ORDINANCE NO. 1514

AN ORDINANCE OF THE CITY OF OAK HARBOR, MAKING CHANGES TO TITLE 17 OF THE OAK HARBOR MUNICIPAL CODE ENTITLED "BUILDING CODE" ADOPTING CERTAIN DOCUMENTS AS THE OAK HARBOR BUILDING CODE INCLUDING:

THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE, WASHINGTON ADMINISTRATIVE CODE CHAPTER 51-50,
THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, WASHINGTON ADMINISTRATIVE CODE CHAPTER 51-51,
THE 2006 EDITION OF THE INTERNATIONAL MECHANICAL CODE, WASHINGTON ADMINISTRATIVE CODE 51-52,
THE 2006 EDITION OF THE UNIFORM PLUMBING CODE, WASHINGTON ADMINISTRATIVE CODE 51-56,
THE 2006 EDITION OF THE WASHINGTON STATE ENERGY CODE AS ADOPTED IN WASHINGTON ADMINISTRATIVE CODE CHAPTER 51-11,
THE 2006 EDITION OF THE WASHINGTON STATE VENTILATION AND INDOOR AIR QUALITY CODE, AS SET FORTH IN WASHINGTON ADMINISTRATIVE CODE CHAPTER 51-13,

THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

Section One. Oak Harbor Municipal Code Title 17 entitled “Buildings” is amended and readopted to have the following Chapters:

Chapters:
17.05 2006 International Building Code.
17.06 2006 International Residential Code.
17.10 2006 International Mechanical Code.
17.12 2006 Uniform Plumbing Code.
17.20 Flood Damage Prevention.
17.24 Sidewalks, Curbs and Gutters Installation.
17.30 Noise Attenuation Standards
17.40 Survey Monuments

Section Two. Repeal and Savings.

(1) Oak Harbor Municipal Code Chapter 17.04 entitled “Uniform Codes” is hereby repealed including the following sections: 17.04.010 entitled “Adoption of Codes”, 17.04.030 entitled “Permit Fees”, 17.04.035 entitled “Building permit – Additional charge”, 17.04.040 entitled “Work Exempt from Permit”, 17.04.090 entitled “Penalties”, 17.04.110 entitled “Severability”, and 17.04.120 entitled “Hearing Examiner to Function as Appeals Board”.

(2) The sections of the Oak Harbor Municipal Code listed in subsection (1) above are repealed except for any right or duty matured or any penalty incurred and any proceeding therein commenced.

Section Three. There is hereby added a new Chapter 17.05 entitled “2006 International Building Code” to the Oak Harbor Municipal Code which shall have the following title and sections:

Chapter 17.05
2006 INTERNATIONAL BUILDING CODE

Sections:
17.05.010 Title.
17.05.015 Documents Adopted by Reference.
17.05.020 Administration and Enforcement, Rules and Regulations.
17.05.025 Administration and Enforcement Building Official Authority
17.05.030 Permit fees.
17.05.035 Building permit – Additional charge.
17.05.040 Notices.
17.05.050 Liability Limitations.
17.05.060 Amendments/Additions
17.05.090 Penalties.
17.05.110 Severability.
17.05.120 Hearing Examiner to Function as Appeals Board.

Section Four There is hereby added the following sections to Oak Harbor Municipal Code Chapter 17.05 which shall read as follows:

17.05.010 Title. This chapter shall be known as the International Building Code of the City of Oak Harbor.


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International Code Council, and changes thereto as set forth in Washington Administrative Code Chapter 51-50 and adopted by the Washington State Building Code Council under the provisions of RCW 19.27, are hereby adopted by reference with the deletions, additions, and exceptions as set out in this chapter and shall be the City's Building Code. One copy of each document listed in this section shall be filed in the office of the city clerk for examination by the public.

### 17.05.020 Administration and Enforcement, Rules and Regulation

The City Council may, upon notice and hearing, promulgate, adopt, and issue those rules and regulations necessary for the effective and efficient administration of this code.

### 17.05.025 Administration and Enforcement Building Official Authority

The Building Official of the City shall be deemed to be the “building official” as defined in Section 202 of the International Building Code. The International Building Code shall be administered and enforced by the Building Official of the City.

### 17.05.030 Permit fees

The City of Oak Harbor hereby adopts the following fee schedule for the building code:

1. **Building Permit Fees Adopted.** For determining the value of a structure, the most current issue of the Building Safety Journal Magazine, which offers the building valuation data fee schedule as published by the International Code Council, is adopted by reference.

**TABLE 17 BUILDING PERMIT FEES**

<table>
<thead>
<tr>
<th>Total Valuation</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.00 to $500.00</td>
<td>$23.50</td>
</tr>
<tr>
<td>$501.00 to $2,000</td>
<td>$23.50 for the first $500.00 plus $3.05 for each additional $100.00 or fraction thereof, to and including $2,000</td>
</tr>
<tr>
<td>$2,001 to $25,000</td>
<td>$69.25 for the first $2,000 plus $14.00 for each additional $1,000 or fraction thereof, to and including $25,000</td>
</tr>
<tr>
<td>$25,001 to $50,000</td>
<td>$391.25 for the first $25,000 plus $10.10 for each additional $1,000 or fraction thereof, to and including $50,000</td>
</tr>
<tr>
<td>$50,001 to $100,000</td>
<td>$643.75 for the first $50,000 plus $7.00 for each additional $1,000 or fraction thereof, to and including $100,000</td>
</tr>
<tr>
<td>$100,001 to $500,000</td>
<td>$993.75 for the first $100,000 plus $5.60 for each additional $1,000 or fraction thereof</td>
</tr>
<tr>
<td>$500,001 to $1,000,000</td>
<td>$3,233.75 for the first $500,000 plus $4.75 for each additional $1,000 or fraction thereof, to and including $1,000,000</td>
</tr>
<tr>
<td>$1,000,0001 and up</td>
<td>$5,608.75 for the first $1,000,000 plus $3.65 for each additional $1,000 or fraction thereof</td>
</tr>
</tbody>
</table>
**TABLE 17-2 OTHER INSPECTIONS AND FEES:**

1. Inspections outside of normal business hours ---------------------------- $47.00 per hour (Minimum charge – two hours)
2. Reinspection fee assessed under provision of Section 305(g) -------------------------------------------------- $47.00 per hour
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour) ------------------------ $47.00 per hour
4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one-half hour) ------------------------------------------- $47.00 per hour
5. For use of outside consultants for plan checking and inspections, or both ----------------------------------------------- Actual costs
6. Residential energy code plan review -------------------------------- $30.00 per unit
7. Occupancy permit fee ----------------------------------------------- $20.00
8. Nonresidential energy code plan review and inspection fees:

