

**TOWN OF WOODWAY
ORDINANCE NO. 10-523**

AN ORDINANCE AMENDING TITLE 12 OF THE
WOODWAY MUNICIPAL CODE RELATED TO
BUILDINGS AND CONSTRUCTION, PROVIDING FOR
SEVERABILITY AND ESTABLISHING AN
EFFECTIVE DATE.

WHEREAS, the Town has, pursuant to its municipal authority, adopted certain Codes as adopted and amended by the State of Washington, as the Building Codes of the Town; and

WHEREAS, those Codes are generally adopted and amended by the State of Washington every three years pursuant to the provisions of RCW 19.27; and

WHEREAS, certain Codes were recently amended by the State of Washington, thus it is appropriate for the Town to update its Municipal Code accordingly; NOW THEREFORE

**THE TOWN COUNCIL OF THE TOWN OF WOODWAY,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. Section 12.04.050 of the Woodway Municipal Code, is amended to read as follows:

12.04.050 Permit expiration.

Building, plumbing, mechanical and clearing and grading permits issued under the provisions of this code shall expire one year from the date of issue. One six-month renewal may be granted by the Building Official upon written request. The fee for renewal shall be equal to one-half the original permit fee and a new operation fee as set forth in Section 3.32.010.

Section 2. A new Section 12.04.080 of the Woodway Municipal Code is added to read as follows:

12.04.080 Valuation of Construction.

For the purposes of determining build permit fees, the determination of value or valuation shall be made by the Plan Checker. The valuation for a new house or addition to an existing house shall be based a minimum factor of one hundred dollars per square foot for standard quality construction and a factor of one hundred seventy dollars per square foot for high quality construction. The town may require the permit applicant to provide proof of the actual construction cost after the project is completed. If the actual cost exceeds the valuation used to determine permit and review fees, additional fees may be

required. Valuation for purposes of determining a demolition permit fee shall be based upon the contract price or the fair market value of the demolition work, with a minimum fee as set forth in Section 3.32.010.

Section 3. Section 12.06.020 of the Woodway Municipal Code, is amended to read as follows:

12.06.020 International Building Code.

The 2009 Edition of the International Building Code, as published by the International Code Council, as amended by the Washington State Building Code Council and published in Chapter 51-50 of the Washington Administrative Code, including Appendix J Grading, as now or hereafter amended, is adopted.

A. Appendix J of the 2009 International Building Code and all future amendments and revisions thereto, relating to excavation and grading is amended as follows:

1. Section J103 is repealed and replaced with a new Section J103 to read as follows:

J103.1 Permits required. Except as exempted in Section J103.2, no clearing or grading shall be performed without first having obtained a permit from the Town. A clearing and grading permit does not include the construction of retaining walls or other structures.

J103.2 Exemptions.

Except in critical areas and their buffers a clearing and grading permit shall not be required for the following:

- (a) The removal of prohibited vegetation.
- (b) Clearing and grading performed in the normal course of maintaining existing landscaping on a lot associated with an existing building or buildings, provided such work:
 - (1) Does not substantially change the points where the stormwater or groundwater enters or exits the subject property; and will not change the quality, quantity, or velocity of stormwater or groundwater;
 - (2) Does not result in an increase or decrease in topography at any point of more than four feet; and
 - (3) Does not involve more than fifty cubic yards of material in any twelve-month period.
- (c) Any excavation authorized by a valid building permit, unless a drainage review is required by the Town Engineer. This shall not exempt any fill made with the material from such excavation when the material is removed from the lot or any fill material which is placed on the lot.
- (d) Utilities or other work in a right-of-way supervised by the Town of Woodway, authorized in writing by the director of the department of public works, or as allowed by a right-of-way permit approved under Chapter 12.04 of the Woodway Municipal Code.
- (e) Excavations for franchise utility service connections (power, telephone, cable, gas, etc.) to serve existing and/or new structures.

- (f) Correction of storm drainage problems when supervised by the department of public works.
 - (g) Exploratory excavations under the direction of a professional engineer licensed in the state of Washington, as long as the extent of the clearing and grading does not exceed the minimum necessary to obtain the desired information.
 - (h) Normal maintenance and repair of the facilities of a common carrier by rail in interstate commerce within its existing right-of-way.
 - (i) Cemetery graves.
2. The clearing and grading plan review fee schedule shall be as set forth in Section 3.32.010.
 3. The clearing and grading permit fee schedule shall be as set forth in Section 3.32.010.

B. The provisions of the International Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures shall comply with the International Residential Code.
2. Roads, bridges, sidewalks, drainage structures, retaining walls and similar structures for work regulated, approved and inspected by the Town's Public Works Department.
3. Electrical transmission towers and telephone poles (not including cell towers) under the control of a utility.

C. All references to the Board of Appeals shall be deemed to refer to the Hearing Examiner system of Chapter 2.56 of the Woodway Municipal Code. The Hearing Examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of this code.

Section 4. Section 12.06.025 of the Woodway Municipal Code, is amended to read as follows:

12.06.025 International Residential Code.

The 2009 Edition of the International Residential Code, as published by the International Code Council, as amended by the Washington State Building Code Council and published in Chapter 51-51 of the Washington Administrative Code as now or hereafter amended, is adopted.

