

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: J.E. "Sam" Ryan	gJR	07/21/95	RECEIVED JUL 26 1995 WHATCOM COUNTY COUNCIL	8/1/95	Council Introduction
Division Head:				8/15/95	Hearing
Dept. Head: Nate Brown	NWB	7/21/95		9/5/95	Council
Prosecutor:	RJN	8/5/95			
Purchasing/Budget:					
Executive:	g	7/24/95			

SUBJECT: Ordinance amending Whatcom County Code Chapter 15.04 and adopting, by reference, the 1994 edition of the Uniform Building Code WAC 51-30, and Certain appendices and standards thereto, except as herein modified, the Uniform Housing Code, The Uniform Code for the Abatement of Dangerous Buildings and certain other standards adopted by the State and repealing Whatcom County Ordinance 92-057.

ATTACHMENTS:

Exhibit A: List of appendix chapters from the 1994 Uniform Building Codes proposed for adoption

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

Related County contract #:	Should Clerk schedule a hearing? NO / / YES /XX/ Requested date:
Amount budgeted for this item/project:	Is it (or will it be) within budget? YES / / NO / / (Please explain below) n/a
Budget line item number(s):	

state law requires Counties to enforce the Uniform Codes. This Ordinance will adopt the 1994 Uniform Building Codes WAC 51-30, and Certain appendices and standards thereto, except as herein modified, the Uniform Housing Code, The Uniform Code for the Abatement of Dangerous Buildings and certain other standards adopted by the State and repealing Whatcom County Ordinance 92-057.

ORIGINATOR'S RECOMMENDED ACTION:

The Director of Planning and Development Services recommends approval.

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

- 8/1/95: Council introduction
- 8/15/95: Held in Council until 9/5/95
- 9/5/95: Amended and Adopted, 5-1 Brenner opposed

1 Introduced by: Consent
2 Proposed by: Pln / Dev Scvs
3 Date: 8/1/95

4 ORDINANCE NO. 915- 042

5 AN ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 15.04 AND
6 ADOPTING, BY REFERENCE, THE 1994 EDITION OF THE UNIFORM BUILDING CODE
7 PERMANENT RULES ~~91-20-175~~ WAC 51-30, AND CERTAIN APPENDICES AND
8 STANDARDS THERETO, EXCEPT AS HEREIN MODIFIED, THE UNIFORM HOUSING CODE,
9 THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND CERTAIN
10 OTHER STANDARDS ADOPTED BY THE STATE.

11 WHEREAS, R.C.W. ~~19.27.050~~ 19-17 requires counties to enforce the ~~State~~
12 ~~Building Code as adopted by the state building code council;~~ and

13 WHEREAS, the ~~State Building Code Council pursuant to RCW 19.27.074 the~~
14 ~~authority granted by Chapter 19-27 R.C.W. the State Building Code has by adopted the~~
15 ~~state building code including state-wide amendments by reference the 1991 Edition of~~
16 ~~the Uniform Building Code and standards thereto;~~ and

17 WHEREAS, local adoption of the above referenced code, as well as adoption of the
18 latest Editions of the Uniform Housing Code, and the Uniform Code for the Abatement of
19 Dangerous Buildings, ~~State Energy Code 51-11, 51-13 and Ventilation and Indoor Air~~
20 ~~Quality Act~~ will promote the health, safety and welfare of the general public; and

21 WHEREAS, RCW 19.27.040 and .060 allow amendments provided that they do not
22 lessen the minimum performance standards and objectives contained in the state building
23 code.