Building Permit Fees shall be as listed in Table 17-3

**TABLE 17-3 MISCELLANEOUS BUILDING PERMIT FEES**

<table>
<thead>
<tr>
<th>ACTION</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antenna Tower</td>
<td>$25.00</td>
</tr>
<tr>
<td>Building Code Interpretation</td>
<td>$329.00</td>
</tr>
<tr>
<td>Change lot after plan review or issuance of permit</td>
<td>$100.00</td>
</tr>
<tr>
<td>Change plans during or after plan review.</td>
<td>New Plan Review Fee</td>
</tr>
<tr>
<td>Change or revise plans after issuance of permit.</td>
<td>Current hourly rate per IBC or new plan review fee</td>
</tr>
<tr>
<td>Commercial or Industrial re-roof</td>
<td>IBC Valuation or bid amount</td>
</tr>
<tr>
<td>Covered Patio</td>
<td>Varies by Valuation</td>
</tr>
<tr>
<td>Covered Porch</td>
<td>Varies by Valuation</td>
</tr>
<tr>
<td>Decks</td>
<td>Varies by Valuation</td>
</tr>
<tr>
<td>Demolitions</td>
<td>$50.00 + $4.50 State Surcharge</td>
</tr>
<tr>
<td>Espresso Carts (portable and stand alone)</td>
<td>$250.00</td>
</tr>
<tr>
<td>Factory Built Structures</td>
<td>Varies by Valuation</td>
</tr>
<tr>
<td>Fences over 6 feet in height</td>
<td>Current hourly rate per IBC for plan review plus $25.00 permit fee</td>
</tr>
<tr>
<td>Flagpoles</td>
<td>$25.00</td>
</tr>
<tr>
<td>Fireplaces, Freestanding, Wood, Gas, and Propane</td>
<td>$35.00</td>
</tr>
<tr>
<td>Fireplaces, Inserts, Wood, Gas and Propane</td>
<td>$25.00</td>
</tr>
<tr>
<td>Mobile Homes, Single Wide</td>
<td>$500</td>
</tr>
<tr>
<td>Mobile Home, Double &amp; Triple</td>
<td>$150.00</td>
</tr>
<tr>
<td>ACTION</td>
<td>FEE</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Wide</td>
<td></td>
</tr>
<tr>
<td>Modular Holmes or Buildings</td>
<td>$500.00</td>
</tr>
<tr>
<td>Modular Offices (job shacks)</td>
<td>$350.00</td>
</tr>
<tr>
<td>Moved Buildings $100</td>
<td>$50.00 prior to moving together with a building permit fee based on the IBC Valuation for new building and cost of moved building.</td>
</tr>
<tr>
<td>Occupancy Permit $21.00</td>
<td></td>
</tr>
<tr>
<td>Penalty Permit Fee</td>
<td>Double Permit Fee</td>
</tr>
<tr>
<td>Residential Energy Code Plan Review $30.00 per unit</td>
<td></td>
</tr>
<tr>
<td>Re-roofs Residential (Permit Required for overlays of two layers or more)</td>
<td>$25.00</td>
</tr>
<tr>
<td>Commercial Varies by Valuation</td>
<td></td>
</tr>
<tr>
<td>Retaining walls (permit not required under four (4) feet $100.00 or IBC Valuation, which is ever greater</td>
<td></td>
</tr>
<tr>
<td>Satellite Dish (48” diameter or greater)</td>
<td>$25.00</td>
</tr>
<tr>
<td>Signs 25 SQ FT or less (NEW Construction)</td>
<td>Permit Fee, Plan Review Fee, &amp; 4.50 Surcharge plus $25.00</td>
</tr>
<tr>
<td>26 SQ FT or more (NEW Construction)</td>
<td>Permit Fee, Plan Review Fee, &amp; 4.50 Surcharge plus $50.00</td>
</tr>
<tr>
<td>25 SQ FT or Less (Existing)</td>
<td>Permit Fee, &amp; 4.50 Surcharge plus $25.00</td>
</tr>
<tr>
<td>26 SQ FT or more (Existing)</td>
<td>Permit Fee, &amp; 4.50 Surcharge plus $50.00</td>
</tr>
<tr>
<td>Solariums Varies by Valuation</td>
<td></td>
</tr>
<tr>
<td>Work commencing before issuance of permit (Which is ever greater) Double permit fee or $100.00</td>
<td></td>
</tr>
<tr>
<td>Wood Stoves including inserts</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

(2) International Property Maintenance Code. A fee for an on-site compliance inspection by the Building Official or his representative shall be as set forth by Table 17-2 Miscellaneous Building Inspection Fees. Upon such application and payment of the fee herein provided the Building Official shall notify the applicant of the date and time of the inspection.

(3) Uniform Swimming Pool, Spa & Hot Tub Code. The fees for swimming pools, spas, and hot tubs shall be as set forth in Table 17-5 Plumbing Permit Fees.

(4) Washington State Energy Code. A fee for an on-site compliance inspection by the Building Official or his representative shall be as set forth by Table 17-2 Miscellaneous Building Inspection Fees. Upon such application and payment of the fee herein provided the Building Official shall notify the applicant of the date and time of the inspection.
Washington State Ventilation & Indoor Air Quality Code. A fee for an on-site compliance inspection by the Building Official or his representative shall be as set forth by Tables 17-2 Miscellaneous Building Inspection Fees. Upon such application and payment of the fee herein provided the Building Official shall notify the applicant of the date and time of the inspection.

Washington State Historic Building Code. A fee for an on-site compliance inspection by the Building Official or his representative shall be as set forth by Table 17-2 Miscellaneous Building Inspection Fees. Upon such application and payment of the fee herein provided the Building Official shall notify the applicant of the date and time of the inspection.

17.05.035 Building Permit – Additional Charge.

(1) An additional charge of $4.50 shall be added to the cost of a building permit and an additional surcharge of $2.00 per residential unit on buildings with more than one unit for purposes of paying fees required by RCW 19.27.085 as now in effect or hereafter amended.

(2) The funds collected under subsection (1) of this section shall be held by the city treasurer and transmitted to the state as required by law.

17.05.040 Notices. It is unlawful for any person to remove, mutilate, destroy or conceal any lawful notice issued or posted by the Building Official pursuant to the provisions of this code.

17.05.050 Liability Limitations. Nothing contained in this chapter or in the International Building Code is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the City or its officers, employees or agents, for any injury or damage resulting from the failure of a building to conform to the provisions of the International Building Code.

17.05.060 Amendments/Additions. The following sections of the International Building Code as adopted in Section 17.05.015 are amended to read as follows:

(1) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Building Code of the City of Oak Harbor, Washington hereinafter referred to as “this code”.

(2) Section 101.4.1 is hereby amended to read as follows:

101.4.1 Electrical. The provisions of the National Electrical Code as set forth in the Washington Administrative Code Chapter 296-46B as regulated and enforced by State of Washington Labor & Industries, Electrical Division shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.
(3) Section 101.4.4 is hereby amended to read as follows:
101.4.4 Plumbing. The provisions of the City of Oak Harbor Plumbing Code as adopted by the Oak Harbor Municipal Code Chapter 17.12 shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of medical gas system. The provisions of the State of Washington requirements for private sewage disposal shall apply to private sewage disposal systems.

(4) Section 101.4.5 is hereby amended to read as follows:
101.4.5 Property Maintenance. The provisions of the City of Oak Harbor Property Maintenance Code as adopted by Oak Harbor Municipal Code Chapter 17.22 shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards, responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

(5) Section 101.4.7 is hereby amended to read as follows:

(6) Section 105.2 is hereby amended to read as follows:
105.2 Work exempt from permit. Exemptions from 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. Permits shall not be required for the following:

Building:
1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, provided the wall is set back from any adjacent property lines or structures a distance at least equal to the height of the wall and the material retained slopes 1 vertical to 2 horizontal (or less) up and away from the wall unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

11. Swings and other playground equipment.

12. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:
- Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
- Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:
- Portable heating appliance.
- Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:
- Portable heating appliance.
- Portable ventilation equipment.
- Portable cooling unit.
- Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
- Replacement of any part that does not alter its approval or make it unsafe.
- Portable evaporative cooler.
- Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:
- The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures
and the removal and reinstallation of water closets, provided such repairs do not
involve or require the replacement or rearrangement of valves, pipes or fixtures.

(7) Section 105.3.1.1 is hereby added to read as follows:
105.3.1.1 Prerequisites for Issuance of Permit.
The Building Official shall determine whether the following requirements have been met
prior to issuance of a permit:
1. Any requirements or regulations imposed on a project as a condition of a land use
approval process;
2. Any requirements or regulations imposed on a project as a condition of the site
civil process;
3. Any transportation, school, parks or other mitigation or impact fees are paid as
adopted by Oak Harbor Municipal Code Sections 11.32 or 19.48 respectively;
4. Approval of Design Review as required by Oak Harbor Municipal Code for
Design guidelines and Regulation as required by Title 19.
5. Compliance with the State Environmental Policy Act, as adopted by Oak Harbor
Municipal Code Title 20
6. Compliance with the Flood Management requirements as adopted by Oak Harbor
7. Compliance with environmentally Critical Areas Protection requirements as
required by Oak Harbor Municipal Code Title 20

(8) Section 106.1 is hereby amended to read as follows:
106.1 Submittal Documents. Construction documents, statement of special inspections
and other data shall be submitted in one or more sets with each permit application. The
construction documents shall be prepared by a registered design professional where
required by the statutes of the jurisdiction in which the project is to be constructed. Where
special conditions exist, the building official is authorized to require additional
construction documents to be prepared by a registered design professional. All plans for
construction, erection, enlargement, alteration or repairs of building or structures 4,000
square feet or over shall be designed, prepared and stamped by an architect licensed by
the state of Washington.

Exception: The building official is authorized to waive the submission of construction
documents and other data not required to be prepared by a registered design professional
if it is found that the nature of the work applied for is such that review of construction
documents is not necessary to obtain compliance with this code.

(9) Section 108.3 is hereby amended to read as follows:
108.3 Building permits valuations. The applicant for a permit shall provide an estimated
permit value at time of application. Permit valuations shall include total value of work,
including materials and labor, for which the permit is being issued, such as electrical, gas,
mechanical, plumbing equipment and permanent systems. If, in the opinion of the
building official, the valuation is underestimated on the application, the permit 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. The valuation for commonly built structures shall be determined by the most current issue of the Building Safety Journal, which offers building valuation data fee schedule as published by the International Code Council, adopted herein by reference.

(10) Section 108.6 is hereby amended to read as follows:
108.6 Refunds. The building official is authorized to establish a refund policy. The Building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review has been paid is withdrawn or canceled before any plan reviewing is done. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

(11) Section 110.5 is hereby added to read as follows:
110.5 Violation of requirements for certificate of occupancy. The City Council affirms that the issuance of any certificate of occupancy is of vital importance in the safeguarding of life safety, property safety and health of occupants of any structure; and further, that the enforcement of all city development regulations is of vital importance to the city’s economic vitality and the public good. Any person allowing a building to be occupied without a certificate of occupancy first being issued as required by this Chapter shall be subject to the civil penalty provisions of the Oak Harbor Municipal Code Section 17.05.090.

