

## **Title 15**

### **BUILDINGS AND CONSTRUCTION**

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#### **Chapter 15.04**

### **CONSTRUCTION CODES ADOPTED**

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#### **15.04.005 Purpose.**

The purpose of this chapter shall be as set forth in the codes and regulations adopted herein. Notwithstanding anything in the ordinance codified in this chapter or adopted codes to the contrary, this chapter and the adopted codes shall be administered for the benefit of the health, safety and welfare of the general public and shall not be construed to establish any duties to protect or benefit any particular person or class of persons.

(Ord. 367 § 1, 2007)

#### **15.04.010 Adoption of building codes.**

A. The State Building Code, as defined in RCW 19.27.031 adopting the International Residential Code, the International Building Code, the International Mechanical Code, the International Fire Code, the Washington State Energy Code, and the Uniform Plumbing Code as amended and updated by the Washington State Building Code Council pursuant to RCW 19.27.074 and Chapter 51-51 WAC, and as amended throughout this title except to the extent prohibited by RCW Chapter 19.27 is adopted as the Grays Harbor County Building Code. The Grays Harbor County Building Code also includes, as amended, Appendix C and Appendix J of the International Building Code.

B. The Uniform Code for the Abatement of Dangerous Buildings, 1991 Edition, as published by the International Conference of Building Officials, is adopted as part of the Grays Harbor County Building Code.

C. The Grays Harbor County Building Code shall be administered in Grays Harbor County by the planning and building division.  
(Ord. 367 § 2, 2007; Ord. 344 § 9, 2006; Ord. 320 § 2 (part), 2004; Ord. 243 § 11.01.010, 1998)  
(Ord. No. 396, § 1, 11-15-2010)

#### **15.04.020 International Building Code amended.**

The following sections of the International Building Code adopted in Section 15.04.010 of this chapter are amended as follows:

A. Section 101.4 is amended to read as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.6 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. References to the International Property Maintenance Code, the International Private Sewage Disposal Code, and the International Electrical Code shall not apply.

B. Sections 101.4.3 Plumbing and 101.4.4 Property Maintenance are not adopted.

C. Section 101.4.6 Energy is amended to read as follows:

101.4.6 Energy. The provisions of the Washington State Energy Code WAC 51-11 shall apply to all matters governing the design and construction of buildings for energy efficiency.

D. Section 102.6 is amended to read as follows:

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public. Legal occupancy shall mean a structure or use for which a certificate of occupancy has been issued by the County.

E. Section 103.3 is amended to read as follows:

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

F. Section 104.8 is amended to read as follows:

104.8 Liability. The building official, member of the building codes advisory council or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without

malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

G. Section 104.10 is amended to read as follows:

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided that the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the planning and building division.

The request for modification shall be submitted in writing to the building official and shall contain the following information:

- (a) The applicable code section.
- (b) A detailed description of the purpose the prescriptive path required by the applicable code section.
- (c) The purpose of the prescriptive path.
- (d) A description of the modification request, including detailed documentation that includes the following:
  - (1) The practical difficulty involved in implementing the specific provision of the code.
  - (2) The specific reason that makes the application of the code impractical. Impractical is defined as a code requirement that is incapable of being accomplished without extreme hardship. Extreme hardship may include expense, but this specific form of hardship shall be supported by documentation supporting the assertion.
  - (3) That the modification is in compliance with the intent and purpose of the code. Documentation in support of the request shall be provided from nationally recognized standards referenced in IBC Chapter 35 and IFC Chapter 47.
  - (4) That the modification does not lessen health, accessibility, life and fire safety, or structural code requirements.

This section is not intended to encourage setting aside or ignoring a specific code provision; rather, it is

intended to provide for the acceptance of equivalent protection. Such modifications shall not extend to actions that are necessary to correct violation of the code. A code violation, or the expense of correcting a code violation, shall not constitute a practical difficulty.

H. Section 104.11 is amended to read as follows:

104.11 Alternative materials, design and methods of construction. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed in this code, provided that any such alternative has been approved by the building official. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent and provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

The request for the use of alternative materials, design, and methods of construction and equipment shall be submitted in writing to the building official and shall contain the following information:

- (a) The applicable code section.
- (b) A detailed description of the prescriptive path required by the applicable code section.
- (c) The purpose of the prescriptive path.
- (d) A description of the alternative material, design, and/or method of construction and equipment request, including detailed documentation that includes the following:
  - (1) Demonstrates that the alternative request addresses the safety of the building occupants.
  - (2) Demonstrates that the alternative offers equivalent performance as required by the code.
  - (3) A report in support of the request containing evidence of equivalency. This report shall be consistent with the direction provided in IBC section 104.11.1.
  - (4) The alternative provides an equivalent level of protection for the public health, safety and welfare as required by this code.

