ORDINANCE NO. 1599

AN ORDINANCE AMENDING TITLE 17 "BUILDINGS" AND SECTION 3.64.535 "BUILDING AND MISCELLANEOUS DEVELOPMENT PERMIT FEES" OF THE OAK HARBOR MUNICIPAL CODE TO ADOPT THE INTERNATIONAL BUILDING CODES WITH SPECIFIC PROVISIONS APPLICABLE TO THE CITY OF OAK HARBOR.

WHEREAS, the City of Oak Harbor is authorized to adopt ordinances for the general welfare of its citizens; and

WHEREAS, the City is further authorized to adopt and enforce building codes and to adopt and amend provisions of the State building codes under Chapter 19.27 of the Revised Code of Washington; and

WHEREAS, the International Existing Building Code has been included in the State adoption of the International Building Code 51-50 WAC; and

WHEREAS, the Washington State Ventilation and Indoor Air Quality Code has been included in the State adoption of the Washington State Energy Code 51-11 WAC; and

WHEREAS, the City Council deems adoption of this ordinance to be in the best interest of its citizens;

NOW, THEREFORE, the City Council of the City of Oak Harbor, Washington does hereby ordain as follows:

Section One. Oak Harbor Municipal Code Section 3.64.535 adopted in §9 of Ordinance 1399 in 2004 is hereby amended to read as follows:

3.64.535 Building Code and miscellaneous development permit fees.

(1) Floodplain Ordinance. The following fees shall be charged for permits under Chapter 17.20 OHMC.

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floodplain Development Permit</td>
<td>$120.00</td>
</tr>
<tr>
<td>Variance</td>
<td>$89.00</td>
</tr>
</tbody>
</table>

(2) Building permits and fees under Chapter 17.05, 17.10 and 17.12 OHMC are hereby adopted by reference under this subchapter.

(3) Grading Permits. Grading permits under Chapter 17.05 OHMC shall be charged as follows:
<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 cubic yds or less</td>
<td></td>
</tr>
<tr>
<td>Plan Review</td>
<td>No Fee</td>
</tr>
<tr>
<td>Permit Fee</td>
<td>$23.50</td>
</tr>
<tr>
<td>51 to 100 cubic yds</td>
<td></td>
</tr>
<tr>
<td>Plan review</td>
<td>$23.50</td>
</tr>
<tr>
<td>Permit Fee</td>
<td>$37.00</td>
</tr>
<tr>
<td>101 to 1,000 cubic yds</td>
<td></td>
</tr>
<tr>
<td>Plan Review</td>
<td>$37.00</td>
</tr>
<tr>
<td>Permit Fee</td>
<td></td>
</tr>
<tr>
<td>First 100 cubic yds</td>
<td>$37.00</td>
</tr>
<tr>
<td>Each additional 100 cubic yds</td>
<td>$17.50</td>
</tr>
<tr>
<td>1001 to 10,000 cubic yds</td>
<td></td>
</tr>
<tr>
<td>Plan Review</td>
<td>$49.25</td>
</tr>
<tr>
<td>Permit Fee</td>
<td></td>
</tr>
<tr>
<td>First 1,000 cubic yds</td>
<td>$194.50</td>
</tr>
<tr>
<td>Each additional 1,000 cubic yds</td>
<td>$14.50</td>
</tr>
<tr>
<td>10,001 to 100,000 cubic yds</td>
<td></td>
</tr>
<tr>
<td>Plan review</td>
<td></td>
</tr>
<tr>
<td>First 10,000 cubic yds</td>
<td>49.25</td>
</tr>
<tr>
<td>Each additional 10,000 cubic yds</td>
<td>$24.50</td>
</tr>
<tr>
<td>Permit fee</td>
<td></td>
</tr>
<tr>
<td>First 10,000 cubic yds</td>
<td>$325.00</td>
</tr>
<tr>
<td>Each additional 10,000 cubic yds</td>
<td>$66.00</td>
</tr>
<tr>
<td>100,001 to 200,000</td>
<td></td>
</tr>
<tr>
<td>Plan Review</td>
<td></td>
</tr>
<tr>
<td>First 100,000 cubic yds</td>
<td>$269.75</td>
</tr>
<tr>
<td>Each additional 10,000 cubic yds</td>
<td>$13.25</td>
</tr>
<tr>
<td>Description</td>
<td>Fee</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Permit fee (100,001 cubic yds or more)</td>
<td></td>
</tr>
<tr>
<td>First 100,000 cubic yds</td>
<td>$919.00</td>
</tr>
<tr>
<td>Each additional 10,000 cubic yds</td>
<td>$36.50</td>
</tr>
<tr>
<td>200,001 cubic yds or more</td>
<td></td>
</tr>
<tr>
<td>Plan review</td>
<td></td>
</tr>
<tr>
<td>First 200,000 cubic yds</td>
<td>$402.25</td>
</tr>
<tr>
<td>Each additional 10,000 cubic yds</td>
<td>$7.25</td>
</tr>
<tr>
<td>Permit fee (see above)</td>
<td></td>
</tr>
</tbody>
</table>

