

**TOWN OF BEAUX ARTS VILLAGE
ORDINANCE NO. 265**

AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE ESTABLISHING THE BUILDING CODE; REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, INSTALLATION, REPAIR, RELOCATION, REMOVAL, CONVERSION, DEMOLITION, AND MAINTENANCE OF BUILDINGS, STRUCTURES, AND MECHANICAL EQUIPMENT IN THE TOWN; PROVIDING FOR THE ISSUANCE OF AND COLLECTION OF FEES FOR PERMITS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ORDINANCE NO. 260.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON, AS FOLLOWS:

Section 1. Title, Purpose, and Interpretation.

a. **Title.** This ordinance shall be known as the Building Code Ordinance of the Town of Beaux Arts Village, Washington.

b. **Purpose.** This ordinance is designed to accomplish the following purposes, objectives, and standards:

1. To promote the health, safety, and welfare of the occupants or users of buildings and structures and the general public;
2. To require minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire, and life safety;
3. To establish building standards and requirements in terms of performance and in conformance with nationally accepted standards;
4. To permit the use of modern technical methods, devices, and improvements;
5. To implement the intent of the State Building Code, RCW 19.27.

c. **Interpretation.** In the interpretation and application of this ordinance, its provisions shall be construed to be the minimum requirements, which are adopted for the promotion of the public health, safety, and general welfare. These requirements are specifically set forth, and the ordinance shall not be construed to include requirements not expressly stated. Any requirement listed in this ordinance shall not be construed to include other requirements, unless the phrasing related thereto clearly indicates such interpretation to be necessary.

d. **Intent.** This ordinance and all adopted codes are intended to be the law of general application for the public at large and are not intended to impose liability on the part of the Town of Beaux Arts Village or its employees.

Section 2. Reference to other Town ordinances.

a. The Town Public Hearings Ordinance should be reviewed before proceeding as it requires public hearings in certain cases.

b. The Town Swimming Pool Ordinance should be reviewed before proceeding if a swimming pool, spa, or hot tub is included in the scope of the project needing a permit.

Section 3. Definitions.

Alter or Alteration: any change, addition or modification in construction.

Board of Adjustment: a five-member board that acts as the Town Building Official and grants or denies applications for building permits and requests for variances, also referred to as the Board.

Building: any structure having a roof supported by columns and/or walls for the housing or enclosure of persons, animals or chattels.

Building Lot: a fractional part of subdivided lands having fixed boundaries and being of sufficient area and dimension to meet minimum zoning requirements of the Town.

Building Official: the Board of Adjustment.

Council: the Town Council of the Town of Beaux Arts Village, Washington.

Fire Marshal: the Fire Marshal of the Fire Department with which the Town contracts for fire-protection services, or his/her authorized representative.

Permit: an official document or certificate granted by the Board authorizing the performance of a specified activity.

Reconstruction: construction where the total cost of the work to be performed is valued at 50% or more of the replacement cost of the entire building or structure.

Remodel: construction where the total cost of the work to be performed is valued at less than 50% of the reconstruction cost of the entire building or structure.

Reviewing Agent: the individual or firm with which the Town contracts for code-enforcement services, including reviews of construction plans and inspections of construction projects.

Repair: the reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

Structure: that which is erected, built or constructed, including an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Town: the Town of Beaux Arts Village, Washington.

Other Definitions: When any word used in the ordinance is not specifically defined herein, its definition shall be that found in the applicable code, as adopted in Section 4 of this ordinance. When a word is not defined in the applicable code, it shall have its ordinarily accepted meaning within the context used. *Webster's Third New International Dictionary of the English Language Unabridged*, copyright 1986, shall be considered as providing ordinarily accepted meanings.

Section 4. Building Code - Adoption by Reference

As required by the State Building Code RCW 19.27, the Town Building Code shall consist of the following codes, which are hereby adopted by reference:

- a. The Uniform Building Code and Uniform Building Code Standards published by the International Conference of Building Officials;
- b. The Uniform Mechanical Code published by the International Conference of Building Officials, including Chapter 22, Fuel Gas Piping, Appendix B;
- c. The Uniform Fire Code published by the International Fire Code Institute, including Sections 902.1 and 902.2 through 902.2.4.1 and Appendices III-A, III-B, III-C, and V-A;
- d. The Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials; provided that Chapters 11 and 12 of such code are not adopted; and provided that notwithstanding any wording of this code, nothing in the code shall apply to the installation of any gas piping, water heaters or vents for water heaters;
- e. The Washington State Energy Code, and amendments thereto, as adopted pursuant to RCW 19.27A.010(6).

The operative editions of the above codes and standards shall be the most current, together with all amendments thereof and additions thereto and all future codes, as amended. In case

of conflict among the codes identified in Sections 4a through 4e of this ordinance, the first named code shall govern over those following.

