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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4408

AN ORDINANCE adding a new chapter 23.05, Construction Code Administration, to the Bellevue City Code.

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

Section 1. A new Chapter 23.05, "Construction Code Administration," is added to the Bellevue City Code, to read as follows:

23.05.010 Purpose.

The purpose of this Chapter is to provide for the administration, organization and enforcement of the Technical Codes adopted by the City of Bellevue.

23.05.020 Scope.

This Code establishes the administrative, organizational and enforcement rules and regulations for the Technical Codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within the corporate limits of the City of Bellevue.

23.05.030 Application to Existing Buildings and Building Service Equipment.

A. Compliance with Technical Codes.

Buildings, structures and their building service equipment to which additions, alterations, or repairs are made shall comply with all the requirements of the Technical Codes for new facilities, except as specifically provided in this section.

B. Additions, Alterations, or Repairs.

1. Additions, alterations or repairs may be made to a building structure, or its building service equipment without requiring the existing building structure, or its building service equipment to comply with all the requirements of the Technical Codes, provided the addition, alteration or repair conforms to the requirements of the Technical Codes for a new building structure, or new building service equipment. Additions, alterations or repairs shall not be made to an existing building structure, or building service equipment which will cause the existing building structure, or building service equipment to be in violation of the provisions of the Technical Codes nor shall such

additions, alterations or repairs cause the existing building structure, or building service equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition, alteration or repair will cause the existing building structure, or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the Building Code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed its rated capacities; will create a health hazard; or will otherwise create conditions dangerous to human life. A building or structure so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the Technical Code requirements for new buildings or structures. A building plus new additions shall not exceed the height, number of stories and area specified by the Building Code for new buildings. Additions, alterations or repairs shall not be made to an existing building, structure or building service equipment when the existing building, structure or building service equipment is not in full compliance with the provisions of the Technical Code except when the addition, alteration or repair will result in the existing building or structure being no more hazardous based on life safety, fire safety and sanitation, than before such additions, alterations or repairs are undertaken.

Alterations or repairs to an existing building, structure, or building service equipment which are nonstructural and do not adversely affect a structural member or a part of the building or structure having required fire resistance may be made with the same materials of which the building, structure, or building service equipment is constructed, subject to approval of the building official. Installation or replacement of glass shall be as required for new installations.

EXCEPTION: Alterations of existing structural elements or additions of new structural elements which are initiated for the purpose of increasing the vertical or lateral load-carrying strength or stiffness of an existing building or structure need not be designed for forces conforming to these regulations provided that:

a. The capacity of existing structural elements to resist forces is not reduced, and

b. The load to existing structural elements is not increased, and

c. All new structural elements are detailed and connected to the existing structural elements as required by the Technical Codes, and

d. All new or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by the Technical Codes, and

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e. An unsafe conditions is not created.

2. Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the Technical Code provisions in effect at the time the original installation was made, subject to approval of the building official and provided such additions, alterations and repairs will not cause the existing building service equipment to become unsafe, unsanitary or overloaded.

C. Existing Installations.

1. Building service equipment which was lawful under the Technical Codes current at the time such equipment was installed may be used, maintained or repaired if the use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

D. Existing Occupancy.

1. A building or structure, the use and occupancy of which was lawful under the Technical Codes current when such building was first used and occupied, may have its existing use or occupancy continued provided continued use is not dangerous to life, health and safety. A change in the use or occupancy of any existing building or structure shall comply with the provisions of Section 23.05.180 and 23.05.190 of this code.

E. Maintenance.

1. Buildings, structures and building service equipment, existing and new, and all parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the Technical Codes shall be maintained in conformance with the Technical Code under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with the subsection, the building official may cause a building or structure to be reinspected.

F. Moved Buildings and Temporary Buildings.

1. Buildings or structures moved into or within the city shall comply with the provisions of this code for new buildings or structures.

2. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this code.

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Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

G. Historic Buildings.

1. Repairs, alterations and additions necessary for the preservation restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the Technical Codes when authorized by the building official, provided:

a. The building or structure has been designated by official action of the legally constituted authority of the United States or State of Washington as having special historical or architectural significance.

b. Unsafe conditions as described in this code or the Technical Codes are corrected.

c. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety and sanitation than the existing building or structure and its building service equipment.