**Section Two.** The table of contents of Title 17 of the Oak Harbor Municipal Code is hereby amended to read as follows for the following chapters:

**Title 17**

**BUILDINGS**

Chapters:
17.05  International Building Code
17.06  International Residential Code
17.10  International Mechanical Code
17.12  Uniform Plumbing Code
17.14  Washington State Energy Code
17.20  Flood Damage Prevention
17.22  2006 International Property Maintenance Code
17.24  Sidewalks, Curbs and Gutters Installation
17.30  Noise Attenuation Standards
17.40  Survey Monuments

**Section Three.** Oak Harbor Municipal Code Chapter 17.05 adopted by §4 of Ordinance 1514 in 2007 is hereby amended to read as follows:

**Chapter 17.05**

**INTERNATIONAL BUILDING CODE**

Sections:
17.05.010  Title.
17.05.015  Applicability of the International Building Code.
17.05.020  Administration and enforcement – Rules and regulation.
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.

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17.05.060 Amendments – Additions.
17.05.090 Penalties.
17.05.110 Severability.
17.05.120 Hearing examiner to function as appeals board.

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

17.05.015 Applicability of the International Building Code.
The most recent edition of the International Building Code adopted by the Washington State Building Code Council under the provisions of Chapter 19.27 RCW and as amended herein is in effect as the City's building code. A copy shall be filed in the office of the city clerk for examination by the public.

17.05.020 Administration and enforcement – Rules and regulations.
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 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 square foot construction costs table as published by the International Code Council, is adopted by reference.

(2) Plan Review Fees Adopted. When submittal documents are required by the International Building Code Section 107, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The said plan review fee shall be 65 percent of the building permit fee as determined in Table 17-1. The plan review fees specified are separate fees from the permit fees and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittals items, an additional plan review fee shall be charged at the rate shown in Table 17-2.
### TABLE 17-1 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 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>$501.00 to $2,000</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>$2,001 to $25,000</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>$25,001 to $50,000</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>$50,001 to $100,000</td>
<td>$993.75 for the first $100,000 plus $5.60 for each additional $1,000 or fraction thereof</td>
</tr>
<tr>
<td>$100,001 to $500,000</td>
<td>$3,233.75 for the first $500,000 plus $4.75 for each additional $1,000 or fraction thereof</td>
</tr>
<tr>
<td>$500,001 to $1,000,000</td>
<td>$5,608.75 for the first $1,000,000 plus $3.65 for each additional $1,000 or fraction thereof</td>
</tr>
<tr>
<td>$1,000,001 and up</td>
<td>$6,608.75 for the first $1,000,000 plus $2.50 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 (minimum charge -- two hours) $47.00 per hour