Section 5. Permits and Fees

a. Requirement.

1. Any person, firm, or corporation erecting, constructing, enlarging, altering, repairing, moving, improving, or converting any building or structure in the Town, or causing the same to be done, must first obtain a building permit from the Board. In addition, any person, firm, or corporation demolishing any building or structure in the Town, or causing the same to be done, must first obtain a demolition permit from the Town Clerk.
2. Any person, firm, or corporation installing, altering, repairing, replacing, remodeling, or converting any mechanical system or equipment, or installing a wood-burning stove or zero clearance fireplace in the Town, or causing the same to be done, must first obtain a mechanical permit from the Town Clerk.
3. Any person, firm, or corporation installing, altering, repairing, replacing, remodeling, or converting any plumbing in the Town, or causing the same to be done, must first obtain a plumbing permit from the King County Department of Health.
4. Any person, firm, or corporation installing, altering, repairing, replacing, remodeling, or converting any electrical wiring in the Town, or causing the same to be done, must first obtain an electrical permit from the Washington State Department of Labor and Industries.
5. Any person, firm, or corporation wishing to disturb the paved portion of any street in the Town or the unpaved portion of any Town right-of-way in order to install, alter, repair, replace, remodel, or convert any underground utility or to perform other work, or causing the same to be done, must first obtain a street-opening permit from the Town Clerk.

b. Exempted Work. Some types of work regulated by this Building Code ordinance are exempted from the requirement to obtain a permit by the various Uniform Codes governing the type of work and by the State Building Code. Exemption from the permit requirements of this ordinance shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the applicable Uniform Codes, this ordinance or any other Town ordinances, including but not limited, to the Town Zoning Code. The property owner is responsible for verifying that any work to be performed is exempt from the permit requirement and that said work complies with the provisions of the applicable Uniform Codes, this ordinance, the Town Zoning Code, and any other Town ordinances.

1. The only exemptions from the requirement for a **building permit**, as allowed by the Uniform Building Code (UBC) Section 106.2 and by the State Building Code RCW 19.27.060 Section (7)(a), are:
 - (a). One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet.
 - (b). Fences not over six (6) feet high.
 - (c). Movable cases, counters and partitions not over 5 feet 9 inches high.
 - (d). Retaining walls not over four (4) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
 - (e). Platforms, walks, and driveways not more than 30 inches above grade and not over any basement or story below, subject to compliance with the Town Zoning Code, e.g. lot coverage and setback requirements.
 - (f). Painting, papering and similar finishing work.
 - (g). Window awnings supported by an exterior wall when projecting not more than 54 inches.
 - (h). Prefabricated swimming pools in which the pool walls are entirely above the adjacent grade and the capacity does not exceed 5,000 gallons.
 - (i). Interior and exterior alterations and repairs that are non-structural and for which the fair market value of the work performed does not exceed fifteen hundred dollars (\$1,500) in a twelve-month period.

2. The only exemptions from the requirement for a **mechanical permit**, as allowed by the Uniform Mechanical Code (UMC) Section 112.2 are:
 - (a) A portable heating appliance, portable ventilating equipment, portable cooling unit or portable evaporative cooler.
 - (b) A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by the UMC.
 - (c) Replacement of any component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the UMC.
 - (d) Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the UMC.
 - (e) A unit refrigerating system.

3. Exemptions from the requirement for a plumbing or electrical permit are as determined by the appropriate issuing agency.

c. Application Process.

1. The applicant shall complete the appropriate number of copies of the application form, including all other supplemental forms as may be required by the Town, and shall submit the completed application to the Town Clerk. (See Section 5d through 5g for additional information.)

2. When a plan review of the permit-application documents is required, the applicant shall:

(a) pay the amount of the plan-review fee based on the estimated fair market value of the proposed work;

(b) submit **eight copies of the application forms, plans, specifications, calculations, surveys, reports, and other information** needed for the plan review; and;

(c) submit also **two sets of the plans reviewed by the Fire Marshal** containing his/her comments in original form.

3. When a plan review of the permit-application documents is required, the Town Clerk shall assign a permit number to the application and transmit two copies of the completed application, plans and specifications to the Reviewing Agent.

4. When no plan review of the permit-application documents is required, the applicant shall submit **three copies of the application forms and any plans** to the Town Clerk. The Town Clerk shall assign a permit number to the application, collect the necessary fees, and issue the permit. The Town Clerk shall then transmit one copy of the approved application to the Reviewing Agent for his/her records and inspections. The applicant shall post the permit in a conspicuous place at the site of the proposed work and shall have the application documents available on the jobsite at all times. In these instances, the remaining steps 5 through 8 of this Application Process and the entire Issuance Process of this ordinance shall not apply.

