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Ordinance No. 535, 1993

An Ordinance of the Board of Clallam County Commissioners of Clallam County revising the Building and Construction Code of Clallam County, adding a section on appeals, and repealing Chapter 21.06 Clallam County Code.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 21.01

Building and Construction Code

Sections:

- 21.01.010 Purpose
- 21.01.015 Definitions
- 21.01.020 Contractors Registration
- 21.01.030 ~~Public Environmental Health and Sanitation Approval~~
- 21.01.040 Uniform Building Code
- 21.01.045 Exemptions
- 21.01.050 Uniform Plumbing Code
- 21.01.060 Uniform Mechanical Code
- 21.01.070 Uniform Fire Code
- 21.01.080 Abatement of Dangerous Buildings Code
- 21.01.090 Standards for Installation of Mobile Homes
- 21.01.100 Setbacks from Bluffs, Banks and Cuts
- 21.01.110 Expiration and Renewal of Permits
- 21.01.130 Other Requirements
- 21.01.140 ~~Appeals Penalties and Legal Proceedings~~
- 21.01.160 Severability
- ~~21.01.160 Voidance of Prior Permits~~
- 21.01.170 Repeal of Prior Ordinances
- 21.01.180 Effective Date

C.C.C. 21.01.010. PURPOSE. The purpose of this chapter is to adopt certain appendices of the 1991+985 Uniform Building Code, 1991+985 Uniform Fire Code, 1991+985 Uniform Mechanical Code and 1991+985

Uniform Plumbing Code, adopt the 1991 Abatement of Dangerous Buildings Code and adopt certain bluff setback standards. This chapter provides for minimum construction standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within Clallam County and certain equipment specifically regulated herein.

C.C.C. 21.01.015. DEFINITIONS. For the purpose of this chapter, certain terms or words herein shall be interpreted as specifically defined in this chapter. All other words in this chapter shall carry the meanings as specified in the Uniform Building Code, Plumbing Code, Mechanical Code, Fire Code, or applicable regulation:

1. Appeals Board. The Clallam County Building Code Board of Appeals.
2. Building Code. The Clallam County Building Code, consisting of the following code: The Washington State Building Code, which includes the codes amended and enumerated in RCW 19.27.031; The Uniform Building Code; The Uniform Building Code Standards; The Uniform Mechanical Code; The Uniform Fire Code; The Uniform Fire Code Standards; The Uniform Plumbing Code; The Washington State Energy Code; The Washington State Ventilation and Indoor Air Quality Code; and any other Ordinance of Clallam County as enumerated in Chapter 21.01 Clallam County Code.
3. Building Official. The officer or other designated authority charged with the administration and enforcement of the Clallam County Building Code, or the Building Official's duly authorized representative.
4. Department. The Clallam County Department of Community Development.
5. Director. The Director of the Clallam County Department of Community Development.
6. Fire Marshal. The Clallam County Fire Prevention Officer.

C.C.C. 21.01.020. CONTRACTOR REGISTRATION. No ~~building construction~~ permit will be issued to a contractor without proof that said contractor is registered as a contractor with the State of Washington as per Chapter 18.27 RCW. ~~RCW 18-27.~~

C.C.C. 21.01.030. ~~PUBLIC ENVIRONMENTAL HEALTH AND SANITATION APPROVAL.~~

1. It shall be required, prior to approval of a ~~building construction~~ permit for any structure containing or requiring on-site sewage disposal facilities, unless said structure is attached to an approved sewage disposal facility, that the applicant receive written approval of the Environmental Health

Division of the Clallam County Department of Community Development for such on-site sewage disposal facilities as may be necessary.

2. It shall be required, prior to approval of a building permit for any structure containing or requiring potable water, that the applicant provide proof of potable water pursuant to Section 19.27.097 Revised Code of Washington.

C.C.C. 21.01.040. UNIFORM BUILDING CODE. Appendix chapters 7, 11, 49, and 55, and 57 of the 1991-1985 Uniform Building Code (UBC) as published by the International Conference of Building Officials is are hereby adopted by reference.

