ORDINANCE NO. 1407

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the City's Buildings and Construction Code; reenacting Title 14 of the Des Moines Municipal Code (DMMC); adopting by reference, as amended herein, excepted or added to, the latest editions of the International Building Code, International Residential Code, International Property Maintenance Code, International Fire Code, International Mechanical Code, National Fuel Gas Code, International Fuel Gas Code, Liquefied Petroleum Gas Code, Washington State Energy Code, Washington State Ventilation & Indoor Air Quality Code, Washington State Historic Building Code, National Electrical Code, and Uniform Plumbing Code; re-establishing general rules for administration and enforcement of the codes, adopting Sound Control Requirements, a Land Clearing, Filling, and Grading Code, a Flood Hazard Areas Code, a Mobile Home Park Regulation Code, a Building Transportation Code, a Sewage Disposal Systems Code, a Protective Parking Devices Code, and regulations for street names and building addresses; repealing the previously codified provisions of Title 14 and underlying ordinances; providing penalties; providing for severability; and establishing an effective date.

WHEREAS, the current Buildings and Construction Code for the City of Des Moines consists of more than 40 ordinances, and

WHEREAS, such ordinances were enacted over a period of time since 1959, and

WHEREAS, a number of provisions contained in the City's Buildings and Construction Code need updating in order to be consistent with the State Building Code, and

WHEREAS, RCW 19.27.031 mandates that all cities use and enforce the State Building Code adopted by the State Building Code Council, and

WHEREAS, effective July 1, 2007, the State Building Code Council adopted the 2006 editions of the International Building Code, International Residential Code, International Fire Code, International Mechanical Code, Uniform Plumbing Code, Washington State Energy Code, Washington State Ventilation and Indoor Air Quality Code, and Washington State Historic Building Code, and

WHEREAS, the City Council finds that it is in the public interest to amend the City's Building and Construction Code, Title 14 DMMC, as provided by the provisions of this ordinance; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

TITLE 14

BUILDINGS AND CONSTRUCTION

Sec. 1. Re-enactment of Title 14, entitled Buildings and Construction. The City Council hereby reenacts Title 14 to

the Des Moines Municipal Code, entitled Buildings and Construction, as modified herein.

Sec. 2. Short title. This title is known as and may be referred to as the "Buildings and Construction Code."

Sec. 3. Purpose. The purpose of this ordinance is to regulate buildings and construction within the City and to promote the public health, safety, and general welfare.

Sec. 4. Adoption by reference. The following codes, standards, rules, and regulations, as amended, added to, or excepted in this ordinance, are adopted by reference as presently constituted or as may be subsequently amended, added to, or excepted as though fully set forth in this ordinance:

(1) Chapter 51-50 WAC - International Building Code (IBC);

(2) Chapter 51-51 WAC - International Residential Code (IRC);

(3) Chapter 51-54 WAC - International Fire Code (IFC), including the Appendices to Chapters B and C;

(4) Chapter 51-52 WAC - International Mechanical Code (IMC);

(5) Chapter 51-52 WAC - National Fuel Gas Code (NFPA 54);

(6) Chapter 51-52 WAC - International Fuel Gas Code;

(7) Chapter 51-52 WAC - Liquefied Petroleum Gas Code (NFPA 58);

(8) Chapter 51-11 WAC - Washington State Energy Code;

(9) Chapter 51-13 WAC - Washington State Ventilation & Indoor Air Quality Code (VIAQC);

(10) Chapter 51-29 WAC - Washington State Historic Building Code;

(11) Chapter 296-46B WAC Sections 010-900 (1)-(7), (10)-(12) and 901 (1)-(13), (16)-(17) - National Electrical Code (NEC);

(12) Chapter 51-56 WAC - Uniform Plumbing Code.

Not less than one copy of each such code, standards, rules, and regulations, in the form in which it was adopted, and suitably marked to indicate amendments, additions, deletions and exceptions as provided in this ordinance, shall be filed in the Building Official's office and be available for use and examination by the public.

Administration and Enforcement

Sec. 5. Chapter scope. This chapter establishes the administrative, organizational, and enforcement rules and regulations for the adopted technical codes as amended, added to, and excepted in this ordinance.

Sec. 6. Definitions.

(1) **Use of words and phrases.** As used in this ordinance, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(2) "Action" means a specific response complying fully with a specific request by the jurisdiction.

(3) "Building service equipment" means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.

(4) "Complete response" means an adequate response to all requests from City staff in sufficient detail to allow the application to be processed.

(5) "DMMC" means the currently adopted edition of the Des Moines Municipal Code.

(6) "Existing building" means a building erected prior to the adoption of this code, or one for which a legal building permit has been issued and approved.

(7) "Marquee" means a permanent roofed structure attached to and supported by the building, providing protection from the weather elements, but does not include a projecting roof.

(8) "Mobile home" or "Manufactured home" as defined by RCW 46.04.302 means a structure, designed and constructed to be transportable in one or more sections, is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein.

(9) "Modular home" as defined by RCW 46.04.303 means a factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and is mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home.

(10) "Noise Reduction Coefficient (NRC)" is the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1000, and 2000 Hz.

(11) "Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.

(12) "Shall," as used in this chapter, is mandatory.

(13) "Sound Transmission Class (STC)" is a single number rating for describing sound transmission loss of a wall, partition, window, or door.

(14) "Used mobile home" means a mobile home, which has been previously sold at retail and has been subjected to tax under chapter 82.08 RCW, or which has been previously used and has been subjected to tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

(15) "Technical codes" are the codes, appendices and referenced code standards adopted by the jurisdiction.

(16) "Valuation" or "value," means the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, the architectural and engineering design costs and permanent systems as determined by the Building Official as applied to a building or building service equipment, means and shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs. It shall also include the contractor's overhead and profit.

Sec. 7. Group occupancies. The following occupancy groups are established in the IBC:

Occupancy Title	Description	
Assembly	A	Social, recreational or civic gatherings of 50 or more persons
Business	B	Office, professional, social activities and related records. Education facilities past 12th grade
Educational	E	Grades K through 12, day care for children older than 2.5 years with more than 6 occupants.
Factory	F	Manufacturing and industrial processes, except those that are hazardous
Hazardous	H	High potential for health or physical safety hazardous. Explosives, flammables, corrosives, toxic materials
Institutional	I	Facilities where occupants cannot fully care for themselves.
Mercantile	M	Mercantile sales including stocking of goods

Residential	R	People live and sleep in an unsupervised setting
Storage	S	Storage
Utility	U	Agricultural buildings, aircraft hangers, barns, greenhouses, livestock shelters, tanks and towers

Sec. 8. Appendices. Provisions in the appendices of the technical Codes shall not apply unless specifically adopted.

Sec. 9. Intent. The purpose of this ordinance and the technical Codes is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

Sec. 10. Conflicts. Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern except that the hierarchy of the Codes named in Chapter 19.27 RCW shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 11. Other laws. The provisions of this Code shall not be deemed to nullify any provisions of local, state or federal law.

Sec. 12. Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section, or provision of this ordinance.

Sec. 13. Partial invalidity. In the event that any part or provision of this ordinance is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

Sec. 14. Existing structures. The legal occupancy of any structure existing on the date of adoption of this ordinance shall be permitted to continue without change, except as is specifically covered in this ordinance and/or the International Fire Code, or as is deemed necessary by the Building Official or Fire Official for the general safety and welfare of the occupants and the public.

Sec. 15. Applicability. Except as otherwise provided herein, this ordinance shall apply to all:

(1) New construction and additions, and

(2) The entire building when all additions, alterations, remodels, or repairs to existing structures in

which the area of the additions, alterations, or repairs exceeds more than fifty percent (50%) of the habitable area of the existing structure. In the case of a series of additions, alterations, or repairs projects, this title shall become effective at the point where in any three-year period the cumulative area of additions, alterations, or repairs exceeds 50 percent of the area of the structure at the time such additions, alterations, or repairs are commenced and shall apply to the entire building.

Land use review procedures provided in chapter 18.56 DMMC (Land use review procedures) shall apply in addition to the provisions within this ordinance.

Sec. 16. Building Division established. There is established for the City the "Building Division" that shall be under the supervision and control of the City Manager or his/her designee.

Sec. 17. Building Official designated. The "Building Official," as defined in Section 104 of the International Building Code, R104 of the International Residential Code, and Section 104 of the International Mechanical Code, shall be appointed by the City Manager.

Sec. 18. Administration and enforcement. The Building Official, as defined in Section 104.1 of the International Building Code, is hereby authorized and directed to enforce the provisions of this Code. The Building Official shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code. Except as otherwise provided in this ordinance, the provisions of this ordinance shall be administered and enforced by the Building Official of the City.

Sec. 19. Fire Chief and Fire Marshal designated.

(1) The Chief of South King Fire and Rescue shall be deemed to be the "Chief" or "Chief of the Fire Department" or "Fire Code Official" for the purposes of enforcing and administering all provisions of the Fire Code, under the direction of the City of Des Moines Building Official.

(2) The Fire Marshal of South King Fire and Rescue shall be deemed to be the "Fire Marshal" for the purposes of this ordinance, under the direction of the City of Des Moines Building Official.

Sec. 20. Fees. Except as otherwise provided in this ordinance, the fee for any permit issued by the City under the authority of this ordinance shall be established by the City Manager.

Sec. 21. Hours of construction. Except as otherwise provided in this ordinance, the activities regulated by this ordinance shall be limited to the following hours:

Monday through Friday:	7:00 a.m. to 7:00 p.m.
Saturday, Sunday and Holidays:	8:00 a.m. t o 5:00 p.m.

Sec. 22. Code conflicts - Resolution.

(1) In case of conflict among the Building Code, the Mechanical Code, the Fire Code, and the Plumbing Code, the first-named Code shall govern over those following.

(2) In case of conflicts between other Codes and provisions adopted by this ordinance, the Code or provision that is most restrictive, as determined by the Building Official, shall apply.

Sec. 23. Liability. This ordinance shall not be construed to relieve or lessen the responsibility of a person owning, building, altering, constructing, or moving a building or structure as defined in this ordinance; nor shall the City or an agent thereof be held as assuming such liability by reason of inspection authorized in this ordinance or a certificate of inspection issued by the City or any of its agencies. The Building Official, or employee charged with the enforcement of this Code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings.

Sec. 24. Appeals.

(1) Except as otherwise provided in this ordinance, a person aggrieved by the decision of a City employee made pursuant to this ordinance shall be entitled to a review of such decision by appeal to the Hearing Examiner in accordance with the provisions of the Hearing Examiner Code. Such appeal shall be in writing and must be filed with the City Clerk within ten (10) days of such decision.

(2) The Hearing Examiner shall have no authority to waive requirements of this ordinance.

(3) All references to "Board of Appeals" in any Codes, standards, rules, and regulations adopted in this ordinance shall hereafter mean the Hearing Examiner.

Sec. 25. Violation - Penalty.

(1) Civil infraction. Except as otherwise provided in this ordinance, no person shall violate or fail to comply with this ordinance. A violation of or failure to comply with this section is a Class 1 civil infraction.

(2) Criminal penalty. Except as otherwise provided in this ordinance, in addition to or as an alternative to any other penalty provided in this ordinance or by law, a person convicted of a violation of this ordinance is guilty of a Gross Misdemeanor.

(3) Separate offense. Each day upon which a violation occurs constitutes a separate offense.

BUILDING CODE.

Sec. 26. Short title - IBC adopted. This chapter is known as and may be referred to as the "Building Code." Except as amended, added to, or excepted in this ordinance, Chapter 51-50 WAC, the International Building Code (IBC), is adopted by reference as presently constituted or as may be subsequently amended, added to, or excepted as though fully set forth in this ordinance.

Sec. 27. Amendments adopted. The amendments, additions, and exceptions to the International Building Code, as adopted by this chapter, are adopted and shall be applicable within the City.

Sec. 28. Applications for building permit - Other filings required.

(1) At the time of filing a building permit application, the applicant shall submit all required information together with any application form and applicable fees therefore, for any of the following:

(a) Design review;

(b) Shorelines substantial development permit;

(c) Land clearing, grading, or filling permit.

(d) Development exceptions for environmentally critical areas.

(e) Environmental Review (SEPA)

(2) No building permit application shall be accepted without the required information, completed application and applicable fees.

(3) When the Planning, Building & Public Works Director makes a determination that certain improvements including, but not limited to, curbs, gutters, sidewalks,

driveways across sidewalks, piped storm drainage, retaining walls, street illumination, landscaping, slope protection, and underground utilities are required at some future date by existing ordinance(s), no building permit application shall be approved by the Building Official for any proposed project unless the building permit application is accompanied by a properly executed local improvement district (LID) covenant that has been recorded at the King County Department of Records.

(4) The filing of a complete building permit application for a proposed project, which project is in compliance with applicable state law and the codes, ordinances, and regulations of the City in effect at the time of such filing, shall establish a vested right, if a building permit is issued, to proceed with construction of the proposed project in accordance with such then existing codes, ordinances, and regulations; provided, however, such proposed project may nonetheless be conditioned or denied by the City under the State Environmental Policy Act. For the purpose of this section, a "complete building permit application" means an application which contains all information required to be submitted by any applicable provisions of this code, including, but not limited to, all information required to be submitted by subsection (1) of this section.

Sec. 29. Optional method of obtaining prior approvals--Agreement regarding vested rights.

(1) An applicant may apply for a design review approval, a shorelines substantial development permit, environmental review (SEPA), or a land clearing, grading, or filling permit prior to filing an application for a building permit, upon the following terms and conditions:

(a) The filing of an application for any of the approvals referred to in this section prior to the filing of a valid and complete application for a building permit shall not establish or create a vested right to proceed with construction of any proposed project in accordance with the codes, ordinances, and regulations existing at the time of the filing of such application, or at any time thereafter prior to the filing of a valid and complete building permit application.

