Ordinance No. 3690
(Amending or Repealing Ordinances)

CFN=0205 Uniform Building Codes
Passed 5/4/04
International Building Codes - Adoption
Chapter 14.01
Amending Various sections of Ch. 14.01; also secs. 1.04.130; 2.40.010; 2.40.020; 2.40.030; 2.40.040; 2.40.050; 2.42.030; 7.04.070; 7.05.074; 7.07.114; 7.10.060; 12.04.235; 12.04.545; 12.04.745; 12.05.140; 12.13.130; 14.08.020; 14.08.100; 14.08.240; 15.02.268; 15.04.180; 15.08.350; 15.08.359

Amends Ords. 1695; 1840; 2374; 2897; 2990; 3053; 3130; 3178; 3251; 3260; 3333; 3400; 3409; 3415; 3439; 3470; 3511; 3512; 3523; 3551; 3561; 3565; 3574; 3600; 3612; 3622; 3663

Amended by Ord. 3701 (Secs. 14.01.070 & 14.01.080)
Amended by Ords. 3742; 3761; 3792 (Sec. 15.04.180)
Amended by Ords. 3830; 3839
Amended by Ord. 3880 (Secs. 14.08.020; 14.08.100 & 14.08.240)
Amended by Ord. 3906 (Ch. 12.04)
Amended by Ord. 3914 (Secs. 14.01.030; 14.01.040)
Ord. 3926 **repeals** Ch. 2.40 & 2.42
Amended by Ord. 3956 (Ch. 14.01)
Amended by Ord. 4050 (Sec. 12.05.140)

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012
AN ORDINANCE of the City Council of the City of Kent, Washington, amending, as of July 1, 2004, Title 14 of the Kent City Code to repeal the adoption of the 1997 edition of the Uniform Building Code, the Uniform Mechanical Code, and the Uniform Plumbing Code; to adopt the 2003 edition of the International Building Code, International Residential Code, International Mechanical Code, and the Uniform Plumbing Code, as adopted by the Washington State Building Code Council; and to make other housekeeping amendments to various Kent City Code provisions to reference the International Codes as opposed to the Uniform Codes.

RECITALS

A. As set forth in Title 14 of the Kent City Code, the City has adopted various Washington state and uniform building codes.

B. Pursuant to Ch. 19.27 RCW, the 2003 editions of the International Building Code, the International Residential Code, the International Mechanical Code, and the Uniform Plumbing Code, as adopted by the State of Washington, apply to all cities, including the City of Kent, effective July 1, 2004; therefore, it is appropriate to amend the Kent City Code to formally adopt the same.

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

SECTION 1. Amendment. Chapter 14.01 of the Kent City Code, entitled "Building Codes," is amended as follows:

CHAPTER 14.01
BUILDING CODES

Sec. 14.01.010. Building codes – Adopted. In accordance with Ch. 19 27 RCW, the following state and uniform codes, hereinafter (collectively, referred to as the "building codes") together with any additions, deletions, and exceptions as currently enacted or as may be and as 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, are hereby adopted by reference as follows:


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

One (1) copy of each of these codes is on file with the City's building official.

**Sec. 14.01.020. Code conflicts.** To the extent allowed by RCW 19.27.040, if a conflict exists between the provisions of the state building codes adopted by the Washington State Building Code Council and the provisions of Chapter 14.01 of the Kent City Code, the Kent City Code provisions shall govern.

**Sec. 14.01.030. Amendments to the International Building Code Uniform Building Code.** The following local amendments to the International Building Code Uniform Building Code, previously adopted in KCC 14.01.010, are hereby adopted and incorporated into the International Building Code:

A. **General - Building code appendices adopted.** Divisions I, II, and IV of Chapter 3, Chapter 15 and Chapter 33 of the Section 101 of the International Building Code, entitled “General,” is amended by adding the following new subsection 101.5:

   **Sec. 101.5 Building code appendices adopted.** Appendices C and J of the Uniform Building Code, International Building Code, 1997 Edition (as adopted in KCC 14.01.010), are hereby adopted; except that however, the public works director of public works shall have the authority to enforce and interpret Appendix J, Chapter 33 of the Appendix of the Uniform Building Code, 1997 Edition, and, accordingly, all references to the “building official” in Appendix J, Chapter 33 of the Appendix shall be substituted with the words “public works director of public works.”