(12) Section 112 is hereby amended to read as follows:
112.1 Board of Appeals. All references to the term “board of Appeal(s)” shall deem to mean the Hearing Examiner as per OHMC 18.40.180. Permits under this chapter shall be Type I review process as per OHMC 18.20.230. Appeals of decisions of applicable codes adopted under this chapter shall be to the hearing examiner.

(13) Section 202 is hereby amended to read as follows:  GRADE PLANE. A referenced plane representing the average of the finished ground level, adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 10 feet from the building between the structure and a point 10 feet from the building.

(14) Section 403.1 is hereby amended to read as follows:
403.1 Applicability. The provisions of this section shall apply to buildings with an occupied floor located more than 50 feet (15 240 mm) above the lowest level of fire department vehicle access. Such buildings shall be provided with an approved automatic sprinkler system throughout in accordance with Section 403.2.
Exception: The provisions of this section shall not apply to the following buildings and structures:

1. Airport traffic control towers in accordance with Section 412.
2. Open parking garages in accordance with Section 406.3.
4. Low-hazard special industrial occupancies in accordance with Section 503.1.1.
5. Buildings with an occupancy in Group H-1, H-2 or H-3 in accordance with Section 415.

(15) Section 3201.5 is hereby added to read as follows:
3201.5 Right-of-way Permits. A permit is required for any construction, alteration, repair, move, demolish, replace, use or encroachment into the public right-of-way as determined by the City Engineer.

(16) Appendix Section J103.1 is hereby amended to read as follows: J103.1 Permits Required. Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefore from the City Engineer. A grading permit does not include the construction of retaining walls or other structures.

(17) Appendix Section J104.3 is hereby amended to read as follows: J104.3 Soils report. A soils report prepared by registered design professionals shall be provided which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Exception: A soils report is not required where the building official or the city engineer determines that the nature of the work applied or is such that a report is not necessary.

(18) Appendix J106.1 is hereby amended to read as follows: J106.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50 percent) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:
1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67 percent) provided that all the following are met:
   1.1 It is not intended to support structures or surcharges.
   1.2 It is adequately protected against erosion.
   1.3 It is no more than 8 feet (2438 mm) in height.
   1.4 It is approved by the city engineer.
2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100 percent).
Appendix J108.3 is hereby amended to read as follows:
J108.3 Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the city engineer, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure J108.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

Appendix J109.3 is hereby amended to read as follows:
J109.3 Interceptor Drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. They shall have a minimum depth of 1 foot and a minimum width of 3 feet. The slope shall be approved by the city engineer, but shall not be less than 50 horizontal to 1 vertical. The drain shall be paved with concrete not less than 3 inches in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the city engineer.

17.05.090 Penalties.

(1) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this chapter or the technical codes.

(2) Civil Violation. Except as provided in subsections (4) and (5) of this section, any violation of any of the provisions of this chapter or of the technical codes constitutes a civil violation as provided for in Chapter 1.28 OHMC, for which a monetary penalty may be imposed as provided therein.

(3) Criminal Penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who intentionally or knowingly violates any of the provisions of this chapter or the technical codes shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of up to $1,000 or a jail sentence of up to 90 days in jail, or both such fine and jail time.

(4) Plumbing Code Violations. Violations of the Uniform Plumbing Code and Plumbing Code Standards as adopted under OHMC 17.12.020(4) shall be misdemeanors punishable by a fine of up to $1,000 or a jail sentence of up to 90 days, or both such fine and jail time.

(5) Violations of Orders under this chapter. Any person constructing, repairing, operating, maintaining, changing an occupancy, occupying or moving a building, structure, occupancy, or premises contrary to the provisions chapter who continues to construct, repair, operate maintain, change occupancy, occupy or move such building, structure,
occupancy or premises when ordered by the building official to desist from violating a provision or provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of up to $1,000 or a jail sentence of up to 90 days, or both such fine and jail time.

(6) Separate Offense. Each day or portion thereof upon which a violation occurs constitutes a separate offense under subsections (1), (2), (3), (4) and (5) of this section.

(7) Destruction of Notice. It shall be unlawful for any person to remove, mutilate, destroy or conceal any notice issued and posted by the building official pursuant to the provisions of this chapter or the building code which violations shall be a civil offense as described in subsection (1) of this section.

17.05.110 Severability. Should any section, paragraph, sentence or word of this chapter or codes hereby adopted be declared for any reason to be invalid, it is the intent of the city council that it would have passed all other portions of this chapter and of the codes hereby adopted independent of the elimination herefrom as any such portions as may be declared invalid and accordingly such declaration of invalidity shall not affect the validity of this chapter as a whole nor any part hereof other than the part so declared to be invalid.

17.05.120 Hearing Examiner to Function as Appeals Board. Permits under this chapter shall be Type I review process. Appeals of decisions of codes adopted under this chapter shall be to the hearing examiner. References to the board of appeals shall be to the hearing examiner.

Section Five. There is hereby added a new Chapter 17.06 entitled “2006 International Residential Code” to the Oak Harbor Municipal Code which shall have the following title and sections:

Chapter 17.06
2006 INTERNATIONAL RESIDENTIAL CODE

Sections:
17.06.010 Title.
17.06.020 Documents Adopted by Reference.
17.06.030 Administration and Enforcement, Rules and Regulations.
17.06.040 Administration and Enforcement Building Official Authority.
17.06.050 Notices.
17.06.060 Liability Limitations.
17.06.070 Amendments/Additions.
17.06.080 Penalties.
17.06.090 Severability.
17.06.100 Hearing Examiner to Function as Appeals Board.

Section Six. There is hereby added the following sections to Oak Harbor Municipal Code Chapter 17.06 which shall read as follows:

17.06.010 Title. This chapter shall be known as the International Residential Code of the City of Oak Harbor.
17.06.020 **Documents Adopted by Reference.** The 2006 Edition of the International Residential Code, including the chapters of its Appendix: A, B, C, D, G, H, J, and K as published by the International Code Council, and changes thereto as set forth in Washington Administrative Code Chapter 51-51 and adopted by the Washington State Building Code Council under the provisions of RCW 19.27, are adopted by reference with the deletions, additions, and exceptions as set out in this Chapter and shall be the City’s Residential Code; provided, however, that chapters 11, and 25 through 42 of the 2006 International Residential Code are not adopted. One copy of each document identified in this section shall be filed in the office of the city clerk for examination by the public.

17.06.030 **Administration and Enforcement, Rules and Regulation.** The City Council may, upon notice and hearing, promulgate, adopt, and issue those rules and regulation necessary for the effective and efficient administration of this code.

17.06.040 **Administration and Enforcement - Building Official Authority.** The Building Official of the City shall be deemed to be the “building official” as defined in Section 202 of the International Building Code. The International Residential Code shall be administered and enforced by the Building Official of the City.

17.06.050 **Notices.** It is unlawful for any person to remove, mutilate, destroy or conceal any lawful notice issued or posted by the Building Official pursuant to the provisions of this code.

17.06.060 **Liability Limitations.** Nothing contained in this chapter or in the International Residential Code is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the City or its officers, employees or agents, for any injury or damage resulting from the failure of a building to conform to the provisions of the International Residential Code.

17.06.070 **Amendments/Additions.** The following sections of the International Residential Code as adopted in Section 17.06.020 are amended to read as follows:

1. Section R101.1 is hereby amended to read as follows:
   R101.1 Title. These provisions shall be known as the International Residential Code for One and Two-Unit Dwellings of the City of Oak Harbor, and shall be cited as such and will be referred to as “this code.”

2. Section R108.3 is hereby amended to read as follows:
   R108.3 Building Permit Valuations: The applicant for a permit shall provide as estimated permit value at the time of application. Building permit valuations shall include total value of work for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems, including materials and labor. If in the opinion of the building official, the valuation in underestimated on the application, the permit 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. The valuation...
for commonly built structures shall be determined by the most current issue of the Building Safety Journal, which offers building valuation data fee schedule as published by the International Code Council, adopted herein by reference.

(3) Section R108.5 is hereby amended to read as follows:
R108.5 Refunds. The building official is authorized to establish a refund policy. The Building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

(4) Section R112 is hereby amended to read as follows:
R112.1 Board of Appeals. All references to the term “board of Appeal(s)” shall deem to mean the Hearing Examiner as per OHMC 18.40.180. Permits under this chapter shall be Type I review process as per OHMC 18.20.230. Appeals of decisions of applicable codes adopted under this chapter shall be to the hearing examiner.

