Ordinance No. 2517
(Amending or Repealing Ordinances)

CFN=187 – Uniform Plumbing Code
CFN=205 – Uniform Building Code
Passed 12/17/1984

Repealed by Ord. 3415
Repealed by Ord. 3967 (Ch. 14.10)
AN ORDINANCE of the City of Kent, Washington relating to building codes; adding a new Chapter 14.01 Kent City Code to create a Board of Appeals; amending Chapter 14.04 of Kent City Code (Ordinance No. 2199, as last amended by Ordinance No. 2229) to adopt the Uniform Building Code 1982 Edition, together with certain additions thereto and adopting specific chapters of the appendix to said Code; amending Chapter 14.10 of Kent City Code (Ordinance 2201) to adopt the Uniform Code for the Abatement of Dangerous Buildings 1982 Edition, together with certain additions thereto; amending Chapter 14.12 of Kent City Code (Ordinance 2201) to adopt the Uniform Housing Code 1982 Edition, together with certain additions thereto; amending Chapter 14.14 of Kent City Code (Ordinance 2201) to adopt the Uniform Mechanical Code 1982 Edition, together with certain additions thereto; amending Chapter 14.16 of Kent City Code (Ordinance 2200) to adopt the Uniform Plumbing Code 1982 Edition, together with certain additions thereto; adopting the amendments to the Barrier Free Facilities Regulations, adopted by the Washington State Building Code Advisory Council; and adding a new Chapter 14.24 Kent City Code to set out a uniform penalty clause applicable to Title 14, Kent City Code.

WHEREAS, the City Council of the City of Kent has determined that the enactment of comprehensive, uniform building regulations will promote the health, safety and welfare of the citizens of Kent; and

WHEREAS, such building regulations will define minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire and life safety; and

WHEREAS, such building regulations will set out requirements for minimum performance standards; and

WHEREAS, comprehensive building regulations will eliminate restrictive, obsolete, conflicting and duplicative regulations and requirements which unnecessarily increase construction
costs and/or retard the use of new materials, products, or methods of construction; and

WHEREAS, the enactment of such comprehensive building regulations is consistent with the mandate of RCW 19.27.020; NOW,
THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

UNIFORM BUILDING CODE

Section 1. Section 14.04.04 Kent City Code (Ordinance 2199, as last amended by Ordinance 2229) is hereby amended to read as follows:

14.04.040. UNIFORM BUILDING CODE ADOPTED--AMENDMENTS. There is adopted (upon the effective date of the ordinance (codified in this Section and)) upon the filing of (three) one (copies) copy thereof with the Kent City Clerk, that certain code known as Uniform Building Code - (1979) 1982 Edition, with the following additions and amendments:

((a).)) A. Section 301 ((a)) shall be amended to add the following: (c) PERFORMANCE BONDS. Before any demolition permit is issued, the applicant or his agent shall post a cash bond with the City Treasurer in the amount of ($200.00) $300.00 which will be refundable upon (final) inspection (being approved of the permit) and final approval. If a permanent bond is on file with the City Treasurer, that amount may be $200.00.

((b).)) B. There is added to Chapter ((13)) 12, "Requirements for Group R, Division 1 Occupancies," a new section to be designated as Section ((1314)) 1213 (b), and which shall read as follows:

It is hereby established that the paved vehicular access (driveway, private roads) to any R-1 Occupancy (as defined in the Uniform Building Code) shall not exceed a slope of 10% from the property line to the required off-street parking stall(s), or the point required for fire department access to the off-street stall or stalls.
EXCEPTION: The Building Official may allow the driveway or private road to exceed 10%, but not to exceed 15% when requested in writing by both the owner and contractor, or to exceed 12% if the structure is more than 150 feet from the nearest fire hydrant, provided that in the opinion of the Building Official there is no reasonable alternative.

((c))) C. There is to be added to Chapter ((14)) 12 "Requirements for Group R Division 3 Occupancies," a new Section to be designated as Section ((14)) 1213 (c), and which shall read as follows:

It is hereby established that the paved vehicular access (driveway, private road) to any R-3 Occupancy as defined by the Uniform Building Code shall not exceed a slope of 10% from the property line to the required off-street stall(s), or the point required for fire department access to the required off-street stall or stalls.

EXCEPTION: The Building Official may allow the driveway or private road to exceed 10% but not to exceed 15% when requested in writing from the owner and contractor, or to exceed 12% if the structure is more than 150 feet from the nearest fire hydrant, provided that in the opinion of the Building Official there is no reasonable alternative.

((d))) D. All references in Chapter 17 or any other Chapter of this Code shall be superseded by the Washington State Rules and Regulations for Barrier Free Facilities, as now or hereinafter adopted.

((e)) Section 3305 (j), "Handrails — Exception," is added to state the following: "Stairways having less than four risers need not have handrails."

((f)) E. Section 4506 (b), "Awning — Exception," is amended to read as follows:

"Fixed awnings of any length may be erected on a one story building."

((g)) F. Section 305 (e)2. ((to be)) is deleted.

((h)) G. Section 205, "Violations and Penalties," ((shall be)) is hereby repealed.