(b) An applicant who elects to take advantage of the provisions of this section shall, at the time of making application for the approvals referred to in this subsection, execute an agreement with the City that the acceptance and processing of such application shall in no way establish or create a vested right to proceed with construction of any proposed project in accordance with the codes, ordinances, or regulations existing at the time of filing of such application, or at any time thereafter prior to the filing of a valid and complete building permit application.

(c) The provisions of this section do not apply to grading or filling done in preparation for the construction of a single home.

(2) An applicant who elects to take advantage of the provisions of this section may at any time elect to file a complete building permit application, notwithstanding that the approval applied for under subsection (1) of this section has not previously been obtained.

Sec. 30. IBC Section 105.5 amended - Expiration of permit. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Sec. 31. IBC Section 105.3.1 & 105.3.2 amended - Action on application and time limit of application. Applications for which no permit is issued within 180 days following the date of application filing shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall reapply and pay a new plan review fee.

The Building Official shall extend the life of an application if any of the following conditions exist:

(1) Compliance with a declaration of significance under the State Environmental Policy Act provisions is in progress; or

(2) Any other City review is in progress, provided City staff determine that the review is proceeding to a timely final City decision; or

(3) Litigation against the City is in progress, the outcome of which may affect the validity of any permit issued pursuant to such application.

Sec. 32. Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy therefore as provided herein.

Exception: Group U Occupancies.

Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel

the provisions of this code or other ordinances of the jurisdiction shall not be valid.

Sec. 33. IBC Section 501.2 amended - Premises identification. Section 501.2 of the International Building Code, as adopted by this chapter, is amended to read as follows:

> **Premises identification.** Approved numbers or addresses shall be provided for new buildings, existing buildings and on construction sites in such a position as to be clearly visible and legible from the street or roadway fronting the property. Letters or numbers shall be a minimum 3 inches (76 mm) in height and stroke of minimum 0.5 inch (12.7 mm) of a contrasting color to the background itself.

Sec. 34. Assurance device for building permit - Requirements. Before issuing any building permit the City shall require the applicant to execute and file with the City a cash bond or in a form approved by the City Manager in such reasonable sum and with the securities as the building official may specify, conditioned that the applicant will pay any and all damages that may be recovered against the City by any person on account of injury to persons or property occasioned by or in any manner resulting from the issuance of the permit or by reason of any act or thing done pursuant thereto, or from the occupancy or disturbance of any street or sidewalk in the City and also to save, keep, and defend the City free from all such damages and costs as may be incurred in defending any such claim, and/or further conditioned that the applicant shall pay to the City the cost of repairing any and all damage which may be done by the applicant or his/her agents to the streets, utilities, or property of the City during or pursuant to the work covered by such permit.

Sec. 35. IBC Section 903.2.1.1, 903.2.1.3, 903.2.1.4, 903.2.3, 903.2.6, 903.2.8, 903.2.8.1, and 705.1 amended - Fire protection systems. Section 903 of the IBC, as adopted by this ordinance, is amended to read as follows:

> **Fire Sprinkler Systems.**
>
> **IBC 903.2.1.1**
>
> (1) Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where the fire area exceeds five thousand (5,000) square feet;
>
> **IBC 903.2.1.3**
>
> (1) Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where the fire area exceeds five thousand (5,000) square feet;

IBC 903.2.1.4

(1) Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where the fire area exceeds five thousand (5,000) square feet;

IBC 903.2.3

(1) Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exist:

(1) Where a Group F-1 fire area exceeds 5,000 square feet;

(3) Where the combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 5,000 square feet.

IBC Section 903.2.6 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

(1) Where a Group M fire area exceeds 5,000 square feet;

(3) Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 5,000 square feet.

IBC Section 903.2.8 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exist:

(1) Where a Group S-1 fire area exceeds 5,000 square feet;

(3) Where the combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds five thousand (5,000) square feet.

IBC Section 903.2.8.1 Repair Garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with the International Building Code, as follows:

(1) Buildings two or more stories in height, including basements, with a fire area containing a repair garage exceeding five thousand (5,000) square feet.

(2) One-story buildings with a fire area containing a repair garage exceeding five thousand (5,000) square feet.

Sec. 36. IBC Section 705.1 amended - Fire walls. - Section 705.1 of the International Building Code, as adopted by this ordinance, is amended by the addition of the following subsection to read as follows:

Fire walls as specified in Section 702 and described in Section 705.1 of the International Building Code shall not be used to reduce calculation of floor areas in this chapter.

Sec. 37. IBC Section 3106 amended - Special construction - Marquee. Section 3106 of the IBC, as adopted by this ordinance, is amended to read as follows:

A Marquee is a permanent roofed structure attached to and supported by the building, providing protection from the weather elements, but does not include a projecting roof. For the purposes of this chapter, a freestanding permanent roof-like structure providing protection from the weather elements, such as a service station gas pump island, shall also be considered a marquee.

Sec. 38. Fire protection for multiple townhomes. A 13R fire suppression system shall be installed in all multiple townhome structures in excess of four common wall dwelling units.

Sec. 39. Washington State Indoor Air Quality Code Section 303.4.1.5 amended. Washington State Indoor Air Quality Code Section 303.4.1.5 shall be amended as follows:

Outdoor Air Inlets: Outdoor air shall be distributed to each habitable room by individual outdoor air inlets. Where outdoor air supplies are separated from exhaust points by doors, provisions shall be made to ensure air flow by installation of distribution ducts, undercutting doors, installation of grilles, transoms, or similar means where permitted by the International Building Code. Doors shall be undercut to a minimum of 1/2- inch above the surface of the finish floor covering.

(1) Individual room outdoor air inlets shall:

(a) Have controllable and secure openings;

(b) Be sleeved or otherwise designed so as not to compromise the thermal properties of the wall or window in which they are placed;

(c) Provide not less than 4 square inches of net free area of opening for each habitable space. Any inlet or combination of inlets which provide 10 cfm at 10 Pascals as determined by the Home Ventilating Institute Air Flow Test Standard (HVI 901 [November 1996]) are deemed equivalent to 4 square inches net free area.

(2) Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

(a) Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.

(b) Where it will pick up objectionable odors, fumes or flammable vapors.

(c) A hazardous or unsanitary location.

(d) A room or space having any fuel-burning appliances therein.

(e) Closer than 10 feet from a vent opening of a plumbing drainage system, unless the vent opening is at least 3 feet above the air inlet.

(f) Attic, crawl spaces, or garages.

Sec. 40. International Property Maintenance Code (IPMC) amended. The International Property Maintenance Code (IPMC), as adopted by Section 101.4.5 of the International Building Code, is hereby amended, added to, and excepted as follows:

(1) Any reference to an appeal of any administrative action regarding this ordinance shall be in accordance with the City of Des Moines Hearing Examiner Code, Chapter 18.94 DMMC, or with procedures set forth in Chapter 1.24 DMMC for Civil Infractions or Chapter 1.28 DMMC for Civil Violations and Penalties.

(2) The following sections of the 2006 IPMC, or the corresponding section of any updated or amended version of the IPMC, are removed in their entirety and not adopted:

111	Means of Appeal
302.2	Grading and Drainage
302.5	Rodent harborage
302.8	Motor vehicles
302.9	Defacement of property
304.2	Protective treatment

304.3	Premises identification
304.13.2	Openable windows
304.14	Insect screens
304.15	Exterior Doors
304.17	Guards for basement windows
304.18	Building security
305.3	Interior surfaces
305.6	Interior doors
307	Rubbish and Garbage
308	Extermination
404.4.1	Room area
404.5	Overcrowding
404.6	Efficiency unit
604.2	Electrical appliance service

(3) That portion of Section 103.5 of the 2006 IPMC, or the corresponding section of any updated or amended version of the IPMC, that is left for the decision of the local jurisdiction shall read as follows:

> The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set by the City Manager.

(4) That portion of Section 302.4 of the 2006 IPMC, or the corresponding section of any updated or amended version of the IPMC, that is left for the decision of the local jurisdiction shall read as follows:

> All premises and exterior property shall be maintained free from weeds or plant growth in excess of *twelve (12") inches*. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers and gardens.

(5) The last sentence of Section 304.9 of the 2006 IPMC, or the corresponding section of any updated or amended version of the IPMC, is not adopted so that Section 304.9 shall read only:

> All overhang extensions, including but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

Sec. 41. Manufactured housing. All manufactured homes, which are newly installed in residentially-zoned areas outside of mobile home parks, shall comply with the following requirements:

(1) Shall be newly constructed and shall not meet the definition of a used mobile home.

(2) Shall have a permanent perimeter foundation of either concrete, concrete masonry units or other approved concrete product.

(3) Shall meet the same design standard as the surrounding neighborhood for new construction.

(4) Shall be thermally equivalent to the State Energy Code.

(5) Shall be designed to support the local snow load of 25 pounds per square foot of ground snow load.

(6) Shall be designed to comply with the sound control requirements in this ordinance.

Sec. 42. Modular housing. All modular homes, which are newly installed in residentially zoned areas outside of mobile home parks, shall comply with the following requirements:

(1) Shall be constructed in accordance with the International Residential Code. Factory built homes are required to have a gold seal.

(2) Shall have a permanent perimeter foundation of either concrete, concrete masonry units or other approved concrete product.

(3) Shall meet the design standards of title 18 for new construction.

(4) Shall meet the requirements of the state energy code.

(5) Shall be designed to support the local snow load of 25 pounds per square foot of ground snow load.

(6) Shall be designed to comply with the sound control requirements in this ordinance.

SOUND CONTROL REQUIREMENTS

Sec. 43. Purpose. The purpose of this chapter is to safeguard life, health, property, and public welfare by establishing minimum requirements regulating the design, construction, and/or setting on site of buildings for human occupancy in the vicinity of Seattle-Tacoma International Airport. This chapter is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

Sec. 44. Provisions. The provisions of this chapter shall apply to all buildings or structures, constructed or placed in use for human occupancy on sites within the vicinity of Seattle-Tacoma Airport, **except:**

(1) Additions under 500 square feet that are not used as sleeping rooms, and

(2) Remodels with a building department valuation less than $20,000.00 that do not include sleeping rooms.

New glazing in exempted additions and remodels shall conform to the provisions of this ordinance.

Sec. 45. Intent. This chapter is intended to supplement the provisions of the International Mechanical Code, the Washington State Energy Code, the Washington State Ventilation and Indoor Air Quality Code, and the remainder of the International Building Code. In the case of conflict between this chapter and other applicable codes the more restrictive requirements, as determined by the Building Official, shall be met.

Sec. 46. Application to existing buildings.

(1) Additions may be made to existing buildings or structures without making the entire building or structure comply with all the requirements of this chapter for new construction. Additions shall be made to comply in the areas being added to the extent that it is deemed practical and effective by the Building Official in meeting the intent of this chapter.

Exception: Substantial additions, alterations and remodels.

(2) A change in use in the occupancy or use previously unused for human occupancy to human occupancy use or of one previously unused for sleeping purposes to sleeping use shall not be permitted unless the building, structure, or portion of the building complies with this chapter.

Exception: Substantial additions, alterations and remodels.

Sec. 47. Details. The plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems, as herein governed, including, but not limited to: exterior envelope component materials; STC ratings of applicable component assemblies; R-values of applicable insulation materials; size and type of apparatus and equipment; equipment and system controls and other pertinent data to indicate conformance with the requirements herein.

Sec. 48. Modifications and alterations. Residential buildings Modifications and Alterations shall be in accordance with IRC section 104.10 and IRC section 104.11. Non residential buildings Modifications and Alterations Shall be in accordance with IBC section 104.10 and IBC section 104.11.

Sec. 49. Fees. The Building Official is authorized to collect fees for administration, plan checking, and inspections. This fee shall be known as the Airport Noise Fee and shall be as established by the City Manager.

Sec. 50. Design requirements. The criteria of these sections establish the minimum requirements for acoustic design

of the exterior envelope of buildings and for heating, ventilating, and air conditioning systems and its parts. These requirements shall apply to all buildings for human occupancy within the Seattle-Tacoma International Airport Noise Areas.

Sec. 51. Seattle-Tacoma International Airport NOISE AREAS. Noise determined construction requirements detailed in this sound transmission control building code shall be applied to new construction except for not normally inhabited portions of warehouses, storage buildings, and similar structures as determined by the Building Official, within the following areas:

Area 1 - Those portions of the City north of South 252nd Street or its extension.

Area 2 - Those portions of the City not included in Area 1.

Sec. 52. Specific construction requirements for Areas 1 & 2.

(1) **Area 1.** All living and working areas must comply with this ordinance, which is designed to achieve a noise reduction level of 35 dBA except: Owners of commercial occupancies classified as Group A or F may request the Building Official to reduce the noise reduction requirements to 30 dBA as provided in this chapter. Such request must be in writing and demonstrate, by approved methods, that the occupancy generates interior noise levels in excess of 70 dBA as a part of normal business.

(2) **Area 2.** All living and working areas must comply with this ordinance, which is designed to achieve a noise reduction level of 30 dBA.

Sec. 53. Air leakage for all buildings. The requirements of this section shall apply to the design of the exterior envelope of all buildings in Areas 1 or 2 designed for human occupancy. The requirements of this section are not applicable to the separation of interior spaces from each other. The following locations shall be sealed, caulked, gasketed, or weather stripped to limit or eliminate air leakage:

(1) Exterior joints around window and door frames between the window or door frame and the framing.

(2) Openings between walls and foundations.

(3) Between the wall sole plate and the rough flooring.

(4) Openings at penetrations of utility services through walls, floor, and roofs.

(5) Between wall panels at corners.

(6) All other such openings in the building envelope.

(7) Through the wall, floor, or roof/ceiling penetrations not specifically addressed in these sections shall be designed to limit sound transmission and shall have the same average laboratory sound transmission classification as required for doors.

Sec. 54. Compliance. - Area 1. Compliance with sections 55 through 61 of this ordinance shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 35 decibels.

Sec. 55. Exterior walls. - Area 1.

(1) Exterior walls, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC-40; or

(2) Masonry walls having a weight of at least seventy-five (75) pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered.