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

2 Ordinance Section 1. Chapter 15.04 W.C.C. amended. Whatcom County Code

3 Chapter 15.04 is hereby amended to read as follows:

4 Chapter 15.04

5 UNIFORM-BUILDING CODES

6 Sections:

7 ARTICLE I. UNIFORM BUILDING CODE

- 8 15.04.010 Chapter purpose--Building codes adopted.
9 15.04.030 Subsection 104.1.201 amended--Enforcement agency
10 15.04.070 Section 103.205 amended--Violations and penalties.
11 15.04.080 Section 106.1.1301 amended--Parking facilities.
12 15.04.090 Subsection 106.3.1303(a) amended--Issuance of permit.
13 15.04.100 Subsection 107.304(b), (c) and Table 13A amended--Permit and plan
14 review fees.
15 15.04.135 Subsection 1801.1.12903(e) added--Debris, rubbish and other
16 materials. 1801.1.1
17 15.04.140 Subsection 1806.4.5.12907(d)5 amended--Foundation elevation.
18 15.04.160 Subsection 1506.5.13207(e) amended--Drainage prohibited over public
19 or private property.
20 ~~15.04.165 Section 3210 amended--Reroofing inspections.~~
21 15.04.170 Subsection 3309.27006(b) amended--Application.
22 ~~15.04.180 Tables 70-A & 70-B amended--Plan review and grading permit fees.~~
23 ~~15.04.190 Subsections 7013(a) and (b) amended--Erosion control.~~

24 ARTICLE II. UNIFORM CODE FOR THE ABATEMENT OF
25 DANGEROUS BUILDINGS

- 26 15.04.210 Subsection 201.1(a) amended--Definitions.

27 ARTICLE III. UNIFORM HOUSING CODE

- 28 15.04.230 Section 201.1 amended--Definitions.

29 ARTICLE IV. VIOLATIONS

- 30 15.04.240 Penalty designated.

31 ARTICLE I. UNIFORM-BUILDING CODE

32 15.04.010 Chapter purpose--Building codes adopted. This Chapter is enacted as an
33 exercise of the police power of the County for the benefit of the public at large. It is not
34 intended to create a special relationship with any individual, or individuals, nor to identify and

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

- 16 (a) The Uniform Building Code, 1994 Edition and Uniform Building Code
17 Standards, 1994 Edition, Volumes I, II, and III published by the International
18 Conference of Building Officials as amended by the Washington State
19 Building Code Council on November 18, 1994 and published as Chapter 51-
20 30 Washington Administrative Code; and permanent rules 91-20-175,
21 1991 Edition, Parts I through XI and Appendix Chapters Numbers:
22 Chapter 34; Divisions 1 & 2 Agricultural Buildings
23 Chapter 47; Division 1 Barriers for Swimming Pools and Hot Tubs as
24 amended
25 Chapter 1810; Waterproofing and Dampproofing Foundations
26 Chapter 3112; Divisions 1, 2 & 3 Flood Resistant Construction as amended
27 Chapter 3323; Divisions 1, 2, 3 & 4
28 Chapter 24;
29 Chapter 25; subject to discretion of Building Official
30 Chapter 26;
31 Chapter 29;
32 Chapter 31; as amended (exempt SFR)

1 Chapter 55;
2 Chapter 70; as amended

3 (b) The Uniform Housing Code, 1994 Edition.

4 (c) The Uniform Code for the Abatement of Dangerous Buildings, 1994
5 Edition.

6 (d) Washington State Energy Code, 1994 Second Edition, as written by the
7 Washington State Building Code Council, adopted on September 10, 1993,
8 as amended on November 18, 1994 and filed as Chapter 51-11
9 Washington Administrative Code, WAC 51-11.

10 (e) Washington State Ventilation and Indoor Air Quality Code, 1992 Third
11 Edition, as written by the Washington State Building Code Council, adopted
12 on December 11, 1992, amended on November 18, 1994 and filed as
13 Chapter 51-13 Washington Administrative Code, Ventilation and indoor air
14 quality act (WAC 51-13).

15 (f) Uniform Plumbing Code, 1991 Edition, and Uniform Plumbing Code
16 Standards, 1991 Edition, published by the International Association of
17 Plumbing and Mechanical Officials, as amended by the Washington State
18 Building Code Council on November 8, 1991, November 12, 1992 and
19 November 18, 1994, and published as Chapters 51-26 and 51-27
20 Washington Administrative Code.

21 (g) Uniform Mechanical Code, 1994 Edition, including Chapter 12, Fuel Gas
2 Piping, Appendix B, as published by the International Conference of Building
23 Officials as amended by the Washington State Building Code Council on
24 November 18, 1994 and published as Chapter 51-32 Washington
25 Administrative Code.

26 15.04.030 Section 104.1204 amended--Enforcement Agency. Section 104.1204 of
27 the Uniform Building Code, 1994 Edition, is hereby amended to read as follows:

28 The ~~Building Services Division of Planning and Development Services~~ ~~Division of Buildings~~
29 ~~and Code Administration~~ is hereby established as the enforcement agency for the purposes of
30 this code. The Division shall be under the administration and operational control of the Building
31 Official.

