

**Business of the City Council
 City of Ruston, WA**

Subject: Ordinance 1542 – Update of City’s Construction Codes in Title 12 RMC

Proposed Council Action:

This is on for First Reading. Unless directed Otherwise, this Ordinance will return to Council for Second Reading and Action on February 16, 2021.

Dept. Origin: Building Dept.

**Prepared by: Jennifer Robertson
 City Attorney’s Office**

For Agenda of: February 2, 2021

Exhibits: Ordinance 1542

	Initial & Date
Concurred by Mayor:	_____
Approved/form by City Atty:	<u>JSR/1-28-21</u>
Approved by Planning Director:	_____
Approved by City Bldg Official:	_____

INFORMATION / BACKGROUND

Update Summary. Under State law,¹ the City is required to adopt the State Building Codes. The only flexibility that the City has with regard to these codes is to enact stricter requirements. The City is not permitted to relax any of these standards. The exception to this requirement is if a provision is deemed “optional” by the State Building Code Council.

The Washington State Building Code Council has adopted a number of the 2018 editions of the various International Building Codes for to be adopted and enforced by local jurisdictions after July 1, 2020. Due to COVID-19, this deadline was extended to February 1, 2021 and again to July 1, 2021. The Governor recently rejected the extension to July 1, 2021, therefore, the deadline reverted to February 1, 2021. Therefore, these updates are being brought forward to Council for adoption as soon as possible after the Governor rejected the extension.

Mike Barth, the City Building Official, has carefully reviewed all of the code changes and is recommending that the City Council adopt these codes as shown in this ordinance.

All of the revisions are housekeeping updates (changing the edition dates, re-numbering or deleting appendices to track with State adopted versions, etc.)

The International Property Maintenance Code which was adopted in Chapter 12.05 RMC is an optional code which the City first adopted in 2011. This Ordinance adopts the 2018 version.

FISCAL CONSIDERATION

N/A

¹ RCW 19.27.031.

RECOMMENDATION / MOTION

No action requested. This is on for First Reading. Unless directed otherwise, this Ordinance will return to Council for Second Reading and Action on February 16, 2021.

ORDINANCE NO. 1542

AN ORDINANCE OF THE CITY OF RUSTON, RELATING TO THE ADOPTION OF THE WASHINGTON STATE BUILDING CODE, TITLE 12 OF THE RUSTON MUNICIPAL CODE, AMENDING THE FOLLOWING SECTIONS: 12.05.010 TO UPDATE THE ADOPTED IPMC CODE FROM THE 2015 TO THE 2018 VERSION; 12.20.020 TO UPDATE THE ADOPTED CODES FROM THE 2015 TO THE 2018 VERSIONS AND HOUSEKEEPING AMENDMENTS TO REFLECT CHANGES IN THE UPDATED CODES; AMENDING SECTION 12.20.080 TO ELIMINATE THE BUILDING CODE ADVISORY BOARD AND REPLACE IT WITH A HEARING EXAMINER; AMENDING SECTION 12.24.020 AND 12.24.030 TO MAKE HOUSEKEEPING AMENDMENTS; AMENDING 12.24.050 TO INCLUDE ADDITIONAL INFORMATION IN THE TABLE; AMENDING SECTIONS 12.32.020 AND 12.32.030 TO RENUMBER SECTIONS CONSISTENT WITH 2018 VERSION OF THE IFC; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Washington State Building Code Council has adopted a number of the 2018 editions of the various International Building Codes for to be adopted and enforced by local jurisdictions in 2021; and

WHEREAS, in accordance with RCW 19.27.031, the City is required to adopt the state building code; and

WHEREAS, in accordance with State law the City seeks to adopt these updated codes; and

WHEREAS, the SEPA Responsible Official has determined that adoption of the updated Building and Construction Codes is exempt from SEPA under WAC 197-11-800(2); and

WHEREAS, the City Building Official recommends the City Council adopt these codes as shown in this ordinance; and

WHEREAS, on February 2, 2021, the City Council held the first reading of this Ordinance; and

WHEREAS, on February 16, 2021, the City Council adopted this Ordinance during its regular meeting at the second reading; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 12.05.010 of the Ruston Municipal Code is hereby amended to read as follows:

12.05.010 - IPMC adopted.

