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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3609

AN ORDINANCE adopting the Uniform Building Code, 1985 Edition; amending Bellevue City Code 23.10.010, 12.10.020, 23.10.030, 23.10.032, 23.10.033, 23.10.040, 23.10.060, 23.10.070 and 23.10.075 and repealing Bellevue City Code 23.10.150.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. 2050, Section 1 of Ordinance No. 2135, Section 1 of Ordinance No. 2434, Section 1 of Ordinance No. 2929, Section 1 of Ordinance No. 3320 and Section 1 of Ordinance No. 3376, and Bellevue City Code 23.10.010 are amended to read as follows:

23.10.010 Adoptions.

The following codes, all as amended, added to, or excepted herein, together with all amendments and additions provided in this chapter or Chapters 23.19, 23.22 and 23.30, are adopted and shall be applicable within the city:

- A. Uniform Building Code and Related Standards, 1985 Edition, published by the International Conference of Building Officials; the appendix to the Uniform Building Code is not adopted, except that Chapter 7 and 55 of said appendix are adopted;
- B. Uniform Housing Code, 1985 Edition, published by the International Conference of Building Officials;
- C. The Uniform Fire Code, 1982 Edition, except for Sections 78.103, 78.104, 78.105 and 78.106; the Uniform Fire Code Appendix, 1982 Edition, Chapters I-A, I-B, II-B, II-C, II-D, III-A, III-B, III-C, IV-A, V-A, VI-A and VI-C; and the Uniform Fire Code Standards, 1982 Edition; all published by the International Conference of Building Officials and the Western Fire Chiefs Association;
- D. Regulations for Barrier Free Facilities, October 1, 1976, as amended August 17, 1983, adopted by the SBCAC pursuant to R.C.W. Chapter 19.27;
- E. Washington State Energy Code, November 15, 1985, adopted by Section 2, Chapter 144, Laws of 1985;

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- F. The Uniform Swimming Pool Spa and Hot Tub Code, 1985 Edition, published by the International Association of Plumbing and Mechanical Officials;
- G. Uniform Building Security Code, 1985 Edition, published by the International Conference of Building Officials;
- H. Uniform Solar Energy Code, 1985 Edition, published by the International Association of Plumbing and Mechanical Officials.

All codes, standards, rules and regulations adopted by this section are adopted by reference thereto as though fully set forth herein. A copy of each such adopted code, standard, rules or regulations in the form in which it was adopted and suitably marked to indicate amendments, additions, deletions and exceptions as provided herein, shall be authenticated and filed by the City Clerk in the records of his or her office, suitably referenced and indexed to the ordinance codified in this section. Not less than one copy of each such code, standard, rules or regulations, in the form in which it was adopted and suitably marked to indicate amendments, additions, deletions and exceptions as provided herein, shall be filed in the City Clerk's Office and available for use and examination by the public.

Section 2. Section 2 of Ordinance No. 2050, Section 2 of Ordinance No. 2434, Section 2 of Ordinance No. 2929, Section 2 of Ordinance No. 3320 and Section 2 of Ordinance No. 3376, and Bellevue City Code 23.10.020 are amended to read as follows:

23.10.020 Amendment Adoption.

The following amendments, additions and exceptions to the Uniform Building Code, 1985 Edition, Uniform Fire Code, 1982 Edition, and Uniform Fire Code Standards, 1982 Edition, are adopted and shall be applicable within the City of Bellevue.

Section 3. Section 3 of Ordinance No. 2050 and Bellevue City Code 20.10.030 are amended to read as follows:

23.10.030 Uniform Building Code Section 205 amended -- Violations and penalties.

Section 205 of Chapter 2 of the Uniform Building Code as adopted and amended by this chapter is further amended to provide as follows:

"Section 205. It shall be unlawful for any person, firm or corporation to clear, grade, excavate or fill any land in the City of Bellevue, or to erect, construct, enlarge, alter, repair, move,

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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.

"Any person, firm, or corporation violating any of the provisions of the Uniform Building Code, with amendments as adopted by the Bellevue City Council, shall be deemed guilty of a misdemeanor, and each such person shall be 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 \$350, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

"Every person in violation of any provision of the Uniform Building Code, with amendments as adopted by the Bellevue City Council, shall be subject to a civil penalty of no less than \$25 nor more than \$350 for each and every day that the violation continues, recoverable by a suit brought by the City; and such penalty amount to be retained by the City.