23.05.040 Definitions.

For the purpose of this Code, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

A. "Addition" is an extension or increase in floor area or height of a building or structure.

B. "Alter" or "Alteration" is a change or modification of a building structure, or building service equipment.

C. "Approved", as to materials, types of construction, equipment and systems, refers to approval by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

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D. "Approved Agency" is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the building official.

E. "Building" is a structure used or intended for supporting or sheltering a use or occupancy.

F. "Building Code" is the Uniform Building Code promulgated by the International Conference of Building Officials, as adopted by the City as Chapter 23.10 of the Bellevue City Code.

G. "Building, Existing" is a building erected prior to the adoption of this code, or one for which a legal building permit has been issued.

H. "Building Official" is the officer or other designated authority charged with the administration and enforcement of this code, or a regularly authorized deputy thereof.

I. "Building Service Equipment" refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

J. "Code" is this Chapter 23.05 of the Bellevue City Code.

K. "Complete Response" An adequate response to all requests from City Staff in sufficient detail to allow the application to be processed.

L. "Dangerous Buildings Code" is the Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Conference of Building Officials, as adopted by the City.

M. "Electrical Code" is the National Electrical Code promulgated by the National Fire Protection Association, as adopted by the City as Chapter 23.30 of the Bellevue City Code.

N. "Energy Code" is the Washington State Energy Code promulgated by the Washington State Building Code Council, as adopted by the City under Chapter 23.10 of the Bellevue City Code.

O. "Housing Code" is the Uniform Housing Code promulgated by the International Conference of Building Officials, as adopted by the City under Chapter 23.10 of the Bellevue City Code.

P. "Listed" and "Listing" are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an

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adequate periodic inspection of current productions and which listing states that the material or equipment complies with accepted national standards which are approved, or standards which have been evaluated for conformity with approved standards.

Q. "Mechanical Code" is the Uniform Mechanical Code promulgated jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as adopted by the City as Chapter 23.50 of the Bellevue City Code.

R. "Occupancy" is the purpose for which a building, or part thereof, is used or intended to be used.

S. "Owner" is any person, agent, firm or corporation having a legal or equitable interest in the property.

T. "Permit" is an official document or certificate issued by the building official authorizing performance of a specified activity.

U. "Person" is a natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

V. "Plumbing Code" is the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials, as adopted by the City as Chapter 23.60 of the Bellevue City Code.

W. "Protective Parking Devices" are those devices regulated by Chapter 23.18 of the Bellevue City Code.

X. "Repair" is the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

Y. "Shall", as used in this code, is mandatory.

Z. "Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

AA. "Swimming Pool Code" is the Uniform Swimming Pool, Spa and Hot Tub Code, promulgated by the International Association of Plumbing and Mechanical Officials, as adopted by the City as Chapter 23.14 of the Bellevue City Code.

BB. "Technical Codes" refer to the following: the Uniform Building Code, Bellevue City Code Chapter 23.10; Uniform Mechanical Code, Bellevue City Code Chapter 23.50; Uniform Plumbing Code, Bellevue City Code Chapter 23.60; Uniform Swimming Pool and Hot Tub Code, Bellevue City Code Chapter

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23.14; National Electric Code, Bellevue City Code Chapter 23.30; Uniform Fire Code, Bellevue City Code Chapter 23.11; Uniform Housing Code, Bellevue City Code Chapter 23.10; Protective Parking Devices, Bellevue City Code Chapter 23.18, Uniform Building Security Code, Bellevue City Code Chapter 23.10; Washington State Energy Code, Bellevue City Code Chapter 23.10; Washington State Ventilation and Indoor Air Quality Code, Bellevue City Code Chapter 23.10.

CC. "U.B.C. Standards" is the Uniform Building Code Standards volume promulgated by the International Conference of Building Officials, as adopted by the City.

DD. "Valuation" or "Value", as applied to a building and its building service equipment, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs.

EE. "Ventilation Code" Is the Washington State Ventilation and Indoor Air Quality Code Promulgated by the Washington State Building Code Council, as adopted by the City under Chapter 23.10 of the Bellevue City Code.