5. The Reviewing Agent shall stamp both sets of plans with the Town's permit-review stamp and shall mark one set "Town Copy" and the other "Builder Copy".

6. The Reviewing Agent shall review the documents submitted to determine if the proposed work complies with the Town Building Code, Zoning Code, and other applicable requirements.

7. If the Reviewing Agent needs additional or revised information to complete the plan review, he/she shall notify the applicant directly, whenever possible.

8. If the Reviewing Agent determines that the proposed work requires a variance from the Town Zoning Code, he/she shall notify the applicant and the Town Clerk of the type of variance needed. The Town Clerk shall forward the variance-application forms and instructions to the applicant. No permit will be issued unless and until the Board of Adjustment grants the variance needed for the proposed work or determines that no variance is required.

d. **Application.** To obtain a permit, the applicant shall first file a written application with the Town Clerk. Applications submitted to the Town Clerk by the first business day of the month will be acted upon by the Board at the following month's Board meeting PROVIDED

(1) the application contains sufficient information for the Reviewing Agent to complete a plan review and (2) the Reviewing Agent determines that the application complies with the Building Code and recommends that the permit be issued. Every such application shall, at a minimum:

1. Identify and describe the work to be covered by the permit for which application is made;
2. Provide the legal description of the property on which the proposed work is to be done and the street address or similar description that will readily identify and locate the proposed work;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Be accompanied by plans, diagrams, computations and specifications when required in Section 5c and 5e of this ordinance;
5. State the fair market valuation of the proposed work;
6. Provide the property owner's name, address, and phone number, and be signed by the property owner, or his authorized agent who shall submit evidence to indicate such authority;
7. Give such other information as reasonably may be required by the Reviewing Agent.

e. **Plans and Specifications.** When a plan review of the permit-application documents is required, the applicant shall submit clearly and precisely drawn plans, elevations, building and wall sections, engineering calculations, diagrams, other data, and a site plan showing site dimensions, all existing structures, proposed new structures, including roof overhangs, etc. and their distances from property lines with each application for a permit. Plans and elevations shall be drawn to reflect the intended orientation of the building on the site. No opposite hand or mirror-image drawings will be accepted.

The Reviewing Agent may require plans, calculations and specifications to be prepared and designed by an engineer or architect licensed by the State of Washington to practice as such. However, the Reviewing Agent may waive the submission of extensive plans, calculations, etc., if he or she finds that the nature of the work applied for is such that a review of extensive plans is not necessary to verify compliance with the Town Building Code.

f. **Fire Marshal Review:** Prior to submitting a building-permit application to construct a new residence or accessory structure or to reconstruct an existing residence, the applicant shall submit a minimum of three (3) sets of plans and data to the Fire Marshal for review and determination of compliance with the Uniform Fire Code (UFC). The submittal shall contain sufficient data as the Fire Marshal shall require to make such determination. When the Fire

Marshal has determined the proposed project meets the requirements of the UFC or finds that the proposed project is acceptable under the UFC subject to stipulated conditions, he shall mark two sets of the plans accordingly, which the applicant shall include in their building-permit application when submitted to the Town. Any conditions, stipulations, inspections, or other requirements of the Fire Marshal, as noted on the approved sets, shall become part of the approved set of building-permit documents upon the Town's issuance of the building permit.

g. Fees.

1. **Plan Review Fee:** A plan-review fee shall be assessed whenever plans or other data are required to be submitted for review by the Reviewing Agent prior to the issuance of a permit. Plan-review fees shall be set by resolution of the Council and shall be paid at the time the application, plans and other data are submitted for review by the Reviewing Agent.
2. **Permit Fees:** A permit fee shall be assessed for any project approved by either the Board or Town Clerk, as appropriate. Permit fees shall be set by resolution of the Council and shall be paid at the time the permit is issued.

No work requiring a permit shall begin until the permit fee is paid and the permit is issued. If work requiring a permit is started prior to obtaining the permit, the permit fees shall be doubled. The payment of such doubled fee shall not relieve the applicant from complying with the Town Building Code, the Town Zoning Code, or other Town ordinances.

3. **Fire-Marshall Review Fee:** Under the provisions of Chapter 3 of the Uniform Building Code, any fees for the review and inspections performed by the Fire Marshal or his authorized representative shall be as set by the Fire Marshal and shall be paid by the applicant.

h. Issuance Process.

1. The Reviewing Agent shall forward to the Board a written recommendation to grant or deny the permit and shall specify the reason(s) for any recommendation to deny the permit. With the written recommendation, the Reviewing Agent shall indicate on both sets of plans "OK to Approve", if appropriate, and shall return both sets of application documents, including plans, specifications, etc. to the Town Clerk.
2. The Board shall grant, deny, grant with conditions, or revoke permits after reviewing the proposed work and the recommendation from the Reviewing Agent.
3. Upon approval of the permit by the Board, the Town Clerk shall collect the necessary fees, issue the permit, and return to the applicant the set of application documents labeled "Builder Copy".