(5) Table R301.2(1) is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>Climate and Geographic Design Criteria</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Snow Load:</td>
<td>20 PSF</td>
</tr>
<tr>
<td>Wind speed:</td>
<td>85 MPH</td>
</tr>
<tr>
<td>Seismic Design Group:</td>
<td>D1</td>
</tr>
<tr>
<td>Damage from Weathering:</td>
<td>Moderate</td>
</tr>
<tr>
<td>Frost Line Depth:</td>
<td>12 Inches</td>
</tr>
<tr>
<td>Termite:</td>
<td>None to Slight</td>
</tr>
<tr>
<td>Decay:</td>
<td>Slight to Moderate</td>
</tr>
<tr>
<td>Winter Design Temp:</td>
<td>27 Degrees</td>
</tr>
<tr>
<td>Ice Shield Underlayment:</td>
<td>No</td>
</tr>
<tr>
<td>Air Freezing Index:</td>
<td>N/A</td>
</tr>
<tr>
<td>Mean Annual Temperature:</td>
<td>50 Degrees</td>
</tr>
</tbody>
</table>

(6) Section R310.1.5 is hereby amended to read as follows:
R310.1 Emergency escape and rescue required. Basements and every sleeping room shall have at least one operable emergency and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each.
sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

Exception: Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m²).

R310.1.1 Minimum opening area.
All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 m²).
Exception: Grade floor openings shall have a minimum net clear opening of 5 square feet (0.465 m²).

R310.1.2 Minimum opening height.
The minimum net clear opening height shall be 24 inches (610 mm).

R310.1.3 Minimum opening width.
The minimum net clear opening width shall be 20 inches (508 mm).

R310.1.4 Operational constraints.
Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge.

R310.1.5 Replacement of Emergency Escape and Rescue Opening.
If emergency escape and rescue openings are replaced or renewed, except for glazing replacement or renewal, the opening sizes shall be as required for new construction.

17.06.080 Penalties

1. It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, or utilize a mechanical system, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter or the technical codes.

2. Civil Violation. Except as provided in subsections (4) and (5) of this section, any violation of any of the provisions of this chapter or of the technical codes constitutes a civil violation as provided for in Chapter 1.28 OHMC, for which a monetary penalty may be imposed as provided therein.

3. Criminal Penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who intentionally or knowingly violates any of the provisions of this chapter or the technical codes shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of up to $1,000 or a jail sentence of up to 90 days in jail, or both such fine and jail time.
4. Violations of Orders under this chapter. Any person constructing, repairing, operating, maintaining, changing an occupancy, occupying or moving a building, structure, occupancy, or premises contrary to the provisions chapter who continues to construct, repair, operate maintain, change occupancy, occupy or move such building, structure, occupancy or premises when ordered by the building official to desist from violating a provision or provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of up to $1,000 or a jail sentence of up to 90 days, or both such fine and jail time.

5. Separate Offense. Each day or portion thereof upon which a violation occurs constitutes a separate offense under subsections (1), (2), (3), (4) and (5) of this section.

6. Destruction of Notice. It shall be unlawful for any person to remove, mutilate, destroy or conceal any notice issued and posted by the building official pursuant to the provisions of this chapter or the building code which violations shall be a civil offense as described in subsection (1) of this section.

17.06.090 Severability. Should any section, paragraph, sentence or word of this chapter or codes hereby adopted be declared for any reason to be invalid, it is the intent of the city council that it would have passed all other portions of this chapter and of the codes hereby adopted independent of the elimination herefrom as any such portions as may be declared invalid and accordingly such declaration of invalidity shall not affect the validity of this chapter as a whole nor any part thereof other than the part so declared to be invalid.

17.06.100 Hearing Examiner to Function as Appeals Board. All references to the term “board of Appeal(s)” shall deem to mean the Hearing Examiner as per OHMC 18.40.180. Permits under this chapter shall be Type I review process as per OHMC 18.20.230. Appeals of decisions of applicable codes adopted under this chapter shall be to the hearing examiner.

Section Seven. There is hereby added a new Chapter 17.10 entitled “2006 International Mechanical Code” to the Oak Harbor Municipal Code which shall have the following title and sections:

**Chapter 17.10**

**2006 INTERNATIONAL MECHANICAL CODE**

Sections:

17.10.010 Title.
17.10.020 Documents Adopted by Reference.
17.10.030 Administration and Enforcement, Rules and Regulations.
17.10.040 Administration and Enforcement, Building Official Authority.
17.10.050 Notices.
17.10.060 Liability Limitations.
17.10.070 Amendments/Additions.
17.10.080 Penalties.
17.10.090 Severability.
17.10.100 Hearing Examiner to Function as Appeals Board.

Section Eight. There is hereby added the following sections to Oak Harbor Municipal Code Chapter 17.10 which shall read as follows:

17.10.010 Title. This chapter shall be known as the International Mechanical Code of the City of Oak Harbor.

17.10.020 Document Adopted by Reference. The 2006 Edition of the International Mechanical Code including Appendix A as published by the International Code Council, and changes thereto as set forth in Washington Administrative Code Chapter 51-52 and adopted by the Washington State Building Code Council under the provisions of RCW 19.27, are adopted by reference with the deletions, additions, and exceptions as set out in this chapter and shall be the City's Mechanical Code. One copy of each document listed in this section shall be filed in the office of the city clerk for examination by the public.

17.10.030 Administration and Enforcement, Rules and Regulations. The city council may upon notice and hearing promulgate such rules and regulations as may be necessary to the effective and efficient administration of the code.

17.10.040 Administration and Enforcement, Building Official Authority. The International Mechanical Code shall be administered and enforced by the City Building Official.

17.10.050 Notices. It is unlawful for any person to remove, mutilate, destroy or conceal any lawful notice issued or posted by the Building Official pursuant to the provisions of this code.

17.10.060 Liability Limitations. Nothing contain in this chapter or in the International Mechanical Code is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the city or its officers, employees or agents, for any injury or damage resulting from the failure of a building to conform to the provisions of the International Mechanical Code.

17.10.070 Amendments/Additions. The following sections of the International Mechanical Code as adopted in Section 17.10.020 are amended to read as follows:

(1) Section 106.4.3 is hereby amended to read as follows:
106.4.3 Expiration. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work recommences, a new permit shall be first obtained and the fee, therefore, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work,
and provided further that suspension or abandonment has not exceed one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

(2) Section 106.5.2 is hereby amended to read as follows:
106.5.2 Fee Schedule. The fees for mechanical work shall be as indicated in Table 17-6 Mechanical Permit Fees

(3) **TABLE 17-6 MECHANICAL PERMIT FEES**

<table>
<thead>
<tr>
<th>ACTION</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Issuance and Heaters</td>
<td></td>
</tr>
<tr>
<td>For the issuance of each mechanical permit</td>
<td>$23.50</td>
</tr>
<tr>
<td>For issuing each supplemental permit for which the original permit has not expired, been canceled or Finaled</td>
<td>$7.25</td>
</tr>
<tr>
<td>Unit Fee Schedule <em>(In addition to required permits as listed above.)</em></td>
<td></td>
</tr>
<tr>
<td><strong>Furnaces</strong></td>
<td></td>
</tr>
<tr>
<td>For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h (29.3 kW)</td>
<td>$15.00</td>
</tr>
<tr>
<td>For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3 kW)</td>
<td>$18.00</td>
</tr>
<tr>
<td>For the installation or relocation of each floor furnace, including vent</td>
<td>$15.00</td>
</tr>
<tr>
<td>For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater</td>
<td>$15.00</td>
</tr>
<tr>
<td><strong>Appliance Vents</strong></td>
<td></td>
</tr>
<tr>
<td>For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit</td>
<td>$7.00</td>
</tr>
<tr>
<td><strong>Repairs or Additions</strong></td>
<td></td>
</tr>
<tr>
<td>For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical code</td>
<td>$14.00</td>
</tr>
<tr>
<td><strong>Boilers, Compressors and Absorption Systems</strong></td>
<td></td>
</tr>
<tr>
<td>For the installation or relocation of each boiler or compressor to and including 3 horsepower (10.6 kW), or each absorption system to and including 100,000 Btu/h (29.3 kW)</td>
<td>$15.00</td>
</tr>
<tr>
<td>For the installation or relocation of each boiler or compressor over 3 horsepower (10.6 kW) to and including 15 horsepower (52.7 kW), or each absorption system over 100,000 Btu/h (29.3 kW) to and including 500,000 Btu/h (146.6 kW)</td>
<td>$27.00</td>
</tr>
<tr>
<td>For the installation or relocation of each boiler or compressor over 15 horsepower (52.7 kW) to and including 30 horsepower (105.5 kW), or each absorption system over 500,000 Btu/h (146.6 kW) to and including 1,000,000 Btu/h (293.1 kW)</td>
<td>$37.00</td>
</tr>
<tr>
<td>For the installation or relocation of each boiler or compressor over 30 horsepower (105.5 kW) to and including 50 horsepower (176 kW), or</td>
<td>$55.00</td>
</tr>
<tr>
<td>ACTION</td>
<td>FEE</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>each absorption system over 1,000,000 Btu/h (293.1 kW) to and including 1,750,000 Btu/h (512.9 kW)</td>
<td></td>
</tr>
<tr>
<td>For the installation or relocation of each boiler or compressor over 50 horsepower (176 kW), or each absorption system over 1,750,000 Btu/h (512.9 kW)</td>
<td>$93.00</td>
</tr>
<tr>
<td><strong>Air Handling</strong></td>
<td></td>
</tr>
<tr>
<td>For each air-handling unit to and including 10,000 cubic feet per minute (cfm) (4719 Us), including ducts attached thereto</td>
<td>$11.00</td>
</tr>
<tr>
<td><strong>Note:</strong> This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.</td>
<td></td>
</tr>
<tr>
<td>For each air-handling unit over 10,000 cfm (4719 Us)</td>
<td>$18.00</td>
</tr>
<tr>
<td><strong>Evaporative Coolers</strong></td>
<td></td>
</tr>
<tr>
<td>For each evaporative cooler other than portable type</td>
<td>$11.00</td>
</tr>
<tr>
<td><strong>Ventilation and Exhaust</strong></td>
<td></td>
</tr>
<tr>
<td>For each ventilation fan connected to a single duct</td>
<td>$7.00</td>
</tr>
<tr>
<td>For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit</td>
<td>$11.00</td>
</tr>
<tr>
<td>For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood</td>
<td>$11.00</td>
</tr>
<tr>
<td><strong>Incinerators</strong></td>
<td></td>
</tr>
<tr>
<td>For the installation or relocation of each domestic-type incinerator</td>
<td>$18.00</td>
</tr>
<tr>
<td>For the installation or relocation of each commercial or industrial-type incinerator</td>
<td>$15.00</td>
</tr>
<tr>
<td><strong>Gas Piping Systems</strong></td>
<td></td>
</tr>
<tr>
<td>For each gas piping system of one to five outlets</td>
<td>$5.00</td>
</tr>
<tr>
<td>For each additional outlet over five, each</td>
<td>$1.00</td>
</tr>
<tr>
<td><strong>Miscellaneous</strong></td>
<td></td>
</tr>
<tr>
<td>For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which the fee is listed in the table</td>
<td>$11.00</td>
</tr>
</tbody>
</table>

