

**ORDINANCE NO. 2005-12-095**

**AN ORDINANCE OF THE CITY OF BELLINGHAM ADOPTING THE 2003 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.**

**WHEREAS**, RCW 19.27.031 requires cities to adopt and enforce the State Building Code; and

**WHEREAS**, the State Building Code includes the International Building Code, 2003 Edition, with modifications; and

**WHEREAS**, in June 2004, City Council adopted by reference the International Building Code, 2003 Edition, with modifications; and

**WHEREAS**, the International Building Code, 2003 Edition, adopts by reference the International Property Maintenance Code, 2003 Edition; and

**WHEREAS**, the International Property Maintenance Code, 2003 Edition, regulates the conditions and maintenance of all property, buildings and structures by providing (1) the standards for supplied utilities and facilities and other physical improvements and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; (2) for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures; and (3) for the issuance of permits and collection of fees therefore; and

**WHEREAS**, the City Council desires to affirm and clarify that when it adopted the International Building Code, 2003 Edition, by reference in June 2004, it also adopted the International Property Maintenance Code, 2003 Edition; and

**WHEREAS**, the City of Bellingham's adoption of the International Property Maintenance Code, 2003 Edition, will promote and protect the health, safety and welfare of the general public and fulfill the City's state-mandated enforcement obligation; and

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1.** A new Bellingham Municipal Code Chapter 17.50 entitled "Property Maintenance Code" is created to read as follows:

**17.50.010 Purpose**

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

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individuals, nor to identify and protect any particular class of persons. It is not the intent of this chapter to impose liability on 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 of Bellingham 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.

#### **17.50.020 Adoption by Reference**

The International Property Maintenance Code, 2003 Edition, as published by the International Code Council, is adopted by reference as the Property Maintenance Code of the City of Bellingham, as revised by this chapter. A copy of the document is on file in the office of the Finance Director for the City of Bellingham. The Code regulates the conditions and maintenance of all property, buildings, and structures by providing the standards for supplied utilities and facilities and other physical improvements and conditions essential to ensure that structures are safe, sanitary, and fit of occupation and use. The Code provides for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures.

#### **17.50.030 Revisions**

The following sections and chapters of the International Property Maintenance Code, 2003 Edition, are revised as follows:

**Section 101.1 Title.** These regulations shall be known as the Property Maintenance Code of the City of Bellingham, hereinafter referred to as "this code."

**Section 102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Existing Building Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of Bellingham Municipal Code Title 20 - Land Use Development.

**Section 103.1 General.** The Permit Center within the Planning and Community Development Department is responsible for property maintenance inspection and the official responsible for enforcement of the provisions of this code shall be the Building Official.

**Section 103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be in accordance with the schedule as established by the City by resolution.

**Section 111 Means of Appeal.** Any person directly affected by a decision of the Building Official or a notice or order issued under this code shall have the right to appeal to the Board of Code Appeals in accordance with BMC Chapter 2.63.

**Section 201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the referenced standards listed in Chapter 8, such terms shall have the meaning ascribed to them as in those standards.

**Section 304.14 Insect Screens.** Every door, window, and other outside opening required for ventilation of food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

**Section 505.1 General.** All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water in accordance with the Uniform Plumbing Code.

**Section 602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F in all habitable rooms, bathrooms and toilet rooms based upon the outdoor design temperature for the City of 17° F.

**Section 602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms.

**Exceptions:**

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is

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operating at its full design capacity. The winter outdoor design temperature for the City of Bellingham is 17° F.

- 2. In areas where the average monthly temperature is above 30° F (-1° C) a minimum temperature of 65° F (18° C) shall be maintained.

**Section 602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65° F (18° C) during the period the spaces are occupied.

**Exceptions:**

- 1. Processing, storage and operation areas that require cooling or special temperature conditions.
- 2. Areas in which persons are primarily engaged in vigorous physical activities.

**Section 604.2 Service** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with Bellingham Municipal Code Chapter 17.16 - Electrical Code.

**Chapter 8 REFERENCED STANDARDS**

This chapter lists the standards that are referenced in various sections of this code. The application of the referenced standards shall be as specified in Section 102.7.

<u>Title</u>	<u>Referenced in code section number</u>
Bellingham Municipal Code Chapter 17.16 - Electrical Code . . . . .	201.3, 604.2
International Building Code . . . . .	201.3, 401.3, 702.3, 702.4
International Existing Building Code . . . . .	101.3, 102.3, 201.3
International Fire Code . . . . .	201.3, 702.1, 702.2, 704.1, 704.2
International Mechanical Code . . . . .	201.3
Uniform Plumbing Code, 2003 Edition . . . . .	201.3, 505.1
Bellingham Municipal Code Title 20 - Land Use Development . . . . .	102.3, 201.3

**Section 2.** Bellingham Municipal Code Section 2.63.060 is amended as follows:

**2.63.060 - Powers Designated**

The board shall have the power and jurisdiction to receive and rule on appeals from any administrative decision concerning the building and technical codes and regulations, together with local amendments, which are adopted in Chapters 17.108, 17.16, 17.20, 17.3024, 17.40 and 17.5044 of the Bellingham Municipal Code, as now or hereafter amended, except for decisions relating to the administrative provisions of these codes.


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**Section 3. Severability.** If any section, subsection, sentence, clause, phrase, or portion of any 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.

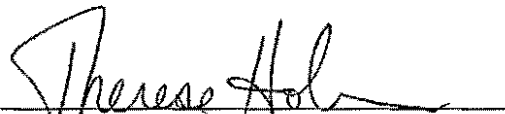
**PASSED** by the Council this 5TH day of DECEMBER, 2005.

  
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Council President

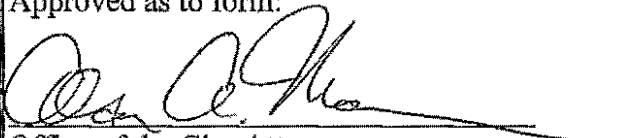
**APPROVED** by me this 14th day of Dec, 2005.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Finance Director

Approved as to form:

  
\_\_\_\_\_  
Office of the City Attorney

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