

ORDINANCE NO 1062

ORDINANCE OF THE CITY OF ROSLYN, WASHINGTON, AMENDING RMC CHAPTER 18.130, BUILDING AND FIRE CODE WITH CERTAIN AMENDMENTS TO CONFORM WITH RCW 19.27, THE REVISED WASHINGTON STATE BUILDING CODE ACT, WHICH GOES INTO EFFECT ON JULY 1, 2010; MOVING AND RENUMBERING CHAPTER 18.130 TO CHAPTER 15.05, BUILDING CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, both the City of Roslyn and the State have adopted the International Codes by reference to regulate construction and development; and

WHEREAS, the State Building Code Council has adopted the 2009 editions of the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Fire Code, International Existing Building Code, and International Property Maintenance Code, as published by the International Code Council and the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, together with certain amendments thereto, to become effective July 1, 2010; and

WHEREAS, the State has updated Chapter 19.27 of the Revised Code of Washington (RCW), the Washington State Building Code Act, to adopt the 2009 versions of the International Codes, effective July 1, 2010; and

WHEREAS, the State Building Code Council delayed the implementation of the 2009 Washington State Energy Code and as such the prior version remains in effect until the 2009 version goes into effect under state rule; and

WHEREAS, certain existing chapters of the RMC will not conform to RCW 19.27 after July 1, 2010; and

WHEREAS, the Town Council must update the RMC's building, fire and construction codes so that Chapter 18.130 of the RMC is consistent with RCW 19.27 effective July 1, 2010; and

WHEREAS, the City of Roslyn desires to amend and repeal certain sections of the City of Roslyn's Buildings and Fire Code, renumber and adopt a new section, to bring it up to date with the current State Building Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROSLYN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. RMC 12.260.010 Amended. Roslyn Municipal Code Chapter 12.260.010 is hereby amended as follows:

~~B. Notwithstanding anything in this chapter or in the Roslyn Municipal Code to the contrary, this chapter establishes duties owed to the public as a whole and not any duties to protect any person or class of persons.~~

B. Responsibility for compliance. Regardless of any review, approval, inspection, permit issuance or other action of the city or its agents, consultants or employees, it is the responsibility of the developers, permit applicants, owners and occupiers of land within the city limits to ensure that all work, actions or conditions comply with all city ordinances and all other applicable laws, and with the requirements of any permits or approvals granted under city ordinance or any other applicable law. No provision of, or term used in this chapter is intended to impose any duty upon the city or any of its agents, consultants or employees. Nothing contained in this chapter or other provisions of the development regulations is intended to be or shall be construed to create or form the basis for any liability on the part of the city, its agents, consultants or employees for any injury or damage resulting from a failure to comply with the provisions of city ordinances or other applicable law or by reason of or as a consequence of any permission, denial or approval authorized or issued or done in connection with the implementation or enforcement of city ordinances or other applicable law or by reason of any action or inaction on the part of the city or its agents, consultants, or employees relating in any manner to the implementation or enforcement of city ordinances or other applicable laws.

Section 2. RMC 12.260.020 Amended. Roslyn Municipal Code Chapter 12.260.020 is hereby amended as follows:

~~F. No building permit shall be issued until all fees have been paid in accordance with the provisions of the fee schedule contained in the 2006 Edition of the International Building Codes as adopted by the City of Roslyn. Fees.~~

1. PRESCRIBED FEES. A permit application shall not be accepted until the fees prescribed in the adopted Schedule of Fees have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, and mechanical or gas systems, etc. has been paid.
2. WORK COMMENCING BEFORE PERMIT ISSUANCE. Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing, etc.

systems before obtaining the necessary permits, shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees.

3. ACCOUNTING. The Chief Building Official shall keep a permanent and accurate accounting of all permit fees and other money collected, the names of all persons upon whose account the same was paid, along with the date and the amount thereof.
4. BUILDING PERMITS VALUATIONS. Construction valuation shall be determined by the building size and type and in accordance with the figures located in the Building Valuation Table published by the International Code Council (ICC). If, in the opinion of the Chief Building Official, the valuation appears to be underestimated, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Chief Building Official. Permit valuations shall include the total cost, such as building, electrical, gas, mechanical, plumbing equipment and other systems, including material and labor.
5. REINSPECTION FEES. The adopted Schedule of Fees shall prescribe the amount of the reinspection fee charged. The reinspection fee shall be applied to the project requiring additional visits by the inspector due to a previous corrective order. The fee shall be applied for each reinspection performed.

Section 3. RMC 12.260.025 Enacted. A new Roslyn Municipal Code Chapter 12.260.025 is hereby enacted as follows:

12.260.025 EXISTING BUILDINGS

A. GENERAL. Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all of the requirements of the construction codes provided that the alteration, repair or rehabilitation work conforms to the requirements of the construction codes for new construction. The Chief Building Official shall determine the extent to which the existing system shall be made to conform to the requirements of the construction codes for new construction.

