

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5528

AN ORDINANCE repealing Chapters 23.05, 23.10, 23.50 and 23.60 of the Bellevue City Code; adopting a new Chapter 23.05 relating to construction code administration; adopting a new Chapter 23.10 adopting and amending the state building and related codes; adopting a new Chapter 23.50 adopting and amending the state mechanical and related codes; adopting a new Chapter 23.60 adopting and amending the state plumbing and related codes; amending Sections 23.16.010 and 23.76.035 of the Bellevue City Code; and establishing an effective date.

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

Section 1. Chapter 23.05 of the Bellevue City Code is hereby repealed.

Section 2. A new Chapter 23.05 of the Bellevue City Code is hereby adopted as follows:

Chapter 23.05
Construction Code Administration

Sections:

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

23.05.020 Scope.

This chapter 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.

23.05.030 Exemption from state notice requirements.

Project permit applications pursuant to the technical codes are exempt from the requirements of RCW 36.70B.110 and 36.70B.130 and any local provisions implementing those sections, except when an applicant has chosen to include technical permits, e.g., building, mechanical, plumbing permits, in a consolidated permit review process pursuant to the provisions of RCW 36.70B.120.

23.05.040 Applicability.

A. General. This chapter applies to the administration of the technical codes, as adopted by the city in other chapters of this Title 23. Provisions in the appendices of the technical codes shall not apply unless specifically adopted.

B. Conflicting provisions.

1. Where there is a conflict between the provisions or requirements of this chapter, or the technical codes, and other codes or laws, this chapter, or the technical codes as the case may be, shall govern.

2. Where 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 govern.

3. Where, in any specific case, different sections of the technical codes specify different materials, methods of construction or other requirements, the hierarchy of the codes named in RCW 19.27.031, now or as hereafter amended, shall govern. In the event that the conflict is between provisions for which such hierarchy of codes is not determinative, the most restrictive provision shall govern.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

C. Other laws. The provisions of this chapter and the technical codes shall not be deemed to nullify any provisions of local, state or federal law.

D. Adoption by reference. Where state laws or regulations, or other city ordinances or code provisions, are adopted by reference in this chapter or the technical codes, such reference shall be deemed to be to the law, regulation, ordinance or provision as subsequently amended after the date of adoption of this chapter, unless specifically provided otherwise.

E. Codes referenced within the technical codes adopted by the city shall not apply unless specifically adopted by the city in other chapters of this Title 23. References to codes not adopted by the city shall be deemed to refer to the most applicable provision of codes or standards adopted by the city, as determined by the building official.

23.05.050 Existing structures.

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.

2. 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.

C. Existing Occupancy. The legal occupancy of any structure existing on the date of adoption of this chapter and the technical codes shall be permitted to continue without change, except as is specifically covered in this chapter and the technical codes, the *International Fire Code*, or if continued use poses a danger to

life health and safety of the occupants and the public, as is determined by the building official or fire official.

D. Change in Use. No change will be made in the character of occupancies or use of any building that would place the building in a different division of the same group or occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this chapter and the technical codes for such division or group of occupancy.

EXCEPTION: The character of the occupancy of existing buildings may be changed subject to the approval of the building official, and the building may be occupied for purposes in other groups without conforming to all the requirements of this chapter and the technical codes for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

No change in the character of occupancy of a building shall be made without a certificate of occupancy, as required in BCC 23.05.140. The building official may issue a certificate of occupancy pursuant to the intent of the above exception without certifying that the building complies with all provisions of this code.

23.05.060 Definitions.

For the purpose of this chapter, 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.

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

"Alter" or "alteration" means a change or modification of a building, structure or building service equipment.

"Approved," as to materials, types of construction, equipment and systems, means and 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.

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

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

"Building code" means the International Building Code promulgated by the International Code Council, as adopted by the city in Chapter 23.10 BCC.

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

"Building official" means the officer or other designated authority charged with the administration and enforcement of this chapter and the technical codes, or a regularly authorized deputy thereof.

"Building permit applications" means an application for a permit required pursuant to Chapter 23.10 BCC.

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

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

"Construction documents" means plans, specifications, computations and other data required to be submitted for any application required by this chapter or the technical codes.

"Dangerous buildings code" means the Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Conference of Building Officials, as adopted by the city in Chapter 23.10 BCC.

"Department" means the Department of Planning and Community Development unless otherwise specified.

"Director" means the Director of the Department of Planning and Community Development unless otherwise specified.

"Electrical code" means the National Electrical Code promulgated by the National Fire Protection Association, as adopted by the city in Chapter 23.30 BCC.

"Energy code" means the Washington State Energy Code promulgated by the Washington State Building Code Council, as adopted by the city in Chapter 23.10 BCC.

"Housing code" means the Uniform Housing Code promulgated by the International Conference of Building Officials, as adopted by the city in Chapter 23.10 BCC.

"International Fire Code" means the International Fire Code promulgated by the International Code Council, as adopted by the city in Chapter 23.11 BCC.

"Listed" and "listing" are terms referring to equipment or materials included in a list by an approved testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of current production of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards or tests and has been tested or evaluated and found suitable for use in a specified manner.

"Mechanical code" means the International Mechanical Code promulgated by the International Code Council as adopted by the city in Chapter 23.50 BCC.

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

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

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

"Person" means 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.

"Plumbing code" means the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials, as adopted by the city in Chapter 23.60 BCC.

"Protective parking devices" means those devices regulated by Chapter 23.18 BCC.

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

"Shall" as used in this chapter, is mandatory.

"Structure" means 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.

"Structural observation" means the visual observation of the structural system, for general conformance to the approved plans and specifications, at significant construction stages and at completion of the structural system. Structural observation does not include or waive the responsibility for the inspections required by the technical codes.

"Technical codes" means and refers to all codes adopted pursuant to Chapters 23.10, 23.30, 23.50 and 23.60 BCC; Protective Parking Devices, Chapter 23.18 BCC; and Posting Notice of Construction Hours, BCC 9.18.044.

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

"Ventilation code" means 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 BCC.

23.05.070 Authority.

A. Enforcement Agency. The Department of Planning and Community 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.

B. General. Whenever the term or title "administrative authority," "responsible official," "building official," "chief inspector," "code enforcement officer" or other similar designation is used in this chapter or in any of the technical codes, it shall be construed to mean the building official designated by the Director.

C. Deputies. In accordance with the prescribed procedures of the city and with the concurrence of the Director, the building official shall have the authority to appoint a deputy building official, related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

23.05.080 Duties and Powers of Building Official.

In addition to the duties and powers set forth in other sections of this chapter and the technical codes, the building official shall have the following duties and powers:

A. General. The building official is hereby authorized and directed to enforce the provisions of this chapter and the technical codes. The building official shall have the authority to render interpretations of this chapter and the technical codes and to adopt policies and procedures supplemental to this chapter and the technical codes as deemed necessary in order to clarify the application of their provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this chapter and the technical codes.

B. Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings, structures and building service equipment, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this chapter and the technical codes.

C. Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this chapter and the technical codes.

D. Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise at the applicant's expense.

E. Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this chapter and the technical codes.

F. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this chapter and the technical codes, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this chapter and the technical codes which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this chapter and the technical codes, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

G. Liability. The building official charged with the enforcement of this chapter 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.

H. Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

I. Used materials and equipment. The use of used materials and building service equipment is permitted when approved by the building official.

J. Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this chapter and the technical codes, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this chapter and the technical codes impractical and the modification is in compliance with the intent and purpose

of this chapter and the technical codes and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department. The building official is authorized to charge an additional fee to evaluate any proposed modification under the provisions of this section.

K. Alternative materials, design and methods of construction and equipment. The provisions of this chapter and the technical codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this chapter and the technical codes, provided that any such alternative has been approved. An alternative material, design or method of construction may be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this chapter and the technical codes, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in quality, strength, effectiveness, fire resistance, durability and safety. The building official is authorized to charge an additional fee to evaluate any proposed alternate under the provisions of this section.

L. Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in technical codes, shall consist of valid research reports from approved sources.

M. Tests. Whenever there is insufficient evidence of compliance with the provisions of this chapter and the technical codes, or evidence that a material or method does not conform to the requirements of the technical codes, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the city. Test methods shall be as specified in technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

23.05.090 Permits Required.

A. Technical codes other than the electrical code -- Required. Any person who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this chapter and the technical codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

B. Technical codes other than the electrical code -- Work exempt from permit. Certain work is exempt from the permit requirements of this chapter and the technical codes. Exemptions from permit requirements of this chapter and the technical codes shall not be deemed to grant authorization for any work to be done

in any manner in violation of the provisions of this chapter, the technical codes or any other laws or ordinances of the city. An exemption from the permit requirements of one technical code does not exempt work from the permit requirements of other technical codes or other laws or ordinances of the city. Permits shall not be required for the following:

1. Emergency repairs. Where equipment replacements and equipment repairs must be performed in an emergency situation posing a significant and immediate risk to life and safety, or a significant and immediate risk of loss to property, the permit application shall be submitted within the next working business day to the building official.

2. Repairs. Application or notice to the building official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

3. The following work otherwise governed by Chapter 23.10:

a. One-story detached accessory structures used as tool and storage sheds, tree supported play structures, playhouse and similar uses, provided the floor area does not exceed 200 square feet (11.15 m²).

b. Fences not over 8 feet (2438 mm) high.

c. Oil derricks.

d. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

e. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2 to 1.

f. Sidewalks, decks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route or means of egress.

g. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

- h. Temporary motion picture, television and theater stage sets and scenery.
 - i. Prefabricated swimming pools accessory to structures regulated by the IRC or accessory to Group R-3 and Group U occupancies regulated by the IBC, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
 - j. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
 - k. Swings, slides and other similar playground equipment.
 - l. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of structures regulated by the IRC or of Group R-3 and Group U occupancies regulated by the IBC.
 - m. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
 - n. Work primarily within public right of way.
 - o. Public utility towers and poles owned by public utilities. Note: communication towers owned by private companies are not exempt.
4. The following work otherwise governed by Chapter 23.50:
- a. Portable heating, cooking, or clothes drying appliances.
 - b. Portable ventilation equipment.
 - c. Portable cooling unit.
 - d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this chapter and the technical codes.
 - e. Replacement of any part which does not alter its approval or make it unsafe.
 - f. Portable evaporative cooler.
 - g. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
 - h. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.

5. The following work otherwise governed by Chapter 23.60:

a. The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipe provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this chapter and the technical codes.

b. The clearing of stoppages.

c. Reinstallation or replacement of pre-fabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes.

C. The Electrical Code – Required. In accordance with chapter 19.28 RCW, an electrical permit is required for the following installations:

1. The installation, alteration, repair, replacement, modification or maintenance of all electrical systems, wire and electrical equipment regardless of voltage.

2. The installation and/or alteration of low voltage systems defined as:

a. NEC, Class 1 power limited circuits at 30 volts maximum.

b. NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.41(A).

c. NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.41(A).

3. Telecommunications Systems.

a. All installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets.

b. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections.

c. The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

d. In R1 and R2 occupancies as defined in the building code, permits and inspections are required for all backbone installations, all penetrations of

fire resistive walls, ceilings and floors; and installations of greater than ten outlets in common areas.

e. Definitions of telecommunications technical terms will come from Chapter 19.28 RCW, the currently adopted WAC rules, EIA/TIA standards, and the National Electrical Code.

D. The Electrical Code – Work Exempt from Permit. Certain work is exempt from the permit requirements of this chapter and the electrical code. Exemptions from permit requirements of this chapter and the electrical code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter, the technical codes or any other laws or ordinances of the city. An exemption from the permit requirements of one technical code does not exempt work from the permit requirements of other technical codes or other laws or ordinances of the city. Permits shall not be required for the following:

1. Emergency repairs. Where equipment replacements and equipment repairs must be performed in an emergency situation posing a significant and immediate risk to life and safety, or a significant and immediate risk of loss to property, the permit application shall be submitted within the next working business day to the building official.

2. An electrical permit shall not be required for the following:

a. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the National Electrical Code.

b. Repair or replacement of fixed motors, transformers or fixed approved appliances or devices rated 50 amperes or less which are like-in-kind in the same location.

c. Temporary decorative lighting; when used for a period not to exceed 45 days and removed at the conclusion of the 45 day period.

d. Repair or replacement of current-carrying parts of any switch, conductor or control device which are like-in-kind in the same location.

e. Repair or replacement of attachment plug(s) and associated receptacle(s) rated 50 amperes or less which are like-in-kind in the same location.

f. Repair or replacement of any over current device which is like-in-kind in the same location.

g. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

- h. Removal of electrical wiring.
- i. Telecommunication Systems.
 - i. Telecommunication outlet installations within the individual dwelling units of group R1 and R2 occupancies as defined by the building code.
 - ii. All telecommunications installations within R3 and R4 occupancies as defined in the building code;
 - iii. The installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment;
- j. Listed wireless security systems where power is supplied by a listed Class 2 plug in transformer installed in R3 and R4 occupancies.
- k. The installation, alteration or repair of electrical wiring, apparatus or equipment for the generation, transmission, distribution or metering of electrical energy or in the operation of signals for the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

E. Application for permit -- general. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by the submittal requirements established by the city.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

F. Application for permits governed by Chapter 23.10 – Other filings required.

1. 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:

- a. Design Review, Land Use Code, Part 20.30F;
- b. Administrative conditional use permit, Land Use Code, Part 20.30E;
- c. Conditional use permit, shorelines conditional use permit, planned unit development, Land Use Code, Parts 20.30B, 20.30C and 20.30D;
- d. Variance or shorelines variance, Land Use Code, Parts 20.30G, 20.30H and shorelines substantial development permit, Land Use Code, Part 20.25E;
- e. Clearing and grading permit, Chapter 23.76 BCC.

2. 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.

3. The filing of a complete building permit application for a proposed project, which 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 any applicable provisions of this chapter and the technical codes, including, but not limited to, all information required to be submitted by subsection A of this section.

4. No application for design review, administrative conditional use permit, planning commission design review, planned unit development, conditional use permit, variance, shorelines variance, shorelines substantial development permit or a clearing and grading permit shall be accepted by the city for filing unless it is accompanied by a complete building permit application.

