Ordinance No. 3839

(Amending or Repealing Ordinances)

CFN=205 – Uniform Fire Codes
Passed – 5/15/2007
2006 Editions of the International Building, Residential, and Plumbing Codes (amends secs. 14.01.010; 14.01.030; 14.01.040; 14.01.050; & 14.01.080)

Amends Ords. 3415; 3574; 3690; 3701

Amended by Ord. 3914 (Secs. 14.01.030; 14.01.040)
Amended by Ord. 3956
AN ORDINANCE of the city council of the city of Kent, Washington, amending various sections of Ch. 14.01 of the Kent City Code to adopt the 2006 editions of the International Building, Residential, and Mechanical Codes; to adopt the 2006 edition of the Uniform Plumbing Code; to allow an additional story to be constructed for certain occupancies under the International Building Code, and to make other housekeeping amendments.

RECITALS

A. In response to legislative amendments adopted by the State of Washington, the Kent City Council enacted Ordinance No. 3690 on May 4, 2004, which adopted the 2003 editions of the International Building, Residential, and Mechanical Codes and the 2003 edition of the Uniform Plumbing Code. The state has recently adopted the 2006 editions of these codes, which take effect and apply to all cities in the state on July 1, 2007. Therefore, it is appropriate to amend the Kent City Code to formally adopt the same.

B. The city also wishes to amend the International Building Code to allow an additional story to be constructed for Group B or Group R, Divisions 1 and 2 Occupancies, when certain mitigating conditions are met, including the use of automatic sprinkler systems. This local amendment would allow Group B or Group R, Divisions 1 and 2 Occupancies, to potentially reach five stories in height.

C. In addition to adopting the 2006 code editions, this ordinance also makes other housekeeping amendments including repealing some local
amendments the city previously enacted under the 2003 code editions which are now reflected in the 2006 code editions and are no longer necessary.

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

ORDINANCE

SECTION 1. - Amendment. Section 14.01.010 of the Kent City Code, entitled “Building codes—Adopted,” is amended as follows:

Sec. 14.01.010. Building codes — Adopted. In accordance with Chapter 19.27 RCW, the following codes (collectively, the “building codes”) 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, are adopted by reference:


D. The Uniform Plumbing Code, 2003 Edition, published by the International Association of Plumbing and Mechanical Officials, as amended pursuant to Chapter 51-56 WAC and The Uniform Plumbing Code Standards (Appendices A, B, and I to the Uniform Plumbing Code), as amended pursuant to Chapter 51-57 WAC.


G. The Washington State Energy Code as written by the Washington State Building Code Council pursuant to Chapter 51-11 WAC.

H. 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.

**SECTION 2. – Amendment.** Section 14.01.030 of the Kent City Code, entitled "Amendments to the International Building Code," is amended as follows:

**Sec. 14.01.030. Amendments to the International Building Code.** The following local amendments to the International 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.** 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 to the International Building Code are hereby adopted; however, the public works director shall have the authority to enforce and interpret Appendix J and, accordingly, all references to the "building official" in Appendix J shall be substituted with the words "public works director."

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, and none shall be implied.

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

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 KCC 14.01.100.

E. **Additional height increases.** Section 504 of the International Building Code, entitled “Height,” is amended by adding the following new subsection 504.4:

   **504.4. Additional height increases.** For Group B or Group R, Divisions 1 and 2 Occupancies, the permitted increase
of one story allowed by subsection 504.2 may be increased to two stories when all of the following conditions are met:

1. An automatic fire sprinkler system complying with Section 903.3.1.1 is installed throughout with the installation of quick response sprinkler heads in all areas where the use of these heads is allowed.

2. Vertical exit enclosures are constructed as smokeproof enclosures or pressurized stair enclosures in accordance with Section 909.20.

3. Standby power is supplied for light, emergency, and any exit enclosure pressurization systems used, as provided in Sections 403.10 and 909.20.6.2, and the adopted edition of the National Electrical Code. Connection ahead of service disconnect means shall be permitted for standby power.

4. Walls separating dwelling units or sleeping units, and corridor walls in Group R, Divisions 1 and 2 Occupancies shall be constructed as 1-hour fire partitions as provided in Section 708. Reduction of the fire-resistance rating is not permitted.