A. Table R301.2, Climate and Geographic Design Criteria, is amended to read as follows:

Roof snow load ^a	25 psf
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Wind speed ^b	85 mph
Seismic design category ^c	D2
Damage from Weathering ^d	Moderate
Frost line depth	12 inches
Damage from Termite decay	Slight to moderate
Outside design temperature – heat/cooling	82 F/24 F
Ice shield underlayment required	NO
Air freezing index	144
Mean annual temperature	51.4
Flood Hazards ^e	Per Woodway Municipal Code 16.10

^a When using this roof snow load it will be left to the engineer's judgment whether to consider drift or sliding snow. However, rain on snow surcharge of 5 psf must be considered for roof slopes less than 5 degrees.

^b Wind exposure category and Wind Speed-up (Kzt) factor shall be determined on a site-specific basis by the Engineer of Record.

^c From IRC Table 301.2 (1).

^d Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

B. Section R105.2 is amended to read as follows:

R105.2 Work exempt from permit.

Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permit exemptions shall not apply to areas of flood hazard or Town land use critical areas.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided that the floor area does not exceed one hundred twenty square feet.
2. Retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed five thousand gallons and the ratio of height to diameter or width does not exceed two to one.

4. Like for like replacement of windows in an IRC structure.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Prefabricated swimming pools provided they meet one of the following conditions:
 - a. The pool is less than 24 inches deep.
 - b. The pool walls are entirely above ground and the capacity does not exceed five thousand gallons.
7. Swings and other playground equipment accessory to a one or two-family dwelling.
8. Window awnings supported by an exterior wall which do not project more than fifty four inches from the exterior wall and do not require additional support.
9. Sidewalks and driveways associated with residential buildings constructed under the provisions of the IRC.
10. Decks, associated platforms and steps accessory to residential buildings constructed under the provisions of the IRC which are not more than thirty inches above adjacent grade and not over any basement or story below.
11. In-kind re-roofing of IRC regulated structures provided the roof sheathing is not removed or replaced.
12. Interior fences not over six foot high per Section 14.08.105 C. of the Woodway Municipal Code.

C. All references to the Board of Appeals shall be deemed to refer to the Hearing Examiner system of Chapter 2.56 of the Woodway Municipal Code. The Hearing Examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of this code.

Section 5. Section 12.08.010 of the Woodway Municipal Code, is amended to read as follows:

12.08.010 International Mechanical Code.

The 2009 Edition of the International Mechanical Code, as published by the International Code Council, as amended by the Washington State Building Code Council and as published in Chapter 51-52 of the Washington Administrative Code, as now or hereafter amended, is adopted.

Section 6. Section 12.09.010 of the Woodway Municipal Code, is amended to read as follows:

12.09.010 Uniform Plumbing Code and Uniform Plumbing Code Standards.

The 2009 Edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, as amended by the Washington State Building Code Council and as published in Chapter 51-56 and 51-57 Washington Administrative Code is adopted.

Section 7. Section 12.10.010 of the Woodway Municipal Code, is amended to read as follows:

12.10.010 Adoption of the National Electrical Code.

The 2008 Edition of the National Electrical Code (NFPA 70-2008) including Annex A, B, and C, as amended by WAC 296-46B, Part A, is adopted by reference, as now or hereafter amended.

Section 8. Chapter 12.13 of the Woodway Municipal Code is amended to read as follows:

Chapter 12.13

FIRE CODE

Sections:

12.13.010 International Fire Code.

12.13.020 Copy on file.

12.13.030 Amendments and exceptions to the Fire Code.

12.13.010 International Fire Code.

The 2009 Edition of the International Fire Code (IFC), as published by the International Code Council, as amended by the Washington State Building Code Council, and as published in Chapter 51-54 of the Washington Administrative Code, as now or hereafter amended, is adopted including reference standards of the National Fire Protection Association and Appendixes Chapters B, C, and J.

12.13.020 Copy on file.

At least one copy of the adopted edition of the International Fire Code shall be on file in the office of the Town Clerk.

12.13.030 Amendments and exceptions to the Fire Code.

The following sections of 2009 IFC have been added, amended, deleted, or replaced as follows:

A. Section 103.1-.2 Department of Fire Prevention.

There is established in the Town a Department of Fire Prevention supervised by the Fire Marshal or Deputy Chief of Fire Prevention acting under the supervision of the Fire Chief. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

B. Section 104.8 Modifications.

1. The Fire Marshal shall have the authority to modify any of the provisions of the IFC or this chapter on written application by the owner, lessee, or his duly authorized agent when there are practical difficulties in carrying out the strict letter of the code. Approved modifications, including alternative materials and methods, shall observe the spirit of the code, preserve fire- and life-safety, secure the public health, and do

substantial justice. A signed copy of approved modifications shall be promptly given to the applicant.

2. Details of actions granting modifications and related interpretations shall be recorded and preserved in the records of the Department of Fire Prevention to aid in conformance and uniform application of related codes, ordinances, and standards.