This section is not intended to encourage setting aside or ignoring a specific code provision; rather, it is intended to provide a basis for the approval of an increasing number of newly-developed innovative materials, systems and methods for which no code text or referenced standards yet exist while providing for the acceptance of an equivalent level of public health, safety and welfare as required by this code.

Such alternative materials, design and methods of construction shall not extend to actions necessary to correct violations of the code. A code violation, or the expense of correcting a code violation, shall not constitute a finding in support of a request for alternative materials, design and methods of construction.

I. Section 105.1 is amended to read as follows:

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

J. Section 105.1.1 Annual permit is amended to read as follows:

105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.

K. Section 105.2 is amended to read as follows:

105.2 Work exempt from permit. Exemptions from 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.

Permits shall not be required for the following:

Building:

- (1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred square feet, and provided the structure complies with the building setback requirements set forth in Title 17 of this code governing zoning and Title 18 of this code governing critical area protection.
- (2) Fences not over six feet high.
- (3) Oil derricks.
- (4) 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 or impounding Class I, II or IIIA liquids.
- (5) Water tanks supported directly on grade if the capacity does not exceed five thousand gallons and the ratio of height to diameter or width does not exceed 2:1.
- (6) Sidewalks and driveways not more than thirty inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- (7) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (8) Temporary motion picture, television and theater stage sets and scenery.

(9) Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than twenty-four inches deep, do not exceed five thousand gallons and are installed entirely above ground.

(10) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

(11) Swings and other playground equipment accessory to detached one- and two-family dwellings.

(12) Window awnings supported by an exterior wall that do not project more than fifty-four inches from the exterior wall and do not require additional support of Group R-3 and U occupancies.

(13) Non-fixed and movable fixtures, cases, racks, counters and partitions not over five feet, nine inches in height.

(14) Cargo containers, except any use of the container for purposes other than storage. The placement of the container shall comply with the building setback requirements set forth in Title 17 of this code governing zoning and the critical protection area requirements set forth in Title 18 of this code.

(15) Freestanding signs less than six feet in height as measured from existing grade, provided that the structure complies with the building setback and use requirements set forth in Title 17 of this code governing zoning. Freestanding signs greater than six feet in height and all other signs not exempt pursuant to Title 17 shall require the issuance of a building permit and shall conform to the provisions of Section H105 in Appendix H of the IBC.

(16) Fill and grade activities associated with forest practices and agriculture.

Gas:

(1) Portable heating appliance.

(2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

(1) Portable heating appliance.

(2) Portable ventilation equipment.

(3) Portable cooling unit.

(4) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

(5) Replacement of any part that does not alter its approval or make it unsafe.

(6) Portable evaporative cooler.

(7) Self-contained refrigeration system containing ten pounds or less of refrigerant and actuated by motors of one horsepower or less.

Plumbing:

(1) The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

(2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

L. Section 107.1 General is amended to read as follows:

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

A Washington State-licensed architect shall prepare construction drawings where required by Revised Code of Washington 18.08.410.

M. Section 108.1 General is amended to read as follows:

108.1 General. The building official is not authorized to issue a permit or an extension of the permit expiration date for temporary structures and temporary uses, except as provided below in the listed exceptions. Such permits shall be limited as to time of service.

Exceptions.

(1) The building official may authorize unheated tents and yurts under five hundred square-feet accommodating an R-1 occupancy for recreational use as a temporary structure and allow for them to be used indefinitely. The construction and use of unheated tents and yurts under five hundred square-feet in size shall only be allowed in a licensed park, as defined in section 8.20.30, and as permitted by Titles 16 and 17 of this code.

(2) The building official may authorize the installation and use of a Washington State-certified black label commercial coach for a period of time not to exceed one hundred eighty days, provided that a performance bond for the sum of two thousand dollars is provided to the County to cover the cost of removing the unit from the site by the County.

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

N. Section 108.3 Temporary power is amended to read as follows:

108.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in National Fire Protection Association (NFPA) 70.

O. Section 109.1 Payment of fees is amended to read as follows:

109.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

P. Section 109.4 is amended to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.

The investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Q. Section 109.1 is amended to read as follows:

109.6 Refunds. The building official may authorize refunding not more than 80-percent of the permit fee or plan review fee paid or both, but only in circumstances where no work has been performed under a permit issued in accordance with this code. A request for refund shall be provided in writing by the applicant within 180 days from the date of permit issuance.

R. Section 110.3.7 is amended to read as follows:

110.3.7 Energy efficiency inspections. Inspections shall be made to determine compliance with the Washington State Energy Code and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

S. Section 113 is amended to read as follows:

## SECTION 113

## APPEALS TO BUILDING CODES ADVISORY COUNCIL

113 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, the Building Codes Advisory Council shall serve as a board of appeals. The council shall adopt rules of procedure for conducting its business.