G. Applications for permits governed by Chapter 23.10; Optional method of obtaining prior approvals – vested rights.

1. Notwithstanding the provisions of subsection F above, an applicant may apply for a design review approval, an administrative conditional use permit,

planned unit development approval, a conditional use permit, a shorelines conditional use permit, a variance, a shorelines variance, a shorelines substantial development permit or a clearing and grading permit prior to filing an application for a building permit, upon the following terms and conditions:

a. The filing of an application for any of the approvals referred to in this 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.

b. An applicant who elects to take advantage of the provisions of this section shall be deemed to have specifically acknowledged, by submitting the application for the approvals referred to in subsection G.1 of this section, 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, except as provided in Land Use Code Section 20.40.500.

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

H. Time limitation of application.

1. Applications 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 in accordance with state law by the building official. The building official may, prior to expiration, extend the time for action by the applicant for a period not exceeding 180 days.

2. Applications may be canceled for inactivity if an applicant fails to respond to the department's written request for revisions, corrections, actions or additional information within 90 days of the date of request. The building official may extend the response period beyond 90 days if within the original 90 day time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information needed by the department.

3. In addition to the extension allowed in subsection H.1 above, the building official may extend the life of an application if any of the following conditions exist:

a. Compliance with the State Environmental Policy Act is in progress; or

b. Any other city review is in progress; provided the applicant has submitted a complete response to city requests or the building official determines that unique or unusual circumstances exist that warrant additional time for such response, and the building official determines that the review is proceeding in a timely manner toward final city decision; or

c. Litigation against the city or the applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

In no event may the building official extend the application for a period of more than 180 days following the conclusion of the applicable condition described in this subsection H.3.a.

23.05.100 Permit Issuance

A. Issuance.

1. The application and construction documents 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 chapter and the technical codes and other pertinent laws and ordinances, and that the fees specified in BCC 23.05.120 have been paid, and the applicant is the correct person to whom a permit may be issued as defined in this chapter, the building official shall issue a permit therefor to the applicant.

2. When a permit is issued when plans are required, the building official shall endorse in writing or stamp the plans and specifications "Approved." Approved construction documents shall not be changed, modified or altered without authorizations from the building official, and all work regulated by this chapter and the technical codes shall be done in accordance with the approved construction documents.

3. The building official may issue a permit for the construction of foundations or any other part of a building or structure, or building service equipment before the construction documents 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 this chapter and the technical codes. The holder of such partial permit shall proceed at the holder's own risk with the building operation and without assurance that a 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 he/she is properly licensed, or exempt, as required by Chapter 18.27 RCW, now or as hereafter amended, 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 construction documents shall be retained by the building official for the period required by law, and one set of approved construction documents 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 or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter 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 chapter, the technical codes, or other ordinances of the city, shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure which is in violation of this chapter, the technical codes, or of any other ordinances of the city.

E. Expiration of Permit.

1. Every permit issued by the building official under the provisions of this chapter 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.

2. 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 for a period of no more than one year. No more than two one-year extensions shall be granted.

F. Suspension or revocation.

1. The building official may revoke or suspend the permit provided for in this section whenever:

- a. The permittee requests such revocation or suspension;
- b. The work does not proceed in accordance with the construction documents, as approved, or is not in compliance with the requirements of this section, the technical codes or other city ordinances;
- c. Entry upon the property for the purpose of investigation or inspection has been denied;

d. The permittee has made a misrepresentation of a material fact in applying for such permit;

e. 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;

f. The permit has not been acted upon within the time allowed for extensions pursuant to this section;

g. The related building permit has expired without renewal, or has been revoked or canceled.

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

G. Assurance Device for Permits. Before issuing any permit provided for in this section, 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 Land Use 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.

H. Placement of permit. The permit or copy shall be kept on the site of the work until the completion of the project. Approved plans and manufacturer's installation instructions, as required by the technical codes, shall be available on the job site at the time of inspection.

23.05.105 Construction Documents.

A. Submittal documents.

1. General. Construction documents, special inspection and structural observation programs, and other data and information as required by the submittal requirements established by the city for each permit shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the State of Washington. Where the building official, in his/her discretion, deems necessary,

he/she may require additional construction documents for any application, which may be required to be prepared by a registered design professional.

EXCEPTION. The building official is authorized to waive the submission of construction documents and other data if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this chapter or the technical codes.

2. Electrical Engineer. Electrical plans for the following installations shall be prepared by, or under the direction of, a consulting electrical engineer registered under Chapter 18.43 RCW, and Chapters 180-29, 246B-320, and 388-97 WAC. All electrical plans must bear the engineer's stamp and signature.

- a. All educational facilities, hospitals and nursing homes;
- b. All services or feeders rated one thousand six hundred amperes or larger;
- c. All installations identified in the National Electrical Code requiring engineering supervision;
- d. As required by the building official for installations which by their nature are complex, hazardous or pose unique design problems.

B. Information on construction documents. Construction documents and other information required to be provided shall conform to standards and specifications established by the city. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents 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 this chapter, the technical codes and relevant laws, ordinances, rules and regulations, as determined by the building official.

C. Use of Consultants. Whenever review of an application requires retention by the city for professional consulting services for other than normal plan review, the applicant shall reimburse the city the cost of such professional consulting services. This fee shall be in addition to the normal plan review and permit fees. The city may require the applicant to deposit an amount with the city estimated in the discretion of the building official to be sufficient to cover anticipated costs to retaining professional consultant services and to ensure reimbursement for such costs.

D. Design professional in responsible charge. When it is required that documents be prepared by a qualified registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design

professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by IBC Section 1709, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in IBC Section 1704).

E. Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge, or the applicant, if no design professional is required, shall list the deferred submittals on the construction documents for review by the building official. Where a design professional is required, documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official. The building official is authorized to charge an additional plan review fee to evaluate the deferred submittal under.

F. Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. The building official may authorize minor filed changes subject to the approval of the field inspector.

23.05.110 Temporary Structures and Uses.

A. Temporary permits -- technical codes other than the electrical code. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause. Additional permits may be required under the technical codes or other city codes and regulations, including the Land Use Code. All temporary installations allowed under this section shall be made in accordance with the requirements of this chapter and the technical codes; provided, that the building official may permit deviations which will not permit hazards to life or property; and further provided, that whenever such hazards are deemed by the building official to exist, the building official may at once rescind or cancel the permit

covering such installation and disconnect, or order the disconnection of all energy to such equipment.

B. Temporary permits -- electrical code. If the building official finds that the safety of life and property will not be jeopardized, permits may be issued for temporary electrical installations for use during the construction of buildings or for carnivals, conventions, festivals, fairs, the holding of religious services, temporary lighting of streets, or other approved uses. Permission to use such temporary installation shall not be granted for a greater length of time than ninety days, except that a permit for a temporary installation to be used for constructing of a building may be issued for the period of construction. Should such temporary lighting be over the street area, the proper authorization for such use of the street must first be obtained. Additional permits may be required under the technical codes or other city codes and regulations, including the Land Use Code. All temporary electrical installations allowed under this section shall be made in accordance with the requirements of this chapter and the technical codes; provided, that the building official may permit deviations which will not permit hazards to life or property; and further provided, that whenever such hazards are deemed by the building official to exist, the building official may at once rescind or cancel the permit covering such installation and disconnect, or order the disconnection of all energy to such equipment.

C. Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this chapter and the technical codes as necessary to ensure the public health, safety and general welfare.

D. Termination of approval. The building official is authorized to terminate any temporary permit issued under this section and to order the activity, use or structure authorized under the permit to be discontinued.

23.05.120 Fees.

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

23.05.130 Inspections.

A. General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter, the technical codes, or of other ordinances of the city. Inspections presuming to give authority to violate or cancel the provisions of this chapter, the technical codes, or of other ordinances of the city shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for expense entailed in the removal or replacement of any material required to

allow inspection. When the installation of an electrical system is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by the National Electrical Code shall not be connected to the energy source until authorized by the building official.

B. Preliminary inspections. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

C. Required inspections. The building official, upon notification, shall make the following inspections:

1. Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

2. Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, slab insulation, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

3. Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in IBC Section 1612.5 or IRC Section R323 shall be submitted to the building official.

4. Exterior wall sheathing inspection. Exterior wall sheathing shall be inspected after all wall framing is complete, strapping and nailing is properly installed but prior to being covered.

5. Roof sheathing inspection. Roof sheathing shall be inspected after all roof framing is complete. No roof coverings shall be installed until inspections are made and approved.

6. IMC/UPC/GAS/NEC rough in inspection. Rough-in mechanical, gas piping, plumbing and electrical shall be inspected when the rough in work is complete and if required, under test. No connections to primary utilities shall be made until the rough in work is inspected and approved.

7. Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

8. Lath inspection and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

EXCEPTION. Gypsum board that is not part of a fire-resistance rated assembly or a shear assembly.

9. Fire-resistant penetration inspections. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

10. Energy efficiency inspection.

a. Envelope.

i. Wall Insulation Inspection: To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

ii. Glazing Inspection: To be made after glazing materials are installed in the building.

iii. Exterior Roofing Insulation: To be made after the installation of the roof insulation, but before concealment.

iv. Slab/Floor Insulation: To be made after the installation of the slab/floor insulation, but before concealment.

b. Mechanical.

i. Mechanical Equipment Efficiency and Economizer: To be made after all equipment and controls required by this chapter and the technical codes are installed and prior to the concealment of such equipment or controls.

ii. Mechanical Pipe and Duct Insulation: To be made after all pipe and duct insulation is in place, but before concealment.

c. Lighting and Motors.

i. Lighting Equipment and Controls: To be made after the installation of all lighting equipment and controls required by this chapter and the technical codes, but before concealment of the lighting equipment.

ii. Motor Inspections: To be made after installation of all equipment covered by the Energy Code, but before concealment.

11. Electrical. The building official may require special inspection of equipment or wiring methods where the installation requires special training, equipment, expertise, or knowledge. Where such special inspection is required, it shall be performed by an independent third party acceptable to the building official. The special inspection person/agency shall be designated and approved prior to beginning the installation of wiring or equipment. A written report from the designated special inspection agency indicating that the installation conforms to the appropriate codes and standards shall be received by the building official prior to that installation being approved. All costs for such testing and reporting shall be the responsibility of the permit holder.

D. Re-inspection. The building official may require a structure or portions of work to be re-inspected. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete, when corrections called for are not made, when the approved plans and permit are not on site, or when the building is not accessible.

E. Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this chapter, the technical codes and other laws that are enforced by the department of building safety.

F. Special inspections. In addition to the inspections specified above, the building official is authorized to make or require special inspections for any type of work related to the technical codes by an approved agency at no cost to the city.

G. Final inspection. The final inspection shall be made after all work required by the building permit is completed.

H. Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

I. Inspection requests. It shall be the duty of the permit holder or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this chapter and the technical codes.

J. Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this chapter and the technical codes. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

23.05.140 Certificate of Occupancy

A. Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this chapter, the technical codes, or of other ordinances of the city. Certificates presuming to give authority to violate or cancel the provisions of this chapter, the technical codes or other ordinances of the city shall not be valid.

B. Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this chapter, the technical codes, or other laws that are enforced by the city, and finds compliance with the terms of all applicable permits, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this chapter and the technical codes for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the technical code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3 of the International Building Code.
9. The type of construction as defined in Chapter 6 of the International Building Code.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the permit.

C. Temporary or phased occupancy. The building official is authorized to issue a temporary or phased certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official is authorized to require in addition to the completion of life safety building components, any or all accessibility components. The building official shall set a time period during which the temporary or phased certificate of occupancy is valid. The building official is authorized to require that a performance bond or other assurance device be posted with the city which shall be refundable upon inspection, final approval and a request in writing for the refund. It shall be the duty of the applicant to request the refund.

D. Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this chapter wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this chapter or the technical codes.

23.05.150 Service Utilities.

A. Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this chapter and the technical codes for which a permit is required, until approved by the building official.

B. Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

C. Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or building service equipment regulated by this chapter and the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property, or when such utility connection has been made without the required approval. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or building service equipment shall be notified in writing, as soon as practical thereafter.

23.05.160 Board of appeals.

The board of appeals created in Chapter 3.50 BCC will hear and decide appeals of interpretations of the technical codes made by the building official, as provided in Chapter 3.50 BCC; provided, however, that appeals of interpretations made by the building official in proceedings authorized under Chapter 1.18 BCC shall be heard together with the underlying action by the Hearing Examiner presiding over the proceeding.

23.05.170 Violations.

- A. Unlawful acts. It shall be unlawful for any person to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this chapter or the technical codes, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter or the technical codes.
- B. Civil Violation. Any violation of any of the provisions of this chapter or of the technical codes constitutes a civil violation as provided for in Chapter 1.18 BCC, for which a monetary penalty may be imposed as provided therein.
- C. 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 chapter or the technical codes shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Chapter 10.92 BCC.
- D. 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.
- E. 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 chapter or the technical codes.

23.05.180 Stop Work Order.

- A. Authority. Whenever the building official finds any work being performed in a manner contrary to the provisions of this chapter, the technical codes, or other pertinent laws or ordinances implemented through the enforcement of this chapter or the technical codes, or in a manner that violates the terms and conditions of any permit issued by the city, the building official is authorized to issue a stop work order.
- B. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. If, with reasonable diligence the stop work order cannot be given to any such person, the stop work order may be posted on the site. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
- C. Investigation Fee. The building official is authorized to assess a special investigation fee for the issuance of a stop work order.
- D. Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

23.05.190 Unsafe Structures and Equipment.

A. Buildings or structures regulated by this chapter 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.

B. 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.

C. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or otherwise unable to sustain the design loads which are specified in the building code are designated as unsafe building appendages.

D. Unsafe buildings, structures or appendages and building service equipment are 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 alternative 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.

23.05.200 Partial invalidity.

In the event that any part or provision of this chapter or the technical codes is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

Section 3. Chapter 23.10 of the Bellevue City Code is hereby repealed.