23.05.050 Conflicting Provisions.

When there is a conflict between the provisions or requirements of this Code, or the Technical Codes and other codes or laws, this Code or the Technical Codes, as the case may be, shall be controlling.

When conflicts occur between the Technical Codes, those provisions providing the greater safety to life shall govern, or if life safety is not at issue, the more restrictive provision shall be controlling.

Where in a specific case different sections of the Technical Codes specify different materials, methods of construction or other requirements, the more restrictive provision shall be controlling. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

23.05.060 Alternate Materials and Methods of Construction.

The provisions of the Technical Codes are not intended to prevent the use of any material or method of construction not specifically prescribed by the Technical Codes, provided an alternate has been approved and its use authorized by the building official.

The building official may approve an alternate, provided the building official finds that the proposed design is satisfactory and complies with the provisions of the Technical Codes and that the material, method or work offered is, for the purpose intended, at least the equivalent of that

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prescribed in the Technical Codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The building official may require that evidence or proof be submitted to substantiate claims that may be made regarding its use. The details of an action granting approval of an alternate shall be recorded and entered in the files of the building official.

23.05.070 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of the Technical Codes, the building official may grant modifications for individual cases. The building official shall first find that a special individual reason makes application of the strict letter of the Technical Code impractical and the modification is in conformity with the intent and purpose of the Technical Code, and that such modification does not lessen health, life and fire safety requirements or any degree of structural integrity. The details of an action granting a modification shall be recorded and entered in the files of the building official.

23.05.080 Tests.

Whenever there is insufficient evidence of compliance with the provisions of the Technical Codes or evidence that materials or construction do not conform to the requirements of the Technical Codes, the building official may require tests as evidence of compliance to be made at no expense to the City.

Test methods shall be as specified by the Technical Codes or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall determine test procedures.

Tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required by law for the retention of such records.

23.05.090 Authority.

A. Enforcement Agency. The Department of Design and Development shall be responsible for enforcement of the Technical Codes under the administrative and operational control of the building official, who shall be appointed by the Director of the Department.

B. General. Whenever the term or title "administrative authority," "responsible official," "building official," "chief inspector," "code enforcement officer," or other similar designation is used herein or in any of the Technical Codes, it shall be construed to mean the building official designated by the Director of the Department of Design and Development.

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23.05.100 Powers and Duties of Building Official.

A. General. The building official is hereby authorized and directed to enforce all the provisions of this Code and the referenced Technical Codes. For such purposes, the building official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this Code and the Technical Codes, and to adopt and enforce rules and regulations supplemental to this Code and the Technical Codes as may be deemed necessary in order to clarify the application of the provisions thereof. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Code and the Technical Codes.

B. Deputies. In accordance with prescribed procedures and with the approval of the Director of the Department of Design and Development, the building official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time.

C. Right of Entry. When necessary to make an inspection to enforce any of the provisions of this Code and the Technical Codes, or when the building official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this Code or the Technical Codes which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this Code and the Technical Codes, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be refused, the building official shall have recourse to the remedies provided by law to secure entry.

D. Stop Work Orders. When work is being done contrary to the provisions of this Code, the Technical Codes, or other pertinent laws or ordinances implemented through the enforcement of this Code, the building official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop the work until authorized by the building official to proceed with the work.

E. Occupancy Violations. When a building or structure or building service equipment therein regulated by this Code and the Technical Codes is being used contrary to the provisions of such Codes, the building official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue

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the use within the time prescribed by the building official after receipt of such notice to make the building or structure, or portion thereof, comply with the requirements of such codes.

F. Authority to Disconnect Utilities. The building official or the building official's authorized representative shall have the authority to disconnect a utility service or energy supplied to a building, structure or building service equipment therein regulated by this Code or the Technical Codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

G. Authority to Condemn Building Service Equipment. When the building official ascertains that building service equipment regulated in the Technical Codes has become hazardous to life, health or property, or has become unsanitary, the building official shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefor shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the Technical Codes and in violation of a notice issued pursuant to the provisions of this section, the building official may institute appropriate action to prevent, restrain, correct or abate the violation.