H. A new subsection 1717 (d) is added as follows:

Exterior foundation walls of masonry construction enclosing a basement shall be dampproofed by applying not
less than 3/8" of portland cement parging to the wall from the top of the footing to finish grade. The parging shall be covered with a coat of approved bituminous material applied at the recommended rate. Exterior foundation walls of concrete construction enclosing basements shall be dampproofed by applying a coat of approved bituminous material to the wall from the top of the footing to finish grade at the recommended rate. This section does not guarantee that a basement will be moisture free, as it provides for exterior treatment only. Further, prior to final inspection, grade shall slope down away from the foundation for a least 5 feet on all sides of the structure.

Section 2. Section 14.04.08 Kent City Code (Ordinance 2199) is amended to read as follows:


UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS

Section 3. Section 14.10.04 Kent City Code (Ordinance 2201) is amended to read as follows:

14.10.040. **UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS ADOPTED.** There is adopted (upon the effective date of the ordinance codified in this Section and) upon the filing of (three) copies thereof with the Kent City Clerk, that certain code known as Uniform Code for Abatement of Dangerous Buildings - (1979) 1982 Edition.

UNIFORM HOUSING CODE

Section 4. Section 14.12.04 Kent City Code (Ordinance 2201) is amended to read as follows:

14.12.040. **UNIFORM HOUSING CODE ADOPTED.** There is adopted (upon the effective date of the ordinance codified in this Section and) upon the filing of (three) copies thereof with the Kent City Clerk, that certain code known as Uniform Housing Code - (1979) 1982 Edition.
Section 5. Section 14.14.04 Kent City Code (Ordinance 2201) is amended to read as follows:

14.14.040. UNIFORM MECHANICAL CODE ADOPTED. There is hereby adopted (upon the effective date of this ordinance codified in this Section and) upon the filing of (three) one (copies) copy thereof with the Kent City Clerk, that certain code known as Uniform Mechanical Code - (1979) 1982 Edition.

Section 6. Section 14.16.04 Kent City Code (Ordinance 2200, Section 1) is amended to read as follows:

14.16.040. UNIFORM PLUMBING CODE ADOPTED--AMENDMENTS. There is adopted by reference (upon the effective date of this ordinance codified in this Section and) upon the filing of (three) one (copies) copy with the Kent City Clerk, that certain code known as Uniform Plumbing Code - (1979) 1982 Edition, with the following additions:

((a)) A. Section 1008(e) shall be amended to read as follows:

Testing - Before such approval, both hot and cold water piping shall be subjected to a full working water pressure test from the street main or meter, or to an air pressure test of not less than one hundred (100) pounds per square inch for not less than fifteen (15) minutes. Piping must not leak when subject to such a test.((")) Hot and cold approved plastic water piping to be tested in accordance with manufacturer's recommendation.

((b))) B. Section 1007(g) shall be amended to read as follows:

The American Gas Association, Underwriter's Laboratory, the American National Standards Institute and the National Electrical Code all require that domestic water heaters have properly installed temperature and pressure relief valves even though the tank may be otherwise equipped with a high energy cutout. Since the temperature sensing element must be immersed in the water in the hottest part of the tank and the temperature and pressure relief valve must have approved drainage, the water heater must therefore be located so as to provide proper drainage to: (1) The exterior, (2) An approved
slop sink, (3) Approved floor drain with trap primer, or
(4) Garage floor sloping to exterior grade. The
discharge line shall not be designed so as to trap water.

C. Section 1008 (b) is amended to read as
follows:

Water service piping or underground water piping
outside the building shall have a ten (10) foot horizon-
tal separation from the building sewer or drain piping.
Eliminate Code sections 1008 (b), 1. and 2.

Section 7. Section 14.16.06 Kent City Code (Ordinance
2200, Section 2) is hereby repealed.

Section 8. A new section, Section 14.16.060 Kent City
Code is added as follows:

14.16.060. APPENDICES ADOPTED. Appendix "C" and
Appendix "D" of the Uniform Plumbing Code - 1982 Edition are
adopted.

Section 9. Section 14.16.08 Kent City Code (Ordinance
1872, Section 2); Section 14.16.12 Kent City Code (Ordinance 1872,
Section 3); Section 14.16.16 Kent City Code (Ordinance 1872,
Section 4); and Section 14.16.20 (Ordinance 1872, Section 5) are
hereby repealed.

Section 10. A new appeal provision, Chapter 14.01 Kent
City Code is added as follows:

14.01.010. BOARD OF APPEALS DESIGNATED. In order to
provide a forum for determining the suitability of alternate
materials and methods of construction and to provide for final
interpretation of the provisions of Chapters 14.04 (UBC), 14.10
(UCADB), 14.12 (UHC), 14.14 (UMC) and 14.16 (UPC), one Board of
Appeals is hereby designated. The Board of Appeals created
pursuant to Section 204, Uniform Building Code, as adopted by
Chapter 14.04 Kent City Code, shall constitute the Board of Appeal
for all matters concerning the application of the Uniform Codes
cited above. The Board of Appeal shall have all the powers and
authority granted by the respective Uniform Codes.
Those members currently appointed to serve on the Board of Appeals are hereby ratified and confirmed; provided this section shall not be construed as creating tenure or limiting in any way the appointment or removal powers of the Kent City Council.