An appeal of any administrative decision of this code shall be processed as set forth in the provisions of Chapter 2.14 and Chapter 15.16 of this code.

T. Section 114.1 is amended to read as follows:

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code: or cause same to be done, in conflict with or in violation of any of the provisions of this code.

No building permit(s) shall be issued for work upon property until all outstanding violations of record attached to the subject property have been resolved, or when otherwise approved by the building official or his or her designee. For purposes of this section, a violation becomes "of record" when a property owner has been notified in writing of the presence of a violation upon a property.

(Ord. 367 § 3, 2007; Ord. 344 § 10, 2006; Ord. 330 (part), 2005; Ord. 320 § 2 (part), 2004; Ord. 243 § 11.01.020, 1998)

(Ord. No. 396, § 2, 11-15-2010)

### **15.04.030 International Residential Code amended.**

The following sections of the International Residential Code are amended to read as follows:

R102.7 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public. Legal occupancy shall mean a structure or use for which a final inspection has been completed by the County.

R103.1 Creation of enforcement agency. The planning and building division is hereby designated the enforcement agency for this code and the official in charge thereof shall be known as the building official.

R104.8 Liability. The building official, member of the building codes advisory council or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The

building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

R104.10.1 Areas prone to flooding. The building official shall not grant modifications to any provision related to areas prone to flooding as established by Table R301.2(1) without the granting of a variance to such provisions by the board of adjustment pursuant to the provisions of chapter 18.06 of this code.

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from 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.

Building:

- (1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred square feet, provided that the structure complies with the building setback requirements set forth in Title 17 governing zoning and Title 18 governing critical area protection.
- (2) Fences not over six feet high.
- (3) 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.
- (4) 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 2 to 1.
- (5) Sidewalks and driveways.
- (6) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (7) Prefabricated swimming pools that are less than twenty-four inches in depth.
- (8) Swings and other playground equipment.
- (9) 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.
- (10) Decks that are not more than thirty inches above grade at any point, are not attached to a dwelling, and do not serve the exit door required by Section R311.4.
- (11) Roof covering replacement (re-roofing), not including the repair or replacement of the roof sheathing or other structural components.
- (12) Siding replacement, not including the repair or replacement of structural components.

(13) Window replacement, provided that the replacement does not include structural modifications, and further provided that the replacement windows shall comply with the requirements of the Washington State Energy Code for thermal efficiency, IRC Section R310 for emergency escape and rescue openings and with IRC Section R308.4 for hazardous locations.

(14) Cargo containers, except any use of the container for purposes other than storage. The replacement of the container shall comply with the building setback requirements set forth in Title 17 governing zoning and Title 18 governing critical area protection.

#### Electrical:

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

#### Gas:

(1) Portable heating, cooking or clothes drying appliances.

(2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

(3) Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

#### Mechanical:

(1) Portable heating appliances.

(2) Portable ventilation appliances.

(3) Portable cooling units.

(4) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

(5) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

(6) Portable evaporative coolers.

(7) Self-contained refrigeration systems containing ten pounds or less of refrigerant or that are actuated by motors of one horsepower or less.

(8) Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. The building official shall render any determination of substantially improved or substantially damaged existing buildings in flood hazard areas as provided in chapter 18.06 of this code.

Section R107, Temporary structures and uses, is deleted.

R108.5 Refunds. The building official may authorize refunding not more than eighty percent of the permit fee paid, provided that no work has been performed under a permit issued in accordance with this code. The applicant shall provide a request for refund in writing within one hundred eighty days from the date of permit issuance.

The building official may authorize refunding of not more than eighty percent of the plan review fee paid, provided that the application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review is conducted. The applicant shall provide a request for refund in writing within one hundred eighty days from the date of application payment.

R110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has completed a final inspection as provided herein. The completion of the final inspection shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. A final inspection presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

Exception: Final inspections are not required for work exempt from permits under Section R105.2.

R112.1 General. The County Building Codes Advisory Council shall decide appeals of orders, decisions, or determinations of the building official and code text amendments as set forth in IBC section 113 and chapter 2.14 of this code.

R112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The council shall have no authority to waive requirements of this code.

R112.2.1 Determination of substantial improvement in areas prone to flooding. The building official shall render any determination of substantial improvement in areas prone to flooding as provided in chapter 18.06 of the county code.

R112.3 Qualifications. The building codes advisory council shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

R112.4 Administration. The building official shall take immediate action in accordance with the decision of the council.

R113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

No building permit(s) shall be issued upon property until all outstanding violations of record attached to the subject property have been resolved, or when otherwise approved by the building official or his or her designee. For purposes of this section, a violation becomes "of record" when a property owner has been notified in writing of the presence of a violation upon the property.