**OTHER INSPECTIONS AND FEES REFERENCE TO FEE TABLE 17-2.**

(4) **Section 106.5.3** is hereby amended to read as follows:

106.5.3 Fee Refunds. The building official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.

2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.
The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

(5) Section 108.1 is hereby amended to read as follows:
108.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish or utilize a mechanical system, or cause the same to be done, in conflict with or in violation of any of the provisions of this code. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offence.

(6) Section 202 is hereby amended to read as follows:
SUBSTANTIALLY REMODELED. Substantially Remodeled is any alteration or restoration of a building exceeding 60 percent of the assessed valuation of such building within a twelve-month period.

(7) Section 901.5 is hereby added to reads as follows:
901.5 Solid Fuel Burning Devices. No used fuel-burning device shall be installed in new or existing buildings unless such device is United States Environmental Protection Agency certified or a pellet stove either certified or exempt from certification by the United States Environmental Protection Agency. EXCEPTION: antique wood cook stoves and heaters manufactured prior to 1940.

17.10.080 Penalties

(1) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this chapter or the technical codes.

(2) Civil Violation. Except as provided in subsections (4) and (5) of this section, any violation of any of the provisions of this chapter or of the technical codes constitutes a civil violation as provided for in Chapter 1.28 OHMC, for which a monetary penalty may be imposed as provided therein.

(3) Criminal Penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who intentionally or knowingly violates any of the provisions of this chapter or the technical codes shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of up to $1,000 or a jail sentence of up to 90 days in jail, or both such fine and jail time.

(4) Violations of Orders under this chapter. Any person constructing, repairing, operating, maintaining, changing an occupancy, occupying or moving a building, structure, occupancy, or premises contrary to the provisions chapter who continues to construct,
repair, operate maintain, change occupancy, occupy or move such building, structure, occupancy or premises when ordered by the building official to desist from violating a provision or provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of up to $1,000 or a jail sentence of up to 90 days, or both such fine and jail time.

(5) Separate Offense. Each day or portion thereof upon which a violation occurs constitutes a separate offense under subsections (1), (2), (3), (4) and (5) of this section.

(6) Destruction of Notice. It shall be unlawful for any person to remove, mutilate, destroy or conceal any notice issued and posted by the building official pursuant to the provisions of this chapter or the building code which violations shall be a civil offense as described in subsection (1) of this section.

17.10.090 **Severability.** Should any section, paragraph, sentence or word of this chapter or codes hereby adopted be declared for any reason to be invalid, it is the intent of the city council that it would have passed all other portions of this chapter and of the codes hereby adopted independent of the elimination herefrom as any such portions as may be declared invalid and accordingly such declaration of invalidity shall not affect the validity of this chapter as a whole nor any part hereof other than the part so declared to be invalid.

17.10.100 **Hearing Examiner to Function as Appeals Board.** All references to the term “board of Appeal(s)” shall deem to mean the Hearing Examiner as per OHMC 18.40.180. Permits under this chapter shall be Type I review process as per OHMC 18.20.230. Appeals of decisions of applicable codes adopted under this chapter shall be to the hearing examiner.

**Section Nine.** There is hereby added a new Chapter 17.12 entitled “2006 Uniform Plumbing Code” to the Oak Harbor Municipal Code which shall have the following title and sections:

**Chapter 17.12**

**2006 UNIFORM PLUMBING CODE**

**Sections:**
17.12.010 Title.
17.12.020 Documents Adopted by Reference.
17.12.030 Administration and Enforcement, Rules and Regulations.
17.12.040 Administration and Enforcement, Building Official Authority.
17.12.050 Notices.
17.12.060 Liability Limitations.
17.12.070 Amendments/Additions.
17.12.080 Penalties.
17.12.090 Severability.
17.12.100 Hearing Examiner to Function as Appeals Board.

**Section Ten.** There is hereby added the following sections to Oak Harbor Municipal Code Chapter 17.12 which shall read as follows:
17.12.010 Title. This chapter shall be known as the Uniform Plumbing Code of the City of Oak Harbor.

17.12.020 Document Adopted by Reference. (a) The 2006 Edition of the Uniform Plumbing Code, including Appendix H as published by the International Associations of Plumbing and Mechanical Officials and changes thereto as set forth in Washington Administrative Code Chapter 51-56 as adopted by the Washington State Building Code Council under the provisions of RCW 19.27.031 & 19.27.074 are adopted by reference with the deletions, additions, and exceptions as set out in this chapter and shall be the City’s Plumbing Code; provided, however, that Chapter 5 – Water Heaters, Chapter 7 – Part II Building Sewers, Chapter 12 – Gas Piping, and Chapter 15 – Fire Stop Protection are not adopted. One copy of each document listed in this section shall be filed in the office of the city clerk for examination by the public.

17.12.030 Administration and Enforcement, Rules and Regulations. The city council may upon notice and hearing promulgate such rules and regulations as may be necessary to the effective and efficient administration of the code.

17.12.040 Administration and Enforcement, Building Official Authority. The Uniform Plumbing Code shall be administered and enforced by the City Building Official.

17.12.050 Notices. It is unlawful for any person to remove, mutilate, destroy or conceal any lawful notice issued or posted by the Building Official pursuant to the provisions of this code.

17.12.060 Liability Limitations. Nothing contain in this chapter or in the Uniform Plumbing Code is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the city or its officers, employees or agents, for any injury or damage resulting from the failure of a building to conform to the provisions of the Uniform Plumbing Code.

17.12.070 Amendments/Additions. The following sections of the Uniform Plumbing Code as adopted in Section 17.12.020 are amended to read as follows:

(1) Section 103.4.1 is hereby amended to read as follows:
103.4.1 Permit Fees. Fees shall be assessed in accordance with the provisions of this section and as set forth in the fee schedule Table 17-5. The fees are determined and adopted by the City of Oak Harbor.