5. All exterior walls, including those with a fire separation distance of more than five feet, shall be of not less than 1-hour fire-resistance rated construction on the interior and the exterior of the wall.

6. Structural observation is provided during construction in accordance with Sections 1702 and 1709.1.

7. An emergency voice/alarm communication system complying with subsections 907.2.12.2 through 907.2.12.2.3 is installed.

8. Approved supervised indicating control valves shall be provided at the point of connection to the automatic fire sprinkler system riser on each floor.

9. Structures meeting the requirements of this subsection shall have an automatic sprinkler zone per floor. All zones must report independently.

SECTION 3. - Amendment. Section 14.01.040 of the Kent City Code, entitled "Amendments to the International Residential Code," is amended as follows:

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 two hundred (200) square feet to one hundred twenty (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).

CB. **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.
DC. Permits – Expiration of project permit application. 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.

ED. 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.

FE. Certificate of occupancy. Section R110 of the International Residential Code, entitled “Certificate of Occupancy,” is hereby repealed.
GE. **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. 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 areawork within the flood hazard area shall be made in accordance with Ch. 14.09 KCC.

**SECTION 4. - Amendment.** Section 14.01.050 of the Kent City Code, entitled "Amendments to the Uniform Plumbing Code," is amended as follows:

**Sec. 14.01.050. 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:

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 of the Uniform Plumbing Code, entitled "Organization and Enforcement," is amended by substituting subsection 102.3.2 with the following:

**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.

C. Organization and enforcement – Board of appeals. Section 102 of the Uniform Plumbing Code, entitled “Organization and enforcement,” is amended by substituting adding the following new 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 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.
SECTION 5. - Amendment. Section 14.01.080 of the Kent City Code, entitled "Amendments to the Uniform Code for the Abatement of Dangerous Buildings," is amended as follows:

Sec. 14.01.080. 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. Purpose and scope. Subsection 102.1 of the Uniform Code for the Abatement of Dangerous Buildings, entitled "Purpose," is amended by substituting subsection 102.1 with the following:

Sec. 102.1. Purpose. It is the purpose of this code to provide a just, equitable, and practicable method, to be cumulative with and in addition to any other remedy provided by the International Building Code, International Residential Code, Uniform Housing Code, or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety, or welfare of the general public or of their occupants may be required to be repaired, vacated, or demolished.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

B. Alterations, additions, and repairs. Section 103 of the Uniform Code for the Abatement of Dangerous Buildings, entitled "Alterations, additions, and repairs," is amended by substituting Section 103 with the following:

Sec. 103. Alterations, additions, and repairs. All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of IBC § 3403 or IRC § R102.7, as may be applicable.
C. Abatement of dangerous buildings. Section 202 of the Uniform Code for the Abatement of Dangerous Buildings, entitled “Abatement of Dangerous Buildings,” is amended by substituting Section 202 with the following:

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.

D. 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, enlarge, alter, extend, repair, move, improve, remove, convert, demolish, equip, use, or occupy or maintain any building or structure, or equipment regulated by this code, or cause or permit the same to be done, in conflict with or in violation of this or 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.

E. Inspection of work. Section 204 of the Uniform Code for the Abatement of Dangerous Buildings, entitled “Inspection of Work,” is amended by substituting Section 204 with the following:

Sec. 204. Inspection of work. All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and IBC §§ 109 and 1704 or IRC § R109, as may be applicable.

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F. *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 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.

G. *General – Definitions.* Section 301 of the Uniform Code for the Abatement of Dangerous Buildings is amended 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. 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 International Building Code or the International Residential Code, as may be applicable, promulgated by the 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.

H. *Repealer.* Chapters 4 through 9 of the Uniform Code for the Abatement of Dangerous Buildings are repealed.

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SECTION 6. - 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 7. - Effective Date. This ordinance shall take effect and be in force on July 1, 2007.

ATTEST:

BRENDI/A JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 15 day of May, 2007.
APPROVED: 15 day of May, 2007.
PUBLISHED: 23 day of May, 2007.

I hereby certify that this is a true copy of Ordinance No. 3859 passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

BRENDI/A JACOBER, CITY CLERK