(3) Stud walls shall be at least four inches (4") in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish.

(4) Interior surface of the exterior walls shall be of gypsum board or plaster at least five-eighths inch (5/8") thick, installed on the studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer, stucco or 1/4" Cement Fiber Board Siding. If the exterior is siding on sheathing, the interior gypsum board or plaster must be fastened resiliently to the studs or double thickness must be used.

(5) Continuous composition board, plywood or gypsum board sheathing at least one inch (1") thick shall cover the exterior side of the wall studs.

(6) Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper.

(7) Insulation material of a type approved by the Building Official and rated not less than R-21 or the current energy code requirement which ever is the greater shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs.

Sec. 56. Exterior windows. - Area 1.

(1) Windows other than as described in this Section shall have a laboratory sound transmission class rating of at least STC-38; or

(2) Windows shall be double glazed with panes at least three-sixteenths inch (3/16") thick. Panes of glass shall be separated by a minimum one-half inch (1/2") airspace and shall not be equal in thickness.

(3) Double-glazed windows shall employ fixed sash or efficiently weatherstripped, operable sash. The sash shall be rigid and weatherstripped with material that is compressed airtight when the window is closed so as to conform to an air infiltration test not to exceed one-half (1/2) cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.

(4) Glass shall be sealed in an air-tight manner with a nonhardening sealant or a soft elastomer gasket or gasket tape.

(5) The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the Building Official.

Sec. 57. Exterior Doors. - Area 1.

(1) Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33; or

(2) Double door construction is required for all hinged-door openings to the exterior. Such doors shall be side-hinged and shall be solid core wood or insulated hollow metal at least one and three-fourths inch (1-3/4") thick separated by an airspace of at least three inches (3") from another door. Both doors shall be tightly fitted and weather stripped.

(3) The glass of double glazed sliding doors shall be separated by a minimum one-half inch (1/2") airspace. Each sliding frame shall be provided with an efficiently airtight weather stripping material as specified in Section 1228.3.

(4) Glass of all doors shall be at least three-sixteenths inch (3/16") thick. Glass of double sliding doors shall not be equal in thickness.

(5) The perimeter of door frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the Building Official.

(6) Glass in doors shall be sealed in an airtight non-hardening sealant or in a soft elastomer gasket or glazing tape.

Sec. 58. Roofs. - Area 1.

(1) Combined roof and ceiling construction other than described in this Section and Section (19) shall have a laboratory sound transmission class rating of at least STC-49; or

(2) With an attic or rafter space at least six inches deep, and with a ceiling below, the roof shall consist of one

inch (1") composition boards, plywood, or gypsum board sheathing topped by roofing as required.

(3) Open beam roof construction shall follow the energy insulation standard method for batt insulation, except use one inch (1") plywood decking with concrete or clay tiles as roofing material.

(4) Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-38.

Sec. 59. Ceilings. - Area 1.

(1) Gypsum board or plaster ceilings at least five-eighths inch (5/8") thick shall be provided where required by Section (20). Ceilings shall be substantially airtight with a minimum of penetrations. The ceiling panels shall be mounted on resilient clips or channels.

(2) Insulation material of a type approved by the Building Official and rated not less than R-38 or the current energy code requirement which ever is the greater shall be provided above the ceiling between joists.

Sec. 60. Floors. - Area 1. The floor of the lowest occupied rooms shall be slab on fill or below grade, or over a fully enclosed basement or crawl space. All door and window openings in a fully enclosed basement shall be tightly fitted.

Sec. 61. Ventilation. - Area 1.

(1) A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior. The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least twenty (20) gauge steel, which shall be lined with one inch (1") thick coated glass fiber, and shall be at least five feet (5') long with one ninety degree (90°) bend.

(2) Gravity vent openings in attics shall be as close to code minimum in number and size, as practical. The openings shall be fitted with transfer ducts at least six feet (6') in length containing internal one inch (1") thick coated fiberglass sound-absorbing duct lining. Each duct shall have a lined ninety degree (90°) bend in the duct such that there is no direct line-of-sight from the exterior through the duct into the attic or be adequately baffled to dissipate any direct sound transfer from the exterior environment.

(3) Source specific exhaust shall be at least 70 cfm at the outlet.

(4) Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors shall be provided with a ninety degree (90x) bend in the duct such that there is no direct line-of-sight through the duct from the venting cross-

section to the room-opening cross-section. Duct lining shall be coated glass fiber duct liner at least one inch (1") thick or approved flexible duct material.

(5) Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a self-closing damper across the exterior termination which allows proper ventilation.

Sec. 62. Compliance. - Area 2. Compliance with sections 63 through 69 shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 30 decibels.

Sec. 63. Exterior walls. - Area 2.

(1) Exterior walls, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC-35; or

(2) Masonry walls having a weight of at least forty (40) pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered.

(3) Stud walls shall be at least four inches (4") in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish.

(4) Interior surface of the exterior walls shall be of gypsum board or plaster at least one-half inch (1/2") thick, installed on the studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer or stucco. If the exterior is siding on sheathing, the interior gypsum board or plaster must be fastened resiliently to the studs or double thickness must be used.

(5) Continuous composition board, plywood or gypsum board sheathing at least three-fourths inch (3/4") thick shall cover the exterior side of the wall studs.

(6) Sheathing panels shall be covered on the exterior with overlapping building paper.

Insulation material of a type approved by the Building Official and rated not less than R-21 or the current energy code requirement which ever is the greater, shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs.

Sec. 64. Exterior windows. - Area 2.

(1) Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33; or

(2) Windows shall be double glazed with panes at least one-eighth inch (1/8") thick.

(3) Panes of glass shall be separated by a minimum one-half inch (1/2") airspace.

(4) Double-glazed windows shall employ fixed sash or efficiently weather stripped, operable sash. The sash shall be rigid and weather stripped with material that is compressed airtight when the window is closed so as to conform to an air infiltration test not to exceed one-half (1/2) cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.

(5) Glass shall be sealed in an air-tight manner with a nonhardening sealant or a soft elastomer gasket or gasket tape.

(6) The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the Building Official.

Sec. 65. Exterior doors. - Area 2.

(1) Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33; or

(2) Double door construction is required for all hinged-door openings to the exterior. Such doors shall be side-hinged and shall be solid core wood or insulated hollow metal at least one and three-fourths inch (1.75") thick separated by an airspace of at least three inches from another door, which can be a storm door. Both doors shall be tightly fitted and weather stripped.

(3) The glass of double glazed sliding doors shall be separated by a minimum one-half inch (1/2") airspace. Each sliding frame shall be provided with an efficiently airtight weather stripping material to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the Building Official.

(4) Glass, over two square feet in area, of all doors shall be at least three-sixteenths inch (3/16") thick. Glass of double sliding doors shall not be equal in thickness.

The perimeter of door frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the Building Official.

(5) Glass in doors shall be sealed in an airtight non-hardening sealant or in a soft elastomer gasket or glazing tape.

Sec. 66. Roofs. - Area 2.

(1) Combined roof and ceiling construction other than described in this Section and Section (13) shall have a laboratory sound transmission class rating of at least STC-44; or

(2) With an attic or rafter space at least six inches deep, and with a ceiling below, the roof shall consist of three-fourths inch (3/4") composition boards, plywood, or gypsum board sheathing topped by roofing as required.

(3) Open beam roof construction shall follow the energy insulation standard method for batt insulation, except use one inch plywood decking with shakes or other suitable roofing material.

(4) Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33.

Sec. 67. Ceilings - Area 2.

(1) Gypsum board or plaster ceilings at least five-eighths inch (5/8") thick shall be provided where required by Section (12). Ceilings shall be substantially airtight with a minimum of penetrations.

(2) Insulation material of a type approved by the Building Official and rated not less than R-38 or the current energy code requirement which ever is the greater shall be provided above the ceiling between joists.

Sec. 68. Floors - Area 2. The floor of the lowest occupied rooms shall be slab on fill or below grade, or over a fully enclosed basement or crawl space. All door and window openings in a fully enclosed basement shall be tightly fitted.

Sec. 69. Ventilation - Area 2.

(1) A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior. The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least twenty (20) gauge steel, which shall be lined with one inch (1") thick coated glass fiber, and shall be at least five feet (5') long with one ninety degree (90°) bend.

(2) Gravity vent openings in attics shall be as close to code minimum in number and size, as practical. The openings shall be fitted with transfer ducts at least three feet (3') in length containing internal one inch (1") thick coated fiberglass sound-absorbing duct lining. Each duct shall have a lined ninety degree (90°) bend in the duct such that there is no direct line-of-sight from the exterior through the duct into the attic or be adequately baffled to dissipate any direct sound transfer from the exterior environment.

(3) Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors shall be provided with a ninety degree (90°) bend in the duct such that there is no direct line-of-sight through the duct from the venting cross-section to the room-opening cross-section. Duct lining shall be coated glass fiber duct liner at least one inch thick and be at least a 70 cfm rated fan at the outlet.

(4) Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a self-closing damper across the exterior termination which allows proper ventilation.

FIRE CODE.

Sec. 70. Short title - IFC adopted. This Chapter shall be known as and may be referred to as the "Fire Code." Except as amended, added to, or excepted in this ordinance, Chapter 51-54 WAC, the International Fire Code (IFC), including the Appendices to Chapter B and C, is adopted by reference as presently constituted or as may be subsequently amended, added to, or excepted as though fully set forth in this ordinance.

Sec. 71. Amendments adopted. The amendments, additions and exceptions to the International Fire Code, as adopted by this chapter, are adopted and shall be applicable within the City.

Sec. 72. Fire Sprinkler Systems Standards. All fire sprinkler systems in the jurisdiction of Des Moines shall meet the criteria as set forth in these standards as well as the following codes:

(1) NFPA 13 Standard for the Installation of Sprinkler System, Current Approved Edition;

(2) NFPA 13D Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, Current Approved Edition;

(3) NFPA 13R Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories, Current Approved Edition;

(4) NFPA 14 Standard for the Installation of Standpipe and Hose Service, Current Approved Edition;

(5) NFPA 24 Standard for the Installation of Private Fire Service Mains and Their Appurtenances, Current Approved Edition;

(6) International Fire Code, Current Approved Edition;

(7) International Building Code, Current Approved Edition.

Sec. 73. Authority having jurisdiction. The Authority Having Jurisdiction (AHJ) is the City of Des Moines. The

official appointed by the City to enforce that authority is the Building Official. The official appointed by the City for all new fire supression system installations or existing modifications, upgrades, equipment replacements, or repair work to fire supression systems shall be the South King Fire & Rescue Fire Marshal or his designees. The Fire Marshal shall be responsible for the interpretation and application of these standards and codes.

Sec. 74. Permit required. A permit shall be obtained from the appropriate jurisdiction to include correct building address as well as property owner's name and address.

Sec. 75. Sprinkler plans and hydraulic calculations.

(1) The information required on plans and hydraulic calculations shall include items specified in NFPA 13 Sections 8-1 and 8-3. Typical sections or elevations, riser diagram, and hanger details shall be included. A minimum of three (3) sets of plans and calculations shall be provided for review.

(2) A written scope of work shall be submitted with the plans. If there is no written scope of work, plans will not be accepted.

(3) If hydraulic calculations are required, calculations shall be provided for each riser.

(4) Cut sheets shall be provided for all system devices.

(5) Sprinkler plans, hydraulic calculations, and check lists shall bear the stamp of a currently licensed sprinkler contractor per RCW 18.160.

Sec. 76. Sprinkler design criteria.

(1) Design criteria shall include South King Fire & Rescue requirements, as well as applicable codes referenced in this chapter.

(2) Heat tracing and anti-freeze systems are prohibited unless specifically permitted by the Fire Marshal.

Sec. 77. Sprinkler system supply.

(1) **Underground supply**. Underground piping supplying a sprinkler system, FDC's etc., shall be installed in accordance with NFPA 13 and NFPA 24. All materials shall be UL listed and/or FM approved for the use intended. Thrust blocking and/or rodding shall be provided per NFPA 24. The installer shall be licensed by the State of Washington for this purpose.

(2) **Fire Department connection (FDC).** Fire Department hose connection shall be located as noted on the approved plans. The installation of Fire Department connections shall be in accordance with the following:

(a) FDC's shall be located not less than 18 inches or more than 120 inches from the finished edge of a fire lane.

(b) The inlet ports of the FDC shall face the fire lane.

(c) The height of the inlet ports shall not be less than 18 inches or more than 36 inches above the road surface of the fire lane.

(d) All inlet ports shall be equipped with the approved covers or caps.

(e) FDC's shall be located not more than 50 feet from a fire hydrant and both the FDC and hydrant shall be located on the same side of the fire lane when ever possible and shall be approved by the Fire Marshal. Signs and edge markings shall be provided for a distance of 15 feet on both sides of the FDC/hydrant location stating "NO PARKING FIRE LANE".

(f) FDC's serving sprinkler systems shall:

(i) Not be located on any wall of the building, unless otherwise approved by the Fire Marshal.

(ii) FDC's serving Class I or II standpipes may be located on building wall of fire-resistive or non-combustible construction.

(iii) All FDC's shall be identified as to type of system served, the building and area served.

(g) Buildings with multiple sprinkler risers shall not be permitted to have FDC's for each riser. Install FDC's in accordance with the following:

(i) At valve pit on system side of feed main to risers.

(ii) In yard with common connection to all risers.

(h) For hydraulically designed sprinkler systems with a system demand of 1,000 gpm or more, a minimum of three 2 ½ inch inlet ports shall be required.

(i) The check valve in the FDC supply line shall be installed in an approved location with adequate access for inspection and maintenance or the valve may be installed inside the building.

(j) The piping between the check valve and the outside hose coupling (FDC) shall be equipped with an approved automatic drip located at the lowest point and provided with adequate drainage.

(k) Riser main drains shall be routed to the outside unless floor drains are specifically designed to accommodate test drain flows with valve wide open.

(3) **Post indicator valve.** Sprinkler system supply shall be connected to and controlled by a listed post indicator valve.