32 15.04.070 Section 103.205 amended--Violations and penalties. Section 103.205 of the
33 Uniform Building Code, 1994 Edition, is hereby amended to read as follows:

34 Section 103.205. Violations and Penalties. Any person, firm or corporation
35 violating any of the provisions of this Chapter, or of the Codes adopted by reference by

1 this Chapter, shall be deemed guilty of a civil offense and each day during which such
2 violation is continued or committed shall constitute a separate offense, and shall be
3 fined not more than One Thousand Dollars (\$1,000.00) for each offense.

4 15.04.080 Section ~~106.1304~~ amended--Parking facilities. There is hereby added to
5 Section ~~106.1~~ of the Uniform Building Code, 1994~~1~~ Edition, a new paragraph Subsection
6 ~~(301(d))~~ to read as follows:

7 (e)—No parking facility, parking lot or alterations or repairs thereto shall be made
8 unless a permit has first been obtained from the Building Official, provided that parking
9 facilities, parking lots, alterations and repairs thereto which are a part of or accessory
10 to a building or structure for which a valid building permit has been obtained and which
11 are being constructed along with the building or structure shall not require a separate
12 permit but shall be included in and made a part of the permit for the structure at the
13 time of issuance.

14 15.04.090 Subsection ~~106.4.1303(a)~~ amended--Issuance of permit. Subsection
15 ~~106.4.1303(a)~~ of the Uniform Building Code, 1994~~1~~ Edition, is hereby amended to read as
16 follows:

17 (a) 1 Issuance. The applications, plans and specifications and other data and
18 pertinent materials as may be required by the Building Official filed by an applicant for
19 permit shall be reviewed by the Building Official. Said plans and other data may be
20 reviewed by other departments of the County to check compliance with the laws and
21 ordinances under their jurisdiction. If the Building Official is satisfied that the work
22 described in an application for a permit and the plans and specifications and other data
23 filed therewith conform to the requirements of this code and other pertinent codes, laws
24 and ordinances of the County, and that the fees specified in Section ~~107.304~~ of this
25 code and other fees and charges have been paid as required by other County codes and
26 ordinances, he shall issue a permit therefor to the applicant. Provided, that when
27 installation of a sewage disposal system or water system shall be necessary, no permit

1 shall be issued until such system design has been approved by the Health Department;
2 or, if the applicant intends to connect to any sanitary disposal system, no permit shall
3 be issued until approval has been obtained. When issuing a permit the Building Official
4 shall endorse in writing or stamp on both sets of plans and specifications "Approved."
5 Such approved plans and specifications shall not be changed, modified, or altered
6 without authorization from the Building Official, and all work shall be done in accordance
7 with the approved plans and specifications and conditions placed thereupon.

8 The Building Official may issue a permit for the construction of part of a building
9 or structure before the entire plans and specifications for the whole building or structure
10 or property have been submitted or approved, provided adequate information and other
11 detailed statements have been filed complying with all pertinent requirements of this
12 code and all other pertinent County codes and ordinances. The holder of such permit
13 shall proceed at his own risk without assurance that the permit for the entire building,
14 structure or project will be granted, provided, however, that no final building permits
15 shall be issued for any such project until all other applicable permits have been applied
16 for and issued. The Building Official shall, however, have the authority to waive prior
17 approval of such other permits when strict compliance would create an undue hardship.

18 The Building Official shall determine that the plans submitted indicate that
19 the proposed structure or building is to be constructed upon a lot of record prior to
20 issuing a permit. A legal lot of record is a lot which is described by final plat, short plat
21 or metes and bounds, and is established pursuant to applicable local and state
22 regulations and a legal instrument creating the lot is recorded with the Whatcom County
23 Auditor's Office.

