

ORDINANCE NO. 944

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, AMENDING THE CITY'S BUILDING CODE BY ADOPTING THE 2009 INTERNATIONAL BUILDING CODES AND IN FURTHERANCE THEREOF, AMENDING CHAPTER 15.04 ENTITLED "BUILDING CODE" OF THE LANGLEY MUNICIPAL CODE

WHEREAS, Washington statutes require all jurisdictions in the state to adopt by reference and enforce the same building code throughout Washington; and

WHEREAS, Washington established the 2009 International Codes, promulgated by the International Code Council (ICC), as the basis of the new State Building Code pursuant to RCW 19.27. The exceptions to the International Codes are the 2009 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials and the National Electrical Code, published by the National Fire Protection Association.

WHEREAS, Washington previously developed an energy conservation code and a code for the elimination of physical barriers to promote accessibility; and

WHEREAS, the Washington State Energy Code and the International Mechanical Code are stand alone codes and the Washington State Air Quality provisions and accessibility provisions reside as State amendments to the International Building Code; and

WHEREAS, the Washington Association of Building Officials passed resolution 2003-02 that, in part, promotes the local adoption of the International Codes and Uniform Plumbing Code with as few local amendments as possible;

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

Section 1. Chapter 15.04 of the Langley Municipal Code is hereby amended to read as follows:

**Chapter 15.04
Building Code**

Sections:

- 15.04.010 Title.**
- 15.04.020 Purpose.**
- 15.04.030 Structure defined.**
- 15.04.040 Adoption of national codes and standards.**
- 15.04.050 General Requirements for all Referenced Codes.**
- 15.04.060 Permits**

15.04.070 Violation-Penalty.

Section 15.04.010 Title.

The ordinance codified in this chapter shall be known as the "building code of the city of Langley, Washington," may be cited as such, and will be referred to in this chapter as "this Code." (Ord. 437, 1984)

Section 15.04.020 Purpose.

The purpose of this Code is to establish and enforce minimum standards of construction, alteration and removal of buildings and other structures, including mechanical, fire and plumbing provisions, within the limits of this municipality. The provisions of this Code apply to any structure or part of any structure.

(Ord. 437, 1984)

Section 15.04.030 Structure defined.

"Structure" means any assembly or material erected in a more or less permanent location and described by the use for which it is intended.

(Ord. 437, 1984)

Section 15.04.040 Adoption of national codes and standards.

1. The ~~2006~~2009 International Building Code as published by the International Code Council, Inc.(IBC) and as adopted and amended by the State of Washington (WAC 51-50). The following Appendices are specifically adopted: Appendix C, Agricultural Buildings; Appendix E, Supplementary Accessibility Requirements; Appendix J, Grading; ICC/ANSI A117.1-2003

2. The ~~2006~~2009 International Residential Code published by the International Code Council, Inc. (IRC) and as adopted and amended by the State of Washington (WAC 51-51). ~~Chapters 11 and 25 through 42 are not adopted.~~ The following Appendices are specifically adopted: Appendix G, Swimming Pools, Spas and Hot Tubs;

Appendix J, Existing Buildings and Structures; Appendix R, Dwelling Unit Fire Sprinkler Systems.

3. The ~~2006~~2009 International Mechanical Code published by the International Code Council, Inc. (IMC) except that the standards for liquefied petroleum gas installations shall be the International Fuel Gas Code, NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

4. The ~~2006~~2009 International Fire Code, published by the International Code Council, Inc.(IFC), including those standards of the National Fire Protection Association specifically referenced in the International Fire Code and as adopted and amended by the State of Washington (WAC 51-54): PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles. The following Appendices are specifically adopted: ~~Appendix B, Fire Flow for Buildings;~~ Appendix C, Fire Hydrant Locations and Distribution; ~~and Appendix D, Fire Apparatus Access Roads.~~

5. Except as provided in RCW 19.27.170, the ~~2006~~2009 Uniform Plumbing Code (UPC) and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials and as adopted and amended by the State of Washington (WAC 51-56) (51-57): PROVIDED, that Chapters 12 and 15 are not adopted and provided further that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel-fired appliances as found in Chapter 5 and any provisions of such code affecting building sewers or fuel gas piping are not adopted and are not adopted.

6. The 2009 International Existing Building Code published by the International Code Council, Inc. (IEBC) and as adopted and

amended by the State of Washington (WAC 51-50).

67. The rules adopted by the Washington State Building Code Council establishing standards for making buildings and facilities accessible to and usable by the physically disabled or elderly persons as provided in RCW 70.92.100 through 70.92.160.

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

78. The ~~2006~~2009 International Fuel Gas Code as published by the International Code Council, Inc. (IFGC) and as adopted and amended by the State of Washington (WAC 51-52).