B. **Duties and powers of building official - Lot lines and setback lines.** Section 104 of the International Building Code, entitled “Duties and Powers of Building Official,” is amended by adding the following new subsection 104.12:

   **Sec. 104.12 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 code 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.

C. **Permits - Expiration of project permit application.**

1. Section 105 of the *International Building Code*, entitled "Permits," is amended by substituting subsection 105.3.2 with the following:

**Sec. 105.3.2 Expiration of project permit application.**

Project permit applications that are subject to Ch. 12.01 KCC or that require SEPA review are subject to those deadlines. All other project permit applications shall expire by limitation if no permit is issued 180 days after the determination that a fully complete project permit application, as defined in KCC 14.11.020, has been submitted, unless that application has been pursued in good faith. The building official may extend the time for action on the permit application for one or more periods, each period not exceeding 90 days, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. If an application has expired, plans and other data previously submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an expired application, the applicant shall resubmit plans and pay a new review fee.

1. Project permit applications that are not subject to Ch. 12.01 KCC and that do not require SEPA review shall expire by limitation if no permit is issued within one hundred eighty (180) days after the determination that a fully complete project permit application, as defined in KCC 14.11.020, has been submitted. Plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action on the permit application for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. In order to renew action on an expired application, the applicant shall resubmit plans and pay a new review fee.

2. Project permit applications subject to Ch. 12.01 KCC are not subject to the expiration dates above. Said project permit applications shall be subject to the deadlines in Ch. 12.01 KCC.
D. Board of Appeals. Section 112 of the International Building Code, entitled "Board of Appeals," is amended by substituting Section 112 with the following:

Sec. 112 Board of appeals. The City of Kent hearings examiner is designated as the board of appeals 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 appeals of the reasonable application and interpretation of the building codes. Appeals shall be made as set forth in section 14.01.100 of the Kent City Code.

Sec. 14.01.040. Amendments to the International Residential Code. The following local amendments to the International Residential Code previously adopted in KCC 14.01.010 are hereby adopted and incorporated into the International Residential Code:

A. Duties and powers of building official - Lot lines and setback lines. Section R104 of the International Residential Code, entitled "Duties and Powers of Building Official," is amended by adding the following new subsection R104.12:

Sec. R104.12 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 code, and none shall be implied.

B. Permits - Work exempt from permit. Subsection R105.2 of the International Residential Code, entitled "Work Exempt from Permits," is amended to reduce the permit exemption for one-story detached accessory structures from 200 square feet to 120 square feet. The amended subsection R105.2 reads as follows:

Sec. R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:
1. One-story detached accessory structures, provided the floor area does not exceed 120 square feet (11.15 m²).

C. Permits - Substantially improved or substantially damaged existing buildings in areas prone to flooding. Section R105 of the International Residential Code, entitled "Permits," is amended by substituting subsection R105.3.1.1 with the following:

Sec. R105.3.1.1 Substantially improved or substantially damaged existing buildings in areas prone to flooding. The building official may require that all applications for reconstruction, rehabilitation, addition, or other improvement of existing buildings or structures located in an area prone to flooding be submitted in accordance with Ch. 14 09 KCC.

D. Permits - Expiration of project permit application.

1. Section R105 of the International Residential Code, entitled "Permits" is amended by substituting subsection R105.3.2 with the following:

Sec. R105.3.2 Expiration of project permit application. Project permit applications that are subject to Ch. 12.01 KCC or that require SEPA review are subject to those deadlines. All other project permit applications shall expire by limitation if no permit is issued 180 days after the determination that a fully complete project permit application, as defined in KCC 14.11.020, has been submitted, unless that application has been pursued in good faith. The building official may extend the time for action on the permit application for one or more periods, each period not exceeding 90 days, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. If an application has expired, plans and other data previously submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an expired application, the applicant shall resubmit plans and pay a new review fee.

E. Fees - Building permit valuations. Section R108 of the International Residential Code, entitled "Fees," is amended by substituting Section R108.3 with the following.

Sec R108.3 Building permit valuations. The permit applicant shall provide an estimated permit value at time of application. Permit valuations shall include total value of the
work, including materials and labor, for which the permit is being issued. (The work would include, for example and without limitation, electrical, gas, mechanical, and plumbing equipment and other permanent systems.) If the building official decides that the permit valuation is underestimated, the permit application shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

F. Certificate of occupancy. Section R110 of the International Residential Code, entitled “Certificate of Occupancy,” is hereby repealed.