(Ord. 367 § 4, 2007)

(Ord. No. 396, § 3, 11-15-2010)

#### **15.04.040 International Mechanical Code amended.**

The following sections of the International Mechanical Code are amended to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of Grays Harbor County, hereinafter referred to as "this code."

103.1 General. The planning and building division is hereby authorized to administer this code and the director in charge thereof shall be known as the code official.

106.3.1 Construction documents. Construction documents, engineering calculations, diagrams and other data shall be submitted in two or more sets with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional when the information is necessary to determine compliance with this code or when required by state law. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for mechanical systems, and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The code official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.

106.5.2 Fee schedule. The fees for mechanical work shall be as established by resolution of the board of

county commissioners from time-to-time.

106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows.

(1) The full amount of any fee paid hereunder which was erroneously paid or collected.

(2) Not more than 80 percent of the permit fee paid may be refunded by the building official, provided that no work has been performed under a permit issued in accordance with this code. The applicant shall provide a request for refund in writing not later than 180 days from the date of permit issuance.

(3) Not more than 80 percent of the plan review fee paid may be refunded by the building official, provided that the application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review is conducted. The applicant shall provide a request for refund in writing within 180 days from the date of application payment.

109.1 Application for appeal. A person shall have the right to appeal a decision of the code official to the building codes advisory council. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 21 days after the notice was served. An appeal of any administrative decision of this code shall be processed as set forth in the provisions of Grays Harbor County Code Chapter 2.14 and Chapter 15.16.

109.1.1 Limitation of authority. The council shall have no authority relative to interpretation of the administration of this code nor shall such council be empowered to waive requirements of this code.

Sections 109.2 through 109.7 are deleted.

(Ord. 367 § 5, 2007)

#### **15.04.050 International Fire Code amended.**

The following sections of the International Fire Code are amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of Grays Harbor County, hereinafter referred to as "this code."

Section 102.2, Administrative, operational and maintenance provisions, is deleted.

### SECTION 103

#### PLANNING AND BUILDING DIVISION

103.1 General. The planning and building division is established within the jurisdiction under the direction of the fire marshal. The function of the division shall be the implementation, administration and enforcement of the provisions of this code. All references in this code to "department of fire prevention" or "department" shall refer to the "planning and building division" or "division." All

references to "fire code official" in this code shall mean "fire marshal."

105.3.1 Expiration. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

Section 105.6, Required operational permits, including Sections 105.6.1 through 105.6.46, are deleted.

105.7.13 Temporary membrane structures, tents and canopies. The fire marshal is not authorized to issue a permit for temporary structures and temporary uses, except as provided below in the listed exception. Such permits shall be limited as to time of service.

Exceptions:

(1) The building official may authorize unheated tents and yurts under 500 square-feet accommodating an R-1 occupancy for recreational use as a temporary structure and allow for them to be used indefinitely. The construction and use of unheated tents and yurts under 500 square-feet in size shall only be allowed in a licensed park, as defined in Grays Harbor County Code 8.20.30, permitted by Grays Harbor County Code Title 16 and Title 17.

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

108.1 Appeal to building codes advisory council. The building codes advisory council shall hear and decide appeals of orders, decisions or determinations made by the fire marshal relative to the application and interpretation of this code.

An appeal of any administrative decision of this code shall be processed as set forth in the provisions of Grays Harbor County Code Chapter 2.14 and Chapter 15.16.

110.1 General. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire marshal shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, including any repairs, alterations, remodeling, removing or demolition required.

Unsafe buildings shall be addressed as set forth in this chapter under the 1991 edition of the Uniform Code for the Abatement of Dangerous Buildings.

110.1.1 Unsafe conditions. A vacant structure which is not secured against unauthorized entry as

required by Section 311 shall be deemed unsafe.

Sections 110.1.2 through 110.4 are deleted.

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to enforcement action as provided in chapter 15.16 of this code.

(Ord. 367 § 6, 2007)

#### **15.04.060 International Plumbing Code amended.**

The following sections of the International Plumbing Code are amended to read as follows:

101.1 Title. This document shall be known as the "Uniform Plumbing Code of Grays Harbor County," may be cited as such, and will be referred to herein as "this code."

Section 101.4.1.4, Conflicts Between Codes, is deleted.

101.5.4 Changes in Building Occupancy. Plumbing systems that are a part of any building or structure undergoing a change in use or occupancy, as defined in the Building Code, shall comply with all requirements of this code that may be applicable to the new use or occupancy.

102.1 Authority Having Jurisdiction. The planning and building division shall be the Authority Having Jurisdiction to enforce this code.