2. Inspections for which no fee is specifically indicated (minimum charge -- one-half hour) $47.00 per hour

3. Additional plan review required by changes, additions or revisions to approved plans (minimum charge -- one-half hour) $47.00 per hour

4. For use of outside consultants for plan checking and inspections, or both Actual costs

### 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>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 Plus $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>
</tbody>
</table>
### TABLE 17-3 MISCELLANEOUS BUILDING PERMIT FEES

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<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>$120.00</td>
</tr>
<tr>
<td>Mobile Home, Double and Triple Wide</td>
<td>$150.00</td>
</tr>
<tr>
<td>Modular Homes or Buildings</td>
<td>$500.00</td>
</tr>
<tr>
<td>Modular Offices (Job Shacks)</td>
<td>$350.00</td>
</tr>
<tr>
<td>Moved Buildings</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</td>
<td>$21.00</td>
</tr>
<tr>
<td>Penalty Permit Fee</td>
<td>Double Permit Fee</td>
</tr>
<tr>
<td>Re-Roofs Residential</td>
<td>(Permit Required for Overlays of Two Layers or More) $25.00</td>
</tr>
<tr>
<td>Commercial</td>
<td>Varies by Valuation</td>
</tr>
<tr>
<td>Retaining Walls (Permit Not Required Under Four Feet)</td>
<td>$100.00 or IBC Valuation, Whichever Is Greater</td>
</tr>
<tr>
<td>Satellite Dish</td>
<td>(48&quot; Diameter or Greater) $25.00</td>
</tr>
<tr>
<td>Signs 25 Sq. Ft. or Less (New Construction)</td>
<td>Permit Fee, Plan Review Fee, and $4.50 Surcharge Plus $25.00</td>
</tr>
<tr>
<td>26 Sq. Ft. or More (New Construction)</td>
<td>Permit Fee, Plan Review Fee, and $4.50 Surcharge Plus $50.00</td>
</tr>
<tr>
<td>25 Sq. Ft. or Less (Existing)</td>
<td>Permit Fee, and $4.50 Surcharge Plus $25.00</td>
</tr>
<tr>
<td>26 Sq. Ft. or More (Existing)</td>
<td>Permit Fee, and $4.50 Surcharge Plus $50.00</td>
</tr>
<tr>
<td>Solariums</td>
<td>Varies by Valuation</td>
</tr>
<tr>
<td>Work Commencing Before Issuance of Permit</td>
<td>(Whichever Is Greater) Double Permit Fee or $100.00</td>
</tr>
<tr>
<td>Wood Stoves Including Inserts</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

3) 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.

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

5) 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.

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 and appendix chapters of the International Building Code in effect are amended to read as follows:


(2) 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".

(3) Section 101.4.3 is hereby amended to read as follows:

101.4.3 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 101.4.4 is hereby amended to read as follows:

101.4.4 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 101.4.6 is hereby amended to read as follows:


(6) Section 101.4.7 is hereby added to read as follows:

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101.4.7 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.

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 (18925 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 (18925 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:
1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:
1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. 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:
1. 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.

Section 105.3.1.1 is hereby added to read as follows:

105.3.1.1 Prerequisities 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;


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 Municipal Code Title 11 and Title 20.


(9) Section 107.1 is hereby amended to read as follows:

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two 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 or engineer 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.

(10) Section 109.3 is hereby amended to read as follows:

109.3 Building permits valuations. The applicant for a permit shall provide an estimated permit value at the 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 square foot construction costs table as published by the International Code Council, adopted herein by reference.

(11) Section 109.6 is hereby amended to read as follows:

109.6 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.

(12) Section 111.5 is hereby added to read as follows:

111.5 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.

(13) Section 113 is hereby amended to read as follows:

113.1 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.

(14) 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.