H. Connection after Order to Disconnect. No person shall make any connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.

I. Liability. The building official charged with the enforcement of this Code and the Technical Codes, acting in good faith and without malice in the discharge of his duties, shall not thereby be rendered personally liable for damage that may accrue to persons or property as a result of an act or omission in the discharge of the assigned duties.

J. Cooperation of Other Officials and Officers. The building official may request, and shall receive, the assistance and cooperation of

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other officials of the City so far as is required in the discharge of the duties required by this Code, the Technical Codes or other pertinent laws or ordinances.

23.05.110 Unsafe Buildings, Structures or Building Service Equipment.

Buildings or structures regulated by this Code and the Technical Codes which are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe buildings.

Building service equipment regulated by such codes, which constitutes a fire, electrical or health hazard, or an unsanitary condition, or which is otherwise dangerous to human life is, for the purpose of this section, unsafe. Use of buildings, structures or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are hereby designated as unsafe building appendages.

Unsafe buildings, structures or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedure as may be adopted by the City. As an alternative, the building official or other employee or official of the City as designated by the governing body may institute other appropriate action to prevent, restrain, correct or abate the violation.

23.05.120 Board of Appeals.

A. General. The Board of Appeals created in Chapter 3.50 of the Bellevue City Code will hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the Technical Codes, as provided in said Chapter 3.50.

23.05.130 Violations.

It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this Code or the Technical Codes.

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A. Civil Violation. Any violation of any of the provisions of this Code or of the Technical Codes constitutes a civil violation as provided for in Chapter 1.18 of the Bellevue City Code, for which a monetary penalty may be imposed as provided therein.

B. Criminal Penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who violates any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Chapter 10.92 of the Bellevue City Code.

C. Separate Offense. Each day or portion thereof upon which a violation occurs constitutes a separate offense for purposes of subsections B and C of this section.

D. Destruction of Notice. It shall be unlawful for any person to remove, mutilate, destroy or conceal any notice issued and posted by the building official pursuant to the provisions of this Code or the Technical Codes.

23.05.140 Permits.

Permits Required. Except as specified in Subsection (b) of this section, no building, structure or building service equipment regulated by this Code or the Technical Codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the building official.

23.05.150 Application for Permit.

A. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the City for that purpose. Every such application shall comply with the City's submittal requirements for the applicable permit type and give such other data and information as may be required by the building official or State or City law.

B. Plans and Specifications. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require an applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law. Submittals shall include construction inspection requirements as defined in Subsection C of this section.

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EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements, etc., provided it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Code and the Technical Codes.

C. Construction Inspection. The engineer or architect in responsible charge of the structural design work shall include in the construction documents the following:

1. Special inspections required by Section 306 of the Building Code.
2. Other structural inspections required by the engineer or architect in responsible charge of the structural design work.

D. Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Technical Codes and all relevant laws, ordinances, rules and regulations.

Plans for buildings more than two stories in height of other than Groups R, Division 3 and M Occupancies shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

23.05.160 Permits Issuance.

A. Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of the city to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Code and the Technical Codes and other pertinent laws and ordinances, and that the fees specified in Section 23.05.170 have been paid, and the applicant is the correct person to whom a permit may be issued as defined in this Code, the building official shall issue a permit therefor to the applicant.

When a permit is issued when plans are required, the building official shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorizations from the building official, and all work regulated by this Code and the Technical Codes shall be done in accordance with the approved plans.

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The building official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Technical Codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building, structure or building service will be granted.

B. To whom permit issued. Permits shall be issued only to a person, firm or corporation who demonstrates to the satisfaction of the building official that s/he is properly licensed, or exempt, as required by RCW 18.27 or to a person doing work at his/her own residence or place of business or other property owned by him/her; provided further, no such person, firm or corporation shall employ any unlicensed person, firm or corporation to perform the work authorized by the permit.

C. Retention of Plans. One set of approved plans, specifications and computations shall be retained by the building official for the period required by law, and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

D. Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or the Technical Codes, or of any other ordinance of the City. Permits presuming to give authority to violate or cancel the provisions of this Code, the Technical Codes or of other ordinances of the City shall not be valid. The issuance of a permit based upon plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this Code, the Technical Codes or of any other ordinances of the City.