24 15.04.100 Subsection ~~107.2, 107.3304(b), (c)~~ and Table ~~1A3A~~ amended--Permit and
25 plan review fees. Subsections ~~107.2, 107.3304(b), (c)~~ and Table ~~1A3A~~ of the Uniform
26 Building Code, 1994 Edition, are hereby amended to read as follows:

1 ~~107.2(b)~~ Permit Fees. The fees for the each permit shall be set forth in Table
 2 No. 1A3A. ~~The fees for each permit shall be set forth in Table No. 3A.~~ The
 3 determination of value or valuation under any of the provisions of this code shall be
 4 made by the Building Official. The value to be used in computing the permit fees for
 5 building, demolishing, and renovation, shall be the total value of all construction work
 6 or destruction work for which the permit is issued which shall include, the value of all
 7 of the finished work-- Landscaping, parking facilities, parking lots and other pertinent
 8 equipment shall be included as finished work.

9 ~~107.3(c)~~ Plan Review Fees. When a plan or other data is required to be
 10 submitted by ~~Section 106.3.2, Subsection (b) of Section 302~~ an estimated or other
 11 sections of this ordinance, or other pertinent County ordinances or codes a plan review
 12 fee shall be paid by the applicant at the time of submitting plans and specifications for
 13 review, ~~the balance of fees to be paid at permit issuance,~~ provided that the Building
 14 Official may authorize payment by the applicant of the plan review fee at a later date
 15 in accordance with written policy. ~~Said plan review fee shall include structural plans,~~
 16 ~~structural calculations, demolition, parking and landscaping.~~ Said plan review fee shall
 17 be 65% of the building permit fee. When plans are incomplete or changed so as to
 18 require additional plan review, an additional plan review fee shall be charged at the rate
 19 shown in Table 3-1 or other applicable ordinance or code.

20 **TABLE NO. 3-1 BUILDING PERMIT FEES**

21	TOTAL VALUATION	FEE
22	\$1 to \$500	\$15.00
23	\$501 to \$2,000	\$15.00 for the \$500 plus \$2.00 for each additional \$100 or
24		fraction thereof, to and including \$2,000
25	\$2,001 to \$25,000	\$45.00 for the first \$2,000 plus \$9.00 for each additional
26		\$1,000 or fraction thereof, to and including \$25,000
27	\$25,001 to \$50,000	\$252.00 for the first \$25,000 plus \$6.50 for each additional
28		\$1,000 or fraction thereof, to and including \$50,000

1	\$50,001 to \$100,000	\$414.50 for the first \$50,000 plus \$4.50 for each additional
2		\$1,000 or fraction thereof, to and including \$100,000
3	\$100,001 to \$500,000	\$639.50 for the first \$100,000 plus \$3.50 for each additional
4		\$1,000 or fraction thereof up to and including \$500,000
5	\$500,001 to \$1,000,000	\$2,039.50 for the first \$500,000 plus \$3.00 for each
6		additional \$1,000 or fraction thereof, to and including
7		\$1,000,000
8	\$1,000,001 and up	\$3,539.50 for the first \$1,000,000 plus \$2.00 for each
9		additional \$1,000 or fraction thereof

10 **INSPECTIONS AND FEES**

11	Inspections outside of normal business hours	\$30.00 per hour*
12	Reinspection fees assessed under provisions of Section	
13	304(g)	\$30.00 per hour*
14	Inspections for which no fee is specifically indicated	\$30.00 per hour*
15	Additional plan review required by changes, additions or	
16	revisions to approved plans	\$30.00 per hour*

17 *Or the total hourly cost to the jurisdiction, whichever is greatest. The cost shall include
18 supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

19 15.04.135 Subsection ~~1801.12903(e)~~ added--Debris, rubbish and other materials.

20 There is hereby added to the Uniform Building Code, 1994 Edition, a new Subsection ~~2903(e)~~
21 to read as follows:

22 ~~(e)~~ No person shall deposit debris, rubbish, trees, stumps, or other excavation
23 materials on or over public or private property or in existing drainage corridors unless
24 such activity has been authorized by permit. Channels, creeks and rights-of-way shall
25 be kept free of all debris and foreign material at all times.