Pursuant to and by the authority of RCW 19.27, RCW 19.27A, RCW 43.22, RCW 35.21, RCW 35.27, and RCW 35.80, the International Property Maintenance Code, 2018 edition (known hereafter as the "IPMC") as published by the International Code Council is adopted by reference and as amended by this chapter.

Section 2. Section 12.20.020 of the Ruston Municipal Code is hereby amended to read as follows:

12.20.020 - The Ruston Construction Code.

Pursuant to and by the authority of RCW 19.27, RCW 19.27A, RCW 43.22, RCW 35.21, RCW 35.27, and RCW 35.80, the following codes and standards are adopted by reference and are amended as shown in RMC Chapters 12.22 through 12.34, as the Ruston Construction Code.

(a) The International Building Code (2018 Edition), published by the International Code Council, and amended by the Washington State Building Code Council in WAC 51-50, together with:

Appendix E, Supplemental Accessibility Requirements;

Appendix J, Grading;

The International Existing Buildings Code (2018 Edition) (IEBC), published by the International Code Council, and amended by the Washington State Building Code Council in WAC 51-50, including IEBC Appendix A as identified in the amended IEBC Section 101.6.

This shall be known hereafter as the "International Building Code" or the "IBC".

(b) The International Residential Code (2018 Edition), published by the International Code Council, and amended by the Washington State Building Code Council in WAC 51-51, together with:

Appendix E, Manufactured Housing Used as Dwellings;

Appendix F, Radon Control Methods;

Appendix Q, Tiny Homes;

Appendix U, Dwelling Unit Fire Sprinkler Systems;

This shall be known hereafter as the "International Residential Code" or the "IRC".

(c) The International Mechanical Code (2018 Edition), published by the International Code Council, and amended by the Washington State Building Code Council in WAC 51-52, together with:

The International Fuel-Gas Code (2018 Edition), published by the International Code Council.

This shall be known hereafter as the "International Mechanical Code" or the "IMC".

(d) The International Fire Code (2018 Edition), published by the International Code Council, and amended by the Washington State Building Code Council in WAC 51-54A, together with:

Appendix B, Fire-Flow Requirements for Buildings;

Appendix C, Fire Hydrant Locations and Distribution;

Appendix D, Fire Apparatus Access Roads.

This shall be known hereafter as the "International Fire Code" or the "IFC".

(e) The Uniform Plumbing Code (2018 Edition), published by the International Association of Plumbing and Mechanical Officials, and amended by the Washington State Building Code Council in WAC 51-56, together with:

Appendix A, Recommended Rules for Sizing the Water Supply System;

Appendix B, Explanatory Notes on Combination Waste and Vent Systems; and

Appendix I, Installation Standards; and

Excluding:

Chapters 12 and 14; and

Those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel-fired appliances as found in Chapter 5; and

Those portions of the code addressing building sewers.

This shall be known hereafter as the "Uniform Plumbing Code" or the "UPC".

Any wording or reference to codes other than those established and adopted herein, shall mean the relevant International Codes, or Washington State Codes as adopted herein.

(f) The Washington State Energy Code (2018 Edition) as amended and published by the Washington State Building Code Council, WAC Chapters 51-11C and 51-11R.

This shall be known hereafter as the "WSEC".

(g) The Washington State Manufactured Homes Installation Requirements, or Mobile Homes Installation Requirements. Pursuant to RCW 19.27 and RCW 43.22.440, the installation standards of WAC 296-150M, together with the reference standards listed therein, are adopted as amended by the State of Washington.

(h) The Washington State Factory Built Housing and Commercial Structures Installation Requirements, or Modular Installation Requirements. Pursuant to RCW 19.27 and RCW 43.22.455, the installation standards of WAC 296-150F, together with the reference standards listed therein, are adopted as amended by the State of Washington.

