

Ordinance No. 00029

[\(Council Minutes 95/12/18\)](#)

ORDINANCE NO. 29

AN ORDINANCE of the City Council of the City of Lakewood, Washington, adopting the Uniform Building and Construction Codes as the building and construction codes for the City of Lakewood

WHEREAS, the City of Lakewood will become incorporated on February 28, 1996; and,

WHEREAS, pursuant to the provisions of Chapter 19.27 of the Revised Code of Washington, cities in the State of Washington are responsible for enforcement of the Uniform Building Codes and other uniform construction codes as adopted by state statute; and,

WHEREAS, state statute provides that cities may amend the state building code with certain limitations, and further provides that if no amendments are adopted by the legislative body of cities, the state building code shall be in force and effect; and,

WHEREAS, in keeping with the responsibility imposed by state law, it is appropriate for the City Council to adopt the uniform provisions of the state building code as the building and construction codes of the City.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

Section 1. Priority of Uniform Codes.

In cases of conflict between and among the uniform codes adopted by reference and incorporated into and comprising the building and construction codes of the City, the Uniform Building Code and Uniform Building Code Standards shall take precedence over other codes. The Uniform Mechanical Code shall take precedence over other codes except the Uniform Building Code and Uniform Building Code Standards. The Uniform Fire Code and Uniform Fire Code Standards shall take precedence over other codes except the Uniform Building Code and Uniform Building Code Standards and the Uniform Mechanical Code. The Uniform Plumbing Code shall take precedence over the other codes except the Uniform Building Code and Uniform Building Code Standards, the Uniform Mechanical Code and the Uniform Fire Code and Uniform Fire Code Standards.

Section 2. Adoption of Uniform Building Code and Uniform Building Code Standards.

The 1994 Edition of the Uniform Building Code and the Uniform Building Code Standards, published by the International Conference of Building Officials and as adopted as a part of the state building code are adopted by reference and incorporated herein as if fully set forth.

Section 3. Copy on File.

At least one copy of the Edition(s) of the Uniform Building Code and Uniform Building Code Standards identified in Section 2 of this Ordinance shall be on file in the Office of the City Clerk.

Section 4. Adoption of Uniform Mechanical Code.

The 1994 Edition of the Uniform Mechanical Code, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials and as adopted as a part of the state building code is adopted by reference and incorporated herein as if fully set forth.

Section 5. Copy on File.

At least one copy of the Edition(s) of the Uniform Mechanical Code identified in Section 4 of this Ordinance shall be on file in the Office of the City Clerk.

Section 6. Adoption of Uniform Fire Code and Fire Code Standards.

The 1994 Edition of the Uniform Fire Code and the Uniform Fire Code Standards, published by the Western Fire Chief=s Association and as adopted as a part of the state uniform codes are adopted by reference and incorporated herein as if fully set forth: Provided that notwithstanding any wording in the code, participants in religious ceremonies shall not be precluded from carrying hand-held candles.

Section 7. Copy on File.

At least one copy of the Edition(s) of the Uniform Fire Code and Uniform Fire Code Standards identified in Section 6 of this Ordinance shall be on file in the Office of the City Clerk.

Section 8. Adoption of the Uniform Plumbing Code.

The 1994 Edition of the Uniform Plumbing Code, published by the International Conference of Building Officials and as adopted as a part of the state building code is adopted by reference and incorporated herein as if fully set forth.

Section 9. Copy on File.

At least one copy of the Edition(s) of the Uniform Plumbing Code identified in Section 8 of this Ordinance shall be on file in the

Office of the City Clerk.

Section 10. Adoption of Washington State Energy Code .

The provisions of the Washington State Energy Code currently adopted by the Washington State Code Council as Chapter 51.11 of the Washington Administrative Code is adopted by reference and incorporated herein as fully set forth.

Section 11. Copy on File.

At least one copy of the Washington State Energy Code identified in Section 10 of this Ordinance shall be on file in the Office of the City Clerk.

Section 12. Adoption of the Washington State Ventilation and Indoor Air Quality Code.

The provisions of the Washington State Ventilation and Indoor Air Quality Code currently adopted by the Washington State Code Council as Chapter 51.13 of the Washington Administrative Code is adopted by reference and incorporated herein as fully set forth.

Section 13. Copy on File.

