Ordinance No. 3415

(Amending or Repealing Ordinances)

CFN=205 – Uniform Building Codes
Building Codes – Amending Title 14

Repeals Ords. 2199;2200;2201;2517;2639;2921;2995;3052; Sec. 3 of 3117;3137;3177;3234

Amended by Ord. 3574 (Sec. 14.01.020)
Amended by Ord. 3622 (Sec. 14.01.080)
Amended by Ord. 3690 (Sec. 14.08.240)
Amended by Ord. 3701 (Secs. 14.01.070 & 14.01.080)
Amended by Ord. 3839
Amended by Ord. 3880 (Sec. 14.08.240)
Amended by Ord. 3914 (Sec. 14.01.030; 14.01.040)
ORDINANCE NO. 3415

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Title 14 of the Kent City Code by repealing Chapters 14.01 through 14.07 relating to various uniform building and state codes and enacting a new chapter, Chapter 14.01, adopting the 1997 editions of the Uniform Building Code, the Uniform Mechanical Code, the Uniform Plumbing Code, the Uniform Housing Code, the Uniform Code for the Abatement of Dangerous Buildings; and further adopting the most recent editions of the Washington State Energy Code, and the Washington State Ventilation and Indoor Air Quality Code; and further amending chapter 14.08 to define penalties relating to enforcement of building codes.

WHEREAS, as set forth in Title 14 of the Kent City Code, the City adopted various Washington state and uniform building codes; and

WHEREAS, the City Council desires to adopt the most recent editions of these codes and consolidate the same into one chapter; and

WHEREAS, pursuant to RCW 19.27, the 1997 edition of the Uniform Building, the Uniform Mechanical, and the Uniform Plumbing Codes as adopted by the State applies to all cities, including the City of Kent, effective July 1, 1998, therefore, it is appropriate to amend the City Code to formerly adopt the same; NOW, THEREFORE,
THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:


SECTION 2. Chapter Adopted. There is hereby adopted a new chapter, Chapter 14.01, entitled “Building Codes” to read as follows:

Chapter 14.01 Building Codes.

Sec. 14.01.010. Building Codes -- Adopted. The following state and uniform codes, hereinafter collectively referred to as “building codes” as currently enacted, and as amended from time to time pursuant to the Washington Administrative Code, and as further amended in this chapter, are hereby adopted by reference as follows:

A. The Uniform Building Code, 1997 Edition, published by the International Conference of Building Officials as amended pursuant to Ch. 51-40 WAC.

B. The Uniform Mechanical Code, 1997 Edition, published by the International Conference of Building Officials as amended pursuant to Ch. 51-42 WAC.


F. The Washington State Energy Code as written by the Washington State Building Code Council pursuant to Ch. 51-11 WAC.
G. *The Washington State Ventilation and Indoor Air Quality Code* as written by the Washington State Building Code Council pursuant to Ch. 51-13 WAC.

One (1) copy of each of these codes is on file with the City Building Official.

**Sec. 14.01.020. Amendments to Uniform Building Code.** The following amendments to the Uniform Building Code adopted in section 14.01.010 are hereby adopted.

A. **Building code appendices adopted.** Divisions I, II, and IV of Chapter 3, Chapter 15 and Chapter 33 of the Appendix of the Uniform Building Code, 1997 Edition (as adopted in section 14.01.010), are adopted, except that the Director of Public Works shall have the authority to enforce and interpret Chapter 33 of the Appendix of the Uniform Building Code, 1997 Edition, and accordingly, all references to the “building official” in Chapter 33 of the Appendix shall be substituted with the words, “Director of Public Works.”

B. **Lot lines and setback lines.** Notwithstanding the authority of the building official to administer and enforce the building code, the building official shall have no duty to verify or establish lot lines or setback lines. No such duty is created by this chapter, and none shall be implied. The location of lot lines and/or setback lines at a development and construction related thereto shall be the responsibility of the applicant/owner.

**Sec. 14.01.030. Amendments to Uniform Plumbing Code.** The Uniform Plumbing Code adopted in Sec. 14.01.010 is hereby amended as follows: Section 102.3 of Chapter One “Administration” is hereby amended by amending subsection 102.3.2 in its entirety to read as follows:

> **Sec. 102.3.2 Penalties.** Any person, firm, or corporation violating any provision of this code shall be punishable by a fine and/or imprisonment as set forth in chapter 14.08.”