Section 3. Section 12.20.080 of the Ruston Municipal Code is hereby amended to read as follows:

12.20.080 - Appeals.

~~(a) Building Code Advisory Board Hearing Examiner to Hear Appeals. There is created a Building Code Advisory Board, which shall consist of five members who are qualified by experience and training to pass on matters of building construction and who are not employees of the jurisdiction. The Board shall be comprised of two state-licensed contractors, two architects and one engineer, all of whom must be residents of the Ruston community. If Ruston residents do not meet the qualifications, the City of Ruston may elect to fill the position outside of the jurisdiction.~~

~~The Building Code Advisory Board shall be appointed by the Mayor when needed to address one of the issues described in subsection (c) below. The Council shall confirm the appointments. After the Board has been formed, they shall hold office for a two-year term. The Mayor may remove any Board member at his/her pleasure and discretion.~~

~~(b) Rules of Procedure for Building Code Advisory Board. The Building Code Advisory Board shall adopt rules of procedure governing its activities, which may be the same rules adopted by the City Council for its general business, or the rules applicable to quasi-judicial hearings established by law.~~

~~(c) Authority of the Board. The Board has no authority to hold appeals of any enforcement or other action brought by the City pursuant to Chapter 12.40 RMC, nor does the Board have the authority to waive any administrative provisions of the codes, or to make code interpretations.~~

The Ruston Hearing Examiner shall be tasked with hearing appeals under this Chapter as follows:

(1) Hold open public hearings and make the final decision on appeals of administrative determinations where alternate materials or methods of construction are proposed to those required by any code adopted in this Title 12 of the Ruston Municipal Code.

(2) Hold open public hearings and make the final decision on appeals of the Building Official's final decision on interpretations of the codes adopted in this Title 12 of the Ruston Municipal Code.

~~(d)~~(b) Appeals (Excluding Appeals of Code Enforcement Actions).

(1) Standing. Only parties of record may file an administrative appeal. The term "parties of record" shall mean:

- (A) The applicant for a permit;
- (B) Any person who submitted written comments concerning the application, excluding persons who have only signed petitions or mechanically produced form letters;
- (C) The City Council; and
- (D) Property owners within 300 feet of the property subject to the project permit; and
- ~~(E) Any person who can demonstrate that he/she is aggrieved by the action described in subsection (c) above.~~

(2) Time to File. An appeal must be filed within 14 days after the issuance of the written decision of the Building Official. Appeals shall be submitted to the City with the appropriate appeal fee, as set forth in a resolution adopted by the City and shall include all of the information described in subsection (4) below. Appeals shall be delivered to the City Clerk by mail, by personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period. Appeals received by mail after 5:00 p.m. on the last business day of the appeal period will not be accepted, no matter when such appeals were mailed or postmarked.

(3) Computation of Time. For purposes of computing the time for filing an appeal, the day the decision is issued shall not be counted. If the last day of the appeal period is a Saturday, Sunday or a holiday designated by RCW 1.16.050 or by a City ordinance, then the appeal must be filed on the next business day.

(4) Content of Appeal. Appeals shall be in writing, be accompanied by the required appeal fee, and contain the following information:

- (A) Appellant's name, address and phone number;
- (B) A statement describing the appellant's standing to appeal;

- (C) Identification of the application which is the subject of the appeal;
- (D) Appellant's statement of grounds for the appeal and the facts upon which the appeal is based with specific reference to the facts in the record;
- (E) The specific relief sought;
- (F) A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

(5) Effect. The timely filing of an appeal shall stay the Building Official's decision until such time as the Board makes a final decision or the appeal is withdrawn.

(6) Burden of Proof. The appellant shall bear the burden of proof in the appeal.

(e) Final Decision-Making. The written decision of the ~~Board~~ Hearing Examiner on the actions described in subsection (e-a) above shall be final. Appeals of the ~~Board's Hearing Examiner's~~ decisions may be filed with the Pierce County Superior Court within 21 days of issuance of the final, written decision as provided in Chapter 36.70C RCW.