C.C.C. 21.01.045. EXEMPTIONS. Section 301 (b) of the Uniform Building Code (UBC) as published by the International Conference of Building Officials and regarding exemptions from permit requirements shall be amended to read as follows:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 400 square feet. Eaves may project not more than 24 inches beyond the wall line.
2. Fences not over six feet high.
3. Oil derricks.
4. Movable cases, counters, and partitions not over five feet nine inches high.
5. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.
6. Water tanks supported directly upon grade if the capacity does not exceed five thousand gallons and the ratio of height to diameter or width does not exceed two to one.
7. Platforms, walks, and driveways not more than thirty inches above grade and not over any basement or story below.
8. Painting, papering, and similar finish work.
9. Temporary motion picture, television, and theater stage sets and scenery.
10. Window awnings supported by an exterior wall of Group R, Division 3 and Group M, Division 1 Occupancies when projecting not more than fifty-four inches.
11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed five thousand gallons.
12. Minor construction and alteration activities to Group R, Division 3 and Group M, Division 1 Occupancies, as determined by the Building Official, which the total valuation, as determined in

Section 304 (b) or as documented by the applicant to the satisfaction of the building official, does not exceed one thousand five hundred dollars in any twelve month period. Provided that the construction and/or alteration activity does not effect any structural components or reduce existing egress, light, air, and ventilation conditions. This exemption does not include electrical, plumbing, or mechanical activities. The permit exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in Section 19.27.031 RCW, as amended and maintained by the state building code council under Section 19.27.070 RCW.

Unless otherwise exempted, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of Clallam County.

C.C.C. 21.01.050. UNIFORM PLUMBING CODE. Appendix chapter A, B, D, E (Part F) through E and H and the Installation Standards of the 1991-1985 Uniform Plumbing Code (UPC) as published by the International Association of Plumbing and Mechanical Officials is hereby adopted by reference.

C.C.C. 21.01.060. UNIFORM MECHANICAL CODE. Appendix A and C of the 1991-1985 Uniform Mechanical Code (UMC) as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials is hereby adopted by reference.

C.C.C. 21.01.070. UNIFORM FIRE CODE. ~~Appendixes I-A, except that paragraph 1b shall be deleted, Appendixes I-C, II-B, II-C, II-D, III-A, III-B, III-C, IV-A, V-A, VI-A, VI-B, VI-C, and VI-E~~ of the 1991-1985 Uniform Fire Code (UFC) as jointly published by the International Conference of Building Officials (ICBO) and the Western Fire Chiefs' Association (WFC) are hereby adopted by reference. ~~The UFC shall be enforced by the Clallam County Fire Marshal.~~

C.C.C. 21.01.080. ABATEMENT OF DANGEROUS BUILDINGS CODE ADOPTED. The 1991-1985 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials, is hereby adopted by reference as the code for the repair, vacation, or demolition of any buildings or structures which from any cause endangers the health, property, safety or welfare of the general public or their occupants in Clallam County. Further, Section 302, Paragraphs 1 through 3-11 and Paragraphs 6 through 11, 14, 17 and 18 are hereby excluded and are not effective.

C.C.C. 21.01.090. STANDARDS FOR INSTALLATION OF MOBILE HOMES ADOPTED. The Washington State Standards for the Installation of Mobile Homes as set forth in WAC 296-150B-200 through 296-150B-255 is hereby adopted by reference as the code for installation of mobile homes in Clallam County.

These Standards shall also apply to "Park Trailers" as defined by ANSI A119.5 and WAC 296-150-B-015.

C.C.C. 21.01.100. SETBACKS FROM BLUFF, BANKS AND CUTS. Setbacks from bluffs, banks and cuts shall be approved by the Building Official. Minimum setbacks from bluffs, banks and cuts declared unstable by published Soils Conservation Service Slide Hazard Area Studies, or by the 1978 Coastal Zone Atlas of Washington shall be the height of the bluff, bank or cut, not to exceed one hundred feet (100'), or as recommended by an approved soils engineer. Setbacks shall be measured from the rim or top of the bluff, bank or cut.