Section 4. Section 4 of Ordinance No. 3400 and Bellevue City Code 23.10.032 are amended to read as follows:

23.10.032 Applications for building permit -- Other filings required.

- A. At the time of filing a building permit application, the applicant shall submit all information required to be submitted, together with any application form and application fee therefor, for any of the following approvals which may be applicable to the proposed project:
1. Design Review, Part 20.30F;
 2. Administrative conditional use permit, - Part 20.30E;
 3. Design review by the planning commission;
 4. Conditional use permit, shorelines conditional use permit, planned unit development, Part 20.30B, 20.30C, 20.30D;
 5. Variance or shorelines variance, Part 20.30G, 20.30H; and
 6. Shorelines substantial development permit.
- B. No building permit application will be accepted for filing by the building official for any proposed project for which any of the approvals referred to in subsection A of this section is required unless the building permit application is accompanied by all information required to be filed for such required approvals.

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- C. 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 subsection, a "complete building permit application" means an application which contains all information required to be submitted by this code, including, but not limited to, all information required to be submitted by subsection A of this section.
- D. No application for design review, administrative conditional use permit, planning commission design review, planned unit development, conditional use permit, shorelines conditional use permit, variance, shorelines variance, or shorelines substantial development permit shall be accepted by the City for filing unless it is accompanied by a complete building permit application.

Section 5. Section 5 of Ordinance No. 3400 and Bellevue City Code 23.10.033 are amended to read as follows:

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

- A. Notwithstanding the provisions of Section 23.10.032 of this code, an applicant may apply for design review approval, an administrative conditional use permit, planning commission design review approval, planned unit development approval, a conditional use permit, a shorelines conditional use permit, a variance, a shorelines variance, or a shorelines substantial development permit prior to filing an application for a building permit, upon the following terms and conditions:
1. The filing of an application for any of the approvals referred to in this chapter 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 or 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.

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

Section 6. Section 2 of Ordinance No. 2707, Section 1 of Ordinance No. 2768 and Section 4 of Ordinance No. 2929, and Bellevue City Code 23.10.040 are amended to read as follows:

23.10.040 Uniform Building Code Section 303(d) amended --
Expiration of dates of building permits and applications therefor.

Section 303(d), expiration of permit, of the Uniform Building Code, is amended to read as follows:

"(a) Every application for permit under the provisions of this Code, for which no permit has been issued shall expire and become null and void 270 days from the date of the filing of said application. Provided, however, that the Building Official may extend the time for issuance of a permit pursuant to said application if each of the following conditions occur:

- (1) The applicant requests an extension in writing; and
- (2) The request for extension is received by the Building Official at least 10 calendar days prior to the expiration of the permit application; and
- (3) The applicant shows in writing, with any additional information the Building Official may require, that circumstances beyond the control of the applicant have prevented said applicant from taking action necessary for the completion of the permit process and issuance of a permit. For the purpose of this showing a declaration of significance under State Environmental Policy Act provisions or the on-going

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review of a preliminary decision required by the Bellevue Land Use Code in which the applicant continues to make a good faith effort to facilitate a final City decision shall constitute circumstances beyond the control of the applicant.

Provided further, however, that without limiting the number of such extensions, no single extension of said application may be for a period of more than 180 days.

- "(b) The running of the 270 day limitations period established in subsection (a) above, and of any extension of that period granted thereunder, shall be tolled during the pendency of any litigation by a third party against the City and the permit applicant the outcome of which may affect the validity of any permit issued pursuant to such application. The period during which the running of such period is tolled shall begin on the date litigation is commenced and shall terminate on the day of a final decision in such litigation. A final decision shall not exist until any applicable appeal period has expired such that further review of the relevant decision is precluded.
- "(c) When a request for extension under paragraph (a), above, is received, the Building Official may grant or deny any such extension within a reasonable time after the receipt of the request but in no case shall the determination be made later than ten days after the expiration date of the permit application. The Building Official shall make a written record of his determination and the reasons therefor and shall inform the applicant of his/her decision in writing.
- "(d) Every permit issued by the Building Official under the provisions of this code shall be obtained by the applicant within sixty days of the notification of the availability of such permit by the official. Any permit not obtained by the applicant within sixty days of such notification may be cancelled by the official. The Building Official shall inform the applicant of any cancellation in writing. Upon cancellation of any such permit, the permit becomes null and void.
- "(e) Except as provided in Subsection (f), every permit issued by the Building Official under the provisions of this Code shall expire and become null and void one year after date of issuance. Every such permit shall also expire and become null and void if the work on the building or project authorized by such permit is not commenced within

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180 days from the date that the applicant obtained such permit, or work on the building or project authorized by such permit is discontinued, suspended or abandoned any time after the work is commenced for a period of 180 days. Any cessation of work on the building or project authorized by such permit which is beyond the control of the permittee shall not constitute a discontinuance, suspension or abandonment. Upon a permit becoming null and void, before the work can be commenced or recommenced, a new permit application must be completed and a new permit must be first issued to do so. The fee therefor, provided no changes have been made or will be made on the original plans and specifications for such work, shall be one-half the amount required for a new permit for such work.

