

ORDINANCE NO. 4553

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON RELATING TO ELLENSBURG MUNICIPAL CODE CHAPTER 3.01 ENTITLED "CONSTRUCTION CODES" AND AMENDING SECTIONS 3.01.080 AND 3.01.120.

WHEREAS, the City Council finds that the current timelines and process relating to the life of an issued building permit and relating to the length of available extensions to that life of an issued building permit are too short in length and virtually unlimited in number of extensions available, and

WHEREAS, the City Council finds that providing an option for the recommencement of an expired building permit under certain conditions should be available, and

WHEREAS, the City Council finds that certain Construction Code references are outdated and incorrectly cited, and

WHEREAS, the City Council finds the public health, safety and general welfare will be best served by establishing a new building permit extension process with new timelines and limited extension opportunities, by establishing an expired building permit recommencement process, and by updating the Construction Code references,

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

Section 1. Section 3.01.080 of the Ellensburg Municipal Code and Ordinance No. 4543 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. ~~The most current Edition of the~~ 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:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within ~~180 days~~ 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 ~~180 days~~ one (1) year after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for a periods not more than ~~180 days~~ one (1) year each. 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.

Recommendation 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 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. The most current Edition of the 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).

Section R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within ~~480 days~~ 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 ~~480 days~~ one (1) year after the time the work is commenced. The building official is authorized to grant, in writing, ~~one or more~~ extensions of time, for a periods not more than ~~480 days~~ one (1) year each. 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.

Recommendation after expiration. An expired permit may be recommended 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 recommended permit and no additional recommencement opportunities shall be provided for a recommended permit.

C. The most current Edition of the International Existing Building Code, ~~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:

101.2 Scope. The application of the provisions of this code shall be limited solely to those existing buildings 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, 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.

D. The most current Edition of the 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. The most current Edition of the 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 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 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. The most current Edition of the Washington State Ventilation and Indoor Air Quality Code, ~~2003 Edition~~, as adopted by the Washington State Building Code Council, Chapter 51-11 WAC.

H. The most current Edition of the 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. 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 3.01.120 of the Ellensburg Municipal Code and Ordinance No. 3538 is hereby amended to read as follows:

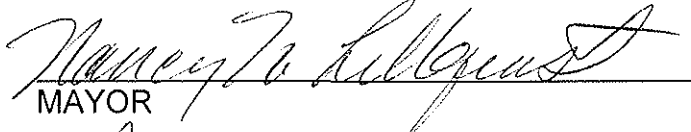
3.01.120 Copies filed.

One copy of each of the codes described and adopted by reference in ECC 3.01.080 shall be filed for use and examination by the public in the ~~office of the city clerk~~ department of community development, building division. [Ord. 3538 § 2, 1986; Ord. 3257 § 2, 1980; Ord. 3056 § 9, 1975.]

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.

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 21st day of November, 2009.


MAYOR


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISH:

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4553 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. 4553 was published as required by law.



COREEN M. RENO, CMC