

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Council			<div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">RECEIVED</div> <div style="font-size: 1.5em; font-weight: bold; margin-top: 10px;">JUL 22 1992</div> <div style="font-weight: bold; margin-top: 10px;">WHATCOM COUNTY COUNCIL</div>	7/28/92	Council Introduction
Division Head: J.R.T.		7/21		8/11/92	P&D/Council
Dept. Head: P.F.R.	<i>MC</i>	7/21		9/1/92	Council
Prosecutor: R.J.W.		7/21			
Purchasing/Budget:					
Executive:					

**SUBJECT:**

ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 15.08 AND ADOPTING BY REFERENCE 1991 EDITION OF UNIFORM MECHANICAL CODE PERMANENT RULES 91-16-114 AND CERTAIN APPENDICES THERETO, EXCEPT AS HEREIN MODIFIED

**ATTACHMENTS:**

Ordinance

**SUMMARY STATEMENT:** Please complete sections of box as appropriate & explain the item below.

Related County contract #:	Should Clerk schedule a hearing? NO <input checked="" type="checkbox"/> / YES <input type="checkbox"/> / Requested date:
Amount budgeted for this item/project: \$-	Is it (or will it be) within budget? YES <input type="checkbox"/> / NO <input type="checkbox"/> / (Please explain below)
Budget line item number(s):	

The law requires Counties to enforce the Uniform Codes. This Ordinance is to adopt the 1991 Uniform Mechanical Code Permanent Rules 91-16-114 and certain appendices except as modified.

**ORIGINATOR'S RECOMMENDED ACTION:**

Approval by County Council

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

- 7/28/92: Council Introduction
- 8/11/92: Hearing to be scheduled
- 9/1/92: Council adopted the ordinance . 5-1 with Imhof opposed.

1 INTRODUCTION BY: Consent

2 REQUESTED BY: Public Works

3 DATE INTRODUCED: July 28, 1992

4 ORDINANCE NO. 92-059

5 AN ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 15.08 AND  
6 ADOPTING BY REFERENCE THE 1991 EDITION OF THE UNIFORM MECHANICAL CODE  
7 PERMANENT RULES 91-16-114 AND CERTAIN APPENDICES THERETO, EXCEPT AS  
8 HEREIN MODIFIED.

9 WHEREAS, R.C.W. 19.27 requires counties to enforce the State Building Code; and

10 WHEREAS, the State Building Code Council pursuant to the authority granted by Chapter 360  
11 Laws of 1985 has amended the State Building Code by adopting by reference the 1991 edition of the  
12 Uniform Mechanical Code; and

13 WHEREAS, the local adoption of the above named code will promote the health, safety and  
14 welfare of the general public;

15 NOW, THEREFORE, THE WHATCOM COUNTY COUNCIL DOES ORDAIN:

16 ~~Ordinance Section 1 Chapter 15.08 W.C.C. Amended~~ Whatcom County Code Chapter 15.08  
17 is hereby amended to read as follows:

18 ~~Chapter 15.08~~

19 UNIFORM MECHANICAL CODE

20 ~~Sections:~~

- 21 15.08.010 Purpose--Code adopted.  
22 15.08.020 Copy of file.  
23 15.08.030 Subsection 201(a) amended--Building Official.  
24 15.08.040 Section 203 amended--Board of appeals.  
25 15.08.050 Table 3-A amended--Mechanical permit fees.  
26 ~~15.08.060 Section 506 amended--Pilots and shutoff devices.~~  
27 ~~15.08.070 Subsection 704(6) amended--Access.~~  
28 15.08.080 Subsection 2211(f) amended--Meter location.  
29 15.08.085 Appendix C amended - WABO appliance standard.  
30 15.08.090 Section 204 amended--Violations and penalties.

31 ~~15.08.010 Purpose/Code Adopted~~ This Chapter is enacted as an exercise of the police power

1 of the County for the benefit of the public at large. It is not intended to create a special relationship  
2 with any individual, or individuals, nor to identify and protect any particular class of persons. The  
3 purpose of this Chapter is to provide minimum standards to safeguard life or limb, health or property,  
4 and public welfare, by regulating and controlling building construction and related work thereto. It is  
5 not the intent of this Chapter to impose liability upon the County for failure to perform any  
6 discretionary act. Rather, it is the intent of this Chapter to place the obligation of complying with its  
7 requirements upon the owner and/or contractor. Nothing contained in this Chapter shall be construed  
8 to relieve from or to lessen the responsibility or liability of any person or persons for injury or damage  
9 to persons or property caused by or resulting from any defect of any nature in any construction work  
10 performed by said person or any construction equipment owned, controlled, operated or used by the  
11 contractor; nor shall Whatcom County, or any officer, agent, or employee thereof incur or be held as  
12 assuming any liability by reason or in consequence of any permission, certificate of inspection,  
13 inspection or approval authorized herein, or issued or given as herein provided, or by reasons or  
14 consequence of any things done or acts performed pursuant to the provisions of this Chapter.

