ORDINANCE NO. 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 2009 editions of the International Building, Residential, Mechanical Codes, Plumbing, and Existing Building Code; to revise Section 14.08.020 to refer to the newly adopted codes; 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. 3839 on May 15, 2007, which adopted the 2006 editions of the International Building, Residential, and Mechanical Codes, and the 2006 edition of the Uniform Plumbing Code. The state recently adopted the 2009 edition of these codes, and added the 2009 edition of the International Existing Building Code, which all take effect and apply to all cities in the state on July 1, 2010. Therefore, it is necessary to amend the Kent City Code to formally adopt the same.

B. In addition to adopting the 2009 code editions, this ordinance also makes other housekeeping amendments, including elimination of reference to the Washington State Ventilation and Indoor Air Quality Code,
which has been repealed by the State, and updating references to code sections that have been re-numbered in the 2009 editions.

NOW THEREFORE, 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 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:


ED. The Uniform Plumbing Code, 2006 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.


HG. 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.

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 this chapter, the Kent City Code provisions shall govern.

Sec. 14.01.030. Amendments to the International Building Code. The following local amendments to the International Building Code, including all amendments enacted by the State of Washington 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 the deadlines established by that code chapter or by SEPA. 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 as determined solely in the Building Official’s discretion. 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 at the rates in effect at the time of resubmission.

D. Permits - Extension of expiration of project permit application.
Section 105 of the International Building Code, entitled “Permits,” is amended by adding the following new subsection 105.3.3:

Sec. 105.3.3. Extension of expiration of project permit application. Notwithstanding the provisions of subsection 105.3.2, a fully complete project permit application submitted on or after July 1, 2007, and before October 1, 2009, shall not expire by limitation according to the provisions of subsection 105.3.2, but shall expire by limitation on June 30, 2010, if the project permit applied for has not been issued by June 30, 2010. No further extension will be granted.

E. Permits - Extension of time to commence work under building permit. Section 105 of the International Building Code, entitled “Permits,” is amended by adding the following new subsection 105.5.1:

Section 105.5.1. Extension of time to commence work under building permit. Notwithstanding the provisions of subsection 105.5, a building permit issued on or
after July 1, 2007, and before January 1, 2010, shall remain valid if the work authorized by such permit is commenced on or before December 31, 2010, provided the work has not been suspended or abandoned for a period of 180 days after the time the work is commenced.

F. Board of appeals. Section 11.3.2 of the International Building Code, entitled “Board of Appeals,” is amended by substituting Section 11.3.2 with the following:

Sec. 11.3.2. 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.

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

Sec. 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 403.4.7 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 7098. 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 171009.1.

7. An emergency voice/alarm communication system complying with subsections 907.5.2.22.12.2 through 907.5.2.2.42.12.2.3 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.

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Sec. 14.01.035. Amendments to the International Existing Building Code. The following local amendments to the International Existing Building Code are hereby adopted and incorporated into the International Existing Building Code:

A. All references to the “code official” in the International Existing Building Code shall be substituted with the words “building official.”

B. Duties and powers of building official – Lot lines and setback lines. Section 104 of the International Existing Building Code, entitled “Duties and Powers of Code 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 Existing 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 the deadlines established by that code chapter or by SEPA. 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 as determined solely in the Building Official's discretion. 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. In order to renew action on an expired application, the applicant shall resubmit plans and pay a new review fee at the rates in effect at the time of resubmission.

D. **Permits - Extension of expiration of project permit application.**

Section 105 of the International Existing Building Code, entitled "Permits," is amended by adding the following new subsection 105.3.3:

*Sec. 105.3.3. Extension of expiration of project permit application.* Notwithstanding the provisions of subsection 105.3.2, a fully complete project permit application submitted on or after July 1, 2007, and before October 1, 2009, shall not expire by limitation according to the provisions of subsection 105.3.2, but shall expire by limitation on June 30, 2010, if the project permit applied for has not been issued by June 30, 2010. No further extension will be granted.
E. Permits – Extension of time to commence work under building permit. Section 105 of the International Existing Building Code, entitled "Permits," is amended by adding the following new subsection 105.5.1:

**Section 105.5.1. Extension of time to commence work under building permit.** Notwithstanding the provisions of subsection 105.5, a building permit issued on or after July 1, 2007, and before January 1, 2010, shall remain valid if the work authorized by such permit is commenced on or before December 31, 2010, provided the work has not been suspended or abandoned for a period of 180 days after the time the work is commenced.

F. Certificate of Occupancy – Altered area use and occupancy classification change. Section 110 of the International Existing Building Code, entitled "Certificate of Occupancy," is amended by substituting subsection 110.1 with the following:

**Sec. 110.1. Altered area use and occupancy classification change.** No altered area of a building and no relocated building shall be used or occupied, and no change in the existing occupancy classification of a building or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein, except that no certificate of occupancy is required for detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures subject to the provisions of the International Residential Code. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

G. Board of appeals. Section 112 of the International Existing 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.

Sec. 14.01.040. Amendments to the International Residential Code. The following local amendments to the International Residential Code, including all amendments enacted by the State of Washington 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 - 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.
C. **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 established by that code chapter or by SEPA. 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 as determined solely in the Building Official’s discretion. 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 at the rates in effect at the time of resubmission.

