

ORDINANCE NO. 4857

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO TITLE 3 "BUILDINGS AND FIRE" AND AMENDING SECTIONS 3.01.080 AND 3.03.200 OF THE ELLENSBURG CITY CODE.

WHEREAS, the City of Ellensburg (City) adopted Ordinance 4302 in 2001, which included incorporation of the most recent edition of the International Fire Code (IFC); and

WHEREAS, Ordinance 4302 amended the adoption of the IFC for the City by including a higher threshold for requiring a secondary access road in residential developments of 100 residential units in ECC 3.010.080(E); and

WHEREAS, Kittitas Valley Fire & Rescue (KVFR) has determined that based on the health, safety and welfare of City residents, the Ellensburg City Code requirements for secondary access roads in residential developments should be consistent with the most recently adopted version of the IFC, Appendix D, Section 107.1, which requires a secondary access road for residential developments which exceed 30 residential units; and

WHEREAS, KVFR has determined that the current requirements for above-ground fuel storage in ECC 3.03.200 is unduly restrictive and prohibits such storage in all zones except for Heavy Industrial (I-H), and that storage of Class II liquids should be permitted up to 2000 gallon capacity when they serve as fuel supply for emergency generators, are installed in accordance with all other applicable codes and are not equipped with any fuel dispensing system; and

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

**Section 1. Section 3.01.080 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4643, is hereby amended to read as follows:**

3.01.080 Adoption – Codes designated.

The following codes and their amendments are found to be in conformance with the requirements of the State Building Code Act, enacted by the Legislature of the state of Washington, December 1991, Chapter 19.27 RCW, and with adoptions and amendments by the Washington State Building Code Council made pursuant to Chapters 19.27 and 70.92 RCW, and are adopted by reference as a part of the Ellensburg City Code:

A. The most current edition of the International Building Code (IBC) with Washington State amendments, published by the International Code Council, Inc., as adopted and amended by the Washington State Building Code Council, Chapter 51-50 WAC, and including Appendices C and D to the International Building Code; except that the following sections of the International Building Code are hereby further amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 200 square feet ( $11\text{ m}^2$ ).
2. Fences not over 8 feet (2,134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1,219 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 IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.
14. Replacement of residential domestic hot water heaters within a single dwelling unit.

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one (1) year after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced. The building official is authorized to grant, in writing, one extension of time, for a period not more than one (1) year. The extension shall be requested in writing at least seven (7), but no more than sixty (60) calendar days prior to the date the original permit becomes invalid and justifiable cause demonstrated.

Recommencement after expiration. An expired permit may be recommenced one (1) time for a period not to exceed one (1) year subject to the following conditions:

- a. Application for recommencement is made in writing within 180 days from the date the original permit expired and justifiable cause is demonstrated;
- b. If there have been no changes to the original permit plans for which the permit was issued and there have been no changes to the building codes since the original building permit was issued, a recommencement fee of 10% of the original permit and plan review fee or a minimum fee of \$25.00, whichever amount is greater, shall be charged;
- c. If there are changes to the original permit plans for which the permit was issued or there have been changes to the building codes since the original building permit was issued, the recommencement shall require a new building permit application with new building permit application fees; and
- d. There shall be no extensions granted for a recommenced permit and no additional recommencement opportunities shall be provided for a recommenced permit.

#### Appendix D Fire Districts.

D 101.2 Establishment of Area. For the purpose of this code, the fire district shall include that area bounded by public rights-of-way that are zoned as Central Commercial (C-C) in the city of Ellensburg as provided for in Title 13 of the Ellensburg City Code. Subsections D 101.2.1, D 101.2.2 and D 101.2.3 of Appendix D of the International Building Code are inapplicable to this section.

Section D101.3 General. Use of Easements for Fire Separation. Use of the area encompassed by a private property easement which prohibits the construction of conflicting buildings may be used as the property line for the purpose of setbacks related to fire resistances and required building setbacks, subject to the following conditions:

1. Acceptance of the easement restricting any new buildings is subject to approval by the Building Official.
2. The decision of the Building Official shall be based upon the following factors:

A. Satisfactory arrangements for the placement of new and existing utility service lines on both the subject and the easement property. Any such work deemed necessary by the creation of the easement shall be borne by the Applicant.