102.4 Appeals. All persons shall have the right to appeal a decision of the Authority Having Jurisdiction. The jurisdiction shall have a board of appeals to hear and rule on Plumbing Code appeals. Members of the board shall be appointed by the jurisdiction. Decisions by the board shall be reported to the jurisdiction and administered by the Authority Having Jurisdiction.

The board of appeals, for purposes of the administration of this code, shall be the building codes advisory council. Appeals of decisions related to this code shall be conducted as set forth in the provisions of Grays Harbor County Code Chapter 2.14 and Chapter 15.16.

Section 103.1.3, Licensing, is deleted.

103.4.1 Permit Fees. Fees shall be assessed in accordance with the provisions of this section and as set forth by resolution of the board of county commissioners.

Section 103.4.2, Plan Review Fees, is deleted.

103.4.5.1. The Authority Having Jurisdiction may authorize the refunding of not more than 80-percent of the permit fee paid, but only in circumstances where no work has been performed under a permit issued in accordance with this code. A request for refund shall be provided in writing by the applicant within 180 days from the date of permit issuance.

Sections 103.4.5.2 and 103.4.5.3 are deleted.  
(Ord. 367 § 7, 2007)

#### **15.04.070 Uniform Code for the Abatement of Buildings amended.**

The following sections of the Uniform Code for the Abatement of Buildings are amended to read as follows:

Section 101. These regulations shall be known as the "Uniform Code for the Abatement of Dangerous Buildings for Grays Harbor County," may be cited as such, and will be referred to herein as "this code."

Section 102.

(a) Purpose. It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

(b) Scope. The provisions of this code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

Section 103. All buildings or structures that are required to be repaired under the provisions of this code shall be subject to the provisions of the International Building Code.

Section 204. All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and the building code.

Section 205.

(a) General. The building codes advisory council shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code. The building official shall act as secretary to said council but shall have no vote upon any matter before the council. The council shall be appointed by the governing body and shall hold office at its pleasure. The council shall conduct its appeal process in conformance with the provisions of Grays Harbor County Code Chapter 2.14 and Chapter 15.16.

(b) Limitations of Authority. The building codes advisory council shall have no authority relative to interpretation of the administrative provisions of this code nor shall the council be empowered to waive requirements of this code.

Section 301. For the purpose of this code, certain terms, phrases, words and their derivatives shall be

construed as specified in either this chapter or as specified in the international building code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's 1986 Third New International Dictionary of the English Language, Unabridged shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

BUILDING CODE is the International Building Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

Section 401(b)(5). Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the building codes advisory council, provided the appeal is made in writing as provided in this code and filed with the building official within 21 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

Section 403. The following standards shall be followed by the building official (and by the building codes advisory council if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

(1) Any building declared a dangerous building under this code shall be made to comply with one of the following:

(A) The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair, or

(B) The building shall be demolished at the option of the building owner, or

(C) If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

(2) If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

Section 501

(a) Form of Appeal. Any person entitled to service under Section 401(c) may appeal from any notice and order or any action of the Building Official under this code by filing at the office of the Building Official a written appeal containing:

(1) A heading in the words: "Before the Building Codes Advisory Council for Grays Harbor County."

(2) A caption reading: "Appeal of \_\_\_\_\_" giving the names of all appellants participating in the

appeal.

(3) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

(4) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

(5) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.

(6) The signatures of all parties named as appellants and their official mailing addresses.

(7) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 21 days from the date of the service of such order or action of the building official.

(b) Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next regular or special meeting of the building codes advisory council.

(c) Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the building codes advisory council shall fix a date, time and place for the hearing of the appeal by the council. Such date shall not be less than 20 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least 10-days prior to the date of the hearing to each appellant by the secretary of the council either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

Section 601. The procedures for conducting public hearings of appeals associated with this code shall be as set forth in Grays Harbor County Code Chapter 2.14 and Chapter 15.16.

(a) Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the council.

(b) Continuances. The council may grant continuances for good cause shown.

Sections 602 through 605 are deleted.

Section 701.

(a) General. After any order of the building official or the building codes advisory council made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

(b) Failure to obey order. If, after any order of the building official or building codes advisory council made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause such person to be prosecuted under Subsection (a) of this section or (ii) institute any appropriate action to abate such building as a public nuisance.

(c) Failure to commence work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

(1) The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING

DO NOT OCCUPY

It is a misdemeanor to occupy this building,

or to remove or deface this notice.

---

Building Official

Grays Harbor County

(2) No person shall occupy any building that has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the Building Official has been completed and a Certificate of Occupancy issued pursuant to the provisions of the International Building Code.

(3) The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions that render the building dangerous as set forth in the notice and order or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

Section 802.