14.01.020. FORM OF APPEAL.

A. Any person aggrieved by a determination of the City—acting through the Building Official, his/her designee or other administrator of a Uniform Code may appeal from any written notice and order or any action of the Building Official or Administrator under this code by filing at the office of the Building Official a written appeal containing:

1. A heading in the words: "Before the Board of Appeals of the City of Kent."

2. A caption reading: "Appeal of ..........," giving the names of all appellants participating in the appeal.

3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

4. A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

6. The signatures of all parties named as appellants and their official mailing addresses.

7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
The appeal shall be filed within 14 days from the date an adverse written determination, order or action of the building official is personally served upon the applicant, or is mailed to his/her address as shown on the permit application. It shall be the responsibility of the applicant to keep the Building Official advised of any change of address within one business day. Provided, however, that if a building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with the Uniform Housing Code or the Uniform Code for the Abatement of Dangerous Buildings, such appeal shall be filed within ten days from the date of the service of the notice and order of the Building Official.

B. Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the Building Official shall present it at the next regular or special meeting of the Board of Appeals.

C. Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the Board of Appeals shall fix a date, time and place for the hearing of the appeal by the Board. Such date shall be not less than ten days nor more than 60 days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant by the Secretary of the Board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

14.01.040. EFFECT OF FAILURE TO APPEAL. Failure of any person to file an appeal in accordance with the provisions of this ordinance shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order or to any portion thereof.

14.01.060. SCOPE OF HEARING ON APPEAL. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
14.01.080. STAYING OF ORDER UNDER APPEAL. Except for vacation orders made pursuant to this ordinance, enforcement of any notice and order of the Building Official or Administrator issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

14.01.100. CONDUCT OF APPEAL.

A. Upon the filing of a proper notice of appeal, the Board of Appeal shall conduct a hearing.

1. Record. A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the Board.

2. Reporting. The proceedings at the hearing shall also be reported by a tape recording or court reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the Board, but shall in no event be greater than the cost involved.

3. Continuances. The Board may grant continuances for good cause shown.

4. Oaths--Certification. In any proceedings under this chapter, the Board or any Board member has the power to administer oaths and affirmations and to certify to official acts.

5. Reasonable Dispatch. The Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

B. Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information:
You are hereby notified that a hearing will be held before the Board of Appeals at ..... on the ..... day of ..... 19...., at the hour ..... upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with Board of Appeals.

C. Subpoenas.

1. Filing of Affidavit. The Board may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the Board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in his possession or under his control. A subpoena need not be issued when the affidavit is defective in any particular.

2. Penalties. Any person who refuses without lawful excuse to attend any hearing, or to produce material evidence in his possession or under his control as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor.

D. Conduct of Hearing.

1. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

2. Oral Evidence. Oral evidence shall be taken only on oath or affirmation.
3. Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

4. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law of statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdictions in this state.

E. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

F. Rights of Parties. Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

7. Official Notice.

   a. What may be noticed. In reaching a decision, official notice may be taken, either before or after
submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Board or departments and ordinances of the city or rules and regulations of the Board.

b. Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

c. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board.

d. Inspection of the premises. The Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that:

i. notice of such inspection shall be given to the parties before the inspection is made,

ii. the parties are given an opportunity to be present during the inspection, and

iii. the Board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board.

G. Method and Form of Decision.

1. Hearing before Board Itself. Where a contested case is heard before the Board itself, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.

2. Form of Decision. The decision of the Board shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be
complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

3. Effective Date of Decision. The effective date of the decision shall be stated therein.

14.01.120. RIGHTS GRANTED--RIGHT TO APPEAL. Nothing in this chapter shall be construed as granting any right of judicial review which does not previously exist in law. The decision of the Board of Appeals shall be final and conclusive. A writ of review must be sought in the Superior Court of King County, if at all by an aggrieved party or person within fourteen calendar days of the effective date of the Board's decision.

Section 11. A new Uniform Penalty Clause Chapter 14.24 Kent City Code is added as follows:

14.24.010. PENALTY. Unless otherwise expressly stated in this Title, the following shall apply:

Any person, firm or corporation violating any provision of this code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed five hundred (500) dollars or by imprisonment in the City Jail for not more than one hundred eighty (180) days, or by both fine and imprisonment. Each separate day or any portion thereof during which any violation of this code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Section 12. Any ordinance in conflict herewith is superceded by the provisions of this ordinance.

Section 13. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 14. The provisions of this ordinance are declared to be separate and severable. The invalidity of any
clause, sentence, paragraph, subdivisions, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the ordinance, or the validity or its application to other persons or circumstances.

Section 15. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ATTEST:

ISABEL HOGAN, MAYOR

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 12th day of Dec., 1984.
APPROVED the 18th day of Dec., 1984.
PUBLISHED the 21st day of Dec., 1984.

I hereby certify that this is a true copy of Ordinance No. 2517, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK (SEAL)

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