C.C.C. 21.01.110. EXPIRATION AND RENEWAL OF PERMITS. Section 303(d) of the UBC and Section 303(d) of the UMC are hereby amended and a new Section 20.15 of the UPC is added to read as follows:

~~Construction permits shall expire upon completion of the work authorized by the permit or after one (1) year from the date of permit issuance, whichever shall occur first.~~

~~"Construction permits can be renewed by the Building Official for one year upon application within the thirty (30) day period immediately preceding the expiration date, provided at least twenty five percent (25%) of the work permitted has been completed during the year of the permit's term." No more than four renewals will be granted.~~

Building permits shall expire upon completion of the work authorized by the permit or after two (2) years from the date of permit issuance, whichever shall occur first.

Building permits may be renewed within the 60 day period immediately following the expiration date for an additional two (2) year period. Subsequent renewals shall be for one year periods provided at least 25% of work permitted has been completed during the prior permit timeframe.

C.C.C. 21.01.130. OTHER REQUIREMENTS.

1. Construction permits approved pursuant to this chapter shall comply with all other Clallam County codes, ordinances, and regulations.

2. A complete building permit application shall include the following:
 - A. A complete application worksheet;
 - B. An accurate plot plan;
 - C. Two sets of structural drawings, if applicable pursuant to Section 302 (b) of the Uniform Building Code;
 - D. The plan check fee, if applicable pursuant to Section 304 (c) of the Uniform Building Code;
 - E. A complete application for an on-site sewage disposal system submitted to the Environmental Health Division pursuant to Section 21.01.030 (1) of this chapter;
 - F. Proof of potable water pursuant to Section 19.27.097 RCW;
 - G. A complete drainage worksheet submitted to the Clallam County Road Department if applicable pursuant to Section 3.31.020 C.C.C.;
 - H. A complete road approach application submitted to the Clallam County Road Department if applicable pursuant to Section 3.31.020 C.C.C.;
 - I. A complete application for any land use permit required pursuant to applicable county land use regulations;

~~C.C.C. 21.01.140. PENALTIES AND LEGAL PROCEEDINGS. It shall be unlawful for any person, firm or corporation to install or construct without a construction permit any of those improvements for which a construction permit is required under this chapter. Any person violating this chapter or any portion thereof, and any person violating the terms and conditions of any permit issued pursuant to this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the County jail for not more than six (6) weeks, or both.~~

C.C.C. 21.06.140 APPEALS.

1. Appealable Issues. This section shall govern appeals of orders, decisions, or determinations made by the Building Official, Fire Marshal or their designees, regarding the suitability of alternative materials and methods of construction and the application and interpretation of the Building Code.
2. Building Code Board of Appeals. Appeals of issues set forth in C.C.C. 21.06.000, shall be heard by the Building Code Board of Appeals (Appeals Board). The Appeals Board shall consist of five members appointed by the Clallam County Commissioners, all of whom shall serve without compensation and who shall be qualified by experience and training to pass upon the matters set forth in C.C.C. 21.06.000. All present members of The Board of Construction and Fire Code Appeals are hereby confirmed as members of the Building Code Board of Appeals and shall remain on the Appeals Board for the period of their present appointments. Thereafter, all

appointments shall be for four-year terms, provided that any vacancy shall be filled for the period of the unexpired term. None of the five appointed members shall serve more than two consecutive four year terms. The Building Official shall act as an ex-officio member of the Appeals Board for matters governed by the Building Code and shall either act as secretary to the Appeals Board or designate another staff member to act in such capacity.

3. Limitations of Authority. The Appeals Board shall have no authority relative to interpretation of the administrative provisions of the Building Code nor shall the Appeals Board or any other person be empowered to waive requirements of said code.