<table>
<thead>
<tr>
<th>TABLE 17-5 PLUMBING PERMIT FEES</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTION</td>
</tr>
<tr>
<td>PERMIT ISSUANCE</td>
</tr>
<tr>
<td>For the issuance of each plumbing permit</td>
</tr>
<tr>
<td>For issuing each supplemental permit for which the original permit has not expired, been canceled or finaled</td>
</tr>
</tbody>
</table>

International Building Code Ordinance
Page 23
<table>
<thead>
<tr>
<th>ACTION</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>UNIT FEE SCHEDULE</strong> <em>(In addition to required permits as listed above)</em></td>
<td></td>
</tr>
<tr>
<td>For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection thereof)</td>
<td>$7.00</td>
</tr>
<tr>
<td>For each building sewer and each trailer park sewer</td>
<td>$15.00</td>
</tr>
<tr>
<td>Rainwater systems per drain (inside building)</td>
<td>$7.00</td>
</tr>
<tr>
<td>For each cesspool (where permitted)</td>
<td>$7.00</td>
</tr>
<tr>
<td>For each private sewage disposal system</td>
<td>$40.00</td>
</tr>
<tr>
<td>For each water heater including vent</td>
<td>$12.00</td>
</tr>
<tr>
<td>For each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps</td>
<td>$7.00</td>
</tr>
<tr>
<td>For each installation, alteration, or repair of water piping or water-treating equipment, or both, each</td>
<td>$7.00</td>
</tr>
<tr>
<td>For repair or alteration of drainage or vent piping, each fixture</td>
<td>$7.00</td>
</tr>
<tr>
<td>For each lawn sprinkler system on any one meter, including backflow protection devices thereof</td>
<td>$7.00</td>
</tr>
<tr>
<td>For atmospheric-type vacuum breakers or backflow protection devices not included in lawn sprinkler systems</td>
<td></td>
</tr>
<tr>
<td>1 to 5 devices</td>
<td>$5.00</td>
</tr>
<tr>
<td>Over 5 devices, each</td>
<td>$1.00</td>
</tr>
<tr>
<td>For each backflow-protection device other than atmospheric-type vacuum breakers:</td>
<td></td>
</tr>
<tr>
<td>2 inches (50.8 mm) diameter and smaller</td>
<td>$7.00</td>
</tr>
<tr>
<td>Over 2 inches (50.8 mm) diameter</td>
<td>$15.00</td>
</tr>
<tr>
<td>For each graywater system</td>
<td>$40.00</td>
</tr>
<tr>
<td>For initial installation and testing for a reclaimed water system</td>
<td>$30.00</td>
</tr>
<tr>
<td>For each annual cross-connection testing of a reclaimed water system (excluding initial test)</td>
<td>$30.00</td>
</tr>
<tr>
<td>For each medical gas piping system serving one to five inlets or outlets for a specific gas.</td>
<td>$50.00</td>
</tr>
<tr>
<td>For each additional medical gas inlet or outlet</td>
<td>$5.00</td>
</tr>
<tr>
<td><strong>Swimming Pools</strong> For each swimming pool or spa:</td>
<td></td>
</tr>
<tr>
<td>Public pool, Fee</td>
<td>Varies by Valuation Plus Permit</td>
</tr>
<tr>
<td>Public spa, Fee</td>
<td>Varies by Valuation Plus Permit</td>
</tr>
<tr>
<td>Private pool, Fee</td>
<td>Varies by Valuation Plus Permit</td>
</tr>
<tr>
<td>Private spa</td>
<td>$30.00</td>
</tr>
<tr>
<td><strong>Miscellaneous</strong></td>
<td></td>
</tr>
<tr>
<td>For each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories, or</td>
<td>$7.00</td>
</tr>
</tbody>
</table>
(2) Section 103.4.5 is hereby amended to read as follows:

103.4.5 Fee Refunds.
103.4.5.1 The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
103.4.5.2 The building official may authorize refunding of 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
103.4.5.3 The building official shall not authorize the refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.
103.4.5.4 The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review has been paid is withdrawn or canceled before any plan reviewing is done.

17.12.080 Penalties.

(1) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this chapter or the technical codes.

(2) Civil Violation. Except as provided in subsections (4) and (5) of this section, any violation of any of the provisions of this chapter or of the technical codes constitutes a civil violation as provided for in Chapter 1.28 OHMC, for which a monetary penalty may be imposed as provided therein.

(3) Criminal Penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who intentionally or knowingly violates any of the provisions of this chapter or the technical codes shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of up to $1,000 or a jail sentence of up to 90 days in jail, or both such fine and jail time.

(4) Plumbing Code Violations. Violations of the Uniform Plumbing Code as adopted under OHMC 17.12 shall be misdemeanors punishable by a fine of up to $1,000 or a jail sentence of up to 90 days, or both such fine and jail time.

(5) Violations of Orders under this chapter. Any person constructing, repairing, operating, maintaining, changing an occupancy, occupying or moving a building, structure, occupancy, or premises contrary to the provisions chapter who continues to construct, repair, operate maintain, change occupancy, occupy or move such building, structure, occupancy or premises when ordered by the building official to desist from violating a
provision or provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of up to $1,000 or a jail sentence of up to 90 days, or both such fine and jail time.

(6) Separate Offense. Each day or portion thereof upon which a violation occurs constitutes a separate offense under subsections (1), (2), (3), (4) and (5) of this section.

(7) Destruction of Notice. It shall be unlawful for any person to remove, mutilate, destroy or conceal any notice issued and posted by the building official pursuant to the provisions of this chapter or the building code which violations shall be a civil offense as described in subsection (1) of this section.

17.12.090 Severability. Should any section, paragraph, sentence or word of this chapter or codes hereby adopted be declared for any reason to be invalid, it is the intent of the city council that it would have passed all other portions of this chapter and of the codes hereby adopted independent of the elimination herefrom as any such portions as may be declared invalid and accordingly such declaration of invalidity shall not affect the validity of this chapter as a whole nor any part thereof other than the part so declared to be invalid.

17.12.100 Hearing Examiner to Function as Appeals Board. All references to the term “board of Appeal(s)” shall deem to mean the Hearing Examiner as per OHMC 18.40.180. Permits under this chapter shall be Type I review process as per OHMC 18.20.230. Appeals of decisions of applicable codes adopted under this chapter shall be to the hearing examiner.

Section Eleven. There is hereby added a new Chapter 17.14 entitled “2006 Washington State Energy Code” to the Oak Harbor Municipal Code which shall have the following title and sections:

Chapter 17.14

2006 WASHINGTON STATE ENERGY CODE

Sections:
17.14.010 Title
17.14.020 Documents Adopted by Reference
17.14.030 Administration and Enforcement, Rules and Regulations
17.14.040 Administration and Enforcement, Building Official Authority
17.14.050 Notices
17.14.060 Liability Limitations
17.14.070 Penalties
17.14.080 Severability
17.14.090 Hearing Examiner to Function as Appeals Board

Section Twelve. There is hereby added the following sections to Oak Harbor Municipal Code Chapter 17.14 which shall read as follows:
17.14.010 Title. This chapter shall be known as the Energy Code of the City of Oak Harbor.


17.14.030 Administration and Enforcement, Rules and Regulations. The City Council may upon notice and hearing promulgate such rules and regulations as may be necessary to the effective and efficient administration of the code.

17.14.040 Administration and Enforcement, Building Official Authority. The Washington State Energy Code shall be administered and enforced by the City Building Official.

17.14.050 Notices. It is unlawful for any person to remove, mutilate, destroy or conceal any lawful notice issued or posted by the Building Official pursuant to the provisions of this code.

17.14.060 Liability Limitations. Nothing contain in this chapter or in the Washington State Energy Code is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the City or its officers, employees or agents, for any injury or damage resulting from the failure of a building to conform to the provisions of the Washington State Energy Code.


(1) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this chapter or the technical codes.

(2) Civil Violation. Except as provided in subsections (4) and (5) of this section, any violation of any of the provisions of this chapter or of the technical codes constitutes a civil violation as provided for in Chapter 1.28 OHMC, for which a monetary penalty may be imposed as provided therein.

(3) Criminal Penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who intentionally or knowingly violates any of the provisions of this chapter or the technical codes shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of up to $1,000 or a jail sentence of up to 90 days in jail, or both such fine and jail time.

(4) Violations of Orders under this chapter. Any person constructing, repairing, operating, maintaining, changing an occupancy, occupying or moving a building, structure, occupancy, or premises contrary to the provisions chapter who continues to construct, repair, operate maintain, change occupancy, occupy or move such building, structure,
occupancy or premises when ordered by the building official to desist from violating a provision or provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of up to $1,000 or a jail sentence of up to 90 days, or both such fine and jail time.

(5) Separate Offense. Each day or portion thereof upon which a violation occurs constitutes a separate offense under subsections (1), (2), (3), (4) and (5) of this section.

(6) Destruction of Notice. It shall be unlawful for any person to remove, mutilate, destroy or conceal any notice issued and posted by the building official pursuant to the provisions of this chapter or the building code which violations shall be a civil offense as described in subsection (1) of this section.

17.14.080 Severability. Should any section, paragraph, sentence or word of this chapter or codes hereby adopted be declared for any reason to be invalid, it is the intent of the city council that it would have passed all other portions of this chapter and of the codes hereby adopted independent of the elimination herefrom as any such portions as may be declared invalid and accordingly such declaration of invalidity shall not affect the validity of this chapter as a whole nor any part hereof other than the part so declared to be invalid.