(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 therefor 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 Geotechnical report.
A geotechnical report prepared by a registered design professional shall be provided. The report shall contain the following:
1. The nature and distribution of existing soils;
2. conclusions and recommendations for grading procedures;
3. Soil design criteria for any structures or embankments required to accomplish the proposed grading; and
4. where necessary, slope stability studies, and recommendations and conclusions regarding site geology.
Exception. A geotechnical report is not required where the building code official or city engineer determines that the nature of the work applied for is such that a report is no 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).

(19) 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.

(20) 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 as adopted under OHMC 17.12.020 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 of this chapter or 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 (2) 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 of 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 Four. Oak Harbor Municipal Code Chapter 17.06 adopted by §6 of Ordinance 1514 in 2007 is hereby amended to read as follows:

Chapter 17.06
INTERNATIONAL RESIDENTIAL CODE

Sections:

17.06.010 Title.
17.06.020 Applicability of the International Residential Code.
17.06.030 Administration and enforcement – Rules and regulation.
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.

17.06.010 Title.
This chapter shall be known as the International Residential Code of the city of Oak Harbor.

17.06.020 Applicability of the International Residential Code.
The most recent edition of the International Residential Code published by the International Code Council as adopted by the Washington State Building Code Council under the provisions of Chapter 19.27 RCW and amended herein, are in effect in the City of Oak Harbor. One copy of the 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 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 and appendix chapters of the International Residential Code are hereby amended to read as follows:

(1) Appendix chapters H, J, and K of the International Residential Code are hereby adopted.

(2) Section R101.1 is hereby amended to read as follows:

R101.1 Title. These provisions shall be known as the 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 herein as "this code."

(3) Section R108.3 is hereby amended to read as follows:

R108.3 Building Permit Valuations:
The applicant for a permit shall provide an 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 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.

(4) 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.

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

<table>
<thead>
<tr>
<th>TABLE R301.2(1) Climate and Geographic Design Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Snow Load</td>
</tr>
<tr>
<td>Wind speed</td>
</tr>
<tr>
<td>Seismic Design Group</td>
</tr>
<tr>
<td>Damage from Weathering</td>
</tr>
<tr>
<td>Frost Line Depth</td>
</tr>
<tr>
<td>Termite</td>
</tr>
<tr>
<td>Decay</td>
</tr>
<tr>
<td>Winter Design Temp</td>
</tr>
<tr>
<td>Ice Shield Underlayment</td>
</tr>
<tr>
<td>Air Freezing Index</td>
</tr>
<tr>
<td>Mean Annual Temperature</td>
</tr>
</tbody>
</table>

(7) Section R310.1 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).

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

310.1.4 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.

310.1.5 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 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) and (4) 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 (2) 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 of 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.

17.06.100 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 Five. Oak Harbor Municipal Code Chapter 17.10 adopted by §8 of Ordinance 1514 in 2007 is hereby amended to read as follows:

Chapter 17.10
INTERNATIONAL MECHANICAL CODE

Sections:

17.10.010 Title
17.10.020 Applicability of International Mechanical Code.
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.

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

17.10.020 Applicability of International Mechanical Code.
The most recent edition of the International Mechanical Code as published by the International Code Council and adopted by the Washington State Building Code Council under the provisions of Chapter 19.27 RCW as amended herein is in effect in the City of Oak Harbor 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 contained 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 and appendix chapters of the International Mechanical Code in effect are amended to read as follows:

(1) Appendix A of the International Mechanical Code is hereby adopted.

(2) 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 exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

(3) 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.

(4) Table 17-6 Mechanical Permit Fees.