89. The ~~2006~~2009 Washington State Energy Code Chapter 51-11 WAC.

910. The Washington State Ventilation and Indoor Air Quality Requirements Chapter 51-13 WAC, ~~are adopted as an amendment to the 2006 International Mechanical Code.~~

1011. NFPA 58 - Liquefied Petroleum Gas Code.

1112. The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings published by the International Conference of Building Officials, Whittier California.

1213. NFPA 54 – National Fuel Gas Code (Ord. 842, 2004) (Ord. 892, 2007)

Section 15.04.045 Adoption of Chapter 1 Scope and Administration

Chapter 1-Scope and Administration of the International Building Code and International Residential Code is hereby adopted by reference.

Section 15.04.050. General Requirements for all Referenced Codes.

Conflict between Codes. Whenever there is a conflict between a Referenced Code in Section 15.04.040 of this code and the General Requirements contained in Section 15.04.041 of this code, the General Requirements shall apply. All referenced codes are available for review at the City of Langley Building Department (Ord. 652, 1993; Ord. 542, 1990; Ord. 475, 1985; Ord. 437, 1984) (Ord. 697, 1995) (Ord. 765, 1998)(Ord.842,2004)

Table 301.2 Design Requirements:

Ground Snow Load *	Wind Speed (mph)	Seismic Design Category	Weathering	Frost line depth	Termites
20 lbs/ft ²	85 mph	D2	Moderate	18"	Slight to Moderate
Decay	Winter Design Temp	Ice Shield Underlay	Flood Hazards	Air Freeze Index	Mean Annual Temp
Slight to Moderate	27°	No	1983 1995 FIRM	171	49.7°

*Minimum roof snow load to be 20 lbs/ft² in the City of Langley

(Ord. 652, 1993; Ord. 542, 1990; Ord. 475, 1985; Ord. 437, 1984) (Ord. 697, 1995) (Ord. 765, 1998)(Ord. 842, 2004)

Section 15.04.060 Permits.

A. Expiration of Permits. All permits shall expire by limitation and be declared void if a) work is not started within 180 days of obtaining a permit, or b) work is abandoned for 180 days or more after beginning work, or c) after two years from the date of permit issuance, regardless of whether the work is finished. If a permit is expired for time, a new permit may be obtained for ½ the permit fee for the value of the remainder of the work to finish the original permit.

B. Fees. The building permit fees, which are adopted by the enactment of this ordinance are contained in Exhibit A, attached hereto and incorporated into this code by this reference. Hereafter, this Building Permit Fee Schedule may be amended or otherwise changed by resolution.

C. Plan Review Fees: When submittals of documents are required, a plan review fee shall be paid at time of submittal. Said plan review fee shall be 65 percent of the building permit cost. The plan review fees specified in this section are separate fees and are in addition to the permit fees. Plan review fees for multiple projects of **identical, mirrored or reversed plans** which are submitted at the same time shall be calculated as follows: 100% of the full fee for the first, 80% of the full fee for the second and 60% of the full for the third and subsequent plans.

D. Expiration of Plan Review: Applications for which no permit is issued within 180 days following the date of application 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 written requests from the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application may be extended more than once.

In order to renew action on an application, the applicant shall resubmit required plans and pay a new plan review fee.

E. Building Valuation: Building permit fees shall be determined by the Building Official and based on the total valuation of the proposed project. The basis for building valuation shall be Building Valuation Table contained the Exhibit A, attached hereto and incorporated into this code by this reference. Hereafter, this Building Valuation Table may be amended or otherwise changed by the Building Official to reflect current construction costs.

F. Investigation Fees: Work without a Permit.

a. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

b. Investigation Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Exhibit A. This fee is an additional, punitive fee and shall not apply to any Grading or Building Permit Fee that may subsequently be issued. Payment of the investigative fee does not vest the illegal work with any legitimacy, nor does it establish any right to a permit for continued development of that project. If the work done remains illegal for 90 days after service of the Stop Work Order, it shall be considered hazardous.

c. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

D. Fee Refunds.

The building official may authorize the refunding of:

1. 100% of any fee erroneously paid or collected.

2. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. Up to 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

(Ord. 932, 2009)

Section 15.04.070 Violation-Penalty.

A. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter repair, move, improve, remove, convert, or

demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this Code.

B. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment. (Ord. 437, 1984)

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective date. This ordinance shall be in full force and effect on July 1, 2010.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON and approved by the Mayor at a regular meeting held the 21st day of June, 2010.

Paul Samuelson, Mayor

ATTEST:

Debbie L. Mahler, Clerk-Treasurer

APPROVED AS TO FORM:

Grant Weed, City Attorney

PUBLISHED: South Whidbey Record _____

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