(a) General. The legislative body of this jurisdiction shall establish a fund to be designated as the repair

and demolition fund. Payments shall be made out of said fund upon the demand of the director of planning and building to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

(Ord. 367 § 8, 2007)

#### **15.04.080 Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason, held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

(Ord. 367 § 9, 2007)

### **Chapter 15.08**

#### **MANUFACTURED HOUSING**

Sections:

**15.08.010 Definitions.**

**15.08.020 Permit required.**

**15.08.030 Installation.**

**15.08.040 Permitted uses of manufactured housing.**

**15.08.050 Fees.**

#### **15.08.010 Definitions.**

For purposes of this chapter, the terms "manufactured home" and "mobile home" mean the same.

(Ord. 243 § 11.01.030, 1998)

#### **15.08.020 Permit required.**

A building permit shall be obtained prior to the placement of a manufactured home upon real property within Grays Harbor County, whether for residential purposes, for storage appurtenant to a residential use, or any other purpose. The storage of manufactured homes shall be only upon property located within a zoning district wherein the storage of such is expressly permitted in accordance with the provisions of Title 17 of this code.

The issuance of such a permit shall be subject to the same approval process as required by Grays Harbor County for the construction of site-built structures.

Manufactured housing constructed before June 15, 1976 shall be inspected by the Washington State Department of Labor and Industries (L&I), and all improvements required by L&I to be made to unit shall be completed and approved by L&I before a building permit shall be issued.

(Ord. 320 § 3, 2004; Ord. 243 § 11.01.031, 1998)

#### **15.08.030 Installation.**

Manufactured homes, whether used as a dwelling, storage, or other purpose, shall be installed in accordance with Chapter 296-150M WAC, or its successor.

All exterior doors of manufactured homes shall be provided with landings, steps, handrails, and guardrails conforming to the requirements of the International Residential Code for site-built dwellings. (Ord. 320 § 4, 2004; Ord. 243 § 11.01.032, 1998)

#### **15.08.040 Permitted uses of manufactured housing.**

Manufactured housing shall be used only for residential purposes, or for storage appurtenant to a single-family residence. Such units intended for use as storage shall be subject to the same permitting processes and installation standards as those used for their intended purpose and shall be decommissioned as a dwelling by the removal of the kitchen and bathroom facilities.

Factory built structures intended for nonresidential uses shall be structures approved for such use by the provisions of Chapter 296-150 WAC. (Ord. 243 § 11.01.033, 1998)

#### **15.08.050 Fees.**

The permit fee shall be as established from time to time by action of the board of county commissioners. Fees paid by an applicant for placement of a manufactured home, whether used as a dwelling, storage or other purpose, may be refunded up to one hundred twenty (120) calendar days after permit issuance, if the building official, in his or her discretion determines that for reasons beyond the applicant's control said unit cannot be placed or installed. (Ord. 320 § 5, 2004)

### **Chapter 15.12**

#### **FIRE APPARATUS ACCESS ROADS**

Sections:

**15.12.010 Definitions.**

**15.12.020 Fire equipment access driveway required.**

**15.12.030 Inspection.**

**15.12.040 Specifications.**

**15.12.050 Administrative modifications.**

**15.12.060 Appeals of decisions.**

#### **15.12.010 Definitions.**

As used in this chapter:

"Fire equipment access driveway" means a privately-maintained vehicle access serving a maximum of two single-family residences available for use by an emergency service provider.

"Director" means the Grays Harbor County planning and building director.

"Road standards" means the Grays Harbor County minimum road standards set forth in chapter 12.02. (Ord. 355 § 1, 2006; Ord. 344 § 11, 2006; Ord. 243 § 11.01.041, 1998)

(Ord. No. 396, § 4, 11-15-2010)

**15.12.020 Fire equipment access driveway required.**

Fire equipment access driveways shall be required for every building hereafter constructed when any portion of an exterior wall of the first floor is located more than one hundred fifty feet from fire department vehicle access as provided by a private lane or public road conforming to the County minimum road standards set forth in chapter 12.02.

Exception: Agricultural buildings, including but not limited to barns, loafing sheds, and hay storage; detached private garages, carports, or structures accessory to a single-family dwelling.

Every building hereafter constructed or moved shall be located on a lot which is adjacent to or has direct access over a dedicated private road or access easement providing the minimum fire equipment access driveway. A dedicated private road shall have the meanings understood under chapter 64.04 of the Revised Code of Washington.

(Ord. 320 § 6, 2004; Ord. 243 § 11.01.042, 1998)

(Ord. No. 396, § 5, 11-15-2010)

**15.12.030 Inspection.**

Fire equipment access driveways shall be inspected and approved by the director, or designee, prior to issuance of a building permit. This inspection and approval process shall be completed within one hundred twenty working days from the date of building permit application. The director or designee shall conduct a final inspection of the fire equipment access driveway before a final inspection is completed for the associated building by the planning and building division.