15 ~~The Uniform Mechanical Code, 1982 Edition, Installation Standards, and certain appendices,~~  
16 ~~except as modified herein, shall be in full force in Whatcom County, upon adoption of this ordinance.~~

17 ~~The Uniform Mechanical Code, 1991 Edition, published jointly by the International Conference~~  
18 ~~of Building Officials and International Association of Plumbing and Mechanical Officials, except as~~  
19 ~~modified by permanent rule 91-16-114, herein and including the standards contained in Appendix A,~~  
20 ~~Appendix B, and Appendix C, is hereby adopted by reference.~~

21 ~~15.080.020 Copy on File:~~ Pursuant to R.C.W. 36.32.120(7) one copy of the code adopted  
22 by reference in this Chapter shall be filed for use and examination by the public in the office of the  
23 Whatcom County Auditor prior to the effective date of this Chapter.

24 ~~15.080.030 Section 203 amended--Building Official:~~ Section 201(a) of the Uniform  
25 Mechanical Code, ~~1982~~ ~~1991~~ Edition, is hereby amended to read as follows:

26 ~~Section 201(a)~~ The Building Official is hereby authorized and directed to enforce all

1 provisions of this code. For such purpose, he shall have the powers of a law enforcement  
 2 officer. Wherever the term  
 3 "Building Official" is used in this code, it shall be construed to mean the County Building  
 4 Official/Director of Public Works. ??

5 ~~15.080.040 Section 203 amended-Board of Appeals.~~ Section 203 of the ~~1982~~ 1991 Edition  
 6 of the Uniform Mechanical Code is hereby amended to read as follows:

7 ~~Section 203.C Board of Appeals. Wherever the term "Board of Appeals" is used in~~  
 8 ~~the code, it shall be construed to mean the Whatcom County Appeals and Code Review Board.~~  
 9 ~~Appeals of rulings made by the administrative authority on the suitability of alternate materials~~  
 10 ~~and methods of construction and on interpretations of the code adopted herein may be brought~~  
 11 ~~before the Whatcom County Appeals Board for consideration consistent with the authority~~  
 12 ~~granted the Board by county ordinance and in the manner set forth therein. Whenever the term~~  
 13 ~~Board of Appeals appears in this code it shall be construed to mean the Whatcom County~~  
 14 ~~Appeals Board.~~

15 ~~15.080.050 Table 3-A amended-Mechanical Permit Fees.~~ Table 3-A - Mechanical Permit Fees  
 16 of the ~~1982~~ 1991 Edition of the Uniform Mechanical Code, is hereby amended to read as follows:

17 **TABLE NO. 3-A - MECHANICAL PERMIT FEES**

18 **Permit Issuance**

- 19 1. For the issuance of each permit..... \$15.00
- 20 2. For issuing each supplemental permit..... \$ 4.50

21 **Unit Fee Schedule**

- 22 1. For the installation or relocation of each forced-air or gravity- type furnace or burner,  
 23 including ducts and vents attached to such appliances, up to and including 100,000  
 24 Btu/h..... \$ 9.00
- 25 2. For the installation or relocation of each forced-air burner, including ducts and vents  
 26 attached to such appliance over 100,000 Btu/h..... \$11.00
- 27 3. For the installation or relocation of each floor furnace, including  
 28 vent..... \$ 9.00

