

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 126**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, ESTABLISHING THE
CITY OF LIBERTY LAKE, MUNICIPAL CODE RELATING TO BUILDING REGULATIONS;
REPEALING ORDINANCES IN CONFLICT; ESTABLISHING PENALTIES FOR NON-
COMPLIANCE; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

WHEREAS, Washington statutes require all jurisdictions in the state to adopt by reference and enforce the same building code throughout Washington; and

WHEREAS, Washington established the 2003 International Codes, promulgated by the International Code Council (ICC), as the basis of the new State Building Code pursuant to SHB 1734 and RCW 19.27. The exceptions to the International Codes are the 2003 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials and the National Electrical Code, published by the National Fire Protection Association.

WHEREAS, Washington previously developed an energy conservation code and a code for the elimination of physical barriers to promote accessibility; and

WHEREAS, the Washington State Energy Code is a stand alone code while the accessibility provisions reside as a state amendment to the International Building Code; and

WHEREAS, the Washington Association of Building Officials passed resolution 2003-02 that, in part, promotes the local adoption of the International Codes and Uniform Plumbing Code with as few local amendments as possible;

NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington, does ordain as follows:

Section 1. Adoption of Referenced Codes.

The City of Liberty Lake hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27.074 for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties:

- A. (1) The **2003 International Building Code** published by the International Code Council, Inc. (IBC). The following Appendix is specifically adopted:

Appendix I, Patio Covers.

- (2) The **2003 International Residential Code** published by the International Code Council, Inc. (IRC). The following Appendices are specifically adopted:

Appendix A (IFGC), Sizing and Capacities of Gas Piping.

Appendix B (IFGC), Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use and Type B Vents.

Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.

Appendix F, Radon Control Methods.

Appendix H, Patio Covers.
Appendix J, Existing Buildings and Structures.

- B. The **2003 International Mechanical Code** published by the International Code Council, Inc. (IMC) except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code).
- C. The **2003 International Fire Code**, published by the International Code Council, Inc.(IFC), including those standards of the National Fire Protection Association specifically referenced in the International Fire Code: **PROVIDED**, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles. The following Appendices are specifically adopted:
- Appendix B, Fire Flow for Buildings.
 - Appendix C, Fire Hydrant Locations and Distribution.
 - Appendix D, Fire Apparatus Access Roads.
 - Appendix E, Hazard Categories.
 - Appendix F, Hazard Ranking.
 - Appendix G, Cryogenic Fluids-Weight and Volume Equivalents.
- D. Except as provided in RCW 19.27.170, the **2003 Uniform Plumbing Code (UPC) and Uniform Plumbing Code Standards**, published by the International Association of Plumbing and Mechanical Officials: **PROVIDED**, that any provisions of such code affecting sewers or fuel gas piping are not adopted; and
- The rules adopted by the Washington State Building Code Council establishing standards for making buildings and facilities accessible to and usable by the physically disabled or elderly persons as provided in RCW 70.92.100 through 70.92.160.
- E. The **2003 International Fuel Gas Code** as published by the International Code Council, Inc.(IFC).
- F. The **2001, Second Edition, Washington State Energy Code Chapter 51-11 WAC**.
- G. The **1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings** published by the International Conference of Building Officials, Whittier California.
- H. The **2003 International Property Maintenance Code** as published by the International Code Council, Inc.

Section 2. General Requirements for all Referenced Codes:

A. Reserved.

B. Design Requirements:

Ground Snow Load*	Wind Speed (Gust)	Seismic Design Category	Weathering	Frost Line Depth	Termites	Decay	Winter Design Temp	Ice Shield Underlay	Flood Hazards	Air Freeze Index	Mean Annual Temp
30 lbs/ft ²	85 mph	C	Severe	24"	Slight to Moderate	None to slight	10°	Yes	2003 1992 FIRM	1232	47.2°

* Minimum roof snow load to be 30 lbs/ft² in the City of Liberty Lake.