Section 4. Section 12.24.020 of the Ruston Municipal Code is hereby amended to read as follows:

12.24.020 - IRC appeals.

IRC Section R112.1 is amended as follows:

R112.1 General. All administrative appeals under this chapter, except appeals of enforcement or other actions brought under Chapter 12.40 RMC, shall be governed by the authority and procedures set forth in Ruston Municipal Code Section 12.20.080.

IRC Sections R112.2 and R112.3 are repealed.

Section 5. Section 12.24.030 of the Ruston Municipal Code is hereby amended to read as follows:

12.24.030 - Violations and enforcement.

IRC Section R113 is repealed.

IRC Section R114 is repealed.

- (a) A new IRC Section R113 is added as follows:

R113 Violations. Violations of this code as defined in Title 12 and in Chapter 12.40 shall be enforced pursuant to the procedures set forth in Chapter 12.40 of the Ruston Municipal Code.

(b) A new IRC Section R114 is added as follows:

114 Stop Work Order. Enforcement of violations of this code, including the issuance of stop work orders, shall be pursuant to the procedures set forth in Chapter 12.40 of the Ruston Municipal Code.

Section 6. Section 12.24.050 of the Ruston Municipal Code is hereby amended to read as follows:

12.24.050 - Design criteria.

IRC Table R301.2(1) is amended by filling in the blanks of the table as follows:

Ground Snow Load = 30

Wind Speed = 110

Topographic Effects = No

Special Wind Region = No

Windborne Debris Zone = No

Seismic Design Category = D₂

Weathering = Moderate

Frost Line Depth = 12"

Termite = Slight to Moderate

Winter Design Temp = 29

Ice Barrier Underlayment Required = No

Flood Hazards = In accordance with Ruston Municipal Code Section 12.06, Floodplain Management

Air Freezing Index = 117

Mean Annual Temp = 52.3

Section 7. Section 12.32.020 of the Ruston Municipal Code is hereby amended to read as follows:

12.32.020 - Violations and enforcement.

(a) IFC Section 110.1 is amended as follows:

110.1 Violations. Violations of this code as defined in Title 12 and in Chapter 12.40 shall be enforced pursuant to the procedures set forth in Chapter 12.40 of the Ruston Municipal Code.

(b) IFC Section 109.3 is amended as follows:

110.3 Notice of Violation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection. Such notice shall be issued pursuant to the procedures set forth in Chapter 12.40 of the Ruston Municipal Code.

(c) IFC Section 110.3.1 is repealed.

(d) IFC Section 110.3.2 is repealed.

(e) IFC Section 110.3.3 is repealed.

(f) IFC Section 110.4 is amended as follows:

110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor punishable by a fine of not more than five thousand dollars (\$5,000.00) or by imprisonment not exceeding 365 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(g) IFC Section 112 is repealed.

(h) A new IFC Section 112 is added as follows:

112 Stop Work Order. Enforcement of violations of this code, including the issuance of stop work orders, shall be pursuant to the procedures set forth in Chapter 12.40 of the Ruston Municipal Code.

Section 8. Section 12.32.030 of the Ruston Municipal Code is hereby amended to read as follows:

12.32.030 - IFC appeals.

IFC Section 109.1 is amended as follows:

109.1 Appeals. Appeals under this chapter, except appeals of enforcement or other actions brought under Chapter 12.40 RMC, shall follow the procedures set forth in Ruston Municipal Code Section 12.20.080.

IFC Section 109.3 is repealed.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 10. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 11. Adopted Codes available to Public. Pursuant to RCW 35.21.180, one copy of all codes adopted by reference in this Chapter have been filed for use and examination by the public in the office of the City Clerk, prior to and after the adoption thereof.

Section 12. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 13. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 16th day of February, 2021.

APPROVED by the Mayor this 16th day of February, 2021.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams, City Clerk

APPROVED AS TO FORM:

Jennifer S. Robertson
Office of the City Attorney

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NO: 1542