**Sec. 14.01.050. Amendments to Uniform Housing Code.** The Uniform Housing Code adopted in Sec. 14.01.010 is hereby amended as follows: Section 202 of Chapter 2 and Chapters 11, 12, 13, 14, 15, and 16 are hereby repealed.
Sec. 14.01.060. Amendments to Uniform Code for the Abatement of Dangerous Buildings. The following amendments to the Uniform Code for the Abatement of Dangerous Buildings adopted in Sec. 14.01.010 are hereby adopted.

A. Section 202 of this code is hereby amended to read as follows:

"Sec. 202. All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal."

B. Section 205 of chapter 2 and chapters 4, 5, 6, 7, 8, and 9 of the Uniform Code for the Abatement of Dangerous Buildings 1991 edition are hereby repealed.

C. Section 301 of this code is hereby amended to read as follows:

"Sec. 301. For the purpose of this code, certain terms, phrases, words, and their derivatives shall be construed as specified in either this chapter or as specified in the building code or the housing code. Where terms are not defined, they shall have their ordinary 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 construed as providing ordinary 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.

Building code is the Uniform Building Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

Dangerous building is any building or structure deemed to be dangerous under the provision of section 302 of this code.

Endangered as used in section 302 means negatively affected, to any degree, by any and all conditions, actions or omissions which, singularly or together, reduce or are likely to reduce or negatively impact the

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life or limb, health, property or safety of the public, including but not limited to, economy in the provision of public service, general welfare, economic viability, or security in the enjoyment of the community.

Health officer as used in this code shall mean the building official or his or her designee.

Housing code as used in this code shall mean the Uniform Housing Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

Sec. 14.01.070. Fees. The City Council shall, by resolution, establish the fees to be assessed for each of the codes adopted in Section 14.01.010. In the event any particular fee is not so established by council resolution, the City shall assess fees in accordance with the fee schedules set forth in said codes, if any, as currently established or hereinafter amended pursuant to the Washington Administrative Code.

Sec. 14.01.080. Appeals.

A. Appeals to the Hearing Examiner. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the suitability of alternate materials, design, and methods of construction and to provide for reasonable application and interpretation of the provisions of the Uniform Building Code, the Uniform Mechanical Code, the Uniform Plumbing Code and the Uniform Housing Code, the City Hearing Examiner is hereby designated as the board of appeals created pursuant to Sections 105 of the Uniform Building Code, Section 110 of the Uniform Mechanical Code, Section 102.4 of the Uniform Plumbing Code, and Section 203 of the Uniform Housing Code adopted in Section 14.01.010 above. The City Hearing Examiner shall constitute the board of appeals for all matters concerning the application of the uniform codes cited in this section. The City Hearing Examiner, however, shall have no authority relative to interpretation of the administrative provisions of these codes, nor shall the City Hearing Examiner be empowered to waive requirements of these codes. Any appeal to the Hearing Examiner shall be made pursuant to Chapter 2.32 of the Kent City Code. The decision of the Hearing Examiner shall be final.

B. Appeals to Superior Court. Appeals to the hearing examiner shall be made pursuant to Chapter 2.32 of the Kent City Code. The decision of the Hearing Examiner shall be final.
Examiner shall be final and conclusive unless within twenty-one (21) calendar days of the Hearing Examiner’s decision, an appeal is filed with the Superior Court.

SECTION 3. Chapter 14.08 of the Kent City Code entitled “Enforcement of Building Codes” is hereby amended by amending Section 14.08.240 to read as follows:

Sec. 14.08.240. Violation; penalty.

A. **Civil.** Any violation of any provision of a building code enforced under this chapter constitutes a civil violation under Kent City Code Chapter 1.04 for which a monetary penalty may be assessed and abatement may be required and/or otherwise enforced as provided therein.

B. **Criminal.** In addition or as an alternative to any other penalty provided in this chapter or by law, any person violating the following provisions shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable in accordance with the provisions of Section 1.01.140 relating to criminal penalties for misdemeanors punished by a fine of not more than one thousand ($1,000.00) dollars or by imprisonment for a term of not more than ninety (90) days or by both such fine and imprisonment for:

1. Violations of section 14.08.200 B.;
2. Violations of section 14.08.200 D. and E., where the person has had a civil judgment under section 14.08.220 [subsection A. of this section] or any of its predecessors rendered against him during the last five (5) years;
3. Any pattern of willful, intentional, or bad faith or refusal to comply with the standards or requirements of the building codes;
4. Any other violation of the building codes for which corrective action is not possible.

C. Each day that anyone shall continue to violate or fail to comply with any of the foregoing provisions shall be considered a separate offense.
SECTION 4. Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 5. Effective date. This Ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED: 4 day of August, 1998.
APPROVED: 5 day of August, 1998.

I hereby certify that this is a true copy of Ordinance No. 3415, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

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