E. Expiration of Permit. Every permit issued by the building official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one year from the date of such permit, or if work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

Permits issued under which work is continuously performed and the necessary periodic inspections are made, shall be extended beyond the one year period by the building official. No more than two one year extensions shall be granted.

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F. Expiration of Application. Application for which no permit is issued within one year 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.

The building official may 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 the applicant has submitted a complete response to City requests unless the building official determines that unique or unusual circumstances exist that warrant additional time, and the building official determines that the review is proceeding in a timely manner toward 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.

G. Permit Deemed Ready to Issue. Every permit deemed ready to issue by the building official under the provision of this Code shall be obtained by the applicant within 60 days of the notification of the availability of such permit by the building official. Any permit not obtained within 60 days of such notification may be canceled by the Building Official. Upon cancellation of any such permit, the permit becomes null and void, and the Building Official shall so notify the applicant by mail.

H. Assurance Device for Building Permits. Before issuing any building permit, the city may, in the discretion of the building official, require the applicant to execute and file with the city an assurance device pursuant to Bellevue City Code Section 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 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.

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I. Revocation.

The building official may revoke or suspend the permit provided for in Section 23.05.160 whenever:

1. The permittee requests such revocation or suspension;
2. The work does not proceed in accordance with the plans, as approved, or is not in compliance with the requirements of this Section 23.05.160, the Technical Codes, or other City ordinances;
3. Entry upon the property for the purposes of investigation or inspection has been denied;
4. The permittee has made a misrepresentation of a material fact in applying for said permit;
5. The progress of the work indicates that the plan is or will be inadequate to protect the public, the adjoining property, street, utilities in the street, or the work endangers or will endanger the public, the adjoining property, street or utilities in the street;
6. The permit has not been acted upon within the time allowed for extensions pursuant to Section 21.05.160;
7. The related building permit has expired without renewal, or has been revoked or canceled.

Upon suspension or revocation of the permit, all work thereupon shall cease, except as authorized by the building official.

23.05.170 Fees.

The fee for each permit shall be as set forth in the fee ordinance, as now or hereafter amended.

23.05.180 Connection to Utilities.

A. Energy Connections. Persons shall not make connections from a source of energy, fuel or power to building service equipment which is regulated by the Technical Codes and for which a permit is required by this Code, until approved by the building official.

B. Temporary Connections. The building official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, or for use under a temporary Certificate of Occupancy.

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23.05.190 Certificate of Occupancy.

A. Use or Occupancy. Buildings or structures shall not be used or occupied nor shall a change in the existing occupancy classification of a building or structure or portion thereof be made until the building official has issued a Certificate of Occupancy therefor as provided herein.

EXCEPTION: Group R, Division 3, and M Occupancies.

Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this Code, the Technical Codes or of other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the City shall not be valid.

B. Change in Use. Changes in the character or use of a building shall not be made except as specified in the Building Code.

C. Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this Code, the Technical Codes or other laws which are enforced by the City, the building official shall issue a Certificate of Occupancy which 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 has been inspected for compliance 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.

D. Temporary Certificate. If the building official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary Certificate of Occupancy for the use of a portion or portions of a building or structure may be issued prior to the completions of the entire building or structure.

E. Posting. The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

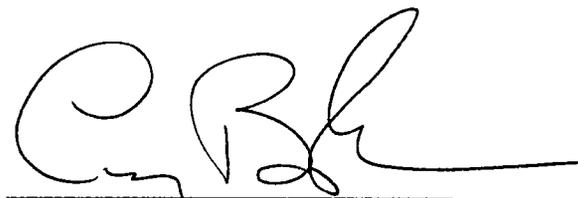
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F. Revocation. The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this Code when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of this Code, the Technical Codes or other ordinances, or regulations of the City.

Section 2. This ordinance shall take effect and be in force 30 days after its passage and by the City Council.

PASSED by the City Council this 8th day of September, 1992, and signed in authentication of its passage this 8th day of September, 1992.

(SEAL)



Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard G. Gilley, Deputy City Attorney

Attest:


City Clerk

Published September 14, 1992