Section 4. A new Chapter 23.10 of the Bellevue City Code is hereby adopted as follows:

Chapter 23.10 BUILDING CODE

Sections:

- 23.10.010 Adoptions.
- 23.10.020 Amendment Adoption -- International Building Code.
- 23.10.035 International Building Code Section 403.9 amended -- Elevators.
- 23.10.040 International Building Code Section 403.10 amended -- Standby Power.
- 23.10.045 International Building Code Section 403.15 Added -- Smoke Control.
- 23.10.050 International Building Code Section 405.9 amended -- Standby Power.
- 23.10.060 International Building Code Table 503 amended -- Allowable Height and Building Areas.
- 23.10.065 International Building Code Section 707.2 amended -- Shaft Enclosure Required.
- 23.10.070 International Building Code Section 707.14.1 amended -- Elevator Lobby.
- 23.10.075 International Building Code Section 1605.3.1.1 amended -- Load reduction.
- 23.10.080 International Building Code Section 1608.1 amended -- General.
- 23.10.085 International Building Code Section 1704.1 amended -- General.
- 23.10.090 International Building Code Section 1704.12 amended -- Exterior insulation and finish systems (EIFS).
- 23.10.095 International Building Code Table 2306.4.1 amended.
- 23.10.100 International Building Code Section 3304.1 amended -- Excavation and fill.
- 23.10.105 Amendments Adopted -- International Residential Code.
- 23.10.110 International Residential Code Table R301.2(1) amended -- Climatic and Geographic Design Criteria.

23.10.010 Adoptions.

The following codes, all as amended, added to or excepted in this chapter, together with all amendments and additions provided in this title of this code, are adopted and shall be applicable within the city:

A. International Building Code.

1. Code Adoption. The 2003 edition of the International Building Code published by the International Code Council, as adopted and amended by the State Building Code Council in Chapter 51-50 WAC, excluding chapter 1 "Administration", is adopted and shall be applicable within the city, as amended, added to and excepted in this chapter.

2. Scope. The provisions of the *International Building Code* as adopted, amended, added to and excepted in this chapter shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and

occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

EXCEPTION. Detached one and two family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height with separate means of egress and their accessory structures shall comply with the International Residential Code.

B. International Residential Code

1. Code Adoption. The 2003 edition of the International Residential Code published by the International Code Council, as adopted and amended by the State Building Code Council in Chapter 51-51 WAC, excluding chapter 1 "Administration" is adopted, together with Appendix Chapter G "Swimming Pools, Spas and Hot Tubs" and shall be applicable within the city, as amended, added to and excepted in this chapter.

2. Scope. The provisions of the *International Residential Code* as adopted, amended, added to and excepted in this chapter, shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures, including adult family homes, foster family care homes and family day care homes licensed by the Washington state department of social and health services.

C. Washington State Energy Code.

1. Code Adoption. Washington State Energy Code, as provided in RCW 19.27A.010(6) and as adopted and amended by the State Building Code Council in Chapter 51-11 WAC is adopted and shall be applicable within the city, as amended, added to and excepted in this chapter.

2. Scope. The Washington State Energy Code sets forth minimum requirements for the design of new buildings and structures that provide facilities or shelter for residential occupancies by regulating their exterior envelopes and the selection of their HVAC, service water heating systems and equipment for efficient use and conservation of energy.

D. Ventilation and Indoor Air Quality Code.

1. Code Adoption. The Washington State Ventilation and Indoor Air Quality Code, as provided in RCW 19.27A and adopted and amended by the State Building Code Council in Chapter 51-13 WAC, is adopted and shall be applicable within the city, as amended, added to and excepted in this chapter.

2. Scope. The Washington State Ventilation and Indoor Air Quality Code sets forth minimum requirements for ventilation in all occupancies, including the design of new construction.

E. Abatement of Dangerous Building Code.

The 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings Code published by the International Council of Building Officials, except for Section 205 and Chapters 5, 6, 7, 8 and 9 is adopted and shall be applicable within the city, as amended, added to and excepted in this chapter.

F. Uniform Housing Code.

The 1997 edition of the Uniform Housing Code as published by the International Conference of Building Officials, except Sections 104, 201.1, 201.2, 203, 302, and Chapters 12, 13, 14, 15 and 16 is adopted and shall be applicable within the city, as amended, added to and excepted in this chapter.

All codes, standards, rules and regulations adopted by this section are adopted by reference thereto as though fully set forth in this chapter. Not less than one copy of each code, standard, rule or regulation, in the form in which it was adopted, and suitably marked to indicate amendments, additions, deletions and exceptions as provided in this chapter, shall be filed in the city clerk's office and be available for use and examination by the public.

23.10.020 Amendment Adoption -- International Building Code.

The following amendments, additions and exceptions to the International Building Code are adopted and shall be applicable within the city.

23.10.035 International Building Code Section 403.9 amended -- Elevators.

International Building Code Section 403.9 is amended to read as follows:

403.9 Elevators. Elevator operation and installation shall be in accordance with Chapter 30 and WAC 51-50-3001, 3002, 3003, 3004, 3005, and 3006. Elevators on all floors shall open into elevator lobbies that are separated from the remainder of the building, including corridors and other means of egress, by walls extending from the floor to the underside of the fire-resistance-rated floor or roof above. Such walls shall not be of less than one-hour fire-resistance-rated construction as required for a fire partition in accordance with Section 708. Openings through such walls shall conform to Section 715.

EXCEPTIONS:

1. In office buildings, separations are not required from a street-floor elevator lobby provided the entire street floor is equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.
2. Elevators not required to be located in a shaft in accordance with Section 707.2.
3. Elevator lobbies are not required when elevators are located within an atrium complying with the provisions of Section 404.
4. In fully sprinklered office buildings, corridors may lead through enclosed elevator lobbies if all areas of the building have access to at least one required means of egress without passing through the elevator lobby.
5. In fully sprinklered buildings where elevator and stair shafts are pressurized in accordance with Section 909, elevator lobbies need not be provided. The pressurized stair shafts shall comply with the standards for elevator shaft pressurization in WAC 51-50-0909 Section 909.6.3.

23.10.040 International Building Code Section 403.10 amended -- Standby Power

International Building Code Section 403.10 is hereby amended to read as follows:

403.10 Standby power. A standby power system complying with Section 2702 shall be provided for standby power loads specified in Section 403.10.2.

Standby power shall be provided for elevators in accordance with Section 3003. Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 75 feet above the lowest level of Fire Department vehicle access requires the approval of the Fire Code Official.

403.10.1 Special requirements for standby power systems. If the standby system is a generator set inside a building, the system shall be located in a separate room enclosed with 2-hour fire-resistance-rated fire barrier assemblies. System supervision with manual start and transfer features shall be provided at the fire command center.

403.10.2 Standby power loads. The following are classified as standby power loads:

1. Power and lighting for the fire command center required by Section 403.8;
2. Electrically powered fire pumps;
3. Ventilation and automatic fire detection equipment for smokeproof enclosures.

4. Smoke control system.

23.10.045 International Building Code Section 403.15 Added -- Smoke Control.

A new section 403.15 is hereby added to the International Building Code as follows:

403.15 Smoke control. A smoke control system meeting the requirements of Section 909 shall be provided in buildings that exceed ten stories, or contain a use requiring defend-in-place firefighting operations in which occupants of some area cannot readily evacuate that area. This includes Group I and LC Occupancies where in the judgment of the Building Official, occupants having limited capacity for self-preservation are located on floors more than 75' above the lowest level of Fire Department vehicle access. A smoke control system for a defend-in-place use may be a performance-based design to protect that use without providing smoke control throughout the entire building, but shall otherwise comply with Section 909.