4. The applicant shall post the permit in a conspicuous place at the site of the proposed work and shall have the application documents labeled "Builder Copy" available on the jobsite at all times.

i. Fee Refunds.

1. The Town Clerk-Treasurer shall authorize the refunding of any fee under this ordinance that was erroneously paid or collected.
2. The Town Clerk-Treasurer may authorize the refunding of a portion of the plan-review fee when a permit application for which the fee has been paid is withdrawn or canceled. Such refund shall not exceed the difference between the cost to the Town of processing said application and the fee paid; in any event, the refund returned shall not exceed 80% of the plan-review fee.
3. The Town Clerk-Treasurer may authorize the refunding of a part of the permit fee paid when no work has been done under a permit issued in accordance with this ordinance. Such refund shall not exceed the difference between the cost to the Town of processing said application and the fee paid.
4. Any applicant desiring the refund of any fee paid under this ordinance shall apply for such refund in writing to the Town Clerk-Treasurer no later than 180 days after the date of the fee payment.

Section 6. Inspection. All work for which a building, mechanical, or other permit is required shall be subject to inspection by the Reviewing Agent and other authorized inspectors in accordance with the Town Building Code and King County and Washington State requirements.

Section 7. Completion of Work.

- a. All excavation or exterior construction shall be completed within one year after the date of issuance of the building permit. The Board may grant an extension of this period when the owner demonstrates justifiable reasons therefor.
- b. In the event the above requirement for timely completion is not met, the Town may arrange for completion of the exterior work so that it shall conform to the plans and specifications upon which the building permit was issued. If construction or excavation has proceeded only to the point where removal or restoration of the partially completed structure or excavation is more economical than completion, the Board may elect to accomplish the former. The reasonable cost of any such completion or removal and restoration shall constitute a lien in favor of the Town upon all of the real property involved.
- c. Prior to taking action as authorized in Paragraph (b) above, the Board shall:

1. Direct such completion or removal and restoration by written order;
2. Provide the owner of the Town's intention to implement Paragraph b. at least thirty (30) days prior to commencing any work; and
3. Provide the owner an opportunity to appeal the Board's decision to the Council prior to the expiration of the notice period.

Section 8. Conflicts. In the event of a conflict between the Uniform Codes (designated in Section 4 of this ordinance) and this ordinance, the Town Ordinance shall take precedence. Nothing contained in any provision of this ordinance shall be construed to permit any use, occupancy, or construction that is not in conformance with the Town Zoning Ordinance.

Section 9. Enforcement and Penalties.

a. No person, firm, corporation or association shall cause any building or other structure to be constructed or located in any manner as will result in violation of this ordinance. If the Reviewing Agent shall find any building or other structure, being so constructed or located, he shall order the work stopped by notice in writing to persons engaged in doing such work or causing it to be done. Such notice is to be posted on the premises stating the violations and/or possible corrective action; and all work shall be stopped forthwith until authorized to proceed by the Reviewing Agent.

b. Violation of any of the provisions of this Code shall be a civil infraction and any person found guilty thereof shall be subject to a civil penalty in an amount not to exceed \$500.00. It shall be a separate infraction for each and every day or portion thereof during which any violation of any provision of this Code is committed, continued or allowed to continue.

c. Any building or structure hereafter set up, erected, built, moved, or maintained contrary to the provisions of this Code shall be a public nuisance; and the Town shall immediately commence action to abate such nuisance, in the Superior Court or in some other court of competent jurisdiction.

Section 10. Limitation. The restrictions, limitations and requirements provided for in this ordinance are in addition to, and not in limitation of, any restrictions, limitations or requirements derived from any contract, deed or covenant pre-existing this ordinance.

Section 11. Applicability. Nothing contained in this ordinance shall apply to any act or omission nor to any offense committed prior to the effective date of this ordinance. Such prior act or omission shall be governed by the provisions of ordinances or other laws in effect when such act or omission occurred.

Section 12. Repealer. Ordinance No. 260, adopted by the Council on July 9, 1996 is hereby repealed.

Section 13. Validity. If any section, paragraph, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases subsequently may be found by competent authority to be unconstitutional or invalid.

Section 14. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage and publication.

PASSED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE on the 18th day of March, 1997.

Mayor

ATTEST:

APPROVED AS TO FORM:

Administrative Coordinator

Town Attorney

I certify that copies of the above ordinance were posted as required by law in the Town of Beaux Arts Village, Washington, on the ____th day of _____, 199__.

Sue Ann Spens
Administrative Coordinator