Ordinance No. 3622
(Amending or Repealing Ordinances)

CFN=205 – Uniform Building Codes
Passed 10/1/2002
Building Code Appeals – Section 14.01.080

Amends Ord. 3415

Amended by Ord. 3690 (rev Sec 14.01.060 to 14.01.080)
Amended by Ord. 3701;3956
ORDINANCE NO. 3622

AN ORDINANCE of the City Council of the City of Kent, Washington, amending section 14.01.080 of the Kent City Code, entitled "Appeals," to provide for reasonable application and interpretation of the provisions of the Uniform Building Code.

WHEREAS, in 1998 the City Council amended chapter 14.01 of the Kent City Code adopting various Washington State and uniform building codes; and

WHEREAS, the City Council desires to amend section 14.01.080 of the Kent City Code to provide for a more effective and efficient appeal process relating to building code permit appeals; NOW THEREFORE,

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

SECTION 1. — Amendment. Section 14.01.080 of the Kent City Code entitled, "Appeals," is amended as follows:

Sec. 14.01.080. Appeals.
A. Appeals to the hearing examiner.
   1. Jurisdiction. 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 of Kent hearing examiner is hereby designated as the board of appeals created pursuant to Section 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 KCC 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.

2. **Filing.** Appeals shall be filed with the hearing examiner by five (5:00) p.m. of the fourteenth (14th) calendar day following the date of the order, determination, or decision being appealed. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or city holiday, the period shall run until five (5:00) p.m. on the next business day. The appeal shall be accompanied by payment of the filing fee. Specific objections to the building official’s decision and the relief sought shall be stated in the written appeal.

3. **Standing.** Standing to bring an appeal under this chapter is limited to the following persons:

   a. The applicant and the owner of property to which the permit decision is directed.

   b. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person who is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

      1. The land use decision has prejudiced or is likely to prejudice that person;

      2. The land use decision has prejudiced or is likely to prejudice that person;
2. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and

3. The appellant has exhausted his or her administrative remedies to the extent required by law.

B. Appeals to superior court. Appeals to the hearing examiner shall be made pursuant to Ch. 2.32 KCC. The decision of the hearing 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. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or city holiday, the period shall run until the next business day.

SECTION 2. – Savings. The existing section 14.01.080 of the Kent City Code, which is amended this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 3. – Severability. If any one or more section, 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 4. – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after passage as provided by law.

JIM WHITE, MAYOR

Building Code Appeals
Section 14.01.080
ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 1 day of October, 2002.
APPROVED: 2 day of October, 2002.
PUBLISHED: 5 day of October, 2002.

I hereby certify that this is a true copy of Ordinance No. 3622 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 (SEAL)
BRENDA JACOBER, CITY CLERK