G. Board of appeals. Section R112 of the International Residential Code, entitled “Board of Appeals,” is amended by substituting Section R112 with the following:

Sec. R112.1 Board of appeals. The City of Kent hearings examiner is designated as the board of appeals 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 appeals of the reasonable application and interpretation of the building codes. Appeals shall be made as set forth in section 14.01.100 of the Kent City Code. Any appeal to an order, decision, or determination of the public works director with respect to an area within the flood hazard shall be made in accordance with Ch. 14.09 KCC.

Sec. 14.01.050 – 14.01.030. Amendments to the Uniform Plumbing Code. The following local amendments to the Uniform Plumbing Code previously adopted in KCC 14.01.010 are hereby adopted and incorporated into the Uniform Plumbing Code amended as follows:

A. Title, scope, and general - Appendices adopted. Section 101 of the Uniform Plumbing Code, entitled “Title, Scope, and General,” is amended by adding the following new subsection 101.6:

Sec. 101.6 Appendices adopted. The Uniform Plumbing Code standards set forth in Appendices A, B, and I of the Uniform Plumbing Code are hereby adopted.

B. Organization and enforcement - Penalties. Section 102.3 of Chapter One the Uniform Plumbing Code, entitled “Organization and Enforcement,” “Administration” is
hereby-amended by substituting amending subsection 102.3.2 in its entirety with the following to read as follows:

Sec. 102.3.2 Penalties. Any person who violates a provision of this code or fails to comply with any of its requirements or who erects, installs, alters, or repairs plumbing work in violation of (a) the approved construction documents, (b) a directive of the building code official, or (c) a permit or certificate issued under the provisions of this code, shall be subject to penalties as set forth in Ch. 14.08 KCC or as otherwise provided by law.

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 14.09.

C Organization and enforcement - Board of appeals. Section 102 of the Uniform Plumbing Code, entitled "Organization and enforcement," is amended by substituting subsection 102.4, a subsection that was added to the state code in accordance with WAC 51-56-0100, with the following:

Sec. 102.4 Board of appeals. The City of Kent hearings examiner is designated as the board of appeals in order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the suitability of alternate materials, designs, and methods of construction and appeals of the reasonable application and interpretation of the building codes. Appeals shall be made as set forth in section 14.01.100 of the Kent City Code.

D. Permits and inspections - Expiration of project permit application. Section 103 of the Uniform Plumbing Code, entitled "Permits and Inspections," is amended by substituting subsection 103.4.3 with the following:

Sec. 103.4.3 Expiration of project permit application. Project permit applications that are subject to Ch. 12.01 KCC or that require SEPA review are subject to those deadlines.

All other project permit applications shall expire by limitation if no permit is issued 180 days after the determination that a fully complete project permit application, as defined in KCC 14.11.020, has been submitted, unless that application has been pursued in good faith. The building official may extend the time for action on the permit application for one or more periods, each period not exceeding 90 days, upon written request by the applicant showing that circumstances beyond

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the control of the applicant have prevented action from being taken. If an application has expired, plans and other data previously submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an expired application, the applicant shall resubmit plans and pay a new review fee.

Sec. 14.01.040. Reserved.

Sec. 14.01.060. Amendments to the International Mechanical Code. The following local amendments to the International Mechanical Code previously adopted in KCC 14.01.010 are hereby adopted and incorporated into the International Mechanical Code as if fully set forth therein.

A. Permits - Expiration of project permit application. Section 106 of the International Mechanical Code, entitled "Permits," is amended by adding the following new subsection 106.3.2.

Sec. 106.3.2 Expiration of project permit application. Project permit applications that are subject to Ch. 12.01 KCC or that require SEPA review are subject to those deadlines. All other project permit applications shall expire by limitation if no permit is issued 180 days after the determination that a fully complete project permit application, as defined in KCC 14.11.020, has been submitted, unless that application has been pursued in good faith. The building official may extend the time for action on the permit application for one or more periods, each period not exceeding 90 days, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. If an application has expired, plans and other data previously submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an expired application, the applicant shall resubmit plans and pay a new review fee.