At least one copy of the Washington State Ventilation and Indoor Air Quality Code identified in Section 12 of this Ordinance shall be on file in the Office of the City Clerk.

Section 14. Adoption of the Uniform Code for the Abatement of Dangerous Buildings..

The 1994 Edition of the Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials is adopted by reference and incorporated herein as if fully set forth.

Section 15. Copy on File.

At least one copy of the Edition of the Uniform Code for the Abatement of Dangerous Buildings identified in Section 14 of this Ordinance shall be on file in the Office of the City Clerk.

Section 16. Adoption of the National Electrical Code.

The 1993 Edition of the National Electrical Code, published by the National Fire Protection Association and WAC 296-46 are adopted by reference and incorporated herein as if fully set forth.

Section 17. Copy on File.

At least one copy of the Edition of the National Electrical Code and WAC 296-46 identified in Section 16 of this Ordinance shall be on file in the Office of the City Clerk.

Section 18. Electricians and Electrical Installations.

The following sections of chapter 19.28 RCW as now in effect, and as may subsequently be amended, are adopted by reference to establish regulations pertaining to electricians and electrical installations, except that "Department" shall mean the City Department of Public Works:

19.28.005 Definitions.

19.28.010 Electrical wiring requirements - General - Exceptions.

19.28.060 Rules, regulations, and standards.

19.28.070 Enforcement - State electrical inspectors - Qualifications - Salaries and expenses.

19.28.120 License required - General or specialty licenses - Fees - Application - Bond - Cash deposit in lieu of bond.

19.28.125 Electrical contractors - Designee of firm to take administrator's examination - Certificate duration, renewal, nontransferable - Administrator's duties.

19.28.180 Licensee's bond - Action on - Priorities - Cash deposit, payment from.

19.28.190 Actions - Local permits - Proof of insurance.

19.28.200 Licensing - Exemptions.

19.28.210 Inspections - Notice to repair and change - Disconnection - Entry - Concealment - Connection to utility - Permits, fees.

19.28.250 Inspection reports.

19.28.260 Nonconforming installations - Disputes - Reference to board.

19.28.300 Board - Request for rulings - Fee - Costs.

19.28.310 Revocation or suspension of license - Grounds - Appeal to board - Fee - Costs.

19.28.340 Liability for injury or damage.

19.28.350 Violations of RCW 19.28.010 through 19.28.360 - Schedule of penalties - Appeal.

19.28.360 RCW 19.28.210 inapplicable in certain cities and towns, electricity supply agency service areas, and rights of way of state highways.

19.28.370 RCW 19.28.010 through 19.28.380 inapplicable to telegraph or telephone companies exercising certain functions.

19.28.390 Devices for diagnosis or treatment of disease or injury - Compliance with chapter.

19.28.510 Certificate of competency required - Electrical training certificate - Fee.

19.28.600 Powers and duties of director - Administration of RCW 19.28.510 through 19.28.620 by the department.

19.28.610 Exemptions from RCW 19.28.510 through 19.28.620.

19.28.620 Violations of RCW 19.28.510 through 19.28.620 - Schedule of penalties - Appeal.

Section 19. Copy on File.

At least one copy of the sections of Chapter 19.28 RCW set forth in Section 18 shall be on file with the Office of the City Clerk.

Section 20. Uniform Administrative Code.

The 1994 Edition of the Uniform Administrative Code as published by the International Conference of Building Officials is adopted by reference and incorporated herein as if fully set forth.

Section 21. Copy on File.

At least one copy of the Edition of the Uniform Administrative Code identified in Section 20 of this Ordinance shall be on file in the Office of the City Clerk.

Section 22. Uniform Housing Code.

The 1994 Edition of the Uniform Housing Code as published by the International Conference of Building Officials is adopted by reference and incorporated herein as if fully set forth.

Section 23. Copy on File.

At least one copy of the Edition of the Uniform Housing Code identified in Section 22 of this Ordinance shall be on file in the Office of the City Clerk.

Section 24. Uniform Swimming Pool, Spa and Hot Tub Code.

The 1994 Edition of the Uniform Swimming Pool, Spa and Hot Tub Code, as published by the International Conference of Building Officials, the Western Fire Chiefs Association and the International Association of Plumbing and Mechanical Officials is adopted.

Section 25. Copy on File.