- 1           4.     For the installation or relocation of each suspended heater, recessed wall heater or  
2           floor-mounted unit heater..... **\$ 9.00**
- 3           5.     For the installation, relocation or replacement of each appliance vent installed and not  
4           included in an appliance permit..... **\$ 4.50**
- 5           6.     For the installation, relocation or replacement of above ground residential heating fuel  
6           tanks..... **\$ 9.00**
- 7           7.     For the repair or alteration of, or addition to each heating appliance, refrigeration unit,  
8           cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative  
9           cooling system, including installation of controls regulated by this  
10          code..... **\$ 9.00**
- 11          8.     For the installation or relocation of each boiler or compressor to and including three  
12          horsepower, or each absorption system to and including 100,000  
13          Btu/h..... **\$16.00**
- 14          9.     For the installation or relocation of each boiler or compressor over three horsepower  
15          to and including 15 horsepower, or each absorption system over 100,000 Btu/h and  
16          including 500,000 Btu/h ..... **\$22.50**
- 17          10.    For the installation or relocation of each boiler or compressor over 15 horsepower to  
18          and including 30 horsepower, or each absorption system over 500,00 Btu/h and  
19          including 1,000,000 Btu/h..... **\$33.50**
- 20          11.    For the installation or relocation of each boiler or compressor over 30 horsepower to  
21          and including 50 horsepower, or each absorption system over 1,000,000 Btu/h to and  
22          including 1,750,000 Btu/h ..... **\$56.00**
- 23          12.    For the installation or relocation of each boiler or refrigeration compressor or  
24          relocation of each boiler or each absorption system over 1,750,000  
25          Btu/h..... **\$75.00**
- 26          13.    For each air-handling unit to and including 10,000 cubic feet per minute, including  
27          ducts attached thereto..... **6.50**  
28          NOTE: This fee shall not apply to an air-handling unit which is a portion of a  
29          factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for  
30          which a permit is required elsewhere in this code.
- 31          14.    For each air-handling unit over 10,000 cfm..... **\$11.00**
- 32          15.    For each evaporative cooler other than portable  
33          type..... **\$ 6.50**
- 34          16.    For each ventilation fan connected to a single  
35          duct..... **\$4.50**
- 36          17.    For each ventilation system which is not a portion of any heating or air-conditioning  
37          system authorized by a permit..... **\$ 6.50**
- 38          18.    For the installation of each hood which is served by mechanical exhaust, including

1		ducts for such hood.....	\$ 6.50
2	19.	For the installation or relocation of each domestic-type incinerator	
3		.....	\$11.00
4	20.	For the installation or relocation of each commercial or industrial-type	
5		incinerator .....	\$50.00
6	21.	For each appliance or piece of equipment regulated by this	
7		code but not classed in other appliance categories, or for which	
8		no other fee is listed in this code.....	\$6.50
9	22.	When Chapter 22 is applicable (see Section 103), permit fees for fuel-gas piping shall	
10		be as follows:	
11		For each gas-piping system of one to four outlets....	\$3.00
12		For each gas-piping system of more than four outlets, per	
13		outlet.....	\$ .75
14	23.	Free-standing solid fuel burning appliances.....	\$30.00

15 **Other Inspection Fees**

16	1.	Inspections outside of normal business hours.....	\$30.00
17		(minimum charge - two hours)	per hour
18	2.	Reinspection fee assessed under provisions of	
19		Section 305(f) .....	\$30.00
20			each
21	3.	Inspections for which no fee is specifically indicated.	
22		(Minimum charge - one-half hour).....	\$30.00
23			per hour
24	4.	Additional plan review required by changes, additions or revisions to approved	
25		plans.....	\$30.00
26		(Minimum charge - one-half hour)	per hour

27 **15.080.080 Subsection 2211(f) amended - Meter Location.** Subsection 2211(f) of the  
28 Uniform Mechanical Code, ~~1982~~ ~~1991~~ Edition, is hereby amended to read as follows:

29 **Subsection 2211(f).** A meter location shall be provided by the consumer for the  
30 building or premises to be served. Said meter location to be the exterior of the building on all  
31 buildings constructed after the effective date of this ordinance and wherever possible in all  
32 existing building. The location shall be such that the meter connections are easily accessible  
33 in order that the meter may be read or changed.

34 Where a gas meter must be located inside a building, it shall be enclosed in a room or vault

1 separate from any source of ignition and this room or vault shall be vented to the outside air  
2 and subject to approval of the inspector before installation. No gas meter shall be hereafter  
3 installed under a stoop, stairway, show window, or porch or in an unventilated or confined  
4 space.

5 ~~15.080.085--Appendix C, reference standards~~ of the 1991 Uniform Mechanical code is hereby  
6 amended to include the fourth edition of the Washington Association of Building Officials Standards  
7 for the installation and care of solid fuel burning appliances.