C. Section 104.10.1 Assistance from other agencies.

Police and other enforcement agencies shall have the authority to render necessary assistance in the investigation of fires and enforcement of the life safety provisions of this code when requested by the Fire Marshal.

D. Section 105.1.1 Permits required.

Permits required by this code and regulated by the town shall be issued by the Fire Marshal or building department personnel with concurrence of the Fire Marshal. Permit fees adopted by town council shall be paid prior to permit issuance. Permits shall be kept at the designated premises indicated and be readily available for fire and town personnel.

E. Section 108 Board of appeals. All references to the Board of Appeals shall be deemed to refer to the Hearing Examiner system of Chapter 2.56 of the Woodway Municipal Code. The Hearing Examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of this code.

F. Section 109.3 Violation Penalties. Section 109.3 of the International Fire Code is replaced by Woodway Municipal Code Section 1.12.010.

G. Section 202 Definitions.

1. Whenever the term "fire code official" is used in the IFC, it shall mean the Fire Marshal or Deputy Chief of Fire Prevention acting under the supervision of the Fire Chief.
2. Whenever the term "chief appointing authority" or "fire chief" is used in the IFC, it shall mean Snohomish County Fire Protection District #1 Fire Chief who is the Fire Chief for the Town of Woodway.
3. Whenever the word "municipality" or "jurisdiction" is used in the IFC, it shall mean the Town of Woodway.
4. Whenever the term "legal representative of the jurisdiction" is used in the IFC, it shall mean the Attorney for the Town of Woodway.
5. Wherever the term "the Police Department" is used in the IFC, it shall mean the Woodway Police Department.

H. Section 503 Fire Apparatus Access Roads.

The following sections are adopted as published in IFC. The Washington State amendments to these sections are not adopted.

1. Section 503.1, Where required.
2. Section 503.1.1, Buildings and facilities.

3. Section 503.1.2, Additional access.
4. Section 503.1.3, High-piled storage.
5. Section 503.2, Specifications.
6. Section 503.3, Marking.
7. Section 503.4, Obstruction of fire apparatus access roads.

I. Section 3301.1.3 Explosives and Fireworks scope. An exception is added to Section 3301.1 of the International Fire Code to read as follows:

10. The use of flares for signal purposes or illumination during transportation signaling or forest protection activities.

J. Section 3301.1.3 Fireworks not adopted.

Section 3301.1.3 of the International Fire Code is replaced with Chapter 6.16 of the Woodway Municipal Code.

K. Sections 3404.2.9.6.1 (outside) and 3406.2.4.4 (inside) Locations where above-ground tanks are prohibited. Class I and II flammable liquids in aboveground storage tanks are restricted for the protection of residential areas and shall be no more than 1,000 gallons capacity in Town of Woodway.

L. Section 3804.2 Liquefied Petroleum Gas (LPG): maximum capacity within established limits. The maximum capacity for each installation of LPG is restricted for the protection of residential areas and shall be no more than 500 gallons water capacity in Town of Woodway.

Section 9. Section 12.19.010 of the Woodway Municipal Code, is amended to read as follows:

12.19.010 Washington State Energy Code.

The Washington State Energy Code, as amended by the Washington State Building Code Council and published as Chapter 51-11 of the Washington Administrative Code, as now or hereafter amended, is adopted.

Section 10. Chapter 12.21 of the Woodway Municipal Code is repealed.

Section 11. Section 12.24.020 of the Woodway Municipal Code, is amended to read as follows:

12.24.020 Permits and fees.

- A. Existing fence or wall repairs do not require a building permit.
- B. Construction of a new property line or perimeter fence or wall, as described in Sections 14.08.105A and 14.08.105 of the Woodway Municipal Code, requires a building permit. A permit fee as scheduled provides a plan check and one site inspection. Any additional inspections will be based on the one site inspection. Any additional inspections will be based on the fees set forth in Section 3.32.010.

C. New construction of a fence or wall which is included on the new residence building plans will be included in the original building permit fee. Inspections of said fence or wall shall be completed prior to the town's issuance of a building permit final inspection approval; otherwise, subsection B of this section and the requirements of this chapter shall apply.

Section 12. Section 12.30.010 of the Woodway Municipal Code, is amended to read as follows:

12.30.010 International Property Maintenance Code.

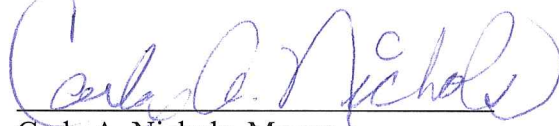
The 2009 Edition of the International Property Maintenance Code, as published by the International Code Council is adopted.

Section 13. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phase of this Ordinance.


Section 14. Effective Date. This Ordinance shall take effect July 1, 2010 and after passage and publication of an approved summary thereof consisting of the title.

PASSED by the Woodway Town Council at a regular meeting of the Town Council this 21st day of June, 2010.

TOWN OF WOODWAY


Carla A. Nichols, Mayor

ATTEST:


Joyce Bielefeld, Clerk-Treasurer