4. Filing of Appeals. An appeal may be filed with the Appeals Board by any person having legal standing or a legal interest in the building or land involved in the appealable issue. Such appeal shall be filed in writing with the Building Official within thirty(30) days from the date that notice of any appealable action is served by either personal delivery or by deposit in the United States Mail, except where other service is specifically provided in the construction codes. The filing fee shall be \$25.00. The filed appeal shall contain:

A. A heading in the words: "Before the Building Code Board of Appeals of Clallam County".

B. A caption reading: "Appeal of _____", giving the names of all appellants participating in the appeal;

C. A brief statement setting forth the legal standing, or legal interest in the building or land involved in the notice and order of each of the appellants;

D. A brief statement in ordinary and concise language of the specific order, decision, or determination appealed, together with any material facts claimed to support the contentions of the appellant;

E. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed that the appealed order, decision, or determination should be reversed, modified, or otherwise set aside;

F. The signatures of all parties named as appellants and their official mailing addresses;

G. The verification, by declaration under penalty of perjury, by at least one appellant as to the truth of the matters stated in the appeal.

5. Procedures of the Board of Appeals. The Building Code Board of Appeals shall follow the procedures set forth in this Section and in any other reasonable rules and regulations that the Appeals Board may see fit to adopt, subject to the approval of the Clallam County Commissioners.

6. Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving a written appeal, the Secretary shall fix a date, time, and place for the hearing of the appeal by the Appeals Board. Such date shall not be less than ten (10) days nor more than sixty (60) days from the date that the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the secretary of the Appeals Board either by personal delivery or by deposit in the United States Mail.

7. Record and Findings on Appeal. All hearings and appeals before the Appeals Board shall be recorded and every decision of the Appeals Board shall be in writing and shall include findings of fact and conclusions representing the official determination of the Appeals Board and specifying the basis for the decision. All parties to the appeal shall be notified by the Appeal Board's decision either by personal delivery or by mail. A copy of the record or any part thereof shall be provided to any person upon request and payment of reasonable costs.

8. Scope of Appeal Board's Review. In rendering its decision, the Appeals Board may, in conformity with the applicable building code, reverse or affirm, wholly or in part, or may modify, the order, decision, or determination appealed from, and may make such other order, decision, or determination as the Appeals Board deems necessary and proper.

9. Judicial Review. The decision of the Appeals Board shall be final and conclusive unless within fifteen (15) days from the date of service by either personal delivery or deposit in the United States Mail the appellant files a petition for writ of certiorari to the Superior Court of the State of Washington for Clallam County. The proper and timely filing of such petition shall stay the enforcement of the decision of the Appeals Board during the pendency of the Superior Court litigation, except when a stay of the decision presents an exigent danger to the health and safety of persons and property.

C.C.C. 21.01.160+50. SEVERABILITY. If any section or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section or portion shall be deemed a separate provision of this chapter and such holding shall not affect the validity of the remaining portions of this chapter.

~~C.C.C. 21.01.160. VOIDANCE OF PRIOR PERMITS. All permits issued under Ordinance 2, 1955 as amended by Ordinance of August 29, 1969 and November 9, 1972, shall be null and void if such construction has not been started before January 22, 1979.~~

C.C.C. 21.01.170. REPEAL OF PRIOR ORDINANCES. Ordinance No. 50, 1974 as amended by Ordinance No. 58, 1975, Ordinance No. 75, 1977, Ordinance No. 103, 1979, and Ordinance 121, 1980, are hereby repealed. In the event that the requirements of this chapter conflict with requirements imposed under other County and State regulations, the more restrictive requirements shall prevail. Prosecution for any violation of Ordinance 50, 1974 as amended by Ordinance 58, 1975, Ordinance 75, 1979, and Ordinance 103, 1979 occurring prior to the effective date of this chapter shall not be affected or abated. Chapter 21.06 Clallam County Code, adopted by Ordinance 139, 1981, on August 25, 1981, is hereby repealed.

C.C.C. 21.01.180. EFFECTIVE DATE. This Ordinance shall take effect ten days after the date of adoption.

ADOPTED THIS 30th DAY OF November, 1993.

Board of Clallam County Commissioners

Dave Cameron

Dave Cameron, Chair

Dorothy Duncan

Dorothy Duncan

Lawrence Gaydeski

Lawrence Gaydeski

ATTEST:

Karen Flores

Karen Flores,
Clerk of the Board

- c. ~~Prosecutor (3)~~
Community Development
Minutes
File