B. Violations - Penalties. Section 108 of the International Mechanical Code, entitled "Violations," is amended by substituting subsection 108.4 with the following:

Sec. 108.4 Penalties. Any person who violates a provision of this code or fails to comply with any of its requirements or who erects, installs, alters, or repairs mechanical work in violation of: (a) the approved construction documents, (b) a directive of the building code official, or (c) a permit or certificate issued under the provisions of this code, shall be

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subject to penalties as set forth in Ch. 14.08 KCC or as otherwise provided by law.

C. **Means of appeal - Board of appeals.** Section 109 of the *International Mechanical Code*, entitled "Means of Appeal," is amended by substituting Section 109 with the following:

**Sec. 109 Board of appeals.** The City of Kent hearings examiner is designated as the board of appeals in order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the suitability of alternate materials, designs, and methods of construction and appeals of the reasonable application and interpretation of the building codes. Appeals shall be made as set forth in section 14.01.100 of the Kent City Code.

**Sec. 14.01.070050. Amendments to the Uniform Housing Code.** The following local amendments to the *Uniform Housing Code* previously adopted in KCC 14.01.010 are hereby adopted as if fully set forth therein, as hereby amended as follows:

A. **Repealer.** Section 202 of Chapter 2 and Chapters 11 through 16 of the *Uniform Housing Code*, 12, 13, 14, 15, and 16 are hereby repealed.

B. **Board of appeals.** Section 203 of the *Uniform Housing Code*, entitled "Board of appeals," is amended by substituting Section 203 with the following:

**Sec. 203 Board of appeals.** The City of Kent hearings examiner is designated as the board of appeals 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 appeals of the reasonable application and interpretation of the building codes. Appeals shall be made as set forth in section 14.01.100 of the Kent City Code.

C. **Violations.** Section 204 of the *Uniform Housing Code*, entitled "Violations," is amended by substituting Section 204 with the following:

**Sec. 204 Violations**

**204.1 Unlawful acts.** It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure,
or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

204.2 Violation penalties. Any person who violates a provision of this code or fails to comply with any of its requirements or who erects, constructs, alters or repairs a building or structure in violation of: (a) the approved construction documents, (b) a directive of the building official, or (c) a permit or certificate issued under the provisions of this code, shall be subject to penalties as set forth in Ch. 14.08 KCC or as otherwise provided by law.

Sec. 14.01.080060. Amendments to the Uniform Code for the Abatement of Dangerous Buildings. The following local amendments to the Uniform Code for the Abatement of Dangerous Buildings previously adopted in KCC 14.01.010 are hereby adopted as if fully set forth therein.

A. Abatement of dangerous buildings. Section 202 of the Uniform Code for the Abatement of Dangerous Buildings, entitled “Abatement of Dangerous Buildings,” this code is hereby amended by substituting Section 202 with the to read as follows:

Sec. 202. Abatement of dangerous buildings. 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. Violations. Section 203 of the Uniform Code for the Abatement of Dangerous Buildings, entitled “Violations,” is amended by substituting Section 203 with the following.

Sec. 203 Violations.

203.1 Unlawful acts. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.

203.2 Violation penalties. Any person who violates a provision of this code or fails to comply with any of its requirements or who erects, constructs, alters or repairs a building or structure in violation of: (a) the approved
construction documents, (b) a directive of the building official, or (c) a permit or certificate issued under the provisions of this code, shall be subject to penalties as set forth in Ch. 14.08 KCC or as otherwise provided by law.

CB. **Board of Appeals.** Section 205 of the *Uniform Code for the Abatement of Dangerous Buildings*, entitled "Board of Appeals," is amended by substituting Section 205 with the following:

**Sec. 205 Board of appeals.** The City of Kent hearing examiner is designated as the board of appeals in order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the suitability of alternate materials, designs, and methods of construction and appeals of the reasonable application and interpretation of the building codes. Appeals shall be made as set forth in section 14.01.100 of the Kent City Code.

D. **Repealer.** Chapter 2 and Chapters 4 through 9, 5, 6, 7, 8, a and 9 of the *Uniform Code for the Abatement of Dangerous Buildings*—1991 Edition are hereby repealed.

