

ORDINANCE NO. 4543

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON RELATING TO CONSTRUCTION CODES AND AMENDING ELLENSBURG MUNICIPAL CODE SECTION 3.01.080 PERTAINING TO ADOPTION OF DESIGNATED CODES.

WHEREAS, Section 3.01.080 of the Ellensburg Municipal Code sets forth the construction codes and amendments that the City of Ellensburg has adopted by reference as a part of the Ellensburg City Code; and,

WHEREAS, Ellensburg Municipal Code Section 3.01.080(C) references the International Existing Building Code, 2003 Edition, as being one such construction code that the City has adopted by reference as a part of the Ellensburg City Code, including language that amends Section 101.2 Scope of said International Existing Building Code, 2003 Edition; and,

WHEREAS, the 2006 Edition of the International Existing Building Code is more current than the 2003 Edition; and

WHEREAS, the City of Ellensburg desires to utilize the provisions within and the requirements of the International Building Code, 2006 Edition, for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings within the Downtown Historic District that has been designated in EMC Chapter 13.37;

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

Section 1. Ellensburg Municipal Code Section 3.01.080, as last amended by Ordinance No. 4486 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, as last amended by Chapter 291, Laws of Washington 2003, 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. International Building Code, 2003 Edition, 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:

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 503.2.1 General. 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 Marshall 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.

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

B. International Residential Code, 2003 Edition, 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 R 105.2 Work Exempt from Permits. Building 1. One-story detached, accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15m).

C. International Existing Building Code, 2003 2006 Edition, published by the International Code Council, Inc., except that the following section of the International Existing Building Code is hereby amended to read as follows:

~~Section 101.2 Scope. The application of the provisions of this code shall be limited solely to those existing buildings that apply in writing and are located within the Central Commercial (C-C) zoning district or that are listed on either a national, state or local historic register for application of this code as alternative standards and measures for the work contemplated under a specific permit application. The provisions of the International Existing Building Code, as further amended herein, shall apply to the repair, alteration, change of occupancy, ~~existing building to which additions are made, historic buildings, and or addition to, an existing building located within or relocated to the Central Commercial (C-C) zoning district or that are listed on either a national, state or local historic register~~ buildings ~~complying with the provisions of the International Building Code, International Mechanical Code, Uniform Plumbing Code, and International Residential Code, as applicable, shall be considered in compliance with the provisions of this code.~~~~

D. International Mechanical Code, 2003 Edition, published by the International Code Council, Inc., as adopted and amended by the Washington State Building Code Council, Chapter 51-52 WAC.

E. 1. International Fire Code, 2006 Edition, 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 handheld 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. Uniform Plumbing Code and Uniform Plumbing Code Standards, 2003 Editions, 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. Washington State Ventilation and Indoor Air Quality Code, 2003 Edition, as adopted by the Washington State Building Code Council, Chapter 51-11 WAC.

H. Washington State Energy Code, 2003 Edition, as adopted by the Washington State Building Code Council, Chapter 51-11 WAC.

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

405.7 Security Bars. Bars, grilles, grates or similar devices may be installed on window or door openings, provided all such bars, grilles, grates or similar devices are mounted in the interior of the building. No such installations shall be allowed to be mounted on the exterior of any building.

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

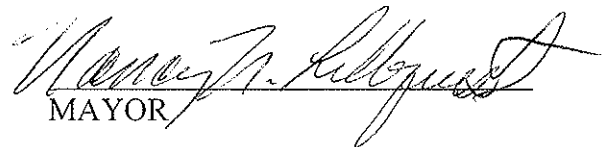
1. International Building Code, standards and amendments;
2. International Residential Code, standards and amendments;
3. International Mechanical Code, standards and amendments;
4. International Fire Code, standards and amendments;
5. Uniform Plumbing Code, standards and amendments.

[Ord. 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. 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 portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect and be in full force (5) five days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 1st day of June, 2009.


MAYOR

ATTEST: Coreen M. Reno
CITY CLERK

APPROVED AS TO FORM:
[Signature]
CITY ATTORNEY

PUBLISH: June 5, 2009

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4543 is a true and correct copy of said Ordinance of like number of said City as the same was passed by said Council, and that Ordinance No. 4543 was published as required by law.

Coreen M. Reno
COREEN M. RENO, CMC