Exception: Buildings having the sprinkler riser room directly accessible from the outside via an exterior access door.

(4) All underground supply values shall have lock valve boxes. See Fire Marshal for specifications.

(5) The valve pit shall be equipped with a water level float switch installed to the fire alarms system in the event of water filling the pit.

Sec. 78. Standpipe system.

(1) Standpipes will be installed as required in the International Fire Code and the International Building Code. Standpipe installations beyond these code requirements may be imposed by the Fire Marshal.

(2) Where standpipes are installed, all areas of the building shall be reached by extending 200 ft. of hose from the nearest standpipe outlet. Partitions and doorways shall be considered in establishing the pathway.

(3) All standpipes systems shall be calculated back to the Fire Department Connection to determine Fire Department Pressure and flow requirements.

(4) Standpipe hose outlets shall be located on the intermediate landing between floors unless otherwise directed by the Fire Marshal or his designees.

Sec. 79. One and two family dwellings and manufactured homes (per NFPA 13D, except as noted below):

(1) Sprinklers shall protect all foyers.

(2) All storage spaces beneath stairways shall be sprinkled.

(3) A dry pendent or dry sidewall head shall be installed in the garage close to the entry door to the dwelling. All areas of a garage directly below living areas shall be sprinkled using ordinary hazard Group 1 Standards.

(4) The sprinkler riser and associated equipment shall be located in a heated enclosure when installed in a garage or other unheated areas.

(5) Garages and storage areas with living area above shall be protected by Ordinary Group 1 Hazard calculated sprinkler system.

Sec. 80. Residential Occupancies up to and including four stories in height (per NFPA 13R except, as noted below):

(1) All closets, rooms and storage spaces beneath stairways shall be sprinkled.

(2) Sprinklers are required for all covered (roofed) attached porches.

(3) Sprinkler protection is required below balconies or decks extending six or more feet out from building walls.

(4) Sprinklers are required below balconies or decks connected to three or more building walls.

(5) Garages and storage areas shall be protect by Ordinary Group 1 Hazard calculated sprinkler systems.

Sec. 81. **Commercial buildings** (per NFPA 13, except as noted below):

(1) Multi-story buildings that exceed a gross area of 10,000 square feet shall have a control valve and water flow indicator for each floor.

(2) Warehouse storage areas must be identified on drawings providing the following design criteria:

(a) Commodity Class

(b) Storage height

(c) Rack configuration

(d) Space between the racks

(e) Encapsulation (if any) of stored commodities

(f) Size and temperature rating if ceiling and in-rack heads

(g) Calculated density/area criteria

(3) Unless approved by the Fire Marshal, use of fixed automatic extinguishing systems (carbon dioxide, FM 200, etc.) are not acceptable in lieu of sprinklers.

(4) Risers shall be located in a separate room from the general occupancy.

(5) Class I hose outlets are required in all covered garage parking levels. Hose outlets shall be located so that all areas of the garage can be reached with 200 feet of hose.

(6) Residential sprinklers designed in accordance with NFPA 13 shall achieve a minimum density of 0.10 gpm/sq feet over the remote area, in addition to satisfying their listed spacing criteria. The remote area is determined by calculating the four

(4) most hydraulically remote heads regardless of partition locations.

Sec. 82. IFC Section 103.1.4 amended - Appeal process. Section 103.1.4 of the International Fire Code, as adopted by this chapter, is amended to be consistent with the Hearing Examiner Appeal process set out in this code (DMMC) >

Sec. 83. Exterior combustible merchandise - Storage. Combustible merchandise outside of buildings shall not be stored or displayed under eaves, canopies, or other projections or overhangs of buildings which are not protected by automatic sprinklers. Such merchandise shall not be stored or displayed within 10 feet of an exit doorway.

Sec. 84. Silencing hotel fire alarms. Hotel or motel fire alarm systems which have been activated shall not have their evacuation alarm devices silenced or incapacitated without fire department approval. A system shall not be reset until the Fire Department has checked out the system and has authorized the reset.

Sec. 85. International Fire Code section 3204.3.1.1 amended - Stationary container storage.

(1) Stationary containers shall be located in accordance with Section 3203.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

(2) Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law in the adopting ordinance as the limits of districts for which this prohibition applies includes areas zoned as other than D-C (Downtown Commercial) and H-C (Highway Commercial) as defined in the City Zoning Code and designated on the City's official zoning map.

Sec. 86. International Fire Code section 3404.2.9.5 amended - Above-ground tanks outside of buildings. Above-ground tanks outside of buildings shall comply with IFC Sections 3404.2.9.5.1 through 3404.2.9.5.3.

Sec. 87. IFC section 3404.2.9.5.1 amended - Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in areas zoned as other than D-C (Downtown Commercial) and H-C (Highway Commercial) as defined in the City Zoning Code and designated on the City's official zoning map.

Sec. 88. International Fire Code section 3804.2 amended - Maximum capacity within established limits. Maximum quantity of liquefied petroleum gas shall be the aggregate capacity of any one installation not to exceed a water capacity of 2,000 gallons. This prohibition applies in areas zoned as other than D-C (Downtown Commercial) and H-C (Highway Commercial) as defined in the City Zoning Code and designated on the City's official zoning map.

Exception: In particular installations, this capacity limit shall be determined by the Fire Code Official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed containers, degree of fire protection to be provided and capabilities of the local fire department.

Sec. 89. Fire Alarm and detection system section 907 Amended.

(1) All occupancies exceeding 3,000 square feet gross floor area shall be required to provide an approved automatic fire detection system. Installation of fire separation walls shall not be considered to separate a building to enable deletion of the required fire detection system.

(2) The following are exceptions to this section:

(a) Residential One- and Two-Family Dwellings and garages and townhomes not otherwise required be protected by a fire supression system;

(b) Occupancies protected throughout by an approved/monitored automatic fire supression system can delete heat detectors from the system.

ELECTRICAL CODE

Sec. 90. Short title. This chapter is known as and may be referred to as the "Des Moines Electrical Code."

Sec. 91. Adoption of codes. Except as amended, added to, or excepted in this ordinance Chapter 296-46B WAC Sections 010-900 (1)-(7), (10)-(12) and 901 (1)-(13), (16)-(17) - National Electrical Code (NEC)are adopted by reference as presently constituted or as may be subsequently amended, added to, or excepted as though fully set forth in this ordinance;

Sec. 92. Purpose. The purpose of the Electrical Code, as amended and adopted, is the practical safeguarding of persons, property, and buildings from hazards arising from the use of electriCity. The electrical code contains provisions considered necessary for safety. Compliance therewith and proper maintenance will result in an installation essentially free of hazard, but not necessarily efficient, convenient or adequate for good service or future expansion of electrical service. It is not intended to create a special relationship with any individual, or individuals, or to identify and protect any particular class of persons. The Electrical Code is not intended as a design specification or an instruction manual for untrained persons.

Sec. 93. License requirements. All persons and firms performing electrical work within the City limits of Des Moines shall be certified and licensed or otherwise permitted to perform such work under the provisions of RCW 19.28.

Sec. 94. Permit requirements.

(1) An electrical permit application shall be filled in completely and accurately before it will be accepted by the City.

(2) Electrical permits shall expire one year after the date of issue or one year after the most recent inspection.

(3) The permit holder is responsible for providing or arranging access to the work to be inspected.

(4) The inspection address shall be clearly visible from the street.

(5) Electrical code violations identified by the inspector shall be posted at the work location. Violations shall be corrected within 15 days of notification unless a written request for extension is made by the applicant and granted by the Chief Electrical Inspector.

(6) Requirement for License. No electrical permit shall be issued to an applicant who is engaging in, conducting or carrying on the business of installing wires or equipment to convey electric current or of installing apparatus to be operated by electric current unless the applicant possesses a valid State of Washington license as required by RCW 19.28. The licensed installer responsible for the work shall be identified on the electrical permit.

Exception: Persons not possessing a license may obtain an electrical permit to do electrical work at a residence, farm, place of business or other property that they own as described in RCW 19.28.261.

(7) An electrical work permit is required for the installation, alteration, or maintenance of all electrical systems or equipment except for:

(a) Travel trailers;

(b) Electrical work which includes the like-in-kind replacement of a: contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; component(s) of electric signs, outline lighting, skeleton neon tubing when replaced on-site by an appropriate electrical contractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; ten horsepower or smaller motor; and induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices;

(c) Heat cable repair and embedding pre-manufactured heat mats in tile grout where the mat is listed by an approved testing laboratory and comes from the manufacturer with pre-connected lead-in conductors. All listing marks and lead-in conductor labels must be left intact and visible for evaluation

and inspection by the installing electrician and the electrical inspector;

(d) Unless specifically noted, the exemptions listed do not include: The replacement of an equipment unit that contains multiple components (e.g., an electrical furnace/heat pump, industrial milling machine, etc.).

Sec. 95. Inspections.

(1) The installation, alteration, or extension of any electrical system, fixture, or components for which a permit is required by this code shall be subject to inspection by the Building Official and such electrical systems, fixtures and components shall remain accessible and exposed for inspection purposes until approved by the Building Official. It shall be the duty of the permit applicant to cause the electrical systems to remain accessible and exposed for inspection purposes.

(2) The City shall not be liable for expenses entailed in the removal or replacement of material required to permit inspection.

(3) Cables or raceways, fished according to the NEC, do not require visual inspection.

(4) Electrical systems and equipment regulated by the Electrical Code shall not be connected to the energy source until authorized by the Building Official.

(5) Approval as a result of an inspection shall not be construed to be an approval by the City of a violation of the provisions of the Electrical Code.

(6) An inspector shall have the right to enter any and all buildings and premises which contain electrical wiring or apparatus, at any reasonable hour, for the purpose of inspecting or testing the installation of electrical wiring, electrical devices, or electric materials.

Sec. 96. Unsafe conditions.

(1) The Building Official may inspect any new or existing electrical installation or equipment, and if the installation or equipment is found to be maintained or used in an unsafe condition or found to be in violation of this code, the Building Official is authorized to serve upon the owner or user a notice or order requiring correction. Any person served such notice who fails to comply with the order therein shall be in violation of this ordinance and subject to the investigation fees and penalties provided in this code.

(2) Whenever the Building Official finds that any building or structure, or portion thereof, is in such a dangerous and unsafe condition as to constitute an imminent hazard to life or limb, the Building Official may issue an emergency order directing that the building or structure, or portion thereof, be restored to a safe condition. The order

shall specify the time for compliance. The order may also require that the building or structure, or portion thereof, be vacated within a reasonable time, to be specified in the order.

(3) In the case of extreme danger, the order may specify immediate vacation of the building or structure, or may authorize disconnection of the utilities or energy source. No person shall occupy the building or structure, or portion thereof, after the date on which it is required to be vacated until it is restored to a safe condition as required by the order and this code, and a final inspection is made.

(4) It shall be unlawful for any person to fail to comply with an emergency order issued by the Building Official.

Sec. 97. Stop work orders.

(1) Whenever any installation, alteration, repair or removal of electrical work is being done contrary to the provisions of this code, or in the event of dangerous or unsafe conditions related to electrical work, the Building Official may order the affected work stopped and a notice describing the violation in writing shall be posted on the premises or served on any person responsible for the condition or work.

(2) After a Stop Work Order it shall be unlawful for any person to engage in or cause any further work to be done until authorization from the Building Official is received.

(3) The Building Official shall have the authority to disconnect or order discontinuance of any utility service or energy supply to buildings, structures, or equipment in cases of emergency.

(4) The Building Official may enter any building or premises to disconnect utility service or energy supply. Utility service shall be discontinued until the equipment, appliances, devices or wiring found to be defective or defectively installed are removed or restored to a safe condition and inspected according to this code.

(5) It shall be unlawful for any person to reconnect any electrical equipment that has been disconnected by the Building Official until the equipment has been placed in a safe condition and approved by the Building Official.

(6) It shall be unlawful for any person to remove, mutilate, destroy, or conceal any lawful notice issued or posted by the Building Official pursuant to the provisions of this code.

(7) The Building Official may record a copy of any order or notice with the Department of Records and Elections of King County. The Building Official may record with the Department of Records and Elections of King County a notification that a permit has expired without a final inspection after reasonable efforts have been made to obtain a final inspection.

Sec. 98. Plan review for educational, institutional health care facilities and other buildings. Plan review is required for all Commercial and Multi family projects.

Exception: Projects of 30 amps or less added load do not require plan review. Low voltage systems do not require plan review above that required by the Fire Marshal for fire alarm systems.

When a review is required, the electrical plan must be submitted for review and approval before the electrical work is begun. Information on plans and specifications shall include the following:

(1) The type of occupancy and a complete scope of work;

(2) A complete riser and one line diagram to include all service, feeder, and grounding connections;

(3) Clear identification of all circuitry, to include but not be limited to: circuit numbers, wire sizes, insulation types, conduit sizes, and types;

(4) A complete set of switchboard and panel schedules. These shall include all load calculations and demand factors used for computation;

(5) A complete project load summary to include existing loads as computed in accordance with NEC Article 220 and all added loads. Electrical calculations, heat loss calculations, and lighting summaries may be submitted on separate computation sheets;

(6) Fault current calculations and the listed interrupting rating of all feeder and service equipment;

(7) Voltage characteristics of all electrical systems and equipment;

(8) A key to all symbols used;

(9) A schedule showing all pertinent luminaire information; and

(10) Any other information as may be required by the plans examiner.

All electrical plans for educational facilities, hospitals and nursing homes must be prepared by, or under the direction of, a consulting engineer registered under chapter 18.43 RCW, and chapters 246-320, 180-29, and 388-97 WAC and stamped with the engineer's mark and signature.

Sec. 99. Permitting, penalty, and investigation fees.