D. **Permits – Extension of time limitation on application.** Section R105 of the International Residential Code, entitled “Permits,” is amended by adding the following new subsection R105.3.3:

*Sec. R105.3.3. Extension of time limitation on application.* Notwithstanding the provisions of subsection R105.3.2, a fully complete project permit application submitted on or after July 1, 2007, and before October 1, 2009, shall not expire by limitation according to the provisions of subsection R105.3.2, but shall expire by limitation on June 30, 2010, if the project permit applied for has not been issued by June 30, 2010. No further extension will be granted.
E. Permits – Extension of time to commence work under building permit. Section R105 of the International Residential Code, entitled "Permits," is amended by adding the following new subsection R105.5.1:

Section R105.5.1. Extension of time to commence work under building permit. Notwithstanding the provisions of subsection R105.5, a building permit issued on or after July 1, 2007, and before January 1, 2010, shall remain valid if the work authorized by such permit is commenced on or before December 31, 2010, provided the work has not been suspended or abandoned for a period of 180 days after the time the work is commenced.

F. Fees – Building permit valuations. Section R108 of the International Residential Code, entitled "Fees," is amended by substituting subsection 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.


H. 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 work within a flood hazard area shall be made in accordance with Ch. 14.09 KCC.

Sec. 14.01.050. Amendments to the Uniform Plumbing Code.
The following local amendments to the Uniform Plumbing Code, including all amendments enacted by the State of Washington 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 Chs. 14.08 and 1.04 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 adding the following new subsection 102.4:

**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 the deadlines established by that code chapter or by SEPA. 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 as determined solely in the Building Official’s discretion. 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 at the rates in effect at the time of resubmission.
Sec. 14.01.060. Amendments to the International Mechanical Code. The following local amendments to the International Mechanical Code, including all amendments enacted by the State of Washington 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 substituting subsection 106.3.3 with the adding the following:

Sec. 106.3.3. 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 established by that code chapter or by SEPA. 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— as determined solely in the Building Official’s discretion. 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 at the rates in effect at the time of resubmission.

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 subject to penalties as set forth in Chs. 14.08 and 1.04 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. 14.01.070. 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.

A. Scope. Section 103 of the Uniform Housing Code is amended by substituting Section 103 with the following:

Sec. 103. Scope. The provisions of this code shall apply to all buildings or portions thereof used, or designed, or intended to be used, for human habitation. Such occupancies in existing buildings may be continued as provided in IBC § 102.6 or IRC § R102.7, as may be applicable, except such for structures as are found to be substandard as defined in this code.
Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings. Rooming houses, congregate residences, or lodging houses shall comply with all the requirements of this code for dwellings.

B. Application to existing buildings and structures – Additions, alterations, or repairs. Subsection 104.1 of the Uniform Housing Code is amended by substituting subsection 104.1 with the following:

Sec. 104.1. Additions, Alterations, or Repairs. For additions, alterations, or repairs, see IBC §§ 102.6, and Chapter 3403, and IRC § R102.7, as may be applicable.

C. Repealer. Section 202 of Chapter 2 and Chapters 11 through 16 of the Uniform Housing Code are hereby repealed.

D. 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.

E. 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 the 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 Chs. 14.08 and 1.04 KCC or as otherwise provided by law.

F. Permits and inspections – General. Section 301 of the Uniform Housing Code, entitled “General,” is amended by substituting Section 301 with the following:

Sec. 301. General. No building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the building official in the manner and according to the applicable conditions prescribed in IBC §§ 105 and 1076 or IRC §§ R105 and R106, as may be applicable.

G. Permits and inspections – Fees. Section 302 of the Uniform Housing Code, entitled “Fees,” is amended by substituting Section 302 with the following:

Sec. 302. Fees. When a building permit is required by Section 301 of this code, the appropriate fees shall be paid as specified in IBC § 1098 or IRC § R108, as may be applicable.

H. Permits and inspections – Inspection. Section 303 of the Uniform Housing Code, entitled “Inspection,” is amended by substituting Section 303 with the following:

Sec. 303. Inspection. 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 §§ 1109 and 1704 or IRC § R109, as may be applicable.

I. **Definitions - Building code.** Section 401 of the Uniform Housing Code, entitled "Definitions," is amended by revising the definition of "building code" as follows:

**Sec. 401. Definitions.**

BUILDING CODE is the International Building Code ("IBC") or the International Residential Code ("IRC"), as may be applicable, promulgated by the International Code Council, Inc., as adopted by this jurisdiction.

J. **Definitions - Mechanical code.** Section 401 of the Uniform Housing Code, entitled "Definitions," is amended by revising the definition of "mechanical code" as follows:

**Sec. 401. Definitions.**

MECHANICAL CODE is the International Mechanical Code or the International Residential Code, promulgated by the International Code Council, Inc., as may be applicable and as adopted by this jurisdiction.