8 ~~15.080.090 Section 204 amended--Violations and Penalties.~~ Section 204 of the Uniform  
9 Mechanical Code, ~~1982~~ 1991 Edition, is hereby amended to read as follows:

10 Any person, firm or corporation violating any of the provisions of this Chapter, or of the Codes  
11 adopted by reference by this Chapter, shall be deemed guilty of a civil offense and each day during  
12 which such violation is continued or committed shall constitute a separate offense, and shall be fined  
13 not more than One Thousand Dollars (\$1,000.00) for each offense.

14 The penalty provided in the above section shall be imposed by a notice in writing from the  
15 Building Official; either by certified mail with return receipt requested or by personal service, to the  
16 person, firm, or corporation incurring the same from the Whatcom County Public Works Department,  
17 Division of Buildings and Code. The notice shall include the amount of the penalty imposed and shall  
18 describe the violation with reasonable particularity in ordering the acts or acts constituting the violation  
19 or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be  
20 taken within a specific and reasonable time.

21 Within thirty (30) days after the notice is received, the person incurring the penalty may apply  
22 in writing to the Building Official for remission or mitigation of such penalty. Upon receipt of the  
23 application, said department may remit or mitigate the penalty upon whatever terms the department  
24 in its discretion deems proper. The Building Official's final decision on mitigation or revision shall be  
25 reviewed by the County Council if the person being penalized files a written appeal therewith of said  
26 decision within ten (10) days of its issuance. The decision of the County Council regarding the penalty

1 imposed shall be final.

2 In addition to civil penalties described above, the Prosecuting Attorney may in his discretion  
3 bring such injunctive, declaratory or other actions as deemed necessary to ensure that violations of  
4 this ordinance are prevented or cease, and to otherwise enforce the provisions of this ordinance.

5 If construction has occurred on a site without a valid permit as required by this ordinance, any  
6 and all permits or approvals issued by the County may be denied for that site until the issue has been  
7 resolved. In addition, prompt restoration of the site to its original condition will be required.

8 In the event any person, firm or corporation violates any of the provisions of this ordinance,  
9 the Building Official shall cause a notice of violation to be delivered to a person of suitable age at the  
10 site and order all work to cease until authorized to proceed. Failure to comply with the order to stop  
11 work shall be a gross misdemeanor punishable upon conviction by a minimum fine of Five Hundred  
12 Dollars (\$500.00) up to a maximum fine of One Thousand Dollars (\$1,000.00) or one (1) year in jail,  
13 or both. Under no circumstances may the court defer or suspend any portion of the minimum Five  
14 Hundred Dollar (\$500.00) fine for any conviction under this section. Each day or part thereof of  
15 noncompliance with said order to stop work shall constitute a separate offense.

16 The issuance or granting of a permit or approval of plans and specifications shall not be deemed  
17 or construed to be a permit for, or an approval of, any violation of any of the provisions of this code.  
18 No permit presuming to give authority to violate or cancel the provisions of this code shall be valid,  
19 except insofar as the work or use which it authorizes is lawful.

20 The issuance or granting of a permit or approval of plans shall not prevent the Building  
21 Official/Director of Public Works from thereafter requiring the correction of errors in said plans and  
22 specifications or from preventing construction operations being carried on thereunder when in violation  
23 of this code or of any other ordinance or from revoking any certificate of approval when issued in error.

24 Every permit issued by the Building Official under the provisions of this code shall expire by  
25 limitation and become null and void, if the work authorized by such permit is not commenced within  
26 180 days from the date of issuance of such permit, or if the work authorized by such permit is

1 suspended or abandoned at any time after the work is commenced for a period of 180 days. Before  
2 such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor  
3 shall be one half the amount required for a new permit for such work, provided no changes have been  
4 made, or will be made in the original plans and specifications for such work; and provided, further that  
5 such suspension or abandonment has not exceeded one year.

6 **Ordinance Section 2. Severability.** If any section, subsection, sentence, clause, phrase, or  
7 portion of this code or ordinance adopted herein is for any reason held to be invalid or unconstitutional  
8 by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the  
9 remaining portions of this ordinance or the code.

10 ADOPTED this 1st day of September, 1992.

11 WHATCOM COUNTY COUNCIL  
12 WHATCOM COUNTY, WASHINGTON

13 ATTEST:  
14 Ramona Reeves  
15 Ramona Reeves, Council Clerk

Dan Warner  
Dan Warner, Chairperson

16  Approved [ ] Denied

17 Shirley Van Zanten  
18 Shirley Van Zanten, County Executive

19 Date: 9-2-92

20 APPROVED AS TO FORM:  
21 \_\_\_\_\_  
22 Randall Watts  
23 Civil Deputy Prosecutor

24  
25  
26