(1) The following described penalties may be assessed, or the described fee adjustments may be determined appropriate by order of the Building Official:

(a) Trips made when the permit holder has given notice that work is ready for inspection when it is not shall be assessed a penalty fee in an amount established and approved by the City Manager;

(b) More than one additional required inspection to inspect corrections as a result of carelessness, neglect, faulty workmanship, or materials shall be assessed a penalty fee in an amount established and approved by the City Manager;

(c) Failing to complete corrections within 15 days as required by this chapter will constitute a violation of the Electrical Code and the permit holder will be assessed a penalty fee in an amount established and approved by the City Manager. This amount shall again be added to the original penalty fee in a cumulative action every 15 days thereafter until all corrections are made and the inspection approved;

(d) Work performed without benefit of an approved permit shall be assessed a penalty fee equal to at least double the amount of the regular permit fee, but having a minimum assessment of an amount established by the City Manager.

Exception. This provision does not pertain to emergency work where a permit is purchased the next business day.

(2) Penalty fees are due at the time of assessment.

Sec. 100. WAC 296-46B-010 amended - General. WAC 296-46B-010 is amended and supplemented to read as follows:

> Other codes, manuals, and reference works referred to in this chapter are available for inspection and review in the City of Des Moines Building Division office during business hours.

Sec. 101. WAC 296-46B-100 (21) amended - General definitions. WAC 296-46B-100 (21) is amended and supplemented to read as follows:

> Department shall be defined as the Building Division of the City of Des Moines.

Sec. 102. WAC 296-46B-550 (001) (1) amended - Special occupancies - Mobile homes, manufactured homes and mobile home parks. WAC 296-46B-550 (001) (1) is amended and supplemented to read as follows:

> (1) All alterations to the mobile/manufactured home electrical system must be permitted and inspected by the factory assembled structures section of the Department of Labor and Industries. Electrical wiring in structures that are attached to the mobile/manufactured home and for which the source of power is from the mobile/manufactured home is inspected by the factory

assembled structures section of the Department of Labor and Industries.

Sec. 103. WAC 296-46B-900 (7) amended - Electrical work permit and fees. WAC 296-46B-900 (7) is amended and supplemented to read as follows:

Fees must be paid in accordance with the inspection fee schedule set by the Des Moines City Manager.

LAND FILLING, CLEARING AND GRADING CODE

Sec. 104. Short title.
This chapter shall be known and may be cited as the "Land Filling, Clearing and Grading Code."

Sec. 105. Purposes.

(1) These regulations are adopted for the following purposes:

(a) To promote the public health, safety, and general welfare of the citizens;

(b) To preserve and enhance the City's physical and aesthetic character by preventing indiscriminate removal or destruction of trees, soils, or ground cover on undeveloped and partially developed property;

(c) To promote land development practices that result in a minimal disturbance to the City's vegetation and soils;

(d) To minimize surface and subsurface water runoff volumes and to prevent erosion-sedimentation and reduce the risk of slides and other unstable conditions;

(e) To minimize the need for additional storm drainage facilities;

(f) To retain clusters of trees for the abatement of noise and wind protection as well as site stability maintenance

(g) To acknowledge that trees and ground cover reduce air pollution by producing pure oxygen from carbon dioxide;

(h) To minimize devaluation of property values due to unnecessary destruction of trees and ground cover;

(i) To promote building and site planning practices that are consistent with the City's natural topographical and vegetational features while at the same time recognizing that certain factors such as condition (e.g.,

disease, danger of falling, etc.), proximity to existing and proposed structures and improvements, interference with utility services, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover;

(j) To insure prompt development, restoration and replanting, and effective erosion and sedimentation control of property during and after land clearing, grading, or filling through the use of phase development, performance bonds, and other reasonable controls;

(k) To reduce degradation of streams and other water bodies located in and adjacent to the City via scouring, siltation, and water pollution;

(l) To implement the goals and objectives of the State Environmental Policy Act and the water quality standards set forth by the State Department of Ecology; and

(m) To implement and further the City's comprehensive plan.

(2) It is not the intent or purpose of this chapter to prevent the reasonable development of land in the City.

Sec. 106. Definitions - Use of words and phrases. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(1) "Bench terrace" means an embankment or combination of an embankment and channel constructed across a slope which has a bench-like cross-section and whose purpose is to control erosion by diverting or storing surface water runoff instead of permitting it to flow uninterrupted down the slope.

(2) "Code Official" means the City Manager or the City Manager's designated representative.

(3) "Construction site" means a contiguous area owned and operated as one development unit upon which earth disturbing activities are planned or underway.

(4) "Developer" means a person engaged in constructing any street, utilities, commercial, industrial, or residential structures.

(5) "Drainage" means the removal of excess water from land either by surface or subsurface means.

(6) "Erosion" means the wearing away of the land surface by running water, wind, ice, or other geological agents including such processes as gravitational creep, detachment, and movement of soil or rock fragments by water, wind, ice, or gravity.

(7) "Excavation" or "cut" means the physical manmade removal of earth material.

(8) "Existing grade" means the vertical location of the existing ground surface before excavation or filling.

(9) "Fill" means a deposit of earth or waste materials by artificial means.

(10) "Grading" means any stripping, excavating, and filling, including hydraulic fill, stockpiling, or any combination thereof and includes the land in its excavated or filled condition.

(11) "Ground cover" means land plants growing on the earth's surface and/or their remains and includes trees less than four inches in diameter measured at 24 inches above the ground level.

(12) "Land clearing" means the act of removing or destroying trees, topsoil, or ground cover from any undeveloped or partially developed lot, public lands, or public right-of-way.

(13) "Partially developed lot" means a lot or parcel of land upon which a usable structure is located and which is of sufficient area so as to be capable of subdivision in accordance with the subdivision code.

(14) "Plan" means a proposed method of achieving an end; including, but not limited to, specifications for design, implementation, and maintenance.

(15) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(16) "Sedimentation" means the deposition of sediment.

(17) "Site alteration" means a grading, excavating, filling, or other alterations of the earth's surface where material or manmade ground cover is destroyed and which may result in or contribute to erosion and sedimentation.

(18) "Slope" means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

(19) "Soil" means unconsolidated mineral and organic material on the immediate surface of the earth, overlying bedrock that serves as a natural medium for the growth of land plants.

(20) "Surface runoff" means water flowing over the ground surface.

(21) "Tree" means a living woody plant characterized by one main stem or trunk and many branches, and having a diameter of four inches or more measured at 24 inches above ground level.

(22) "Undeveloped lot" means a lot or parcel of land upon which no usable structure exists.

Sec. 107. Permit - Required. Except as otherwise exempted by section 120 of this ordinance, no grading, filling, or land clearing within the City shall be performed by any person, corporation, or other legal entity without first having obtained a permit from the Code Official. A grading permit does not include the construction of retaining walls or other structures.

Sec. 108. Permit - Application. An application for a land clearing, grading, or filling permit shall be submitted on a form provided by the City.

Sec. 109. Permit - Plans and specifications. Permit applications shall be accompanied by two sets of specifications and plans drawn to the appropriate scale and containing the following information as determined necessary by the Code Official:

(1) Plan Sheet Specifications: All plan sheets will contain the following information:

(a) The date, basis, and datum of the contours, which shall be referenced to the City's network of benchmarks, if applicable;

(b) Date, north arrow, and adequate scale (1:10, 1:20, or 1:40) on all maps and plans;

(c) Contours will be at two-foot contour intervals

(d) Contact information for the applicant and the property owner, and legal description of the property;

(2) Site Plan: An accurate plan for the entire site illustrating the existing conditions shall be submitted to the City containing the following information:

(a) Plans shall show the existing grade for the entire site and the adjoining properties within 100 feet;

(b) All property lines with bearings and distances shown;

(c) Existing vegetation on the site designated by its common names, location, type, size and condition of trees and ground cover on site;

(d) The location of all existing drainage facilities, natural and man-made, which transport surface water onto, across, or from the site including: streams and surface waters, artificial channels, drainpipe, or culverts;

(e) The location and estimated capacity of any areas which impound surface water;

(f) Location and estimated discharge of all visible springs in excess of one gallon per minute;

(g) The location of all structures, utilities, and their appurtenances, including structures and utilities on adjacent properties within twenty (20) feet when such information is reasonably available. Said improvement locations shall also be staked on site to enable the City to review improvement locations and their relationship to the site and existing vegetation;

(h) Identification of all critical areas governed by chapter 18.86 DMMC;

(i) Identification of all areas regulated by the provisions of the DMMC Flood Hazard Code;

(j) Location and capacity of all drainage facilities and related construction;

(3) Grading/Clearing Plan: An accurate plan for the entire site illustrating the proposed conditions shall be submitted to the City containing the following information:

(a) Plans shall show the finish grade in relation to the existing grade for the entire site and the adjoining properties within 100 feet in sufficient detail to identify how grade changes will conform to the requirements of this code;

(b) Location and capacity of all drainage facilities and related construction;

(c) Boundaries of all areas to remain in the existing or natural condition;

(d) Location of all vegetation shown on the plan which will remain after completion of the work and the minimum distance to the nearest excavation and/or filling;

(e) Landscape plan;

(f) The placement of excavated material, fill, and other graded material;

(g) Location of building setback lines, and approximate demarcation of land cuts including but not limited to foundations, retaining walls, and driveways;

(4) Temporary Erosion and Sedmentation Control Plan:

(a) Sequence for clearing, grading, filling, drainage alteration, and other land-disturbing activities;

(b) On-site soil or earth material storage locations and source of import materials, and location of the site where soils will be disposed;

(c) Schedule for installation and removal of all temporary erosion and sediment control measures, including vegetative measures;

(d) Schedule for construction of final improvements, if any;

(e) Schedule for the installation of required permanent erosion and sediment control devices if any; and

(f) An outline of the methods to be used in clearing vegetation and in storing and disposing of the cleared vegetative matter.

(5) Other information as deemed necessary by the Code Official;

(6) Compliance with the State Environmental Policy Act of 1971 as presently constituted or as may be subsequently amended, including Title 197 WAC and DMMC Section 16.04 as presently constituted or as may be subsequently amended;

(7) Plans shall include a statement signed by a registered professional engineer certifying that all provisions of this code and all relevant laws, ordinances, rules, and regulations, together with recommendation contained in any soils engineering, engineering geology, and hydrology reports, applicable to the project have been incorporated in the plans and specifications or if not, the exceptions and the reasons for each exception.

Sec. 110. Permit - Review. Permit applications shall be referred to a technical advisory body for review when deemed advisable by the Code Official.

Sec. 111. Decision of Code Official. The Code Official shall complete the review and make a decision within one hundred twenty (120) days from the date a complete application is submitted, unless an extension is authorized by the City.

Sec. 112. Permit - Expiration - Extension.

(1) Except when specific time limits are set by the Code Official, any permit granted under this chapter shall expire one year from the date of issuance.

(2) The Code Official may set specific limits to the project commencement and/or completion for any reasonable purpose, including but not limited to environmental reasons or for coordination with other permitted site work.

(3) Upon a showing of good cause, a permit may be extended for six months. Approved plans shall not be amended without authorization of the Code Official.

Sec. 113. Permit notice to be posted. No work shall commence until a permit notice has been posted on the subject site at a conspicuous location. The notice shall remain posted until the project has been completed.

Sec. 114. Project inspection. All projects which include land clearing, grading, or filling shall be subject to inspection by the Code Official or his designee. The Code Official or his designee shall be granted unlimited right of entry to the work site by the applicant for the purposes of making inspections to determine that the requirement of the plans and permits are being complied with and for the purposes of taking corrective measures of an emergency nature. The cost of such corrective measures shall be borne by the applicant. The Code Official may require inspection and testing by an approved testing agency at any stage of the application or project.

Sec. 115. Suspension or revocation of permits.

(1) A land clearing, grading, or filling permit may be suspended or revoked by the Code Official because of incorrect information supplied or any violation of the provisions of this chapter.

(2) Whenever the Code Official determines that the act or intended act of land clearing, grading, or filling has become or will constitute a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way, drainage channel, stream, or surface water, including siltation and sedimentation therein, the Code Official shall immediately suspend the land clearing, grading, or filling permit.

(3) The permittee or other person or agent in control of the property, upon receipt of notice in writing from the Code Official shall, within the period specified therein, terminate such land clearing, grading, or filling, or eliminate the same from the development plans, or modify the plans, as may be required so as to eliminate the hazard and be in conformance with the requirements of this code. The permittee shall also be required to take measures to correct damages caused to adjacent

and/or downstream or upstream properties, under the direction of the Code Official, or if not accomplished in a reasonable period of time the City shall do so using the security provided as part of the land clearing, grading, and filling permit under which the work was done.

Sec. 116. Operating conditions and standards of performance. Permits authorized under this section shall conform to the following provisions unless otherwise recommended or as approved by the Code Official:

(1) **Excavations.** The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50 percent) unless the applicant furnishes a soils report justifying a steeper slope.

(2) **Fills.** Unless otherwise recommended in the soils report and approved by the Code Official, fills shall conform to the following provisions:

(a) The ground surface shall be prepared to receive fill by removing vegetation, top soil, and other any unsuitable materials - (oversized rock, concrete slabs, tree stumps, brush, and old car bodies, etc.) and scarifying the ground to provide a bond with the fill material.

(b) Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305 mm) in any dimension shall be included in fills.

(c) All fill material shall be compacted to 90 percent of maximum density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

(d) The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 horizontal to 1 vertical (50 percent) shall be justified by soils reports or engineering data.

(3) **Erosion/Sedimentation Control.** All disturbed areas, including faces of cuts and fill slopes, shall be prepared and maintained to control erosion/sedimentation in accordance with the specifications of the surface water design manual.

(4) **Setbacks.** The crests and toes of cut and fill slopes shall be set back from property boundaries by at least twenty-five (25) feet to prevent damages resulting from surface runoff or erosion-sedimentation from the slopes. The top and the toes of cut and fill slopes shall be set back from structures by at least one-half the height of the slope plus twenty-five (25) feet for adequacy of foundation support and to prevent damages resulting from surface runoff or erosion-sedimentation of the slopes.