26 15.04.140 Subsection ~~1806.4.5.2907(d)5~~ amended--Foundation Elevations. Subsection

27 ~~1806.4.5.12907(d)5~~ of the Uniform Building Code, 1994 Edition, is hereby amended to read
28 as follows:

1 5.—Foundation elevation. On graded sites, the top of any exterior foundation
2 shall extend above the elevation of the street gutter at point of discharge or the inlet of
3 an approved drainage device a minimum of 12 inches plus 2 percent. The Building
4 Official may approve alternate elevations, provided it can be demonstrated that required
5 drainage to the point of discharge and away from the structure is provided at all
6 locations on the site. The following provisions shall be made to prevent standing water
7 under and around a building or structure prior to the final inspection. The finished grade
8 and elevation under the building shall be above the ground drainage flow of the land
9 around the building to prevent surface or sub-surface water from draining to the space
10 under the building, provided that other approved alternates such as drain tile, exterior
11 grading to a point lower than the interior drainage of the building or an approved sump
12 pump may be used, and provided further that the alternate method to be used shall be
13 shown on the building plans. An approved sump pump system shall in no case be
14 connected to the sanitary sewer system. In all instances where a drainage or sump
15 pump system is installed under the structure there shall be provided, in the foundation
16 wall, an access crawl hole which shall be no more than 203 feet from the main drain
17 clean out. To facilitate the drainage of water, the building site shall have at least a 2%
18 gradient towards approved drainage facilities from building pads. However, this may be
19 waived by the Building Official provided that the permittee can demonstrate that due to
20 the nature of the site this would be impractical and that an approved alternate will be
21 used. If water appears under the building within a period of 12 months after the final
22 inspection of the building or structure, the builder shall be responsible for providing the
23 drainage of the same, and provided further that the builder has not complied with the
24 requirements of ~~Section 1804.7~~ Section 1-F herein, concerning drainage. Thereafter, the
25 owner of the building shall be responsible for providing drainage of the same, except
26 where owner and builder agree otherwise ~~and where the requirements have been~~
27 ~~waived by the Building Official.~~

1 ~~15.04.160 Subsection 3207(e) amended--Drainage. Subsection 3207(e) of the Uniform~~
2 ~~Building Code, 1991 Edition, is hereby amended to read as follows:~~

3 ~~(e) Drainage Prohibited Over Public or Private Property. Roof drainage~~
4 ~~water from a building or structure shall not be permitted to flow over public property nor~~
5 ~~shall roof drainage be permitted to flood over adjoining property without the consent of~~
6 ~~the adjoining property owner. All drainage shall be disposed of in a manner consistent~~
7 ~~with County regulations.~~

8 ~~15.04.160 Appendix Section 3210 amended--Reroofing inspections. Section 3210 of~~
9 ~~the Uniform Building Code, 1991 Edition, is hereby amended to read as follows:~~

10 ~~Section 3210. New roof coverings shall not be applied without first obtaining an~~
11 ~~inspection and approval from the building official. A final inspection and approval shall~~
12 ~~be obtained from the building official when the re-roofing is complete; PROVIDED, that~~
13 ~~inspection may be waived under this Chapter for re-roofing of dwelling as defined by this~~
14 ~~code.~~

15 ~~15.04.170 Subsection 3309.27006(b) amended--Application. A new paragraph is added~~
16 ~~to Subsection 3309.27006(b) of Appendix Chapter 33 of the Uniform Building Code, 1991~~
17 ~~Edition, is hereby amended to read as follows:~~

18 (b) Application. The provisions of Section ~~106.3~~ 1302(a) are applicable to
19 grading and in addition, the application shall state the estimated quantities of work
20 involved and location of disposal or fill. Where surface water discharge from the
21 property to be filled, excavated or graded is altered or concentrated, the ~~Whatcom~~
22 ~~County Development Standards shall be adhered to. Building Official may require the~~
23 ~~property owner or his authorized representative to submit calculations of the expected~~
24 ~~peak runoff for existing conditions and for conditions temporarily or as a part of the final~~
25 ~~plan of the site development, flow and use of flow hydrographs may be required for up~~
26 ~~to 10 years for residential uses, and up to 50 years for commercial uses, showing the~~
27 ~~impounded volume on site and maximum discharge rate from the site. A drainage~~

1 release from the downstream property owner(s) may be required should the proposed
 2 storm water discharge vary in location, volume or velocity from that which previously
 3 existed.