(Ord. 355 § 2, 2006; Ord. 344 § 12, 2006; Ord. 320 § 7, 2004; Ord. 243 § 11.01.043, 1998)

(Ord. No. 396, § 6, 11-15-2010)

**15.12.040 Specifications.**

Fire equipment access driveways shall be constructed in accordance with the following standards:

- A. Width. Fire equipment access driveways shall not be less than twelve feet in width.
- B. Vertical Clearance. Fire equipment access driveways shall be unobstructed by overhanging branches and other obstructions to a height of thirteen feet six inches.
- C. Grade. The gradient for a fire equipment access driveway shall comply with county minimum road standards set forth in chapter 12.02.
- D. Surface. Fire equipment access driveways shall be designed and constructed in accordance with the Private Roadway Section A standards set forth in chapter 12.02.
- E. Turning Radius. The turning radius of any portion of a fire equipment access driveway shall not be less than one hundred feet.

- F. Turnarounds and Turnouts. A deadend fire equipment access driveway shall include a turnaround at the end of the driveway of a size and configuration that permits the turning of the firefighting equipment. The turnaround shall have a minimum turning radius of thirty-five feet and shall be constructed to conform to one of the turnaround designs noted in Illustration A.
- G. Bridges. Bridges located within a fire equipment access driveway shall be certified by an engineer, licensed to practice in the state of Washington, as being capable of supporting the loads imposed by the firefighting apparatus of the applicable fire protection district.

(Ord. 355 § 3, 2006; Ord. 344 § 13, 2006; Ord. 329 § 1, 2005; Ord. 320 § 8, 2004; Ord. 243 § 11.01.044, 1998)  
(Ord. No. 396, § 7, 11-15-2010)

#### **15.12.050 Administrative modifications.**

Administrative modification from fire equipment access driveway standards may be approved by the director based upon the following decision criteria:

1. The fire protection district in which the residence is located provides written documentation that the modification affords the minimum necessary to provide emergency services to the residence(s) accessed by the driveway.
2. Special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the fire equipment access driveway standards is found to deprive the subject property of the rights and privileges enjoyed by other properties in the vicinity that are served by the fire protection district noted in the previous subsection (1) above.
3. The granting of the administrative modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the subject property is located.
4. The modification request contains modifications to the fire equipment access driveway standards that provide an equivalent level of access for use by the fire protection district.
5. The modification request results in permit conditions that address the fire protection district's ability to provide emergency services to the residences served by the driveway.

The director shall prepare written findings documenting the administrative modification's conformance with the decision criteria set for in this section, with a copy of the findings placed in the record for the residence(s) served by the fire equipment access driveway.

(Ord. 355 § 4, 2006; Ord. 344 § 14, 2006; Ord. 243 § 11.01.045, 1998)  
(Ord. No. 396, § 8, 11-15-2010)

#### **15.12.060 Appeals of decisions.**

Appeals of decisions of the director issued under the authority of this chapter shall be made to the

building codes advisory council in the manner provided in Chapter 15.16 of this code.  
(Ord. 344 § 15, 2006)

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## **Chapter 15.16**

### **ADMINISTRATION AND ENFORCEMENT**

Sections:

**15.16.010 Conflicting requirements.**

**15.16.020 Filing of appeals.**

**15.16.030 Scheduling appeal hearing.**

**15.16.040 Appeal decisions.**

**15.16.050 Violations--Civil penalties.**

**15.16.060 Violations--Criminal penalties.**

**15.16.070 Performance bonds.**

#### **15.16.010 Conflicting requirements.**

In cases of conflict between requirements of the adopted building codes or other codes and ordinances of Grays Harbor County, the more restrictive of the requirements shall apply except as provided in RCW 43.22.410.  
(Ord. 243 § 11.01.071, 1998)

#### **15.16.020 Filing of appeals.**

Appeals of orders, decisions, or determinations made by the building official or fire marshal relative to the application and/or interpretation of the various codes adopted herein shall be filed with the building official in writing within twenty-one (21) days of the date of the order, decision, or determination. Failure to appeal within twenty-one (21) days of written notification of action or determination shall waive any right to an administrative determination of the matter.

Except for vacation, enforcement of any notice and order by the building official is stayed until final determination of the appeal by the building codes advisory council (BCAC).  
(Ord. 352 § 1, 2006; Ord. 330 (part), 2005; Ord. 243 § 11.01.061, 1998)

#### **15.16.030 Scheduling appeal hearing.**

Upon receipt of an appeal the building official shall fix a date, time and place for a hearing before the Grays Harbor County building code advisory council (BCAC). The scheduled hearing date shall not be more than thirty (30) days from the date the appeal was filed. Only persons having legal interest in the matter may appeal a notice and order.