EXCEPTION. Smoke control may be omitted when approved by the Building Official.

23.10.050 International Building Code Section 405.9 Amended -- Standby Power.

International Building Code Section 405.9 is hereby amended as follows:

405.9 Standby power. A standby power system complying with Section 2702 shall be provided standby power loads specified in Section 405.9.1.

Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 30 feet below the lowest level of exit discharge requires the approval of the Fire Code Official.

405.9.1 Standby power loads. The following loads are classified as standby power loads.

1. Smoke control system.
2. Ventilation and automatic fire detection equipment for smokeproof enclosures.
3. Fire pumps

Standby power shall be provided for elevators in accordance with Section 3003.

405.9.2 Pick-up time. The standby power system shall pick up its connected loads within 60 seconds of failure of the normal power supply.

0710
6/17/2004

23.10.060 International Building Code Table 503 amended – Allowable Height and Building Areas.

International Building Code Table 503, Allowable Height and Building Areas, is amended to read as follows:

TABLE 503 – ALLOWABLE HEIGHT AND BUILDING AREAS

Height limitations shown as stories and feet above grade plane.
Area limitations as determined by the definition of "Area, building," per floor.

TABLE 503

ALLOWABLE HEIGHT AND BUILDING AREAS

Height limitations shown as stories and feet above grade plane.
Area limitations as determined by the definition of "Area, building," per floor.

GROUP	Hgt(feet) Hgt(S)	TYPE OF CONSTRUCTION								
		TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
		A	B	A	B	A	B	HT	A	B
		UL	160	65	55	65	55	65	50	40
A-1	S	UL	5	3	2	3	2	3	2	1
	A	UL	UL	15,500	8,500	14,000	8,500	15,000	11,500	5,500
A-2	S	UL	11	3	2	3	2	3	2	1
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000
A-3	S	UL	11	3	2	3	2	3	2	1
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000
A-4	S	UL	11	3	2	3	2	3	2	1
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000
A-5	S	UL	UL	UL	UL	UL	UL	UL	UL	UL
	A	UL	UL	UL	UL	UL	UL	UL	UL	UL
B	S	UL	11	5	4	5	4	5	3 ^d	2
	A	UL	UL	37,500	23,000	28,500	19,000	36,000	18,000	9,000
E	S	UL	5	3	2	3	2	3	1	1
	A	UL	UL	26,500	14,500	23,500	14,500	25,500	18,500	9,500
F-1	S	UL	11	4	2	3	2	4	2	1
	A	UL	UL	25,000	15,500	19,000	12,000	33,500	14,000	8,500
F-2	S	UL	11	5	3	4	3	5	3	2
	A	UL	UL	37,500	23,000	28,500	18,000	50,500	21,000	13,000
H-1	S	1	1	1	1	1	1	1	1	NP
	A	21,000	16,500	11,000	7,000	9,500	7,000	10,500	7,500	NP
H-2	S	UL	3	2	1	2	1	2	1	1
	A	21,000	16,500	11,000	7,000	9,500	7,000	10,500	7,500	3,000
H-3	S	UL	6	4	2	4	2	4	2	1
	A	UL	60,000	26,500	14,000	17,500	13,000	25,500	10,000	5,000
H-4	S	UL	7	5	3	5	3	5	3	2
	A	UL	UL	37,500	17,500	28,500	17,500	36,000	18,000	6,500
H-5	S	3	3	3	3	3	3	3	3	2
	A	UL	UL	37,500	23,000	28,500	19,000	36,000	18,000	9,000
I-1	S	UL	9	4	3	4	3	4	3	2
	A	UL	55,000	19,000	10,000	16,500	10,000	18,000	10,500	4,500
I-2	S	UL	4	2	1	1	NP	1	1	NP
	A	UL	UL	15,000	11,000	12,000	NP	12,000	9,500	NP
I-3	S	UL	4	2	1	2	1	2	2	1
	A	UL	UL	15,000	11,000	10,500	7,500	12,000	7,500	5,000
I-4	S	UL	5	3	2	3	2	3	1	1
	A	UL	60,500	26,500	13,000	23,500	13,000	25,500	18,500	9,000
M	S	UL	11	4	4	4	4	4	3	1
	A	UL	UL	21,500	12,500	18,500	12,500	20,500	14,000	9,000
R-1	S	UL	11	4	4	4	4	4	3 ^d	2
	A	UL	UL	24,000	16,000	24,000	16,000	20,500	12,000	7,000
R-2 ^a	S	UL	11	4	4	4	4	4	3	2
	A	UL	UL	24,000	16,000	24,000	16,000	20,500	12,000	7,000
R-3 ^a	S	UL	11	4	4	4	4	4	3	3
	A	UL	UL	UL	UL	UL	UL	UL	UL	UL
R-4	S	UL	11	4	4	4	4	4	3	2
	A	UL	UL	24,000	16,000	24,000	16,000	20,500	12,000	7,000
S-1	S	UL	11	4	3	3	3	4	3	1
	A	UL	48,000	26,000	17,500	26,000	17,500	25,500	14,000	9,000
S-2 ^{b,c}	S	UL	11	5	4	4	4	5	4	2
	A	UL	79,000	39,000	26,000	39,000	26,000	38,500	21,000	13,500
U ^c	S	UL	5	4	2	3	2	4	2	1
	A	UL	35,500	19,000	8,500	14,000	8,500	18,000	9,000	5,500

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m².

UL = Unlimited, NP = Not permitted.

- a. As applicable in Section 101.2.
- b. For open parking structures, see Section 406.3.
- c. For private garages, see Section 406.1.
- d. For Group B or Group R, Division 1 Occupancies, the permitted increase of one story allowed by Section 504.2 may be increased to two stories and the maximum building height may be increased by 20 feet when all of the following conditions are met:
 1. An automatic fire-extinguishing system complying with Section 903.3.1.1 is installed throughout with the installation of quick response sprinkler heads in all areas where the use of these heads is allowed.
 2. Vertical exit enclosures are constructed as smokeproof enclosures or pressurized stair enclosures in accordance with Section 909.20.
 3. Standby power is supplied for light, emergency, and any exit enclosure pressurization systems used, as provided in Sections 403.10 and 909.20.6.2, and the adopted edition of the National Electrical Code.
 4. Fire Department access shall be in accordance with the International Fire Code, 2003 Edition, and the Bellevue Fire Department Development Standards.
 5. Structural Observation is provided during construction in accordance with Sections 1702 and 1709.1.

23.10.065 International Building Code Section 707.2 Amended -- Shaft Enclosure Required.

International Building Code Section 707.2, Exception 2.1 is hereby amended to read as follows:

2.1. Where the area of the floor opening between stories does not exceed twice the horizontal projected area of the escalator or stairway and the opening is protected by a draft curtain and closely spaced sprinklers in accordance with NFPA 13. In other than Group M, this application is limited to openings that do not connect more than four stories in buildings not required to have smoke control systems and two stories for buildings required to have smoke control systems.