B. CHANGE OF OCCUPANCY. If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the construction codes as required by the Chief Building Official.

C. SPECIAL HISTORIC BUILDINGS. The provisions of the construction codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified or classified by the state or the City of Roslyn as an Historic Building when such buildings or structures are judged by the Chief Building Official to be safe and in the public interest of health, safety and welfare

regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within the fire districts.

Section 4. RMC 12.260.040 Repealed and Replaced. Roslyn Municipal Code Chapter 12.260.040 is hereby amended by repealing the current Chapter 12.260.040 in its entirety and replacing it with a new Chapter 12.60.040 as follows:

12.60.040 Codes Adopted.

A. Pursuant to RCW 35A.12.140, the following codes of technical regulations is hereby adopted by this reference as if fully set forth, subject to the modifications or amendments set forth in this chapter.

The State Building Codes (SBC), as adopted and amended by the Washington State Building Code Council is hereby adopted by the city and shall include all of the following:

- 2009 International Building Code with statewide amendments and as amended within this document
- ICC/ANSI A117.1-03, Accessible and Usable Buildings and Facilities, with statewide amendments without exception
- 2009 International Residential Code with statewide amendments and as amended by this document
- 2009 International Mechanical Code with statewide amendments without exception
- 2008 Liquefied Petroleum Gas Code (NFPA 58) without exception
- 2009 National Fuel Gas Code (NFPA 54) without exception
- 2009 International Fire Code with statewide amendments without exception
- 2009 Uniform Plumbing Code with statewide amendments without exception
- 2006 Washington State Energy Code without exception
- 2009 International Existing Building Code with statewide amendments found in the IBC without exception
- 2008 National Electrical Code (NFPA 70) -- Please see the Department of Labor and Industries for information on the adoption and amendment of the National Electrical Code without exception.

APPENDICES. Appendices referenced in the text of the construction codes shall be considered an integral part of the construction codes.

Section 5. RMC 12.60.050 Repealed and Replaced. Roslyn Municipal Code Chapter 12.60.050 is hereby amended by repealing the current Chapter 12.60.050 in its entirety and replacing it with a new Chapter 12.60.050 as follows:

12.60.050

Section R105.2 Work exempt from permit. Section 105.2 of the International Residential Code is amended to read as follows:

R105.2 Work exempt from permit. Amend the item 1 under "Building" to read:

"One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet."

Section R301.2.3 Snow Load. Section R301.2.3 of the International Residential Code is amended by adding the following sentence to the end of the paragraph:

"Ground Snow Load for the City of Roslyn shall be no less than 130psf."

Section 109.4 and Section R108.6. Work without a Permit. Section 109.4 of the International Building Code and Section R108.6 of the International Residential Code are hereby amended as follows:

Any person who commences work requiring a permit on a building, site, structure, electrical, gas or plumbing system before obtaining the necessary permits shall be subject to an investigation and administration fee equal to the amount of the permit 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 the city code. The minimum investigation fee shall be the same as the minimum fee set forth in the city code. The payment of the investigation fee shall not exempt any person from compliance with all provisions of this code not from any penalty prescribed by law.

In addition to the investigation and administration fee, all associated city staff and city consultant charges shall be collected.

Section 110.3.8 and Section R109.1.5. Section 110.3.8 of the International Building Code and Section R109.1.5 of the International Residential Code are hereby amended as follows:

In addition to inspections as required by this code not excluding regular inspections by the building official, special inspections and structural observations; the building official is authorized to make or require other inspections of any construction work or grading to ascertain compliance with the provisions of this code and other laws that are enforced by the City of Roslyn.

In addition to regular code specified town inspections, special inspections and structural observations; structural systems, mechanical systems, plumbing systems, and energy systems may be required to have visual observation and testing to confirm compliance with approved construction documents. These inspection requirements apply as the building official may find required. When required, visual observations and testing are to be performed or overseen by a registered design professional approved by the building official. All costs for inspections are the responsibility of the permit holder.

Section 6. RMC 12.260.060 Enacted. A new Roslyn Municipal Code Chapter 12.260.060 is hereby enacted as follows:

12.260.060 Violation – Penalty. Any person violating any of the provisions of or failing to comply with any of the mandatory requirements of this chapter or of any portion of the State Building Code as adopted or amended by this chapter is guilty of a misdemeanor punishable by a fine not exceeding \$2,000 or by imprisonment for any term exceeding six months, or by both such fine and imprisonment. Each day that a violation is continued shall be considered a separate offense

Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

ADOPTED BY THE TOWN COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF SEPTEMBER, 2010.

CITY OF ROSLYN


Mayor Jeri B. F. Porter

ATTEST/AUTHENTICATED:


Amber Shallow, Clerk-Treasurer

Approved as to form:


Margaret J. King, Town Attorney

Filed with the Town Clerk: September 15, 2010
Passed by the Town Council: September 14, 2010
Date of Publication: September 17, 2010
Effective Date: September 22, 2010