The secretary of the council shall provide written notice of the time and place of the hearing to each appellant and BCAC member at least ten (10) days prior to the hearing date. Such notice shall be delivered to

the appellant personally or by mailing a copy thereof to the appellant.  
(Ord. 352 § 2, 2006: Ord. 243 § 11.01.062, 1998)

#### **15.16.040 Appeal decisions.**

Decisions of the BCAC with respect to appeals shall be rendered in writing and provided to the appellant within ten (10) working days of the decision. All appeals of the BCAC final decisions shall be filed in superior court within twenty-one (21) days from the date of the BCAC decision.  
(Ord. 352 § 3, 2006: Ord. 330 (part), 2005: Ord. 243 § 11.01.063, 1998)

#### **15.16.050 Violations--Civil penalties.**

Violation of the provisions of this title or failure to comply with any of its requirements including conditions established in connection with correction notices shall constitute a civil violation subject to a monetary penalty not to exceed one thousand dollars (\$1,000.00). Each day such violation continues shall be considered a separate violation.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, encourages or maintains such violation may each be charged with a separate violation and suffer the penalties provided above.  
(Ord. 243 § 11.01.051, 1998)

#### **15.16.060 Violations--Criminal penalties.**

Violation of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this title or fails to comply with any of its requirements including conditions established in connection with correction notices shall upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all court costs and expenses involved in the case. Each day such violation continues shall be considered a separate violation.

The owners or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, encourages or maintains such violation may each be charged with a separate violation and suffer the penalties provided above.  
(Ord. 243 § 11.01.052, 1998)

#### **15.16.070 Performance bonds.**

As an alternative to complete installation of required improvements before the issuance of a building permit, the building official may elect to allow the applicant to post a performance bond guaranteeing completion of the work within a stated period not to exceed one year. The bond may be for part or all of the improvements, except for the improvements specifically excluded from bonding by this subsection.

Any such bond shall be in an amount acceptable to the building official, and in a form acceptable to the county prosecutor, and in an amount not less than one hundred (100) percent of the estimate from the planning and building division, environmental health division, or other appropriate departments of the costs of

completing the required improvements, required inspections, and repairs to be bonded, including related engineering and incidental expenses, inspections, the costs of administering the construction of improvements, the costs of calling on the surety, final documentation, and certified original reproducible "as-built" improvement plans. Separate bonds may be required by the departments or divisions for each required improvement to be bonded.

Performance bonds are to protect the public and the purchasers of the property being developed by providing guarantees that the required improvements will be installed. It shall not be used for, or in any way tied to, payments to contractors or subcontractors.

- A. **Inspection.** Required improvements shall be inspected to the satisfaction of the building official. The applicant shall request inspections at such stages as may be indicated by the building official. The cost of all inspections, plan checking, testing, sampling, and other work incidental to approval of the required improvements shall be charged to the developer and paid before the issuance of the certificate of occupancy or release of the bonds. The cost of any special inspection shall be charged to the developer.
- B. **Certificate of Satisfactory Completion.** The building official shall not verify the completion of required improvements, nor release nor reduce a performance bond, until the building official has found that all required improvements for which the bond or portion of the bond is pledged to assure completion has been satisfactorily completed, and until the applicant has submitted to the building official any original reproducible plans certified as being "as built" and indicating location, dimensions, materials, and other information required by the building official that the required improvements are in accordance with the approved plans for the development, and that a title insurance policy has been furnished to and approved by the county prosecutor indicating that the improvements are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the county shall thereafter accept the completion of the required improvements in accordance with established procedure.
- C. **Reduction of Performance Bond.** A performance bond shall be reduced upon the completion of improvements, and then only to the ratio that the improvement bears to the total improvements for the development.
- D. **Bond Administration.** The building official shall monitor the construction of bonded improvements and the performance of improvements secured by maintenance bonds. If the developer fails to carry out or violates the bond agreement, the building official, after consultation with the prosecuting attorney, shall request the board of county commissioners to declare the developer in default and to instruct the county staff to obtain the funds available from the surety to construct the bonded improvements and to reimburse the county for any expenses it has incurred.

A developer shall be in default if he or she has (1) violated the bonding agreement and/or failed to complete the required improvements, including the submittal of any required "as-built" plans, in compliance with this title, any adopted county standards, and the approved specifications and plans during the time periods set out in the bonding agreement and this section, or (2) if the developer has failed to correct defects in improvements during the year after they were accepted. The building official may petition the board to declare

the developer in default if he or she has failed to carry out the agreement during the specified time period.

If the amount of the surety exceeds the cost and expense incurred by construction of the improvements and by the county, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the developer shall be liable to the county for the difference.

The issuance of a building permit that includes the use of a performance bond shall proceed at the permit holder's own risk and without the assurance that the development will receive a certificate of occupancy.  
(Ord. 344 § 16, 2006)