4 ~~15.04.180 Tables 70-A and 70-B amended—Plan review and grading permit fees. Tables~~
 5 ~~70-A and 70-B of the Uniform Building Code, 1991 Edition, are hereby amended to read as~~
 6 follows:

7 **TABLE 70-A GRADING PLAN REVIEW FEES**

8	50 cubic yards or less	No fee
9	51 to 100 cubic yards	\$15.00
10	101 to 1000 cubic yards	\$22.50
11	1001 to 10,000 cubic yards	\$30.00
12	10,001 to 100,000 cubic yards	\$30.00 for the first 10,000 cubic yards, plus \$15.00 for each additional 10,000 cubic yards or fraction thereof
3	100,001 to 200,000 cubic yards	\$165.00 for the first 100,000 cubic yards, plus \$9.00 for each additional 10,000 cubic yards or fraction thereof
14	200,001 cubic yards or more	\$255.00 for the first 200,000 cubic yards, plus \$4.50 for each additional 10,000 cubic yards or fraction thereof

15 **OTHER FEES**

16 Additional plan review required ~~_____ \$30.00 per hour*~~
 17 by changes, additions, or ~~_____ (minimum charge 1/2 hour)~~
 18 revisions to approved plans

19 *Or the total hourly cost to the jurisdiction, whichever is the greatest. The cost shall include
 20 supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

21 **TABLE NO. 70-B GRADING PERMIT FEES***

22	50 cubic yards or less _____	\$15.00
23	51 to 100 cubic yards _____	\$22.50

1	101 to 1,000 cubic yards	\$22.50 for the first 100 cubic yards plus \$10.50 for
2		each additional 100 cubic yards or fraction thereof
3	1,001 to 10,000 cubic yards	\$117.000 for the first 1,000 cubic yards, plus \$9.00
4		for each additional 1,000 cubic yards or fraction
5		thereof
6	10,001 to 100,000 cubic yards	\$198.00 for the first 10,000 cubic yards, plus
7		\$40.50 for each additional 10,000 cubic yards or
8		fraction thereof
9	100,001 cubic yards or more	\$562.50 for the first 100,000 cubic yards, plus
10		\$22.50 for each additional 10,000 cubic yards or
11		fraction thereof

12 Other Inspections and Fees:

- 13 1. ~~Inspections outside of~~
- 14 ~~normal business hours~~ — ~~\$30.00 per hour**~~
- 15 2. ~~Reinspection fees assessed~~
- 16 ~~under provisions of~~
- 17 ~~Section 305(g)~~ — ~~\$30.00 per hour**~~
- 18 3. ~~Inspections for which no fee~~ — ~~\$30.00 per hour**~~
- 19 ~~is specifically indicated~~ — ~~(minimum charge 1/2 hour)~~

20 *The fee for a grading permit authorizing additional work to that under a valid permit shall be

21 the difference between the fee paid for the original permit and the fee shown for the entire

22 project.

23 **Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include

24 supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

25 15.05.190 Subsection 7013(a) and (b) amended—Erosion control. Subsections 7013(a)

26 and (b) of the Uniform Building Code, 1991 Edition, are hereby amended to read as follows:

27 (a) ~~General.~~ Erosion control is generally subject to other ordinances of the

28 County which regulate drainage, construction in flood plains and establish standards for

29 development; however, to the extent that there is not a conflict with those ordinances,

30 and unless otherwise indicated on the approved grading plan, erosion control shall be

31 provided as follows:

32 The faces of cut and fill slopes shall be prepared and maintained to control

33 erosion. The protection for the slopes shall be installed as soon as practicable and prior

1 to calling for final approval. Where such slopes are not subject to erosion due to the
2 erosion-resistant character of the materials, such protection may be eliminated if
3 approved by the Building Official.

4 (b) ~~Devices.~~ Erosion control devices may include, but are not limited to the
5 following: plantings, check dams, cribbing, or riprap. Such devices shall be approved
6 by the Building Official or his designee.

7 **ARTICLE II. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS**

8 15.04.210 Section 201.1(a) amended--Definitions. Subsection 201.1(a) of the Uniform
9 Code for the Abatement of Dangerous Buildings, 1994~~1~~ Edition, is hereby amended to read as
10 follows:

11 ~~1(a)~~ Administration. Whenever the term "Building Official" is used in this code
12 it shall be construed to mean the ~~Director of Planning and Development Services~~ Deputy
13 Administrator of Buildings and Code. Whenever the term "Housing Advisory" or
14 "Appeals Board" is used in this code, it shall be construed to mean the Whatcom County
15 Appeals and Code Review Board. Whenever the term "City Clerk" or "City Treasurer"
16 are used in this code, it shall be construed to mean the County Auditor and County
17 Treasurer, respectively.