EC. **General - Definitions.** Section 301 of the *Uniform Code for the Abatement of Dangerous Buildings* this code is hereby amended to read as follows:

**Sec. 301. General.** 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* or the *International Building Code* or the *International Residential Code*, as may be applicable, promulgated by the International Conference of Building Officials International Code Council, Inc., 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 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 is the Uniform Housing Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

Sec. 14.01.090070-- Building codes - Fees. The City Council shall, by resolution, establish the fees to be assessed for each of the codes adopted in Ch. 14.01 KCC 14.01.040. 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. 14.01.100080-- 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 14.01.040. The City hearings examiner has been designated as shall constitute the board of appeals and shall have jurisdiction over for all matters concerning the application of the uniform building codes cited in Ch. 14.01 KCC this section. The City hearings examiner, however, shall have no authority relative to interpretation of the administrative provisions of these codes, nor shall the City hearings examiner be empowered to waive requirements of these building codes.

2. Filing. Appeals shall be filed with the hearings examiner by 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 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 order, determination, or land-use decision, or who would be aggrieved or adversely affected by a reversal or modification of the order, determination, or 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:
      i. The order, determination, or land-use decision has prejudiced or is likely to prejudice that person;
      ii. 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 order, determination, or decision; and
      iii. 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. - Amendment.** Section 1.04.130 of the Kent City Code, entitled “Conflicting code provisions,” is amended as follows:

**Sec. 1.04.130. Conflicting code provisions.** In the event a conflict exists between the enforcement provisions of this chapter and the enforcement provisions of any
international or uniform code, statute, or regulation that is adopted in the Kent City Code that are subject to the enforcement provisions of this chapter, the enforcement provisions of this chapter will prevail, unless the enforcement provisions of this chapter are preempted or specifically modified by said code, statute, or regulation.

SECTION 3. - Amendment. Chapter 2.40 of the Kent City Code, entitled "Building and Development Services Office," is amended as follows:

CHAPTER 2.40
BUILDING AND DEVELOPMENT SERVICES OFFICE

Sec. 2.40.010. Office created. There is hereby created the office known as the building and development services office for the purpose of performing all building and development service functions of the City, including building plans examinations, building inspections, and code enforcement. The office shall be supervised by the building official and development services manager.

Sec. 2.40.020. Building official and development services manager - Position created and appointment. There is hereby created the position known as building official and development services manager. The position is created in accordance with the City of Kent Policies and Procedures Manual. The building official and development services manager shall be appointed by the chief administrative officer in accordance with the provisions of the City of Kent Policies and Procedures Manual solely on the basis of professional experience, education, and demonstrated knowledge of accepted practices relating to the duties of the office.

Sec. 2.40.030. Qualifications. The building official and development services manager must have the following or equivalent qualifications: he or she must be a graduate of a recognized college or university, have at least three (3) years' experience in the field of building and land development, and be familiar with the international and uniform building codes, or have experience in a similar field as deemed appropriate to the position by the appointing authority.
Sec. 2.40.040. Duties and powers. It shall be the duty of the building official and development services manager to examine building plans, perform building inspections, and perform code enforcement functions as prescribed by the Kent City Code.

The building official and development services manager shall perform such other duties as the chief administrative officer, or his or her designee, may direct or as may be required by the laws of the state.

Sec. 2.40.050. Salary. The salary of the building official and development services manager shall be that as established in the annual City budget.

SECTION 4. - Amendment. Section 2.42.030 of the Kent City Code, entitled "Qualifications," is amended as follows:

Sec. 2.42.030. Qualifications. The permit center manager must have the following or equivalent qualifications: he or she must be a graduate of a recognized college or university, and have at least three (3) years’ experience in the field of building and land development, and be familiar with the international and uniform building codes, or have experience in a similar field as deemed appropriate to the position by the appointing authority.

SECTION 5. - Amendment. Section 7.04.070 of the Kent City Code, entitled "Construction standards," is amended as follows:

Sec. 7.04.070. Construction standards. All side sewers shall be installed in strict accordance with specifications contained in any existing City ordinance or code and any construction standards or international or uniform codes that the City has adopted or adopts in the which may be at any time in the future adopted by the city. All construction shall be subject to the inspection of the director or his or her designee.
SECTION 6. Amendment. Section 7.05.074 of the Kent City Code, entitled "Construction standards," is amended as follows:

Sec. 7.05.074. Construction standards. All storm and surface water systems, whether public or private, shall be installed in strict accordance with specifications contained in any existing City ordinance or code and any construction standards or international or uniform codes that the City either has adopted or adopts in the future. All construction and maintenance of those systems shall be subject to the inspection by the director or his or her designee.