C. Professional Preparation of Plans. The City of Liberty Lake shall require a Washington licensed design professional, licensed under the provisions of RCW 18-08, WAC 308-12 or RCW 18.43 to prepare or oversee the preparation of plans for any building or structure containing five or more residential dwelling units or doing design work including preparing construction contract documents and administering the contract for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy unless waived by building official.

D. Construction Plans. All submitted construction documents must be of sufficient detail to show the entire project with emphasis on the following:

1. Structural integrity
2. Life safety
3. Architectural barriers (ADA handicap compliance)
4. Compliance with all codes having jurisdiction
5. Scope of work
6. Special Inspection requirements and protocols.

In general, the amount of detail required will vary, depending on the nature and complexity of the project.

E. Permits.

1. **Ownership.** The ownership of a Liberty Lake Development Permit inure to the property owner. The Permit Applicant is, by definition, an agent of the property owner if not the property owner.
2. **Expiration of Permits.** All permits shall expire by limitation and be declared void if a) work is not started within 180 days of obtaining a permit, or b) work is abandoned for 180 days or more after beginning work, or c) after two years from the date of permit issuance, regardless of whether the work is finished. If a permit is expired for time, a new permit may be obtained for the permit fee for the value of the remainder of the work to finish the original permit.

F. Referenced Ordinance. All referenced codes are available for review at Liberty Lake City Hall.

G. Fees. All Liberty Lake Permit fees shall be established by a City of Liberty Lake Resolution and may be found in the adopted Planning & Community Development (P&CD) Department Fee Schedule.

1. Investigation Fees: Work without a Permit.

a. **Investigation.** Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

b. **Fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in the adopted Planning & Community Development (P&CD) Department Fee Schedule. This fee is an additional, punitive fee and shall not apply to any Liberty Lake Grading or Building Permit Fee that may subsequently be issued. Payment of the investigative fee does not vest the illegal work with any legitimacy, nor does it establish any right to a Liberty Lake Permit for continued development of that project. If the work done remains illegal for 90 days after service of the Stop Work Order, it shall be considered hazardous.

c. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this ordinance nor from any penalty prescribed by law.

2. Fee Refunds.

The building official may authorize the refunding of:

a. 100% of any fee erroneously paid or collected.

b. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with this ordinance.

c. Up to 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

H. Appeals. All appeals of any Building Official decision, order or determination relative to the application and interpretation of Title 9 of the Liberty Lake Municipal Code shall be made in conformance with the City of Liberty Lake Development Code Appeal Process.

I. **Floodplain Development.** All development within a designated floodplain located in the City of Liberty Lake jurisdiction shall comply FEMA standards and with construction specifications detailed in the 2003 IRC Section R323 Flood-Resistant Construction as amended.

J. **Reserved.**

Section 3. Amendments to the referenced codes.

A. **2003 International Building Code.**

B. **2003 International Residential Code.**

1. Add Section R 310.1.5 **Replacement of Emergency Escape and Rescue Openings.** If emergency escape and rescue openings are replaced or renewed, except for glazing replacement or renewal, the opening sizes shall be as required for new construction.

2. Amend R323.1.3 **Establishing the design flood elevation.** Add a first sentence:
The design flood elevation is equal to base flood elevation plus one foot.

3. Amend R323.2.1 **Elevation Requirements** by rewriting # 1. to read:

Buildings and structures shall have the lowest floors elevated to or above *base flood elevation plus one foot.*

Also by rewriting #3 to read: Basement floors that are below grade on all sides shall be elevated to or above base flood elevation *plus one foot.*

4. Add a second paragraph to R323.3.6 **Construction documents** to read: The documents shall include a verification of foundation elevation prior to footing inspection approval and a verification of lowest floor elevation to be base flood elevation plus one foot prior to framing inspection approval.

5. Delete Part IV - Energy Conservation in its entirety.

6. Delete Part VII - Plumbing in its entirety. References to chapters in Part VII shall be made instead to the appropriate sections of the 2003 Uniform Plumbing Code published by IAPMO.