<table>
<thead>
<tr>
<th>TABLE 17-6 MECHANICAL PERMIT FEES</th>
<th>ACTION</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Issuance and Heaters</td>
<td>For the issuance of each mechanical permit</td>
<td>$23.50</td>
</tr>
<tr>
<td></td>
<td>For issuing each supplemental permit for which the original permit has not expired, been canceled or finised</td>
<td>$7.25</td>
</tr>
<tr>
<td>Unit Fee Schedule (In addition to required permits as listed above.)</td>
<td>Furnaces</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></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></td>
<td>$18.00</td>
</tr>
<tr>
<td>For the installation or relocation of each floor furnace, including vent</td>
<td></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></td>
<td>$15.00</td>
</tr>
<tr>
<td>Appliance Vents</td>
<td>For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit</td>
<td></td>
</tr>
<tr>
<td>Repairs or Additions</td>
<td>For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling,</td>
<td></td>
</tr>
<tr>
<td>TABLE 17-6 MECHANICAL PERMIT FEES/ACTION</td>
<td>FEE</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-----</td>
<td></td>
</tr>
<tr>
<td>absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Boilers, Compressors and Absorption Systems</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For the installation or relocation of each boiler or compressor to and including 3 horsepower ((10.6 \text{ kW})), or each absorption system to and including 100,000 Btu/h ((29.3 \text{ kW}))</td>
<td>$15.00</td>
<td></td>
</tr>
<tr>
<td>For the installation or relocation of each boiler or compressor over 3 horsepower ((10.6 \text{ kW})) to and including 15 horsepower ((52.7 \text{ kW})), or each absorption system over 100,000 Btu/h ((29.3 \text{ kW})) to and including 500,000 Btu/h ((146.6 \text{ kW}))</td>
<td>$27.00</td>
<td></td>
</tr>
<tr>
<td>For the installation or relocation of each boiler or compressor over 15 horsepower ((52.7 \text{ kW})) to and including 30 horsepower ((105.5 \text{ kW})), or each absorption system over 500,000 Btu/h ((146.6 \text{ kW})) to and including 1,000,000 Btu/h ((293.1 \text{ kW}))</td>
<td>$37.00</td>
<td></td>
</tr>
<tr>
<td>For the installation or relocation of each boiler or compressor over 30 horsepower ((105.5 \text{ kW})) to and including 50 horsepower ((176 \text{ kW})), or each absorption system over 1,000,000 Btu/h ((293.1 \text{ kW})) to and including 1,750,000 Btu/h ((512.9 \text{ kW}))</td>
<td>$55.00</td>
<td></td>
</tr>
<tr>
<td>For the installation or relocation of each boiler or compressor over 50 horsepower ((176 \text{ kW})), or each absorption system over 1,750,000 Btu/h ((512.9 \text{ kW}))</td>
<td>$93.00</td>
<td></td>
</tr>
<tr>
<td><strong>Air Handling</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For each air handling unit to and including 10,000 cubic feet per minute ((\text{cfm})) ((4719 \text{ Us})), including ducts attached thereto</td>
<td>$11.00</td>
<td></td>
</tr>
<tr>
<td>Note: 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>
<td></td>
</tr>
<tr>
<td>For each air handling unit over 10,000 cfm ((4719 \text{ Us}))</td>
<td>$18.00</td>
<td></td>
</tr>
<tr>
<td><strong>Evaporative Coolers</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For each evaporative cooler other than portable type</td>
<td>$11.00</td>
<td></td>
</tr>
<tr>
<td><strong>Ventilation and Exhaust</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For each ventilation fan connected to a single duct</td>
<td>$7.00</td>
<td></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>
<td></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>
<td></td>
</tr>
<tr>
<td><strong>Incinerators</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For the installation or relocation of each domestic type incinerator</td>
<td>$18.00</td>
<td></td>
</tr>
<tr>
<td>For the installation or relocation of each commercial or industrial type incinerator</td>
<td>$15.00</td>
<td></td>
</tr>
<tr>
<td><strong>Gas Piping Systems</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For each gas piping system of one to five outlets</td>
<td>$5.00</td>
<td></td>
</tr>
<tr>
<td>For each additional outlet over five, each</td>
<td>$1.00</td>
<td></td>
</tr>
<tr>
<td><strong>Miscellaneous</strong></td>
<td></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>
<td></td>
</tr>
</tbody>
</table>

(5) 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.