SECTION 7. Amendment. Section 7.07.114 of the Kent City Code, entitled "Construction standards," is amended as follows:

Sec. 7.07.114. Construction standards. All surface water and storm drainage systems, whether public or private, shall be installed in strict accordance with specifications contained in any existing City ordinance or code and any construction standards or international or uniform codes that the City either has adopted or adopts in the future. All construction and maintenance of those systems shall be subject to the inspection by the director or his or her designee.

SECTION 8. Amendment. Section 7.10.060(A) of the Kent City Code, entitled "Design standards," is amended as follows:

Sec. 7.10.060. Design standards.
A. All conductors, switches, transformers and regulating devices shall be installed in accordance with the applicable national, state, and local safety standards. All structural devices shall be designed in accordance with the provisions of the edition of the Uniform International Building Code, the International Residential Code, or other applicable building codes, as adopted and amended by the city in Ch. 14.01 KCC. All underground facilities provided for in this section shall be installed in such manner as to coordinate with other underground facilities, e.g., water, sewer and gas pipeline, traffic control and other signal systems. Whenever such coordination requires installation practices more restrictive or demanding than the minimum standards required by applicable national,
state and local codes and safety standards, the requirements of such coordination shall be governing and controlling.

**SECTION 9. - Amendment.** Section 12.04.235(C)(3) of the Kent City Code, entitled "Standards for the subdivision of land and any dedications," is amended as follows:

Sec. 12.04.235. Standards for the subdivision of land and any dedications.

...  
C. The alignment of all streets shall be reviewed and approved by the public works department. The following standards shall apply unless otherwise approved by the public works department, in consultation with the planning services office and the fire prevention division.

...  
3. No street grades shall exceed fifteen (15) percent. A grading permit shall be required as per Appendix 70 of the Uniform *International Building Code*, the *International Residential Code*, or other applicable building codes, as adopted and amended in Ch 14.01 KCC 14.01.049, prior to any grading.

**SECTION 10. - Amendment.** Section 12.04.545(C)(3) of the Kent City Code, entitled "Standards for the subdivision of land and any dedications," is amended as follows:

Sec. 12.04.545. Standards for the subdivision of land and any dedications.

...  
C. The alignment of all streets shall be reviewed and approved by the public works department. The following standards shall apply unless otherwise approved by the public works department in consultation with the planning services office and the fire prevention division.

...
3. No street grades shall exceed fifteen (15) percent. A grading permit shall be required as per Appendix 70 of the Uniform International Building Code, the International Residential Code, or other applicable building codes, as adopted and amended in Ch. 14.01 KCC, 14.01.040 prior to any grading.

SECTION 11. - Amendment. Section 12.04.745(C)(3) of the Kent City Code, entitled “Standards for the subdivision of land and any dedications,” is amended as follows:

Sec. 12.04.745. Standards for the subdivision of land and any dedications.

C. The alignment of all streets shall be reviewed and approved by the public works department. The following standards shall apply unless otherwise approved by the public works department in consultation with the planning services office and the fire prevention division.

3. No street grades shall exceed fifteen (15) percent. A grading permit shall be required as per Appendix 70 of the Uniform International Building Code, the International Residential Code, or other applicable building codes, as adopted and amended in Ch. 14.01 KCC, 14.01.040 prior to any grading.

SECTION 12. - Amendment. Section 12.05.140(B) of the Kent City Code, entitled “Compatibility with existing land use and plans,” is amended as follows.

Sec. 12.05.140. Compatibility with existing land use and plans.

B. The location of all streets shall conform to any adopted plans for streets in the City. If a mobile home park is located in the area of an officially designated trail, provisions may be made for reservation of the right-of-way or for easements to the City for trail purposes. A grading permit shall be required as per Chapter 70 of the Uniform International Building Code, the International Residential Code, or other applicable building codes, as adopted.
and amended by city in Ch. 14 01 KCC, prior to any grading or filling

SECTION 13. Amendment. Section 12.13.130(G)(1) of the Kent City Code, entitled "Impact fee accounts and refunds," is amended as follows:

G. A developer may request and shall receive a refund, including interest earned on the impact fees, when:

1. The developer does not proceed to finalize the development activity as required by statute or City code including the Uniform International Building Code, the International Residential Code, or other applicable building codes, as adopted and amended in Ch. 14.01 KCC; and