23.10.070 International Building Code Section 707.14.1 Amended -- Elevator Lobby.

International Building Code Section 707.14.1 is hereby amended to read as follows:

707.14.1 Elevator lobby. Elevators opening into a fire-resistance-rated corridor as required by Section 1016.1 shall be provided with an elevator lobby at each floor containing such a corridor. The lobby shall separate the elevators from the corridor by fire partitions and the required opening protection. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within this code. See Section 403.9 for high-rise elevator lobby requirements.

EXCEPTIONS:

1. In office buildings, separations are not required from a street-floor elevator lobby provided the entire street floor is equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.

2. Elevators not required to be located in a shaft in accordance with Section 707.2.

3. Where additional doors are provided in accordance with Section 3002.6. Such doors shall be tested in accordance with UL 1784 without an artificial bottom seal.

4. In other than Group I-3, and buildings more than four stories above the lowest level of fire department vehicle access, lobby separation is not required where the building, including the lobby and corridors leading to the lobby is protected by an automatic sprinkler system installed throughout in accordance with Section 903.3.1.1 or 903.3.1.2

23.10.075 International Building Code Section 1605.3.1.1 Amended -- Load reduction.

International Building Code Section 1605.3.1.1 is hereby amended to read as follows:

1605.3.1.1 Load Reduction. It is permitted to multiply the combined effect of two or more variable loads by 0.75 and add to the effect of dead load. The combined load used in design shall not be less than the sum of the effects of dead load and any one of the variable loads.

Increases in allowable stresses specified in the appropriate materials section of this code or referenced standard shall not be used with the load combinations of Section 1605.3.1 except that a duration of load increase shall be permitted in accordance with Chapter 23.

23.10.080 International Building Code Section 1608.1 Amended -- General.

International Building Code Section 1608.1 is hereby amended to read as follows:

1608.1 General. Design snow loads shall not be less than 25 psf, but the design roof load shall not be less than that determined by Section 1607.

23.10.085 International Building Code Section 1704.1 Amended -- General.

International Building Code Section 1704.1 is hereby amended by deleting exception 3 in its entirety.

23.10.090 International Building Code Section 1704.12 Amended -- Exterior insulation and finish systems (EIFS).

International Building Code Section 1704.12 is hereby amended to read as follows:

1704.12 Exterior insulation and finish systems (EIFS). Special inspections shall be required for all EIFS applications, to consist of inspection and certification by the

manufacturer, or another agency approved by the building official, as having been installed per the manufacturer's installation recommendations.

Exception: When requested in writing by the architect-of-record, and approved by the building official, special inspections shall not be required for EIFS applications installed over masonry or concrete walls.

23.10.095 International Building Code Table 2306.4.1 Amended.

International Building Code Table 2306.4.1 footnote (i) is hereby amended to read as follows:

i. In Seismic Design Category D, E or F, where shear design values exceed 490 pounds per lineal foot (LRFD) or 350 pounds per lineal foot (ASD) all framing members receiving edge nailing from abutting panels shall not be less than a single 3-inch nominal member or thicker, or two 2-inch nominal members fastened together in accordance with Section 2307.1 (LRFD) or Section 2306.1 (ASD) to transfer the design shear value between the framing members. Plywood joint and sill plate nailing shall be staggered in all cases. See Section 2305.3.10 for sill plate side and anchorage requirements.

**23.10.100 International Building Code Section 3304.1 Amended --
Excavation and Fill.**

International Building Code Section 3304.1 is hereby amended to include the following new subsections:

3304.1.5. Excavation and Shoring Near Improved Public Places. No person, firm or corporation shall excavate and/or install shoring in excess of four feet, measured vertically, on private property within any area between the vertical prolongation of the margin of an improved public place and a 100 percent slope line (45 from a horizontal line) from the existing elevation of the margin of the traveled surface of an improved public place to the proposed elevation of the private property (See plate No. 1) without first obtaining a permit from the building official to do so, and no work shall commence toward such excavation and shoring until a permit therefor has been issued by the building official. Improved public place means any street, alley, easement for water, sewer or storm drainage, or similar parcel of land which is deeded, dedicated or otherwise permanently made available to the City or public for city or public use.

The permit required hereunder is in addition to any permits required under Chapter 23.76 BCC. No person, firm or corporation shall leave any excavation for which a permit is required within four feet of any public place, or in such other place as the building official determines to be hazardous, without providing adequate barricades and warning devices to protect the public, or shall fail to maintain the lateral support of any public place.

3304.1.6. Assignment of Savings on Applications for Permits. If the building official determines that there is a possibility of injury, damage or expense to the City arising from an applicant's work or proposed use of any public place, the applicant shall execute and file an assignment of savings. The amount of the assignment of savings shall be determined by the building official at the time of approving the application based on the estimated amount and extent of the potential injury, damage, or expense to the City. The applicant shall file the same with the building official before receiving a permit. The City may use such assignment of savings to pay for any injury, damage or expense the City may sustain in conjunction with the permitted work. The balance of the assignment of savings, if any after such deductions, shall be returned to the applicant. If the assignment of savings is insufficient, the applicants will be liable for the deficiency. Upon notice to the applicant, the building official may at any time increase or reduce the amount required deposit or waive same as conditions warrant.

3304.1.7 Expiration. Every permit issued by the building official under the provisions of BCC 23.10.118 shall be subject to all provisions of BCC 23.05.160.

3304.1.8 Fees. The fee for each permit shall be as set forth in the fee ordinance, as now or hereafter amended.

3304.1.9 Compliance. All solder piles and other materials used for shoring purposes shall be removed from public places and adjacent property as part of and prior to completion of the construction project in accordance with the plans approved by the building official or as modified with his approval, unless the permit provides otherwise.

23.10.105 Amendments Adopted -- International Residential Code

The following amendments, additions and exceptions to the International Building Code are adopted and shall be applicable within the city.

23.10.110 International Residential Code Table R301.2(1) Amended -- Climatic and Geographic Design Criteria.

International Residential Code Table R301.2(1) is hereby amended to read as follows:

Climatic and Geographic Design Criteria
IRC Table R301.2(1)

Roof and Ground Snow Load	Wind Speed ^e (mph)	Seismic Design Category ^g	Subject to damage from				Winter Design Temp ^f (degrees)	Ice Shield Under-lyment Required ^f	Flood Hazards ^h	Air Freezing Index ^k (degrees)	Mean Annual Temp ^k (degrees)
			Weathering ^a	Front Line Depth ^b	Termite ^c	Decay ^d					
25	85	D2	Moderate	12"	Slight to Moderate	Slight to Moderate	22	No	March 12, 1974 entry into National Flood Insurance Program. Current maps dated November 9, 1999	170	51

For SI: 1 pound per square foot = 0.0479 kN/m², 1 mile = 1.609km/h.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table with "very heavy," "moderate to heavy," "slight to moderate," or "none to slight" in accordance with Figure R301.2(6) depending on whether there has been a history of local damage.
- d. The jurisdiction shall fill in this part of the table with "moderate to severe," "slight to moderate," or "none to slight" in accordance with Figure R301.2(7) depending on whether there has been a history of local damage.
- e. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on site-specific basis in accordance with Section R301.2.1.4.
- f. The outdoor design dry-bulb temperature shall be selected from the columns of 97½-percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- g. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.
- h. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.
- i. In accordance with Sections R905.2.7.1, R905.4.3, R905.5.3, R905.6.3, R905.7.3 and R905.8.3, for areas where the average daily temperature in January is 25°F (-4°C) or less, or where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- j. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data

Center data table "Air Freezing Index-USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.
k. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

Section 5. Chapter 20.50 of the Bellevue City Code is hereby repealed.