B. Removal of all existing buildings in the proposed easement area which are deemed by the city's fire marshal to present a fire hazard by virtue of their proximity to the proposed new building location on the subject easement. Any such work

deemed necessary by the creation of the easement shall be borne by the Applicant.

C. Construction of fences and other improvements other than buildings in the restricted easement area shall be subject to the review and approval of the Building Official.

D. Placement of building eaves or projections beyond the exterior wall which are contained on the subject building's property, and do not cause any material problems of drainage or other physical impact off the subject property.

3. The easement authorized by this section, if approved by the Building Official, may only be used to meet the fire resistance and opening protection requirements of the International Building Code. Use of the easement to meet other requirements or allow additional development is prohibited.

4. Such easement, if accepted by the Building Official, shall name the City of Ellensburg as one of the beneficiaries and holders of the easement. Further language describing and locating said easement shall be recorded with the Kittitas County Auditor as a covenant on the land, subject to all legal and customary conditions as they apply to easements. Further, such easement may not be eliminated or changed in any respect without the written permission of the City of Ellensburg.

5. The above provisions shall not apply to walls at right angles to the property line.

B. The most current edition of the International Residential Code (IRC) with Washington State amendments, including Appendices A, B, C, and D thereto, published by the International Code Council, Inc., as adopted and amended by the Washington State Building Code Council, Chapter 51-51 WAC; except that the following section of the International Residential Code is hereby amended to read as follows:

Section R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one (1) year after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced. The building official is authorized to grant, in writing, one extension of time, for a period not more than one (1) year. The extension shall be requested in writing at least seven (7), but no more than sixty (60) calendar days prior to the date the original permit becomes invalid and justifiable cause demonstrated.

Recommencement after expiration. An expired permit may be recommenced one (1) time for a period not to exceed one (1) year subject to the following conditions:

- a. Application for recommencement is made in writing within 180 days from the date the original permit expired and justifiable cause is demonstrated;
- b. If there have been no changes to the original permit plans for which the permit was issued and there have been no changes to the building codes since the original building permit was issued, a recommencement fee of 10% of the original permit and plan review fee or a minimum fee of \$25.00, whichever amount is greater, shall be charged;
- c. If there are changes to the original permit plans for which the permit was issued or there have been changes to the building codes since the original building permit was issued, the recommencement shall require a new building permit application with new building permit application fees; and
- d. There shall be no extensions granted for a recommenced permit and no additional recommencement opportunities shall be provided for a recommenced permit.

C. The most current edition of the International Existing Building Code (IEBC) with Washington State amendments, published by the International Code Council, Inc., as adopted and amended by the Washington State Building Code Council, Chapter 51-50 WAC.

D. The most current edition of the International Mechanical Code (IMC) with Washington State amendments, published by the International Code Council, Inc., as adopted and amended by the Washington State Building Code Council, Chapter 51-52 WAC.

E. The most current edition of the International Fire Code (IFC) with Washington State amendments, including the following appendices as they relate to the general fire code standards: B, C, D, E, F, and G to the International Fire Code are hereby adopted and amendments thereto as referenced in Chapter 3.03 ECC; provided, that notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles. In accordance with Chapter 19.27 RCW, the International Fire Code published by the International Code Council, Inc., together with any additions, deletions, and exceptions currently enacted or as may be amended from time to time by the state of Washington through its Building Code Council pursuant to the Washington Administrative Code (WAC), and as further amended in this chapter, is hereby adopted and incorporated by this reference. One copy of the International Fire Code and the appendices adopted below are on file with the city's fire code official. To the extent allowed by RCW 19.27.040, if a conflict exists between the provisions of the International Fire Code adopted and amended by the Washington State Building Code Council and the provisions of Chapter 3.03 ECC, the Ellensburg City Code provisions shall govern.

