is supported in any part by piers or pilings and which extends over water.

EXCEPTION: Under-Pier sprinkler protection may be omitted when the entire pier or piling structure and deck are built of non-combustible Type I or Type II construction.

17.08.120 DANGEROUS BUILDINGS, APPEALS - UCADB CHAPTER 5 DELETED.

Chapter 5, Appeal, of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is hereby deleted entirely.

17.08.130 DANGEROUS BUILDINGS, ADMINISTRATION - UCADB §201.1 AMENDED.

Subsection 201.1 of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is hereby amended to read as follows:

201.1 Administration. Whenever the term "building official" is used in this code it shall include both the building official and the fire marshal. Whenever the term "housing advisory" or "Board of Appeals" is used in this code it shall be construed to mean the Board of Code Appeals of the City of Bellingham. Whenever the term "city clerk" or "city treasurer" is used in this code, it shall be construed to mean the Finance Director of the City of Bellingham.

Both the building official and the fire marshal shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as either of them 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.

17.08.140 HOUSING CODE, ADMINISTRATION - UHC §203.1 AMENDED.

Section 203.1 of the Uniform Housing Code, 1997 Edition, is hereby amended to read as follows:

203. Whenever the term "Housing Advisory and Appeals Board" is used in this code, it shall be construed to mean the Board of Code Appeals of the City of Bellingham. Whenever the term "city clerk" or "city treasurer" is used in this code, it shall be construed to mean the Finance Director of the City of Bellingham.

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Section 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this code or ordinance adopted herein is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction or the State Building Code Council, such decision shall not affect the validity of the remaining portions of this ordinance or the code.

Section 3. Savings Provision. Nothing contained in this ordinance shall be construed as having retroactive effect. Acts, omissions and rights shall be governed by the ordinances in effect at the time the acts or omissions occurred or rights accrued.

The repeal of prior ordinances herein shall not affect any right existing or accrued or any act or proceeding commenced prior to the effective date of this ordinance.

Section 4. Effective Date. This ordinance shall become effective July 28, 1998.

PASSED BY COUNCIL this 13th day of July, 1998.

Bob Ryan
Council President

APPROVED BY ME this 26th day of July, 1998.

Mark Henderson
Mayor

Attest:

Dyan Carpenter
Finance Director

Approved as to form:

La Steward
Office of the City Attorney

Published: July 24, 1998

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**EXHIBIT "A"
UNIFORM BUILDING CODE
BUILDING PERMIT FEES**

<u>TOTAL VALUATION</u>	<u>PERMIT FEE</u>
\$0 to \$500	\$25
\$501 to \$2,000	\$25 for the first \$500 plus \$2.25 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$56.25 for the first \$2,000 plus \$9 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$263.25 for the first \$25,000 plus \$6.75 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$432 for the first \$50,000 plus \$4.50 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$657 for the first \$100,000 plus \$3.60 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$2,097 for the first \$500,000 plus \$3.15 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$3,672 for the first \$1,000,000 plus \$2.70 for each additional \$1,000 or fraction thereof

OTHER INSPECTIONS AND FEES

1.	Inspections outside of normal business hours (minimum charge 2 hours)	\$50.00 per hour*
2.	Reinspection fees assessed under provisions of Section 108.8	\$50.00 per hour*
3.	Inspections for which no fee is specifically indicated (minimum charge 1/2 hour)	\$50.00 per hour*
4.	Additional plan review required by changes, additions to revisions to approved plans (minimum charge 1/2 hour)	\$50.00 per hour*

*Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

OTHER PERMITS

1.	Demolition Permit	\$50.00
2.	Water Quality Permit	\$50.00

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CITY OF BELLINGHAM WASHINGTON

ORDINANCE NUMBER: 1998.07.051

COUNCIL BILL NUMBER: 12400

AGENDA BILL NUMBER: 13624

1ST/2ND READING/INTRODUCTION: 7.6.98

3RD/FINAL READING: 7.13.98

PUBLISHED: 7-24-98

CC: LEGISLATIVE COORDINATOR
 LEGAL SECRETARY
 ITSD (TO SCAN)

OTHER: Linda - ISS
BSD
J. Guncsols - Div