17.14.090 Hearing Examiner to Function as Appeals Board. All references to the term “board of Appeal(s)” shall deem to mean the Hearing Examiner as per OHMC 18.40.180. Permits under this chapter shall be Type I review process as per OHMC 18.20.230. Appeals of decisions of applicable codes adopted under this chapter shall be to the hearing examiner.

Section Thirteen. Oak Harbor Municipal Code Chapter 17.16 entitled “Gas” is hereby repealed including the following sections: 17.16.010 entitled "Title", 17.16.020 entitled "Nonliability", 17.16.030 entitled "Permit fees", 17.16.035 entitled "Permit - Sub-franchising, 17.16.040 entitled "Permit", 17.16.050 entitled "Approval of used gas appliances, 17.16.060 entitled "Inspections", 17.16.070 entitled "Violations - Correction - Penalty, 17.16.080 entitled "Duties of gas company", 17.16.090 entitled "Adoption by reference, 17.16.100 entitled "Conversion of customer's yard line, house piping and appliances from butane or other liquified petroleum gases to natural gas, 17.16.110 entitled "Penalties", 17.16.120 entitled "Compliance with state regulations" and 17.16.130 entitled "Severability".

Section Fourteen. There is hereby added a new Chapter 17.18 entitled “2006 Washington State Ventilation and Indoor Air Quality Code” to the Oak Harbor Municipal Code which shall have the following title and sections:

Chapter 17.18

2006 WASHINGTON STATE VENTILATION AND INDOOR AIR QUALITY CODE

Sections:
17.18.010 Title.
17.18.020 Document Adopted by Reference.
17.18.030 Administration and Enforcement, Rules and Regulations.
17.18.040 Administration and Enforcement, Building Official Authority.
Section Fifteen. There is hereby added the following sections to Oak Harbor Municipal Code Chapter 17.18 which shall read as follows:

17.18.010 Title. This chapter shall be known as the Ventilation and Indoor Air Quality Code of the City of Oak Harbor.


17.18.030 Administration and Enforcement, Rules and Regulations. The City Council may upon notice and hearing promulgate such rules and regulations as may be necessary to the effective and efficient administration of the code.

17.18.040 Administration and Enforcement, Building Official Authority. The Washington State Ventilation and Indoor Air Quality Code shall be administered and enforced by the City Building Official.

17.18.050 Notices. It is unlawful for any person to remove, mutilate, destroy or conceal any lawful notice issued or posted by the Building Official pursuant to the provisions of this code.

17.18.060 Liability Limitations. Nothing contain in this chapter or in the Washington Ventilation and Indoor Air Quality Code is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the City or its officers, employees or agents, for any injury or damage resulting from the failure of a building to conform to the provisions of the Washington State Ventilation and Indoor Air Quality Code.

17.18.070 Penalties.

(1) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this chapter or the technical codes.

(2) Civil Violation. Except as provided in subsections (4) and (5) of this section, any violation of any of the provisions of this chapter or of the technical codes constitutes a
civil violation as provided for in Chapter 1.28 OHMC, for which a monetary penalty may be imposed as provided therein.

(3) Criminal Penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who intentionally or knowingly violates any of the provisions of this chapter or the technical codes shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of up to $1,000 or a jail sentence of up to 90 days in jail, or both such fine and jail time.

(4) Violations of Orders under this chapter. Any person constructing, repairing, operating, maintaining, changing an occupancy, occupying or moving a building, structure, occupancy, or premises contrary to the provisions chapter who continues to construct, repair, operate maintain, change occupancy, occupy or move such building, structure, occupancy or premises when ordered by the building official to desist from violating a provision or provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of up to $1,000 or a jail sentence of up to 90 days, or both such fine and jail time.

(5) Separate Offense. Each day or portion thereof upon which a violation occurs constitutes a separate offense under subsections (1), (2), (3), (4) and (5) of this section.

(6) Destruction of Notice. It shall be unlawful for any person to remove, mutilate, destroy or conceal any notice issued and posted by the building official pursuant to the provisions of this chapter or the building code which violations shall be a civil offense as described in subsection (1) of this section.

17.18.080 Severability. Should any section, paragraph, sentence or word of this chapter or codes hereby adopted be declared for any reason to be invalid, it is the intent of the city council that it would have passed all other portions of this chapter and of the codes hereby adopted independent of the elimination herefrom as any such portions as may be declared invalid and accordingly such declaration of invalidity shall not affect the validity of this chapter as a whole nor any part thereof other than the part so declared to be invalid.

17.18.090 Hearing Examiner to Function as Appeals Board. All references to the term “board of Appeal(s)” shall deem to mean the Hearing Examiner as per OHMC 18.40.180. Permits under this chapter shall be Type I review process as per OHMC 18.20.230. Appeals of decisions of applicable codes adopted under this chapter shall be to the hearing examiner.

Section Sixteen. There is hereby added a new Chapter 17.22 entitled “2006 International Property Maintenance Code” to the Oak Harbor Municipal Code which shall have the following title and sections:

Chapter 17.22
2006 INTERNATIONAL PROPERTY MAINTENANCE CODE

Sections:
17.22.010 Title.
17.22.020 Document Adopted by Reference.
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.22.010</td>
<td>Title. This chapter shall be known as the International Property Maintenance Code of the City of Oak Harbor.</td>
</tr>
<tr>
<td>17.22.020</td>
<td>Document Adopted by Reference. The 2006 Edition of the International Property Maintenance Code, as published by the International Code Council, is adopted by reference with the deletions, additions, and exceptions as set out in this chapter and shall be the City's Property Maintenance Code. One copy of each document listed in this section shall be filed in the office of the city clerk for examination by the public.</td>
</tr>
<tr>
<td>17.22.030</td>
<td>Administration and Enforcement, Rules and Regulations. The City Council may upon notice and hearing promulgate such rules and regulations as may be necessary to the effective and efficient administration of the code.</td>
</tr>
<tr>
<td>17.22.040</td>
<td>Administration and Enforcement, Building Official Authority. The International Property Maintenance Code shall be administered and enforced by the City Building Official.</td>
</tr>
<tr>
<td>17.22.050</td>
<td>Notices. It is unlawful for any person to remove, mutilate, destroy or conceal any lawful notice issued or posted by the Building Official pursuant to the provisions of this code.</td>
</tr>
<tr>
<td>17.22.060</td>
<td>Liability Limitations. Nothing contain in this chapter or in the International Property Maintenance Code is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the City or its officers, employees or agents, for any injury or damage resulting from the failure of a building to conform to the provisions of the International Property Maintenance Code.</td>
</tr>
<tr>
<td>17.22.070</td>
<td>Amendments/Additions. The following sections of the International Property Maintenance Code as adopted in Section 17.22.020 are amended to read as follows:</td>
</tr>
</tbody>
</table>
(1) Section 103.1 is hereby amended to read as follows:
103.1 General. The Division of Building Safety is hereby created and the official in charge thereof shall be known as the code official. All references to the term “code official” shall deem to mean the Building Official or any duly authorized representative.

(2) Section 103.5 is hereby amended to read as follows:
103.5 Fees. The fees for activities and services performed by the division in carrying out its responsibilities under this code shall be as indicated in OHMC 17.04.030, Table 17-2, Miscellaneous Building Inspection Fees. A fee for an on-site compliance inspection by the Building Official or his representative shall be as set forth by Table 17-2 Miscellaneous Building Inspection Fees. Upon such application and payment of the fee herein provided the Building Official shall notify the applicant of the date and time of the inspection.

(3) Section 201.3 is hereby amended to read as follows:
201.3 Terms defined in other Codes. When terms are not defined in this code and are defined in the International Building Code, International Fire Code, Uniform Plumbing Code, International Mechanical Code, International Existing Building Code, National Electrical Code or the City Oak Harbor Municipal Code, such terms shall have the meaning ascribed to them as in those codes.

(4) Section 304.14 is hereby amended to read as follows:
304.14 Insect Screens. During the period from April 15th to October 15th, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm) and every screen door used for insect control shall have a self-closing device in good working condition.
Exception: Screens shall not be required where other approved means, such as air curtains or insect repellant fans, are employed.

(5) Section 505.1 is hereby amended to read as follows:
505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Uniform Plumbing Code.

(6) Section 602.3 is hereby amended to read as follows:
602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming unit, dormitory, guestroom, or sleeping units on terms, either expressly or implied, to furnish heat to the occupants thereof shall supply heat throughout 360 days a year to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilets rooms.
Exceptions:
1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Table R301.2 (1) of the International Residential Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

(7) Section 604.2 is hereby amended to read as follows:

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

17.22.080 Drug Properties and Structures. It is hereby declared that any building, structure and/or associated property wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public, such as building, structure and/or associated property is not only a dangerous property but is also of a classification of property calling for special procedures set forth in this section. The Building Official is authorized to abate such dangerous buildings, structures and associated properties in accordance with the dangerous building procedures set forth in such code, with the following modifications:

1. Due to public safety hazard in drug-production facilities, the utilities shall be disconnected;

2. Buildings and structures will be inspected to determine compliance with all city ordinances and codes;

3. Buildings and entry gates to the property will be secured against entry until compliance with all city codes and ordinances is achieved.