(5) **Excavations to water-producing depth.** All excavations must be made to a water-producing depth or grade to permit natural drainage. The excavations made to a water-producing depth shall be reclaimed in the following manner:

(a) Depth of the excavation must not be less than two feet measured below the low-water mark.

(b) All banks shall be sloped to the water line no steeper than 2:1.

(c) In no event shall the term "water-producing depth" be construed to allow stagnant or standing water to collect or remain in the excavations.

(6) **Bench terrace.** Benches at least ten (10) feet in width shall be back sloped and shall be established at no more than 10-foot vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of one percent.

(7) **Hazardous conditions.** Signs warning of hazardous conditions, if such exist, shall be affixed at clearly visible locations.

(8) **Fencing.** Where required by the Code Official to protect life, limb, and property, fencing shall be installed with lockable gates which must be closed and locked when the site is not being attended. The fence must be no less than five feet in height and the fence material shall have no horizontal opening larger than two inches.

(9) **Hours of operation.** Unless otherwise authorized by the Code Official, hours of operation shall be between 8:00 a.m. and 5:00 p.m.

(10) **Drainage.** Provisions shall be made to prevent surface water or seepage from damaging the cut face of excavations or the sloping face of a fill and to carry surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse or other means as approved by the Code Official.

(11) **Drainage review.** All development activities shall make provisions for drainage pursuant to the requirements of the surface water design manual.

(12) All operations, conditions, and standards of performance shall be subject to the limitations as per required permits.

(13) **Environmentally sensitive areas.** Any land clearing, grading, or filling activity in an environmentally sensitive area as defined in chapter 18.04 DMMC is prohibited except for activity conducted in connection with a development exception approved in accordance with the requirements of chapter 18.86 DMMC.

Sec. 117. Enforcement. The City Manager or designee is authorized to enforce the provisions of this title and to provide technical data for plans and on-site follow-up inspections to assure implementation of required plans.

Sec. 118. Fees. There shall be a fee assessed to compensate the City for the expense of reviewing and processing plans, conducting inspections, providing for outside consulting services, and the like. The fee shall be set by written administrative directive and shall be related to the amount of anticipated service for the particular application. Fees for permits authorized under this section that are reviewed after the proposed site work has started will be assessed at twice the normal rate.

Sec. 119. Bonds and escrow. The Code Official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected. In lieu of a surety bond, the applicant may elect to establish a cash escrow account with his bank in an amount deemed by the Code Official to be sufficient to reimburse the City if it should become necessary for the City to enter the property for the purpose of correcting and/or eliminating conditions relating to soil stability, or aesthetic blight. The bond or escrow shall be in an amount of the estimated cost of correcting or eliminating the condition, including but not limited to the cost of restoring soil stability, eliminating drainage or erosion problems, or removal of blight and restoration and replanting of the property either in accordance with the terms of the permit or to restore the property as nearly as possible to its condition prior to the clearing or filling. The bond or escrow may be increased by the Code Official in accordance with this ordinance.

Sec. 120. Exemptions. Applicants must receive a written letter of exemption from the Code Official before commencing with the exempted work. Exemption from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(1) A grading or land clearing permit shall not be required for any of the following activities, provided that the clearing and grading activity shall be subject to the minimum requirements specified in this ordinance:

(a) The installation and maintenance of fire hydrants, water meters, and pumping stations, and street furniture by the City or its contractors;

(b) Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards;

(c) Removal of trees or ground cover or dumping of fill on partially developed lots for purpose of general property and utility maintenance, landscaping, or gardening; provided, that this exemption shall not apply to land clearing, grading, or filling for the purpose of developing the property with substantial permanent improvements such as roads, driveways, utilities, or buildings;

(d) Removal of dead or diseased ground cover or trees;

(e) A grading and filling activity not less than a total of 50 cubic yards which does not obstruct a drainage course;

(f) Grading and filling activity to place a building foundation approved under a City building permit and involves less than 120 cubic yards of grading and filling;

(g) Clearing less than 200 square feet;

(h) Cemetery graves;

(i) Refuse disposal sites controlled by other regulations;

(j) Exploratory excavations performed under the direction of a registered design professional. Exploratory excavation is not to begin construction of a building prior to receiving a permit (the sole purpose for preparing a soils report).

(2) Exemption from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the City of Des Moines.

Sec. 121. Appeals. A person or persons aggrieved by any action of the Code Official under the provisions of this chapter may, within 10 days of such action, file a notice of appeal with the City Clerk. An appeal of a decision under this chapter shall be in accordance with the Hearing Examiner Code.

SEWAGE DISPOSAL SYSTEMS CODE

Sec. 122. Short title. This chapter is known as and may be referred to as the "Sewage Disposal Systems Code."

Sec. 123. County sewage code adopted. Title 13 (Board Of Health Sewage Regulations) of the Code of the King County Board Of Health, as presently constituted or as may be subsequently amended, is adopted and shall be applicable within the City, as amended, added to, and excepted in this chapter.

Sec. 124. Amendment adoption. The following amendments, additions, and exceptions to the Board Of Health

Sewage Regulations, as adopted by this chapter, are amended, added to, or excepted as adopted and shall be applicable within the City.

Sec. 125. Disposal systems maintenance. Sewage disposal systems shall be maintained in accordance with this chapter and no sewage disposal system shall be used which directly or indirectly discharges upon the surface of the ground or into any waters within the City unless the contents of such system have been subjected to approved purification and bactericidal treatment.

Sec. 126. Administration and enforcement. The codes, standards, rules, and regulations adopted by this chapter shall be administered by the Seattle-King County Department of Public Health.

MOBILE HOME PARK REGULATION CODE

Sec. 127. Short title. This chapter shall be known and may be cited as the "Mobile Home Park Regulation Code."

Sec. 128. Findings and policy.

(1) The City finds that properly planned and operated mobile home parks:

(a) Promote the safety and health of the residents of such parks and of other nearby neighborhoods; and

(b) Encourage economical and orderly development of such parks and other nearby neighborhoods.

(2) It is, therefore, declared to be the policy of the City to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for planning and operating mobile home parks and by providing for the standards and regulations necessary to accomplish these purposes.

Sec. 129. Definitions.

(1) Use of words. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(2) "Factory-built housing" means any structure designed primarily for human occupancy which is either entirely or substantially prefabricated or assembled at a place other than a building site, meets the requirements of the International Building Code, and bears the insignia of the Washington State Department of Labor and Industry. Factory-built housing may also be called industrialized, modular, sectional, or sectionalized construction.

(3) "Mobile/manufactured home" means a factory-assembled structure or structures designed for human occupancy

and equipped with the necessary service connections and constructed so as to be readily movable as a unit or units upon running gear. The support system of a mobile home shall be constructed so that the mobile home may be placed thereon and may be moved from time to time at the convenience of the owner. Mobile homes must bear the insignia of the State Department of Labor and Industries. The terms "mobile home" and "manufactured home" are considered to be interchangeable in the context of this chapter. A commercial coach, recreational vehicle, or motor home is not a mobile/manufactured home.

(4) "Mobile home park" means an approved residential development as shown in the records of the community development department, and designed and approved in accordance with either the subdivision or the planned unit development regulations of the City, together with certain service/utility buildings and uses providing for the enjoyment and benefit of the residents of the mobile home park in which individual spaces are provided for the placement of a mobile home for dwelling unit purposes. Lots for mobile homes may be either rented or purchased.

(5) "Leasable" space means that area within the mobile home park designated on an approved site plan as lots for locating mobile home units with full utility hook-ups.

(6) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use with or without motive power of such size and weight as not to require a special highway movement permit and certified as approved as such by the State Department of Labor and Industries. "Recreational vehicles" shall include but are not limited to campers, motor homes, travel trailers, and camping trailers.

(7) "Recreational vehicle storage area" means a surfaced area enclosed by appropriate fencing provided for the storage of recreational vehicles. All recreational vehicle storage within the mobile home park shall occur in this designated area.

(8) "Service building" means a building for the purpose of housing mobile home park community facilities.
(8) "Utility building" means an accessory structure intended for the storage of typical outdoor equipment incidental to the occupants of the mobile home, i.e., lawn mower, lawn chairs, barbecue, etc. Utility buildings are limited to one per mobile home lot.

Sec. 130. General requirements.

(1) Mobile homes are a permitted use in mobile home parks only. Mobile home parks shall be developed in accordance with the requirements of either Title 17 DMMC or chapter 18.52 DMMC together with the requirements of this chapter.

(2) No recreational vehicle shall be occupied for residential or commercial purposes anywhere in the City except in the case of temporary uses as authorized by the City manager

or their designee; provided, that under no circumstances shall a recreational vehicle be occupied more than 30 days.

(3) Mobile/manufactured homes shall be used for residential purposes only, except for home occupations as defined in Title 18 DMMC.

(4) No space shall be rented or sold for any purpose within a mobile/manufactured home park except for a permanent residence.

(5) No person, company, or corporation shall establish a new mobile/manufactured home park, or enlarge the size of or increase the allowed density of an existing mobile/manufactured home park, without first complying with the provisions of this chapter.

(6) Where there is a conflict between the requirements of either Title 17 DMMC, chapter 18.52 DMMC, and this chapter, the most stringent provisions shall control.

(7) The provisions of this chapter shall not apply to factory-built housing.

Sec. 131. Business license required. All persons who rent or sell lots in a mobile home park for mobile homes and/or who sell mobile homes therein, shall possess a valid business license from the City. In addition to meeting all requirements of chapter 5.04 DMMC, relating to business licenses, the mobile home park shall be inspected by the Seattle-King County department of public health prior to issuance of a business license by the City clerk. The applicant shall remedy all unsanitary conditions found by the health department. Failure to remedy such conditions shall be grounds for denial or revocation of the business license by the City manager. All mobile home parks shall be inspected by the planning, building and public works department annually for compliance to this chapter. Failure to remedy corrections in a timely manner shall be grounds for denial or revocation of the business license by the City manager.

Sec. 132. Density requirements.

(1) Mobile home parks shall be not less than three acres in size. The maximum site area of a mobile/manufactured home park, or combination of adjacent parks, shall be 10 acres. Parks shall be considered to be "adjacent" to one another unless they are separated by an unrelated land use, and not merely by a public or private street, easement, or buffer strip.

(2) The number of mobile homes in the mobile home park shall not exceed the allowable number of dwelling units in the zone district in which the mobile home park is located.

Sec. 133. Development standards - Compliance. In addition to the requirements of either Title 17 DMMC or chapter 18.52 DMMC, mobile home parks shall comply with the following development standards and requirements.

Sec. 134. Development standards - Lots.

(1) Every mobile home lot shall be at least 2,400 square feet with a 40-foot frontage.

(2) Each mobile home lot shall be identified with an individual site number, each number a minimum of four inches tall in a logical numerical sequence, subject to approval by the building official, displayed in a International manner throughout the mobile home park and readily identified from the roadways within the park. In addition, these numbers must be shown on the official site plan for the mobile home park. Site numbers shall not be mounted on the mobile homes.

(3) Every mobile home lot shall have a pad hard surfaced with concrete or asphaltic concrete of minimum thickness of four inches. It shall be of a size not less than that of the mobile home to be parked on the lot.

Sec. 135. Development standards - Lot coverage. All impervious surfaces, including but not limited to mobile homes, service/utility buildings, carports, patios, driveways, and streets, shall not exceed 50 percent of the lot area.

Sec. 136. Development standards - Setbacks.

(1) Minimum front yard setbacks for all structures shall be ten (10) feet.

(2) Minimum rear yard setbacks for all structures shall be fifteen (15) feet.

(3) Minimum side yard setbacks for all structures shall be ten (10) feet.

(4) Corner lots shall observe a minimum 15-foot setback from all streets and alleys.

(5) The minimum clearance between mobile homes shall not be less than ten (10) feet.

(6) The clearance between mobile homes and any service/utility building(s) situated on the same lot shall not be less than required by the International Building Code.

(7) Eaves may project up to a maximum of eighteen (18) inches into any required setback area.

Sec. 137. Development standards - Parking spaces.

(1) A minimum of two off-street parking spaces per mobile home shall be provided on the lot on which the mobile home is located.

(2) In addition to occupant parking, guest, and service parking shall be provided within the boundaries of the park at a ratio of one parking space for each two mobile/manufactured lots, and shall be distributed for convenient access to all lots and may be provided by a separate

parking area. Clubhouse and community building parking facilities may account for up to fifty percent (50%) of this requirement.

(3) Setbacks for mobile/manufactured home units shall not be calculated for purposes of meeting the minimum parking requirements. All off-street parking spaces shall conform to the dimensional requirements contained in chapter 18.44 DMMC.

(4) Vehicles over 8,500 pounds gross license weight and recreational vehicles shall not be parked or stored on the individual lots or on any street. A separate storage area shall be provided with appropriate fencing and visual screening as determined by the community development department.

Sec. 138. Development standards - Streets and access.

(1) Access to and from the mobile home park shall be from a minor arterial or collector street. Access to mobile home lots shall be from interior streets only. No individual access to any mobile home lot shall be from streets adjacent to the exterior of the mobile home park.

(2) All streets shall be constructed to City standards contained in chapter 12.28 DMMC.

(3) Pedestrian sidewalks shall be of concrete pavement a minimum of five feet wide on both sides of all streets.

(4) Driveways providing entrance or exits to the mobile home park shall be no closer than 150 feet from an intersection, measured from the existing or proposed right-of-way, whichever is the greater.

(5) All streets and access roads so designated either in the subdivision or PUD review process shall be completed prior to occupancy of any mobile home.

(6) All fire lanes shall be clearly marked and no parking shall be allowed in these areas.

Sec. 139. Development standards - Building heights. The maximum building height shall be 25 feet.

Sec. 140. Development standards - Landscaping - Recreation space.

(1) At least 15 percent of the gross area within the mobile home park shall be set aside as active recreation space. The 15-foot buffer area required by subsection (2) of this section shall not be counted towards meeting the 15 percent requirement.

