

ORDINANCE NO. 2007-07-056

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE SECTIONS 17.05.010, 17.10.010, 17.30.010, AND 17.40.010, REPEALING SECTIONS 17.50.010, 17.50.020, AND 17.50.030, AND ADOPTING NEW SECTIONS 17.50.010 AND 17.50.020 TO ADOPT BY REFERENCE THE 2006 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, WASHINGTON STATE ENERGY CODE, WASHINGTON STATE VENTILATION AND INDOOR AIR QUALITY CODE, AND UNIFORM PLUMBING CODE AS AMENDED, AS SET FORTH HEREIN.

WHEREAS, RCW Chapter 19.27 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 International Codes, 2006 Edition, with modifications; and

WHEREAS, the local adoption of the referenced 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, must be reviewed and approved by the State Building Code Council under RCW 19.27.074(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. The title of Bellingham Municipal Code Chapter 17.05 is amended to read as follows: "Purpose of Chapters 17.10, 17.30, 17.40, and 17.50".

Section 2. Bellingham Municipal Code Section 17.10.010 is amended as set forth below:

17.10.010 ADOPTION BY REFERENCE

Except as amended by this chapter, the following codes, published by the International Code Council, are hereby adopted by reference:

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- A. The International Building Code, 2006 Edition, (IBC) as amended by WAC 51-50;
- B. The International Residential Code, 2006 Edition, (IRC) as amended by WAC 51-51;
and
- C. The International Existing Building Code, 2006 Edition, (IEBC).

Also adopted by reference, except as amended in this chapter are the Washington State Energy Code, 2006 Edition, as adopted by WAC 51-11, and the Washington State Ventilation and Indoor Air Quality Code, 2006 Edition, as adopted by WAC 51-13.

Section 3. Bellingham Municipal Code Section 17.30.010 is amended as set forth below:

17.30.010 ADOPTION BY REFERENCE

Except as amended by this chapter, the following codes, published by the International Code Council, are hereby adopted by reference:

- A. The International Mechanical Code, 2006 Edition, (IMC) as amended by WAC 51-52; and
- B. The International Fuel Gas Code, 2006 Edition, (IFGC) as amended by WAC 51-52.

Section 4. Bellingham Municipal Code Section 17.40.010 is amended as set forth below:

17.40.010 ADOPTION BY REFERENCE

Except as amended by this chapter, the Uniform Plumbing Code, 2006 Edition, published by the International Association of Plumbing and Mechanical Officials, as amended by WAC 51-56, is hereby adopted by reference.

Section 5. Bellingham Municipal Code Section 17.50.010 is repealed in its entirety and a new Section 17.50.010 is adopted to read as is amended as set forth below:

17.50.010 ADOPTION BY REFERENCE.

Except as amended by this chapter, the International Property Maintenance Code, 2006 Edition, published by the International Code Council, as amended by WAC 51-50 is hereby adopted by reference.

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Section 6. Bellingham Municipal Code Section 17.50.020 is repealed in its entirety and a new Section 17.50.020 is adopted to read as is amended as set forth below:

17.50.020 - 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 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 203 Dangerous Building. In addition to any other specific standard provided by this code, any building or structure which has any or all of the defects or condition set forth and described in this section shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, safety of occupants or property, or of the public are endangered.

1. Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
2. Whenever the walking surface of any floor, aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic;

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3. Whenever the stress in any materials, member or portions thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose, or location;
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location;
5. Whenever any portion, member, appurtenance of any building or ornamentation on the exterior thereof is likely to fail, to become detached or dislodged, or to collapse due to size, or is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a normal wind pressure of one-half of that specified for new buildings of similar structure, purpose or location without exceeding the working stresses permitted for such buildings, connections, fasteners or attachment.
6. Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
7. Whenever the building or structure, or any portion thereof, because of (A) dilapidation, deterioration, or decay; (B) faulty construction; (C) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (D) the deterioration, decay, or inadequacy of its foundation; or (E) any other cause, is likely to partially or completely collapse;
8. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
9. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plum line passing through the center of gravity does not fall inside the middle one-third of the base;
10. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its enclosing or outside walls or coverings;
11. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become

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(A) an attractive nuisance to children, or (B) freely accessible to persons for the purpose of committing unlawful acts;

12. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure, provided by the building regulations of this city, or of any law or ordinance of this state or city relating to the condition, location, or structure of buildings;
13. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the enforcement authority to be unsanitary, unfit for human habitation, or in such condition that it is likely to cause sickness or disease;
14. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the Building Official or Fire Marshal to be a fire hazard;
15. Any property, building, or structure which constitutes a nuisance as defined in BMC Sec. 10.28.
16. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months, OR whenever any building or structure being constructed is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

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.

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Section 502.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F in all habitable rooms, bathrooms and toilet rooms based upon the outdoor design temperature for the City of 17 degrees 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 guest room 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 degrees F (20 degrees 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 operating at its full design capacity. The winter outdoor design temperature for the City of Bellingham is 17 degrees F.
2. In areas where the average monthly temperature is above 30 degrees F (-1 degree C) a minimum temperature of 65 degrees F (18 degrees 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 degrees F (18 degrees 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.

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Title	Referenced in Code Section Number
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 7. Bellingham Municipal Code Section 17.50.030 is repealed in its entirety.

Section 8. 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.

Section 9. 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.

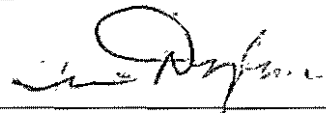
Section 10. Effective Date. This ordinance shall become effective August 1, 2007.

PASSED BY COUNCIL this 16th day of July, 2007.



 Council President

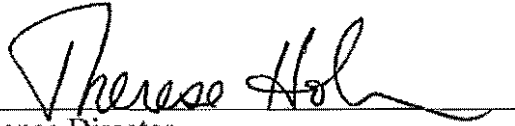
APPROVED BY ME this 19th day of July, 2007.



 Mayor

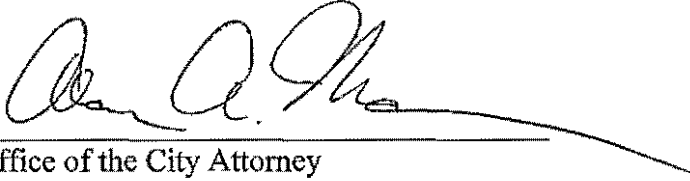
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Attest:



Finance Director

Approved as to form:



Office of the City Attorney

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