4. No reconnection of utilities or occupancy of the building, structures or property shall be allowed until all violations have been remedied, and all dangerous conditions abated to the satisfaction of the Building Official and a notice of release for occupancy has been received from the Island County Health District.

17.22.090 City Performance of Work of Demolition or Repair, and Recovery of Costs. If the owner or party in interest following exhaustion of the rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, structure, or premise, the building official may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished. The amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the building official, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification by the

International Building Code Ordinance
Page 33
city of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in Revised Code of Washington 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the City. If the dwelling, building, structure, or premises is removed or demolished by the Building Official, the Building Official shall, if possible, sell the materials of the dwelling, building, structure, or premises, and shall credit the proceeds of such sale against the cost of the removal or demolition, and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the Building Official, after deducting the costs incident thereto. The assessment shall constitute a lien against the property, which shall be of equal rank with state, county and municipal taxes.

17.22.100 Penalties.

(1) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this chapter or the technical codes.

(2) Civil Violation. Except as provided in subsections (4) and (5) of this section, any violation of any of the provisions of this chapter or of the technical codes constitutes a civil violation as provided for in Chapter 1.28 OHMC, for which a monetary penalty may be imposed as provided therein.

(3) Criminal Penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who intentionally or knowingly violates any of the provisions of this chapter or the technical codes shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of up to $1,000 or a jail sentence of up to 90 days in jail, or both such fine and jail time.

(4) Violations of Orders under this chapter. Any person constructing, repairing, operating, maintaining, changing an occupancy, occupying or moving a building, structure, occupancy, or premises contrary to the provisions chapter who continues to construct, repair, operate maintain, change occupancy, occupy or move such building, structure, occupancy or premises when ordered by the building official to desist from violating a provision or provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of up to $1,000 or a jail sentence of up to 90 days, or both such fine and jail time.

(5) Separate Offense. Each day or portion thereof upon which a violation occurs constitutes a separate offense under subsections (1), (2), (3), (4) and (5) of this section.

(6) Destruction of Notice. It shall be unlawful for any person to remove, mutilate, destroy or conceal any notice issued and posted by the building official pursuant to the provisions of this chapter or the building code which violations shall be a civil offense as described in subsection (1) of this section.
**17.22.110 Severability.** Should any section, paragraph, sentence or word of this chapter or codes hereby adopted be declared for any reason to be invalid, it is the intent of the city council that it would have passed all other portions of this chapter and of the codes hereby adopted independent of the elimination herefrom as any such portions as may be declared invalid and accordingly such declaration of invalidity shall not affect the validity of this chapter as a whole nor any part hereof other than the part so declared to be invalid.

**17.22.120 Hearing Examiner to Function as Appeals Board.** All references to the term “board of Appeal(s)” shall deem to mean the Hearing Examiner as per OHMC 18.40.180. Permits under this chapter shall be Type I review process as per OHMC 18.20.230. Appeals of decisions of applicable codes adopted under this chapter shall be to the hearing examiner.

**Section Eighteen.** There is hereby added a new Chapter 17.28 entitled “2006 International Existing Building Code” to the Oak Harbor Municipal Code which shall have the following title and sections:

**Chapter 17.28**

**2006 INTERNATIONAL EXISTING BUILDING CODE**

**Sections:**
17.28.010 Title.
17.28.020 Document Adopted by Reference.
17.28.030 Administration and Enforcement, Rules and Regulations.
17.28.040 Administration and Enforcement, Building Official Authority.
17.28.050 Notices.
17.28.060 Liability Limitations.
17.28.070 Amendments/Additions.
17.28.080 Penalties.
17.28.090 Severability.
17.28.100 Hearing Examiner to Function as Appeals Board.

**Section Nineteen.** There is hereby added the following sections to Oak Harbor Municipal Code Chapter 17.28 which shall read as follows:

17.28.010 Title. This chapter shall be known as the International Existing Building Code of the City of Oak Harbor.

17.28.020 Document Adopted by Reference. The 2006 Edition of the International Existing Building Code, including Appendix A, as published by International Code Council are adopted by this reference with the deletions, additions, and exceptions as set out in this chapter and shall be the City’s Existing Building Code. One copy of each document listed in this section shall be filed in the office of the city clerk for examination by the public.

17.28.030 Administration and Enforcement, Rules and Regulations. The City Council may upon notice and hearing promulgate such rules and regulations as may be necessary to the effective and efficient administration of the code.
17.28.040 Administration and Enforcement, Building Official Authority. The International Existing Building Code shall be administered and enforced by the City Building Official.

17.28.050 Notices. It is unlawful for any person to remove, mutilate, destroy or conceal any lawful notice issued or posted by the Building Official pursuant to the provisions of this code.

17.28.060 Liability Limitations. Nothing contained in this chapter or in the International Existing Building Code is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the City or its officers, employees or agents, for any injury or damage resulting from the failure of a building to conform to the provisions of the International Existing Building Code.

17.28.070 Amendments/Additions. The following sections of the International Existing Building Code as adopted in Section 17.28.020 are amended to read as follows:

(1) Section 101.1 is hereby amended to read as follows:
101.1 Title. These regulations shall be known as the Existing Building code of the City of Oak Harbor, hereinafter referred to as “this code”

(2) Section 102.4 is hereby amended to read as follows:
102.4 Referenced Codes and Standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply. References made to the International Plumbing Code shall be replaced referencing the Uniform Plumbing Code. References made to the International Code Council Electrical Code shall be replaced referencing the National Electrical Code.

(3) Section 103.1 is hereby amended to read as follows:
103.1 Creation of Enforcement Agency. The Division of Building Safety is hereby created, and the official in charge thereof shall be known as the code official. All references to the term “code official” shall deem to mean the Building Official or any duly authorized representative.

(4) Section 112.1 is hereby amended to read as follows:
112.1 General. All references to the term “board of Appeal(s)” shall deem to mean the Hearing Examiner as per OHMC 18.40.180. Permits under this chapter shall be Type I review process as per OHMC 18.20.230. Appeals of decisions of applicable codes adopted under this chapter shall be to the hearing examiner.

17.28.080 Penalties.

(1) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any
building, structure or building service equipment or cause or permit the same to be done in violation of this chapter or the technical codes.

(2) Civil Violation. Except as provided in subsections (4) and (5) of this section, any violation of any of the provisions of this chapter or of the technical codes constitutes a civil violation as provided for in Chapter 1.28 OHMC, for which a monetary penalty may be imposed as provided therein.

(3) Criminal Penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who intentionally or knowingly violates any of the provisions of this chapter or the technical codes shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of up to $1,000 or a jail sentence of up to 90 days in jail, or both such fine and jail time.

(4) Violations of Orders under this chapter. Any person constructing, repairing, operating, maintaining, changing an occupancy, occupying or moving a building, structure, occupancy, or premises contrary to the provisions of this chapter who continues to construct, repair, operate maintain, change occupancy, occupy or move such building, structure, occupancy or premises when ordered by the building official to desist from violating a provision or provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of up to $1,000 or a jail sentence of up to 90 days, or both such fine and jail time.

(5) Separate Offense. Each day or portion thereof upon which a violation occurs constitutes a separate offense under subsections (1), (2), (3), (4) and (5) of this section.

(6) Destruction of Notice. It shall be unlawful for any person to remove, mutilate, destroy or conceal any notice issued and posted by the building official pursuant to the provisions of this chapter or the building code which violations shall be a civil offense as described in subsection (1) of this section.

17.28.090 Severability. Should any section, paragraph, sentence or word of this chapter or codes hereby adopted be declared for any reason to be invalid, it is the intent of the city council that it would have passed all other portions of this chapter and of the codes hereby adopted independent of the elimination herefrom as any such portions as may be declared invalid and accordingly such declaration of invalidity shall not affect the validity of this chapter as a whole nor any part hereof other than the part so declared to be invalid.

17.28.100 Hearing Examiner to Function as Appeals Board. Permits under this chapter shall be Type I review process as set forth in OHMC 18.20.230. Appeals of decisions of applicable codes adopted under this chapter shall be to the hearing examiner. References to the board of appeals shall be to the hearing examiner as set forth in OHMC 18.40.180.

Section Twenty. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.
**Section Twenty-one. Effective Date.** This Ordinance shall be in full force and effect five days after its passage and publication as required by law.

PASSED by the City Council and approved by its Mayor this 3rd day of October, 2007.

THE CITY OF OAK HARBOR

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to Form:

______________________________
City Attorney

Published:_______________________