Section 6. A new Chapter 20.50 of the Bellevue City Code is hereby adopted as follows:

**Chapter 23.50
MECHANICAL CODE**

Sections:

- 23.50.010 Adoptions.
- 23.50.020 Other authorities.

23.50.010 Adoptions.

The following codes, all as amended, added to or excepted in this chapter, together with all amendments and additions provided in this title of this code, are adopted and shall be applicable within the city:

A. International Mechanical Code.

1. Code Adoption. The 2003 edition of the International Mechanical Code published by the International Code Council, as adopted and amended by the State Building Code Council in Chapter 51-52 WAC, excluding chapter 1 "Administration" is adopted and shall be applicable within the city, as amended, added to and excepted in this chapter.

2. Scope. This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the *International Fuel Gas Code*.

EXCEPTIONS:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.

2. The standards for liquefied petroleum gas installations shall be the 2001 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2002 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

B. National Fuel Gas Code (NFPA 54). The 2002 Edition of the National Fuel Gas Code published by the National Fire Protection Association, as amended by the State Building Code Council in Chapter 51-52 WAC, is adopted and shall be applicable within the city, as amended, added to and excepted in this chapter.

C. Liquefied Petroleum Gas Code (NFPA 58). The 2001 Edition of the Liquefied Petroleum Gas Code published by the National Fire Protection Association, as amended by the State Building Code Council in Chapter 51-52 WAC, is adopted and shall be applicable within the city, as amended, added to and excepted in this chapter.

D. International Fuel Gas Code. The 2003 edition of the International Fuel Gas Code published by the International Code Council, as amended by the State Building Code Council in Chapter 51-52 WAC, excluding chapter 1 "Administration", together with Appendix Chapter A "Sizing and Capacities of Gas Piping", is adopted and shall be applicable within the city, as amended, added to and excepted in this chapter.

23.50.020 Other authorities.

In addition to the International Mechanical Code, provisions of chapter 480-93 WAC regarding gas pipeline safety may also apply to single meter installations serving more than one building. The provisions of chapter 480-93 WAC are enforced by the Washington utilities and transportation commission.

Section 7. Chapter 23.60 of the Bellevue City Code is hereby repealed.

Section 8. A new Chapter 23.60 of the Bellevue City Code is hereby adopted as follows:

**Chapter 23.60
PLUMBING CODE**

Sections:

- 23.60.010 Uniform Plumbing Code.
23.60.020 Scope.

23.60.010 Uniform Plumbing Code.

The 2003 edition of the Uniform Plumbing Code published by the International Code Council, as adopted and amended by the State Building Code Council in Chapter 51-56 and 51-57 WAC, excluding chapter 1 "Administration" is adopted, together with Appendix Chapters H "Grease Interceptors", and L "Alternate Plumbing Systems" excluding sections L5 through L7 and "Lawn Sprinkler Head" from table 6-

4 of Appendix L; and shall be applicable within the city, as amended, added to and excepted in this chapter.

23.60.020 Scope.

The provisions of the *2003 Uniform Plumbing Code* shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. Where there is a conflict between the Uniform Plumbing Code and the City of Bellevue Utilities Codes Title 24 or Utilities Engineering Standards related to water, sewer or storm drain improvements located more than 24" outside a building, the City of Bellevue Utilities Codes and Standards shall prevail.

Section 9. Section 23.16.010 of the Bellevue City Code is hereby amended to read as follows:

23.16.010 Fences required - Specifications.

The following requirements shall apply to all outdoor swimming pools, spas and hot tubs heretofore or hereafter constructed or presently under construction within the city. Each such pool, spa, or hot tub shall be enclosed with a pool or yard fence, not less than four feet high, of strength and design sufficient to resist the penetration of children, designed as a guardrail per the edition of the International Building Code or the International Residential Code adopted pursuant to Chapter 23.10 BCC, whichever shall apply to the primary use and structure with which the pool, spa, or hot tub is associated. A residence on the premises may be part of either of said fences. Any doors or gates in said fences, other than residential doors, shall be of the self-closing and self-latching type, with the opening device operable from the inside or located at least 54 inches from highest grade at the gate.

Exceptions:

A. Where access to the pool is subject to regulations for barrier-free facilities, provision for access to the pool shall be designed to comply with the barrier-free regulations.

B. Upon approval of the building official, a fence and gate may be replaced with a locking cover to assure supervised use of the spa or hot tub. Any outdoor swimming pool, spa or hot tub which was constructed prior to adoption of the International Building Code or the International Residential Code under Chapter 23.10 BCC under this chapter need not comply with the terms of this section if such swimming pool, hot tub or spa is enclosed with pool or yard fence which complies with the city code provision regarding enclosures which was in effect at the time the enclosure was constructed.

Section 10. Section 23.76.035 of the Bellevue City Code is amended to read as follows:

23.76.035 Expiration of permits and applications.

A. An application for a clearing and grading permit 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 in accordance with state law. The director may, prior to expiration, extend the time for action by the applicant for a period not exceeding 180 days.

B. An application for a clearing and grading permit may be cancelled for inactivity if an applicant fails, without reasonable justification, to respond to the department's written request for revisions or corrections within 90 days. The director may extend the response period beyond 90 days if the applicant provides and adheres to a reasonable schedule for submitting the full revisions.

C. In addition to the extension allowed in subsection A above, the director may extend the life of an application if any of the following conditions exist:

1. Compliance with the State Environmental Policy Act is in progress; or
2. Any other city review is in progress; provided the applicant has submitted a complete response to city requests or the director determines that unique or unusual circumstances exist that warrant additional time for such response, and the director determines that the review is proceeding in a timely manner toward final city decision; or
3. Litigation against the city or the applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

In no event may the director extend the application for a period of more than 180 days following the conclusion of the applicable condition described in this subsection E.3.a.

D. Clearing and grading permits expire as follows:

1. If a building permit is issued for the same site, the clearing and grading permit shall automatically expire or be extended when the building permit expires or is extended.

2. If a building permit is not issued for the same site, the clearing and grading permit shall expire as follows:

- a. The permit shall expire if the authorized work is not begun within one year from the date of permit issuance, or if work is abandoned for over 180 days.

b. If the authorized work is continually performed, the permit shall expire one year from the date of issuance unless a different time frame is specified on the permit or an extension is granted. Two one-year extensions may be granted by the director provided that conditions which were relevant to issuance of the permit have not changed substantially and no material detriment to the public welfare will result from the extension.

Section 11. This ordinance shall take effect and be in force five (5) days after its adoption and legal publication.

Passed by the City Council this 21st day of June, 2004,
and signed in authentication of its passage this 21st day of June,
2004.

(SEAL)

Connie Marshall
Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan
Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

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