"(f) Permits issued for any buildings or projects in which work is continuously performed and the necessary periodic inspections are made, shall be extended beyond the one year period by the Building Official upon written request of the applicant received by the Building Official at least 10 calendar days prior to the expiration date. Such extension(s) shall be for one year increments only and shall not exceed a total of three years. In addition, such extension shall be granted only if work is continuously performed and the necessary inspections are made during any previous one year extension increment.

"(g) Subsection (b) above, providing for the tolling of limitation periods during certain pending litigation, shall apply to the limitation periods established under Subsection (e) above."

Section 7. Section 1 of Ordinance No. 2107 and Bellevue City Code 23.10.060 are amended to read as follows:

23.10.060 Assurance device for building permit -- Requirements.

Before issuing any building permit the City may, in the discretion of the responsible administrative official, require the applicant to execute and file with the City an assurance device pursuant to Bellevue City Code 20.40.490 in such reasonable sum and with the securities as the responsible administrative 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

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and keep 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 will pay to the City the cost of repairing any and all damage which may be done by the applicant or his agents to the streets, utilities or property of the City during or pursuant to the work covered by such permit.

Section 8. Section 6 of Ordinance No. 2929 and Bellevue City Code 23.10.070 are amended to read as follows:

23.10.070 Uniform Building Code Section 307(c) amended - Use or occupancy.

Section 307(c), Certificate Issued, is amended to read as follows:

(c) Certificate Issued. The Director of Design and Development or his/her designee shall issue a Certificate of Occupancy if, after final inspection, --

1. The building or structure complies with all applicable provisions of the Bellevue City Code, including but not limited to the Uniform Building Code, the Uniform Swimming Pool Code, the National Electrical Code, the Uniform Mechanical Code and the Uniform Plumbing Code; and
2. The building, structure, site improvements and any development or physical alteration on the site comply with all other applicable provisions of the Bellevue City Code, including but not limited to the Land Use Code, the Clearing and Grading Code, and the Floodplain Management Code; and
3. The building, structure, site improvements and any development or physical alteration on the site comply with any applicable standard adopted by the City of Bellevue, including but not limited to the Public Works Development Standards; and
4. The building, structure, site improvements and any development or physical alteration on the site comply with all conditions imposed by any applicable City permit or approval, and
5. The building, structure, site improvements and any development or physical alteration on the site comply with all other applicable ordinances enforced by the Department of Design and Development, the Department of Public Works and Utilities, the Storm and Surface Water Utility and the Fire Department.

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The Certificate of Occupancy shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building complies with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.

Section 9. Section 1 of Ordinance No. 2662 and Section 7 of Ordinance No. 2929, and Bellevue City Code 23.10.075 are amended to read as follows:

23.10.075 Uniform Building Code Sections 402, 409 and 414 amended - Definitions - Apartment house hotel, and Multifamily Residential Building.

Section 402 of the Uniform Building Code, subsection "Apartment House," Section 409 of the Uniform Building Code, subsection "Hotel" and Section 414 of the Uniform Building Code, subsection "Multifamily Residential Building" are amended to read as follows:

"APARTMENT HOUSE is any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats, apartments, and condominiums.

"HOTEL is any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, and includes motels."

"MULTIFAMILY RESIDENTIAL BUILDING" means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than five thousand square feet in area, and that have a one-hour fire-resistive occupancy separation between units.

Section 10. Section 1 of Ordinance No. 2106 and Bellevue City Code 23.10.150 are hereby repealed.

Section 11. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

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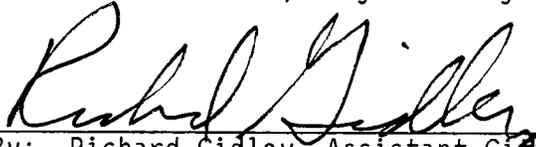
PASSED by the City Council this 24th day of March,
1986, and signed in authentication of its passage this 24th day
of March, 1986.

(SEAL)

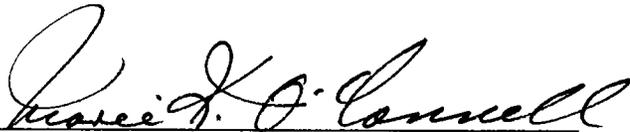

Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


By: Richard L. Andrews, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published March 29, 1986