(2) A 15-foot minimum buffer area around the perimeter of the mobile home park is required. The buffer area shall contain perimeter screening of dense evergreen plantings, a minimum of five feet in height when installed, which will grow to a minimum of eight feet in height within five years.

(3) The developer shall furnish to the City a performance bond or other suitable security in a form approved by the City attorney and in an amount approved by the planning, building and public works department to ensure installation of the landscaping prior to any construction in the mobile home park.

Sec. 141. Development standards - Drainage. Drainage and runoff plans shall be approved by the Planning, Building and Public Works Director.

Sec. 142. Development standards - Sewers. Each mobile home shall be connected to sanitary sewers. A valid side sewer permit shall be obtained prior to any connection to any sewers.

Sec. 143. Development standards - Utilities. Every mobile home shall be permanently connected to electric power, water supply, sewage disposal, gas, cable television, and telephone service lines in compliance with applicable municipal codes. All utilities shall be placed underground in accordance with the provisions of chapter 17.36 DMMC.

Sec. 144. Development standards - Lighting. Artificial lighting shall be provided sufficient to illuminate walks, driveways, and parking areas to ensure the safe movement of pedestrians and vehicles at night. Artificial lighting shall be high pressure sodium lamps or equivalent. These exterior lights shall be such as will turn on and off automatically with dawn and dusk. Lighting shall be directed away from adjacent properties.

Sec. 145. Development standards - Recreation areas. Playground facilities or play area shall be conveniently situated, containing a minimum of five percent of the total gross area of the park and shall be restricted to such use. Such an area shall further be placed within the mobile home park so as to be properly protected from streets, highways, roadways, and parking areas. Such playground space may be provided in one or more locations within the mobile home park.

Sec. 146. Development standards - Screening.

(1) An ornamental wall, fence, or screen planting acceptable to the community development department not less than six feet and not more than 10 feet in height shall be erected and maintained along the side and rear boundaries of a mobile home park. Where, in the opinion of the planning, building and public works department, it is unreasonable to require a wall or fence due to the nature of the existing topography or other existing conditions that might render such a wall or fence ineffective, the department, at its discretion, may waive or modify the requirements as specified in this section.

(2) All outdoor storage in and around mobile homes shall be screened as prescribed in DMMC 18.41.040 except that a five-foot-deep landscape area shall not be required. All screening shall be approved by the planning, building and public works department.

Sec. 147. Development standards - Solid waste and recycling.

(1) The storage, collection, and disposal of solid waste in the mobile home park shall be conducted so as to prevent health hazards, rodent harborage, insect breeding areas, accidents, fire hazards, and air pollution. It shall be the responsibility of the mobile home park owner to ensure safe and sanitary storage, collection and disposal of refuse as required in DMMC 7.04.090.

(2) Community-type containers will be required and shall be located not more than 150 feet from any mobile home lot.

(3) These collection areas shall be screened according to the provisions of chapter 18.41 DMMC.

(4) Recycling facilities shall be provided as determined by the Planning, Building and Public Works Department.

Sec. 148. Development standards - Skirting. Skirtings are required and shall be constructed of like material to the mobile/manufactured home material. Every mobile home skirt shall be provided with a door or easily removed portion thereof through which an inspector may gain access to the crawl space under the unit.

Sec. 149. Adoption of mobile home regulations by reference. Chapter 296-150B WAC (Standards for Mobile Homes, Commercial Coaches, and Recreational Vehicles), as presently constituted or as may be subsequently amended, is adopted and shall be applicable within the City.

Sec. 150. Smoke detectors. Smoke detectors, of a type approved by the building official, shall be installed in all newly set mobile homes.

Sec. 151. Furnace controls - Power switch. All furnace controls and power switches shall be placed on the exterior of the furnace enclosure.

Sec. 152. Tie downs. All mobile homes shall be equipped with tie downs of a type that has been approved by the Building Official.

Sec. 153. Site plan required - Pre-existing parks. The owners of mobile home parks existing before July 1, 1992, shall provide the City with a site plan, prepared by a professional surveyor or engineer and/or in a form acceptable to the planning, building and public works department, showing the number of mobile homes presently on the site, their location, and the dimensions of all lots and the location and size of all roads, sewers, water lines, all other utilities and other structures on the property. The site plan shall be submitted in conjunction with the application or renewal of a business license as required by this ordinance.

Sec. 154. Preexisting mobile home parks.

(1) All mobile home parks existing before July 1, 1992, and which were in compliance with existing City or county codes at the time of their establishment, shall be legal, nonconforming uses and are entitled to the number of mobile homes which was permitted by the applicable ordinance in effect at the time the mobile home park was established, the number and configuration of individual spaces which are provided for placement of a mobile home for dwelling unit purposes existing on July 1, 1992, and the privilege of locating in such spaces mobile homes of a size suitable to the dimensions of the individual spaces and subject to the setback requirements which were in place at the time the mobile home was placed.

(2) The owner of the mobile home park shall provide the City Planning, Building, and Public Works Department by January 31, 2004, a plan or schematic of the mobile home park drawn to scale, showing the location and dimension of each space for the placement of mobile homes;

(3) All other provisions of this mobile home park regulation code shall be applicable; and

(4) No increase in density and no increase in the number of mobile homes are allowed unless all of the provisions of this chapter are met.

Sec. 155. Administration. The Planning, Building, and Public Works Director or his/her designee shall enforce the terms of this chapter according to the provisions of this ordinance.

Sec. 156. Inspections.

(1) No person may occupy or allow or suffer another person to occupy a mobile/manufactured home before the same has been inspected and approved by the State Department of Labor and Industries, and the installation has been approved by the Building Official.

(2) The installer/owner shall request an inspection after all aspects of the installation, other than installation of the skirting, have been completed. If the inspection is not completed within 10 business days, the tenant or owner may occupy the mobile/manufactured home at his or her own risk. Occupancy before inspection does not imply City approval.

Sec. 157. Mobile / manufactured home installation. No person may install a mobile home unless that person owns the mobile home, is a licensed mobile home dealer, or is a contractor registered under chapter 18.26 RCW, as presently constituted or as may be subsequently amended.

Sec. 158. Permits for accessory structures. Building permits shall be required pursuant to this ordinance for all accessory structures on a mobile/manufactured home lot,

including but not limited to awnings, porches, steps, decks, storage sheds, and carports.

Sec. 159. Park administration.

(1) The owner(s) of a mobile/manufactured home park shall be responsible for the development and maintenance of the park in strict conformity with this chapter, the building site plan, and all other applicable laws and ordinances.

(2) A mobile/manufactured home park shall have internal rules and regulations governing, at a minimum, the following:

(a) A requirement that all tenants comply with state inspection codes at the time a mobile/manufactured home is installed or modified.

(b) A requirement that all tenants comply with zoning code restrictions relating to the use of their mobile/manufactured home and lot.

(c) A requirement that all landscaping, buffer areas, recreational areas and facilities, storage areas, streets, walkways, and other common areas and facilities be continuously maintained to at least the minimum standard required by the City and approved by the enforcing agency at the time of initial occupancy.

(3) A mobile/manufactured home park shall have a resident manager who shall be the agent of the owner with authority to communicate directly with City officials regarding compliance with codes and requirements and who shall be responsible for the enforcement of park rules and regulations.

Sec. 160. Snow design load requirements. All newly placed or moved mobile/manufactured homes are required to meet the local snow design load of 25 lbs p.s.f.

Sec. 161. Maximum age of structure. All new placed or moved mobile/manufactured homes are required to be a maximum of 20 years old from the date of construction.

BUILDING TRANSPORTATION CODE

Sec. 162. Short title. This chapter is known as and may be referred to as the "Building Transportation Code."

Sec. 163. Application. A person who proposes to move an existing building from any site to another site within the City shall, prior to such move, apply for an on-site inspection by the building official.

Sec. 164. Notification of date - Inspection to be made on original location. Upon such application and upon payment of the fee provided in section 165 of this ordinance, the Building Official shall notify the applicant of the date and time of his/her inspection. The inspection shall be made at the

original location of the building prior to its removal therefrom to any site within the City.

Sec. 165. Fees for inspection. For an application provided for there shall be charged and collected an inspection fee set by administrative order of the City Manager. There shall be one fee if the building is situated within two miles of the City, and another fee if the building is situated at a distance in excess of two miles from the City. A separate permit shall be required for each building. In addition to the inspection fee, the applicant shall pay reasonable costs of transportation for the inspecting official.

Sec. 166. Interior wall and ceiling coverings to be removed for inspection. The applicant shall remove from the building or buildings all interior wall and ceiling coverings, including plaster, plaster board, and all similar material to the extent required by the inspecting official. Removal of the interior wall and ceiling coverings, including plaster, plaster board and all similar materials is for the purpose of enabling the inspecting official to make an adequate inspection of all studs, girts, plates, rafters, joints, and other structural members, together with all electrical wiring and rough plumbing. Defective parts or materials and those not in conformance with the ordinances of the City shall be removed from the building prior to its removal to a site within the City.

Sec. 167. Filing plans required before approval of application is granted. No approval shall be given to an application until the applicant has filed with the building official two sets of plans for the foundation and/or any proposed alterations or additions for the building.

Sec. 168. Agreement - Required. No structure requiring a house moving permit shall be moved into the City unless and until the owner of the structure enters into an agreement with the City in accordance with this ordinance.

Sec. 169. Agreement - Time period - Posting security. The agreement shall specify the maximum time period (expressed in a date certain) for the rendering of the structure suitable for human occupancy. The time shall not exceed six months. The building department is authorized to grant one extension of such time, not to exceed six months. Time shall be calculated from the date the structure is physically placed on the lot. The agreement shall require the owner to post adequate security in the form of a bond, cash, or blocked bank account to pay the estimated cost of demolition. The form of the security shall be in the sole discretion of the City. The agreement shall authorize the City to enter the property and demolish the structure and expend the security for the purposes of demolition and lot clearance.

Sec. 170. Notice of demolition - Appeal.

(1) Prior to the demolition of a structure, the City shall notify the owner, at the address specified in the agreement, by certified mail, of its intent to do so. The notice shall be mailed 20 days prior to the initiation of

demolition. The owner may appeal such notice of intent to demolish to the Hearing Examiner; provided, that such appeal is filed five days prior to the date of demolition set forth in the notice. Such appeal shall be in accordance with the Hearing Examiner Code.

(2) The Hearing Examiner may consider: (a) whether because of extenuating circumstances an extension of time should be granted, and (b) whether the structure is suitable for human occupancy. The burden of proof shall be on the owner of the structure to establish either proposition. If an appeal provided for in this chapter, or the Hearing Examiner Code, is not taken timely, demolition and lot clearance shall proceed forthwith.

FLOOD HAZARD AREAS CODE

Sec. 171. Short title. This chapter is known as and may be referred to as the **"Flood Hazard Areas Code."**

Sec. 172. Definitions.

(1) **Use of words and phrases.** As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(2) "Appeal" means a request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

(3) "Area of shallow flooding" means a designated AO or AH zone of the flood insurance rate map (FIRM). The base flood depths range from one foot to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and veloCity flow may be evident.

(4) "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

(5) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

(6) "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

(7) "Breakaway walls" means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material, which are so designed as to break away under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any building to which they might be carried by flood waters.

(8) "Coastal high hazard area" means the area subject to high veloCity waters, including but not limited to storm

surge, or tsunamis. The area is designated on a FIRM as "zone V1-V30."

(9) "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials located within the area of special flood hazard.

(10) "Exemption" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(11) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; and/or

(b) The unusual and rapid accumulation of runoff of surface waters from any source.

(12) "Flood insurance rate map (FIRM)" means the latest published official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(13) "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

(14) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(15) "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

(16) "Local administrator" means the City Manager or his/her designee.

(17) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of section 186(1)(b) of this ordinance.

(18) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a

permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

(19) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(20) "Mean sea level" means the average height of the Puget Sound for all stages of the tide.

(21) "New construction" means structures for which the "start of construction" commenced on or after July 1, 1992.

(22) "Start of construction" includes substantial improvement, and means the date the building permit was issued; provided, that the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(23) "Storage tank" means a container for the storage of a gas or liquid.

(24) "Structure" means a walled and roofed building.

(25) "Substantial improvement" means a repair, reconstruction, or improvement of a structure made during a three-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of a wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(c) The term does not, however, include either:

(i) A project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions; or

(ii) An alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

GENERAL PROVISIONS

Sec. 173. Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for King County, Washington and Incorporated Areas," Volumes 1 - 3, dated November 8, 1999, with accompanying flood insurance maps is adopted by reference and declared to be a part of this chapter. Not less than one copy of the flood insurance study shall be filed in the Building Official's office and be available for use and examination by the public.

Sec. 174. Compliance/Penalties. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Any structure or land hereafter constructed, located, extended, converted, or altered in violation of this chapter may be deemed a public nuisance. Violation of the provisions of this chapter by failure to comply with any of these requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of the requirements set forth in this chapter shall upon conviction be guilty of a misdemeanor for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing contained in this chapter shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 175. Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 176. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

(1) Considered as minimum requirements; and

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted to the City under state statutes.

(3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of section 187(1) of this ordinance are met.

Sec. 180. Use of other base flood data. When base flood elevation data has not been provided in accordance with section 173 of this ordinance, the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer sections 187(1) and (2) and section 188 of this ordinance.

Sec. 181. Information to be obtained and maintained.

(1) Where base flood elevation data is provided through flood insurance studies or as in section 180 of this ordinance, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved floodproofed structures:

(a) Verify and record the actual elevation (in relation to mean sea level); and

(b) Maintain the floodproofing certifications required in section 178(3) of this ordinance.

(3) Maintain for public inspection all records pertaining to the provisions of this chapter.

(4) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand high veloCity waters, storm surges, and tsunamis.

Sec. 182. Alteration of watercourses.

(1) Notify adjacent communities and the State Department of Ecology (DOE) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

Sec. 183. Interpretation of firm boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in sections 184 through 185 of this ordinance.

APPEALS AND EXEMPTIONS

Sec. 184. Appeals and exemptions generally.