7. Delete Part VIII - Electrical in its entirety. References to chapters in Part VIII shall be made instead to the National Electrical Code published by the NFPA and enforced in Liberty Lake by the state of Washington Department of NFPA.

C. **2003 International Mechanical Code -Reserved.**

D. 2003 International Fire Code

1. Amend Appendix C:

- a. Add an Exception after the last paragraph in **CI05.1 Hydrant spacing**.
- b. **Exception:** The fire chief is authorized to reduce the number of required hydrants by up to 50% when the building is equipped with an approved, automatic fire sprinkler system and the fire chief has approved the location of those required fire hydrants.

2. Amend Appendix D:

- a. **Scope.** Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code including the provisions of **Section 503 Fire Apparatus Access Roads**.

E. 2003 Uniform Plumbing Code – Reserved.

F. 2003 International Fuel Gas Code - Reserved.

G. 2001 Second Edition, Washington State Energy Code - Reserved.

H. 1997 Uniform Code for the Abatement of Dangerous Buildings

Section 4. Dangerous Buildings. Add additional definitions of a dangerous building:

- A. **Drug Properties and Structures.** It is hereby declared that any building, structure and/or associated property, identified by the City of Liberty Lake Chief of Police, wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public, such building, structure and/or associated property is not only a dangerous property as defined by the City of Liberty Lake but is also a classification of property calling for the special procedures set forth in this section. The Building Official is authorized to abate such dangerous buildings, structures, and/or associated properties in accordance with the dangerous building procedures set forth in this code and Washington statute, **RCW 64.44.010**, with the following modifications:
 1. Due to public safety hazard in drug production facilities, the utilities shall be disconnected;
 2. Building(s) and structures shall be inspected to determine compliance with all city ordinances and codes;
 3. Building(s) and any entry gates to the property shall be secured against entry in the manner set forth in this code;

4. No reconnection of utilities or occupancy of the building(s), structures or property shall be allowed until all violations have been successfully addressed, all dangerous conditions abated and a notice of release for re-occupancy has been received from the health department and sheriffs office; and
5. If dangerous conditions cannot be abated, occupancy shall be prohibited. Resolution of said property shall be in conformance with **RCW 35.80A.010**, Condemnation of blighted property.

B. Blighted Property. In conformance with **RCW 35.80A.010**, the City of Liberty Lake may acquire by condemnation, in accordance with the notice requirements and other procedures for condemnation provided in Title 8 RCW, any property, dwelling, building, or structure which constitutes a blight on the surrounding neighborhood. A "blight on the surrounding neighborhood" is any property, dwelling, building, or structure that meets any two of the following factors:

1. If a dwelling, building, or structure exists on the property, the dwelling, Building, or structure has not been lawfully occupied for a period of one year or more;
2. the property, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the executive authority of the City of Liberty Lake or the designee of the executive authority; or
3. the property, dwelling, building, or structure is or has been associated with illegal drug activity during the previous twelve months.

C. Prior to such condemnation, the City of Liberty Lake City Council shall adopt a resolution declaring that the acquisition of the real property described therein is necessary to eliminate neighborhood blight. Condemnation of property, dwellings, buildings, and structures for the purposes described in this chapter is declared to be for a public use.

Section 5. The 2003 International Property Maintenance Code -Adopt

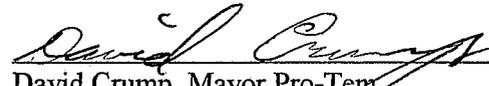
Section 6. Severability.

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 phrase of this ordinance.

Section 7. Effective date.

This ordinance shall be in full force and effect five (5) days after the publication of this Ordinance or a summary in the official newspaper of the City as provided by law.

PASSED by the City Council this 15th day of June, 2004.


David Crump, Mayor Pro-Tem

ATTEST:


City Clerk-Treasurer, Arlene Fisher

APPROVED AS TO FORM:


City Attorney, Stanley M. Schwartz

Date of Publication: 6/15/04

Effective Date: 6/20/04