18 **ARTICLE III. UNIFORM HOUSING CODE**

19 15.04.230 Section 201.1 amended--Definitions. Section 201.1 of the Uniform Housing
20 Code, 1994~~1~~ Edition, is hereby amended to read as follows:

21 201. Whenever the term "Building Official" is used in this code it shall be
22 construed to mean the ~~Director of Planning and Development Services~~ Deputy
23 Administrator of Buildings and Code. Whenever the term "Housing Advisory and
24 Appeals Board" is used in this code it shall be construed to mean the Whatcom County
25 Appeals and Code Review Board. Whenever the terms "City Clerk" or "City Treasurer"

1 are used in this code it shall be construed to mean the County Auditor or County
2 Treasurer, respectively.

3 ARTICLE IV. VIOLATIONS

4 15.04.240 Penalty designated. Any person, firm or corporation violating any of the
5 provisions of this Chapter, or of the Codes adopted by reference by this Chapter, shall be
6 deemed guilty of a civil offense and each day during which such violation is continued or
7 committed shall constitute a separate offense, and shall be fined not more than One Thousand
8 Dollars (\$1,000.00) for each offense.

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

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

25 In addition to civil penalties described above, the Prosecuting Attorney may in his
26 discretion bring such injunctive, declaratory or other actions as deemed necessary to ensure

1 that violations of this ordinance are prevented or cease, and to otherwise enforce the
2 provisions of this ordinance.

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

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

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

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

26 Every permit issued by the Building Official under the provisions of this code shall expire
27 by limitation and become null and void, if the work authorized by such permit is not

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

8 Ordinance Section 2: Severability. If any section, subsection, sentence, clause, phrase,
9 or portion of ~~Whatcom County Code~~ ~~this code~~ or ordinance adopted herein is for any reason
10 held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such
11 decision shall not affect the validity of the remaining portions of this ordinance or the codes
12 therein.

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ADOPTED this 5 day of September, 1995.

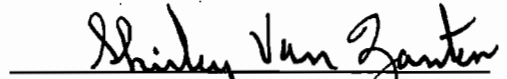
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:


Dana Brown-Davis, Council Clerk

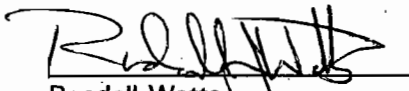

Robert Imhof, Chairperson

Approved Denied


Shirley Van Zanten, County Executive

Date: 9-26-95

APPROVED AS TO FORM:


Randall Watts
Civil Deputy Prosecutor

ORDINANCE NO. _____

AN ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 15.04 AND ADOPTING, BY REFERENCE, THE 1994 EDITION OF THE UNIFORM BUILDING CODE WAC 63-20-175, AND CERTAIN APPENDICES AND STANDARDS THERETO, EXCEPT AS HEREIN MODIFIED, THE UNIFORM HOUSING CODE, THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND CERTAIN OTHER STANDARDS ADOPTED BY THE STATE.

EXHIBIT A

1994 UNIFORM BUILDING CODES ADOPTED APPENDIX CHAPTERS

Listed below are the appendix chapters that Planning and Development Services, Building Services Division is proposing to adopt:

Appendix Chapter 3 Div. II Agricultural Buildings

Allows unlimited area for one story agriculture related structures meeting a 60' setback from property lines and public roads.

Appendix Chapter 4 Special Use Occupancy Div. I Barrier for Swimming Pools, Spas and Hot Tubs

Includes a modification increasing the fencing requirement from 48" to 60", Section 421.1. Note: This is a change from current ordinance. It reduces a 6' fence to a 5' fence in order to be consistent with State requirements.

Appendix Chapter 18 Waterproofing and Dampproofing Foundations

Gives specific criteria for foundation drains and dampproofing basement walls and floors.

Appendix Chapter 31 Div. Flood Resistant Construction

Provides specific design criteria for coastal flooding and 100 year flood.

Appendix Chapter 33 Excavation and Grading

Formerly found in Chapter 29 and 70. The only new item deals with liquefaction.