(1) Hearings and decisions of appeals of orders, decisions, or determinations made by the local administrator relative to the application and interpretation of this code, shall be made by the Hearing Examiner in accordance with the provisions of the Hearing Examiner Code.

(2) When considering an application for a exemption to any provisions of this chapter, the Hearing Examiner shall consider all technical evaluations, all relevant factors and standards specified in other sections of this chapter, and:

(a) The danger that materials may be swept onto other lands to the injury of others; and

(b) The danger to life and property due to flooding or erosion damage; and

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; and

(d) The importance of the services provided by the proposed facility to the community; and

(e) The necessity to the facility of a waterfront location, where applicable; and

(f) The availability of alternate locations for the proposed use which are not subject to flooding or erosion damage; and

(g) The compatibility of the proposed use with existing and anticipated development; and

(h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area; and

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles; and

(j) The expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Sec. 185. Conditions/Criteria for exemptions.

(1) Generally, the only condition under which a exemption from the elevation standard may be granted shall be for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below base flood level; provided, that the exemption criteria listed above have been fully considered.

(2) Exemptions may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedure set forth in this section.

(3) Exemptions shall not be granted within a designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Exemptions shall only be granted upon a determination that the exemption is the minimum necessary, considering the flood hazard, to afford relief.

(5) Exemptions shall only be granted upon:

(a) A showing of good and sufficient cause; and

(b) A determination that failure to grant the exemption would result in exceptional hardship to the applicant; and

(c) A determination that the granting of an exemption will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(6) Exemptions as interpreted in the National Flood Insurance Program are based on the general zoning law principle that such exemptions pertain to a physical piece of property; such exemptions are not personal in nature and do not pertain to a structure, inhabitants thereof, or economic or financial circumstances.

(7) Exemptions may be granted for non-residential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing where it can be determined that such action has a low damage potential, complies with all other exemption criteria except section 184(2)(b), and otherwise complies with the general standards of this ordinance.

(8) Any applicant to whom an exemption is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

PROVISIONS FOR FLOOD HAZARD PROTECTION

Sec. 186. General standards. In all areas of special flood hazards, the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(b) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(2) Construction material and methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(c) On-site waste disposal systems shall be located to avoid impairment to such systems or contamination from such systems during flooding.

(4) Subdivision proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flooding.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 10 lots or one acre, whichever is less.

(5) Review of building permits - Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed by the building official to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Sec. 187. Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 173 or section 180 of this ordinance, the following provisions are required:

(1) Residential construction.

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(2) Nonresidential construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the level of the base

flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the local administrator as required by section 106.3.4.1 IBC and section 106.1 IRC.

(d) Nonresidential structures that are elevated, but not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (1)(b) of this section.

(e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated as at the base flood level).

(3) Manufactured homes. All manufactured homes in the flood plain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This subsection applies to new manufactured homes placed on any site, manufactured homes in a new or expanded manufactured home park or subdivision, and new manufactured homes in an existing manufactured home park and subdivision.

Sec. 188. Floodways. Located within areas of special flood hazard established in section 173 of this ordinance are areas designated as floodways. Since the floodway is an extremely hazardous area due to the veloCity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) Construction or reconstruction of residential structures is prohibited within designated floodways, except for

(a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and

(b) All additions, alterations, remodels, or repairs made during a three-year period that affect more than fifty percent (50%) of an existing structure either

(i) Before the repair, reconstruction, or repair is started, or

(ii) If the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places may be excluded in the fifty percent (50%).

(3) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of sections 186 and 187 of this ordinance.

Sec. 189. Wetlands management. To the maximum extent possible, each development subject to this chapter shall avoid the short-term and long-term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to alleviate flooding impacts. The following process shall be implemented for such development:

(1) Review proposals for development within base flood plains for their possible impacts on wetlands located within the flood plain.

(2) Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the ability of the wetland to reduce flood and storm drainage.

(3) Request technical assistance from the Department of Ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) may be used in conjunction with the area's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention.

Sec. 190. Coastal high hazard area. Located within areas of special flood hazard established in section 173 of this ordinance are coastal high hazard areas, which are designated as zones V1-V30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this chapter, the following provisions shall also apply:

(1) All new allowable construction and substantial improvement in zones V1-V30 and VE (V if base flood elevation

data is available) shall be elevated on pilings and columns so that:

(a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and

(b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(c) A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (1)(a) and (1)(b) of this section.

(2) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in zones V1-V30 and VE, and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.

(3) All new construction shall be located landward of the reach of mean high tide.

(4) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(a) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(5) If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

(6) Prohibit the use of fill for structural support of buildings.

(7) Prohibit manmade alteration of sand dunes which would increase potential flood damage.

(8) Manufactured homes proposed in coastal high hazard areas must meet all V zone standards.

Sec. 191. Encroachments. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

PROTECTIVE PARKING DEVICES CODE

Sec. 192. Short title. This chapter is known as and may be referred to as the "Protective Parking Devices Code."

Sec. 193. Required. All parking areas, service yards, or other vehicle areas, heretofore or hereafter constructed, which in the opinion of the Building Official slope down to adjoining properties or streets, or such areas which have a drop-off grade separation in relation to adjoining properties or streets, shall have provided by the owner, operator, or lessee a wall, sturdy railing, or other installation which will prevent a slow-moving or driverless vehicle from escaping such area.

STREET NAMES AND BUILDING ADDRESSES

Sec. 194. Purpose. The purpose of this chapter is to grant the Building Official the authority to assign street names and numbers and to address the principal entrances of all buildings or other uses in conformance with the grid system adopted by this ordinance.

Sec. 195. Grid system adopted. The grid system adopted by King County Resolution No. 16,622, as amended by Ordinance Nos. 1630, 1721, 1874, 1970, 2081, 2221, and 2362, as presently constituted or as may be subsequently amended, and as amended, added to, or excepted in this chapter, together with all amendments and additions provided in this title, is adopted and is applicable within the City.

Sec. 196. Street designations.

(1) The Building Official shall:

(a) Designate all public and private streets using the guidelines of the grid system; and

(b) Not name a street unless the Building Official determines that the number assigned to the street by the grid system is not feasible.

(2) The Building Official may redesignate existing streets if the building official determines the street name or number is inconsistent with the grid system.

(3) Public and private streets shall carry a cardinal point prefix or suffix. Public and private streets designated as:

(a) Avenues are preceded by a numerical designation, are assigned a cardinal point suffix, and are in a generally north-south direction;

(b) Streets are preceded by a numerical designation, are assigned a cardinal point prefix, and are in a generally east-west direction; and

(C) Circles, courts, drives, highways, lanes, places, and ways are assigned a cardinal point:

(i) Suffix if it is in a generally north-south direction; and

(ii) Prefix if it is in a generally east-west direction.

(4) A person may appeal a street designation to the Hearing Examiner in accordance with the Hearing Examiner Code, provided a written appeal is filed with the City Clerk within 10 days following the designation.

Sec. 197. Council redesignation.

(1) Notwithstanding section 194 through section 196, the City Council reserves the option of changing street names or changing numbered streets to named streets. Applications to the City Council for street renaming shall contain the signatures of the majority of persons having ownership in properties addressed on the street. The filing fee for a street name change application is established by administrative order of the City Manager. The Building Official shall provide written notification to effected property owners at least 20 days before final City Council action.

(2) In its deliberations, the City Council shall consider technical information from the Building Official, location and development characteristics relative to the street, and the impact of the change on existing businesses and residences, as well as on emergency vehicle responsiveness. Only entire street lengths or distinct major portions of streets are eligible for renaming by the City council. For the purposes of this chapter, "distinct major portion" means a separate portion of a street identifiable by either a directional shift of at

least 45 degrees or an interrupted interval of at least 0.25 mile.

(3) A street name change is accomplished by the adoption of an ordinance directing the change.

Sec. 198. Block designations. The grid system shall determine numerical block designations.

Sec. 199. Street signs. The Building Official shall provide for the placing of street identification signs at the northeast and southwest corners of all intersections and at other locations determined by the Building Official. All signs shall have International style, size, and white lettering on a blue background.

Sec. 200. Address designations.

(1) The Building Official shall assign building addresses using the following criteria:

(a) Even numbered addresses are used on the:

(i) Northerly side of streets having a generally east-west direction; and

(ii) Easterly side of streets having a generally north-south direction; and

(b) Odd numbered addresses are used on the:

(i) Southerly side of streets having a generally east-west direction; and

(ii) Westerly side of streets having a generally north-south direction.

(2) Buildings not visible from a public street or set back from a public street to the extent that the building address is not readily visible, are addressed from the driveway access.

(3) Addresses shall contain only whole numbers. The Building Official shall redesignate an existing address if the Building Official determines the address is inconsistent with this subsection.

(4) Multiple-dwelling units shall receive one building address. The location of the main entrance determines that number. The multiple-dwelling unit owner shall provide individual units within the complex a number composed of the unit number and floor in a clockwise direction from the main entrance.

Sec. 201. Address assignments.

(1) In existing subdivision or short subdivision plats, in binding site plans, planned unit developments, and in land not yet platted, the assignment of addresses for new

buildings shall occur in conjunction with the issuance of a building permit.

(2) In subdivision or short subdivision plats approved after September 14, 1993, the assignment of addresses shall conform with DMMC 17.40.050.

Sec. 202. Notification of address assignments. Upon assignment of a building address, the Building Official shall notify the:

(1) United States Postal Service;

(2) South King Fire and Rescue Department;

(3) Des Moines Police Department; and

(4) Other Agencies as Determined by the Building Official.

Sec. 203. Building Official powers and duties.

(1) The Building Official shall promulgate rules to implement this chapter.

(2) The Building Official shall maintain the official record of current addresses.

Sec. 204. Compliance required.

(1) Should the Building Official find that a building is not provided with an address, is not correctly addressed, or is not using the assigned address, the building official shall notify the owner or occupant of the correct address.

(2) The correct address number shall be placed and used by the effective date shown on the notice from the Building Official.

Sec. 205. Repealer. The previously codified provisions of Title 14 DMMC and Ordinance Nos. 21, 135, 169, 194, 232, 238, 258, and 403, section 8 of Ordinance No. 445, Ordinance No. 446, section 1(S) of Ordinance No. 454, Ordinance Nos. 498, 516, 528, and 563, sections 22-23 of Ordinance No. 610, Ordinance Nos. 656 and 676, sections 49-51 and 54 of Ordinance No. 770, Ordinance Nos. 787, 802, 807, 894, and 900, all repealed by Ordinance No. 938; Ordinance Nos. 209, 273, 318, and 327, repealed by 511; Ordinance No. 511, repealed by 598; Ordinance No. 598, repealed by Ordinance No. 656; Ordinance No. 240, repealed by Ordinance No. 904; Ordinance No. 259, repealed by Ordinance No. 752; Ordinance No. 615, repealed by Ordinance No. 872; Ordinance Nos. 497 and 579, repealed by Ordinance No. 807; all formerly codified in chapters 14.04 through 14.52 DMMC, are each repealed.

Sec. 206. Codification.

(1) Sections 1 through 204 of this ordinance shall be codified as a re-enacted Title 14 DMMC, entitled "Buildings and Construction."

(2) Sections 5 through 25 of this ordinance shall be codified as a new chapter in Title 14 DMMC entitled "Administration and Enforcement."

(3) Sections 26 through 69 of this ordinance shall be codified as a new chapter in Title 14 DMMC entitled "Building Code."

(4) Sections 70 through 89 of this ordinance shall be codified as a new chapter in Title 14 DMMC entitled "Fire Code."

(5) Sections 90 through 103 of this ordinance shall be codified as a new chapter in Title 14 DMMC entitled "Electrical Code."

(6) Sections 104 through 121 of this ordinance shall be codified as a new chapter in Title 14 DMMC entitled "Land Filling, Clearing and Grading Code."

(7) Sections 122 through 126 of this ordinance shall be codified as a new chapter in Title 14 DMMC entitled "Sewage Disposal Systems Code."

(8) Sections 127 through 161 of this ordinance shall be codified as a new chapter in Title 14 DMMC entitled "Mobile Home Parks Regulations Code."

(9) Sections 162 through 170 of this ordinance shall be codified as a new chapter in Title 14 DMMC entitled "Building Transportation Code."

(10) Sections 171 through 191 of this ordinance shall be codified as a new chapter in Title 14 DMMC entitled "Flood Hazard Area Code."

(11) Sections 192 through 193 of this ordinance shall be codified as a new chapter in Title 14 DMMC entitled "Protective Parking Devices Code."

(12) Sections 194 through 204 of this ordinance shall be codified as a new chapter in Title 14 DMMC entitled "Street Names and Building Addresses."

Sec. 207. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is ratified and affirmed.

Sec. 208. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent

jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 209. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 2nd day of August, 2007 and signed in authentication thereof this 2nd day of August, 2007.

MAYOR

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: August 9, 2007

Effective Date: September 1, 2007

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1407, Adopted August 2, 2007.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to the City's Buildings and Construction Code; reenacts Title 14 DMMC; adopts by reference, as amended herein, excepted or added to, the latest editions of the International Building Code, International Residential Code, International Property Maintenance Code, International Fire Code, International Mechanical Code, National Fuel Gas Code, International Fuel Gas Code, Liquefied Petroleum Gas Code, Washington State Energy Code, Washington State Ventilation & Indoor Air Quality Code, Washington State Historic Building Code, National Electrical Code, and Uniform Plumbing Code; re-establishes general rules for administration and enforcement of the codes; adopts Sound Control Requirements, a Land Clearing, Filling, and Grading Code, a Flood Hazard Areas Code, a Mobile Home Park Regulation Code, a Building Transportation Code, a Sewage Disposal Systems Code, a Protective Parking Devices Code, and regulations for street names and building addresses; repeals the previously codified provisions of Title 14 and underlying ordinances; provides penalties; provides for severability; and establishes an effective date.

The full text of the ordinance will be mailed without cost upon request.

Denis Staab
City Clerk

Published: August 9, 2007