SECTION 14. Amendment. Section 14 08.020(1) of the Kent City Code, entitled "Definitions," is amended as follows:

Sec. 14.08.020. Definitions. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Building codes means and includes the Uniform International Building Code, the International Residential Code, the Uniform International Mechanical Code, the International Fire Code, the Uniform Plumbing Code, the Uniform Housing Code, the Uniform Code for Abatement of Dangerous Buildings, the Washington State Energy Code, and the Washington State Ventilation and Indoor Air Quality Code; as now or hereafter adopted, amended, and/or supplemented pursuant to KCC Title 14, the Revised Code of Washington, and/or the Washington Administrative Code.
**SECTION 15. - Amendment.** Section 14.08.100 of the Kent City Code, entitled “Stop work order,” is amended as follows:

**Sec. 14.08.100. Stop work order.** The building official may issue a stop work order pursuant to the provisions of the Uniform International Building Code, the International Residential Code, or any other applicable building code, or may issue such a stop work order whenever a continuing violation of any of the building codes will materially impair the building official’s ability to secure compliance, or when a continuing violation threatens the public health, safety, or welfare of the public.

**SECTION 16. - Amendment.** Section 14.08.240 of the Kent City Code, entitled “Violation - Penalty,” is amended 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 Ch. 1.04 KCC 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 enforcement procedure or penalty in this chapter, a violation of any provision of this chapter or a code enforced by this chapter shall constitute a misdemeanor punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety (90) days, or by a fine in an amount fixed by the court of not more than one thousand dollars ($1,000), or by both such imprisonment and fine. All misdemeanor charges filed under this section shall be filed with the Kent municipal court and shall bear the signature of the Kent City attorney or his or her designee. When the City files a criminal offense pursuant to this subsection, it shall have the burden of proving, beyond a reasonable doubt, that the violation occurred. In addition or as an alternative to any other penalty provided in this chapter or by law, any person shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand ($1,000) 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 KCC 14.08.200(B);
2. Violations of KCC 14.08.200(D) and (E), where the person has had a civil
judgment under KCC 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 17. - Amendment.** Section 15.02.268 of the Kent City Code, entitled “Modular home,” is amended as follows:

**Sec. 15.02.268. Modular home.** Modular home means a single-family dwelling constructed in a factory and shall be constructed and installed in accordance with applicable provisions of the Uniform International Building Code, the International Residential Code, or other applicable building codes, and shall bear the appropriate insignia indicating such compliance with those codes. This definition includes “prefabricated,” “panelized,” and “factory built” units.

**SECTION 18. - Amendment.** Section 15.04.180(32) of the Kent City Code, entitled “Agricultural and residential land use development standard conditions,” is amended as follows:

**Sec. 15.04.180. Agricultural and residential land use development standard conditions.**

...32. For multifamily townhouse developments that attach three (3) units, the minimum building to building separation shall be ten (10) feet. For duplex and single-family condominium townhouse developments, the minimum building to building separation shall be established through the Uniform International Building Code (UIBC) or International Residential Code (IRC), as may be applicable.
SECTION 19. - Amendment. Section 15.08.350(B)(4) of the Kent City Code, entitled "Accessory dwelling unit regulations – Standards and criteria," is amended as follows:

Sec. 15.08.350. Accessory dwelling unit regulations.

B. Standards and criteria.

4. The design and size of an ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties involved in carrying out the provisions of this section, the building official may grant modifications for individual cases pursuant to Section 106 of the Uniform International Building Code, the International Residential Code, or other applicable building codes, and as subsequently amended or recodified.

SECTION 20. - Amendment. Section 15.08.359(B)(4) of the Kent City Code, entitled "Accessory living quarters – Standards and criteria," is amended as follows:

Sec. 15.08.359. Accessory living quarters.

B. Standards and criteria.

4. The design and size of an ALQ shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties involved in carrying out the provisions of this section, the building official may grant modifications for individual cases pursuant to Section 106 of the Uniform International Building Code, the International Residential Code, or other applicable building codes, and as subsequently amended or recodified.
SECTION 21. - Savings. The existing sections of the Kent City Code, which are repealed, replaced, and/or amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 22. - 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 23. - Effective date. This Ordinance shall take effect and be in force on July 1, 2004.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY
I hereby certify that this is a true copy of Ordinance No. 3690 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