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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.

(6) 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 offense.

(7) 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.

(8) Section 901.5 is hereby added to read 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 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) and (4) 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 (2) 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 of 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 Six. Oak Harbor Municipal Code Chapter 17.12 adopted by §10 of Ordinance 1514 in 2007 is hereby amended to read as follows:

Chapter 17.12
UNIFORM PLUMBING CODE

Sections:

17.12.010 Title.
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.
17.12.010 Title.
This chapter shall be known as the Uniform Plumbing Code of the city of Oak Harbor.

17.12.020  **Applicability of Uniform Plumbing Code.**
The most recent edition of the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials and as adopted by the Washington State Building Code Council under the provisions of RCW 19.27 as amended herein is in effect in the City of Oak Harbor. One copy of the document listed in this section shall be on file 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 contained 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 in effect 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 17-5 PLUMBING PERMIT FEES**

<table>
<thead>
<tr>
<th>ACTION</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Issuance</td>
<td></td>
</tr>
<tr>
<td>For the issuance of each plumbing permit</td>
<td>$20.00</td>
</tr>
<tr>
<td>For issuing each supplemental permit for which the original permit has not expired, been canceled or finalized</td>
<td>$10.00</td>
</tr>
<tr>
<td>Unit Fee Schedule (In addition to required permits as listed above)</td>
<td></td>
</tr>
<tr>
<td>For each plumbing fixture on one (1) 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</td>
<td>$7.00</td>
</tr>
<tr>
<td>ACTION</td>
<td>FEE</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>excepting kitchen type grease interceptors functioning as fixture traps</td>
<td></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>45.00</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</td>
<td>Varies by Valuation Plus Permit Fee</td>
</tr>
<tr>
<td>Public spa</td>
<td>Varies by Valuation Plus Permit Fee</td>
</tr>
<tr>
<td>Private pool</td>
<td>Varies by Valuation Plus Permit Fee</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 for which no other fee is listed in this code.</td>
<td>$7.00</td>
</tr>
</tbody>
</table>

**Other Inspections and Fees Refer to Fee Table 17-2.**

(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 this chapter 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 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.

(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 (2) 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 of 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.

17.12.100 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 Seven.** Oak Harbor Municipal Code Chapter 17.14 adopted by §12 of Ordinance 1514 in 2007 is hereby amended to read as follows:

**Chapter 17.14**

WASHINGTON STATE ENERGY CODE

Sections:
17.14.010 Title.
17.14.040 Administration and enforcement – Building official authority.
17.14.080 Severability.
17.14.090 Hearing examiner to function as appeals board.

17.14.010 Title.
This chapter shall be known as the Washington State Energy Code of the city of Oak Harbor.

The most recent version of the Washington State Energy Code, as adopted by the Washington State Building Code Council under the provisions of Chapter 19.27A RCW, is in effect in the City of Oak Harbor and shall be the city's energy code. One copy of the Energy Code shall be filed in the office of the city clerk for examination by the public.

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.

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.

Nothing contained 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.

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(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) and (4) 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 (2) 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 of 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 2009 International Building Code Ordinance

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hearing examiner.

Section Eight. Oak Harbor Municipal Code Chapter 17.18 adopted by §15 of Ordinance 1514 in 2007 is hereby deleted in its entirety.


Section Ten. Severability and Savings Clause
(1) 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.

(2) Deletion or amendment of provisions from the Oak Harbor Municipal Code shall not terminate any obligation to the City already vested or incurred thereunder.

Section Eleven. Effective Date. This Ordinance shall be in full force and effect (5) five days after its publication.

PASSED by the City Council this 4th day of January 2011.

CITY OF OAK HARBOR

Approved ( )
Vetoed ( )

Jim Slowik, Mayor

January 5, 2011

Date

ATTEST:

City Clerk

Approved as to Form:

City Attorney

Published: January 8, 2011