2. Exception—Appendix D to the International Fire Code is hereby amended to read as follows:

~~D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 100 shall be provided with separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.~~

Exceptions:

- ~~1. Where there are 101 or more dwelling units, a second fire department access road will not be required if all dwelling units are protected by approved residential sprinkler systems.~~
- ~~2. Where there are 101 or more units proposed, up to 100 may be developed, built and/or occupied. Prior to final plat approval, the second access road shall be constructed for all units beyond the 100th dwelling unit.~~

F. The most current edition of the Uniform Plumbing Code (UPC) and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials, as adopted and amended by the Washington State Building Code Council, Chapters 51-56 and 51-57 WAC.

G. The most current edition of the International Energy Code with Washington State amendments, as adopted by the Washington State Building Code Council, Chapters 51-11, 51-11C and 51-11R WAC.

H. Uniform Code for the Abatement of Dangerous Buildings and amendments thereto, 1997 Edition, published by the International Conference of Building Officials.

I. Code Precedence. In case of conflict among the codes enumerated in this section, the following shall be the order of precedence:

1. International Building Code, standards and amendments;
2. International Residential Code, standards and amendments;
3. International Mechanical Code, standards and amendments;
4. International Fire Code, standards and amendments;
5. Uniform Plumbing Code, standards and amendments. [Ord. 4643 § 2, 2013; Ord. 4566 § 7, 2010; Ord. 4553 § 1, 2009; Ord. 4543 § 1, 2009; Ord. 4486 § 1, 2007; Ord. 4450 § 1, 2006; Ord. 4390, 2004; Ord. 4384, 2004; Ord. 4302, 2001; Ord. 4245, 2000; Ord. 4159, 1998; Ord. 4121, 1997; Ord. 4002 § 1, 1995; Ord. 3799 § 2, 1992; Ord. 3667 § 1, 1989; Ord. 3655 § 1, 1989; Ord. 3600 § 1, 1987; Ord. 3538 § 1, 1986; Ord. 3531 § 1, 1986; Ord. 3466 § 1, 1984; Ord. 3447 § 1, 1984; Ord. 3266 § 1, 1980; Ord. 3257 § 1, 1980.]

**Section 2. Section 3.03.200 of the Ellensburg City Code, as last amended by Section 13 of Ordinance 4643, is hereby amended to read as follows:**

3.03.200 Section 5703.1.1 amended – Flammable and combustible liquid storage.

Section 5703.1.1 of the International Fire Code is amended to read as follows:

Section 5703.1.1 STORAGE OF CLASS I AND II LIQUIDS IN ABOVE\_GROUND TANKS LIMITED.

The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in the City of Ellensburg except that portion zoned Industrial Heavy (I-H) under ECC Title 43 15.

Exception: Above-ground storage tanks for Class II liquids will be permitted up to 2000 gallon capacity when they serve as fuel supply for emergency generators, are installed in accordance with all other applicable codes and are not equipped with any fuel dispensing system.

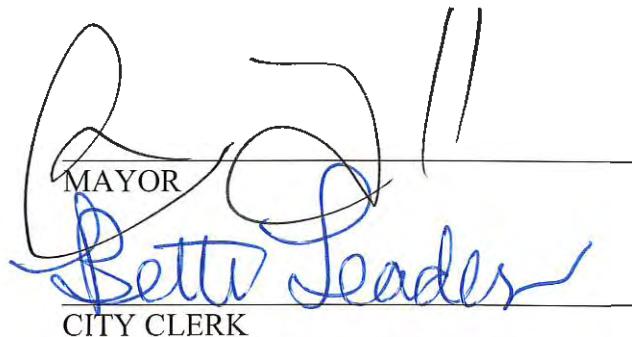
**Section 3. Severability.** If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

**Section 4. Corrections.** Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 5. Effective Date.** This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 21st day of September, 2020.

ATTEST:

  
MAYOR  
CITY CLERK  
Betty Leader

Approved as to form:

  
CITY ATTORNEY

Publish: 9-26-2020

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4857 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4857 was published as required by law.

Beth Leader  
BETH LEADER