At least one copy of the adopted Edition of the Uniform Swimming Pool, Spa and Hot Tub Code identified in Section 24 of this Ordinance shall be on file in the office of the City Clerk.

Section 26. Swimming Pool Fences.

Every swimming pool, public or private, constructed under the provisions of this code shall have a fence installed around the

perimeter that complies with the following standards:

A. Fences shall be not less than five (5) feet in height with no opening thereon, other than doors or gates, larger than four (4) square inches. The fence around the pool area and may include yard areas so long as the fence, together with any buildings or other structures to which the fence abuts prevent unauthorized access to the pool area except through doors or gates.

B. All gates or doors opening through such fence enclosure shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such doors and gates securely closed at all times when not in use. All self-closing and self-latching devices shall be installed at a height on the door or gate not less than 4-1/2 feet above the ground level at such door or gate, or secured from the outside by a locking mechanism; provided that the door of a single family residence that is part of the required enclosure need not be equipped with self-closing and self-latching devices if all other provisions of this section have been met.

C. For the purposes hereof, a swimming pool shall mean any structure, basin, chamber or tank containing water used for swimming, diving, relaxing or recreational bathing, and having a depth of two feet or more at any point and containing or being able to contain 5,000 gallons of water or more.

Swimming pools located within a courtyard shall be fenced as required herein.

Section 27. Building and Fire Code Board of Appeals.

A. Authority and Limitations. In order to determine the suitability of alternative materials and types of construction, and to provide for reasonable interpretations under the provisions of the building and construction codes adopted by this Ordinance, the City of Lakewood Building and Fire Code Board of Appeals is hereby established. The Building and Fire Codes Board of Appeals shall have no authority relative to the interpretation of the administrative provisions contained in Chapter 1 of the Uniform Building Code and Uniform Mechanical Code, Part 1 of the Uniform Plumbing Code, Chapter 1 and 11 of Washington State Energy Code and Chapter 1 of the Ventilation and Indoor Air Quality Code. Nor shall the Board be empowered to waive requirements of the building and construction codes adopted by this Ordinance.

B. Board Membership. The Building and Fire Code Board of Appeals shall consist of twelve (12) members which include five (5) regular members and seven (7) alternate members who shall be selected by the Mayor, subject to confirmation by the City Council, with the selection intended to include individuals who have professional and career training, experience and/or education involving the building and construction trades. Members of the Board shall serve at the pleasure of the City Council and without compensation. The City Manager or designee shall serve as an ex-officio non-voting member of the Board. A quorum of the Board, exclusive of the City Manager or designee shall be four members. The alternate members shall be called, as needed, to combine with available regular members to constitute a quorum, and whenever regular members are unable to serve because of a conflict.

C. Appeal process. Any person or party directly aggrieved by a decision or order of the person designated as the Building Official for the City of Lakewood, in such person's application of the codes adopted by this Ordinance, may appeal to the Board by filing a notice of appeal, together with a non-refundable fee of One Hundred Fifty Dollars (\$150.00), with the City Clerk within twenty calendar days of the written decision or order being appealed. The Board shall thereafter schedule a hearing on the appeal within ninety (90) days of the notice of appeal. It is provided, however, that continuances may be granted to the appellant or to any other party in interest in the discretion of the Board. The Board shall render its decision on the appeal within thirty (30) days after the hearing. The Board shall adopt reasonable rules of procedure for conducting its hearings. Copies of all decisions of the Board of Appeals shall be provided to the appealing party and to the City Clerk, the Building Official and the City Attorney.

D. Further Appeal to Superior Court. When any party to a Board of Appeals hearing feels aggrieved by any final order of the Board stemming from an appeal to the Board, as provided for hereinabove, the party may bring an action appealing or challenging the decision of the Board of Appeals to the Superior Court of Pierce County within twenty (20) days of the written decision of the Board of Appeals.

Section 28. Severability.

If any section, clause or provision of this Ordinance be declared invalid by the courts, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part declared invalid.

Section 29. Effective Date.

This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary as required by law and on February 28, 1996.

ADOPTED by the City Council this 18th day of December, 1995

CITYOF LAKEWOOD

/S/ Bill Harrison

Mayor

Attest:

/S/ Alice M. Bush

City Clerk

Approved as to Form:

/S/ Daniel B. Heid

City Attorney

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