K. **Space and occupancy standards - Location on property.** Section 501 of the Uniform Housing Code, entitled "Location on Property," is amended by substituting Section 501 with the following:

**Sec. 501. Location on property.** All buildings shall be located with respect to property lines and with respect to other buildings on the same property as required by Chs. 5, 6 and 76 IBC and IRC § R302, as may be applicable.
L. **Light and ventilation – Hallways.** Subsection 504.4 of the Uniform Housing Code, entitled “Hallways,” is amended by substituting subsection 504.4 with the following:

   **Sec. 504.4. Hallways.** All public hallways, stairs, and other exitways shall be adequately lighted at all times in accordance with IBC § 1006 or IRC §§ R303 and R311, as may be applicable.

M. **Sanitation – Water closet compartments.** Subsection 505.5 of the Uniform Housing Code, entitled “Water Closet Compartments,” is amended by substituting subsection 505.5 with the following:

   **Sec. 505.5. Water closet compartments.** Walls and floors of water closet compartments, except in dwellings, shall be furnished in accordance with IBC § 1210. This provision is not applicable to those projects subject to the IRC.

N. **Heating and ventilation – Heating.** Subsection 701.1 of the Uniform Housing Code, entitled “Heating,” is amended by substituting subsection 701.1 with the following:

   **Sec. 701.1. Heating.** Dwelling units, guest rooms, and congregate residences shall be provided with heating facilities capable of maintaining a room temperature of at least 70°F (21.1°C) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with Ch. 21 IBC or Ch. 10 and 12-24 IRC, as may be applicable, the Mechanical Code, and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.

O. **Exits – General.** Section 801 of the Uniform Housing Code, entitled “General,” is amended by substituting Section 801 with the following:

   **Sec. 801. General.** Dwelling units or guest rooms shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways, and appurtenances as
required by Ch. 10 IBC or IRC § R311, as may be applicable.

P. **Fire protection – General.** Section 901 of the Uniform Housing Code, entitled “General,” is amended by substituting Section 901 with the following:

**Sec. 901. General.** All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the building code for the appropriate occupancy, type of construction, and location on property, and shall be provided with the appropriate fire-extinguishing systems or equipment required by Ch. 9 IBC or IRC § R3143 and R315, as may be applicable.

Q. **Substandard buildings – Definition – General.** Subsection 1001.1 of the Uniform Housing Code, entitled “General,” is amended by substituting subsection 1001.1 with the following:

**Sec. 1001.1. General.** Any building or portion thereof that is determined the Building Official determines to be an unsafe building in accordance with IBC § 1165, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that those conditions endanger the life, limb, health, property, safety, or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings.

**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 in conjunction 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, it is the purpose of this code to provide a just, equitable, and practicable method whereby to require the repair, vacation, or demolition of 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 the Building Official determines, 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.

International Building, Residential, And Mechanical Codes - 2009 Update
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, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation 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 Chs. 14.08 and 1.04 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 §§ 1109 and 1704 or IRC § R109, as may be applicable.

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.
Sec. 14.01.090. Building codes - Fees. The City Council shall, by resolution, establish the fees to be assessed for to implement and operate the codes adopted in this chapter.

Sec. 14.01.100. Appeals.
A. Appeals to the hearing examiner.
   1. Jurisdiction. The City hearings examiner has been designated as the board of appeals and shall have jurisdiction over all matters concerning the application of the building codes cited in this chapter. 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 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 decision, or who would be aggrieved or adversely affected by a reversal or modification of the order, determination, or decision. A person 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 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 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 hearings examiner shall be made pursuant to Ch. 2.32 KCC. The decision of the hearings examiner shall be final and conclusive unless, within twenty-one (21) calendar days of the hearings examiner's decision, an appeal is filed with the King County 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 - KCC 14.08.020. Section 14.08.020 of the Kent City Code, related to enforcement of the City’s Building Codes and entitled “Definitions,” is amended as follows:

Sec. 14.08.020. Definitions. The definitions contained in KCC 1.04.020 shall also apply to this chapter. In addition, 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 International Building Code, the International Existing Building Code, the International Residential Code, the International Mechanical Code, the International Fire Code, the Uniform Plumbing Code, the Uniform Housing Code, the Uniform Code for Abatement of Dangerous Buildings, and the Washington State Energy Code, and the Washington State Ventilation and Indoor Air Quality Code, and the International Building, Residential, and Mechanical Codes - 2009 Update.
Code(s), 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.

2. **Building official** means the building official of the city or any person authorized by the building official to enforce the building codes.

3. **Premises** means a plot of ground, whether occupied by a structure or not.

**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.** - **Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**SECTION 5.** - **Effective Date.** This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK

SUZETTE COOKE, MAYOR

27

*International Building, Residential, And Mechanical Codes - 2009 Update*
APPROVED AS TO FORM:

TIM BRUBAKER, CITY ATTORNEY

PASSED: 18th day of May, 2010.
APPROVED: 18th day of May, 2010.
PUBLISHED: 21st day of May, 2010.

I hereby certify that this is a true copy of Ordinance No. 3956 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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International Building, Residential, And Mechanical Codes - 2009 Update