

ORDINANCE NO. 4350

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING THE STATE BUILDING CODE AND RELATED CODES AND AMENDING TITLE 19 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE PERTAINING TO THE BUILDING CODE AND RELATED CODES

WHEREAS, the state building code is adopted by the state pursuant to RCW 19.27.031 and RCW 19.27.074; and

WHEREAS, the 2021 International (Building) Codes, as amended by the state, become effective March 15, 2024; and

WHEREAS, normally, the building codes are on a three-year update cycle; however the previous adoption date of October 29, 2023 was delayed by the state for consideration of stakeholder proposals to modify sections in the commercial and residential energy codes; and

WHEREAS, in anticipation of the October 29, 2023 adoption date, this same Title 19 update proposal was presented to the PPSP Committee on September 12, 2023 and at that time was moved to the next consent calendar for adoption; and

WHEREAS, given the subsequent delay in state adoption, the Planning and Development Department decided to withdraw from the consent calendar at that time in order to consider additional review of some Edmonds-specific amendments; and

WHEREAS, Edmonds-specific amendments are proposed to maintain alignment with the base codes which have been updated; and

WHEREAS, several of these amendments are made in a continual effort to better align with the standards and practices of mybuildingpermit.com, a regional collaboration of jurisdictions in which Edmonds participates; and

WHEREAS, this update includes the first-time adoption of the International Wildland Urban Interface Code, in line with adoption of this same code by the state; and

WHEREAS, the state building code is in effect in every city and county in the state of Washington unless amendments to the state building code are adopted at the local level; and

WHEREAS, the city council is authorized to amend the state building code as it applies within the City of Edmonds as long as the minimum performance standards of the codes and the objectives enumerated in RCW 19.27.020 are not be diminished by any of the city's amendments; and

WHEREAS, the city's building official has recommended several amendments to the state building code; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Title 19 of the Edmonds Community Development Code, entitled "Building Codes," is hereby amended to read as set forth in **Attachment A** hereto, which is incorporated herein by this reference as if set forth in full (new text is shown in underline; deleted text is shown in ~~strike through~~).

Section 2. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:



MAYOR MIKE ROSEN

ATTEST/AUTHENTICATED:



CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
JEFF TARADAY

FILED WITH THE CITY CLERK:	February 27, 2024
PASSED BY THE CITY COUNCIL:	March 5, 2024
PUBLISHED:	March 9, 2024
EFFECTIVE DATE:	March 14, 2024
ORDINANCE NO.	4350

SUMMARY OF ORDINANCE NO. 4350

of the City of Edmonds, Washington

On the 5th day of March, 2024, the City Council of the City of Edmonds, passed Ordinance No. 4350. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS,
WASHINGTON, ADOPTING THE STATE BUILDING
CODE AND RELATED CODES AND AMENDING
TITLE 19 OF THE EDMONDS COMMUNITY
DEVELOPMENT CODE PERTAINING TO THE
BUILDING CODE AND RELATED CODES

The full text of this Ordinance will be mailed upon request.

DATED this 7th day of March, 2024.


CITY CLERK, SCOTT PASSEY

Attachment A

Title 19

BUILDING CODES

Chapters:

- 19.00 Building Code
- 19.05 Residential Building Code
- 19.07 Flood Damage Prevention
- 19.10 Building Permits – Earth Subsidence and Landslide Hazard Areas
- 19.15 Mechanical Code and Fuel Gas Code
- 19.20 Plumbing Code
- 19.25 Fire Code
- 19.30 Energy Code
- 19.35 International Swimming Pool and Spa Code
- 19.40 International Property Maintenance Code
- 19.45 International Code Council Performance Code
- 19.50 International Existing Building Code
- 19.52 International Wildland Urban Interface Code
- 19.55 Electrical Code
- 19.60 Moving Buildings
- 19.65 Marinas
- 19.70 Fees
- 19.75 Street Names and Address Numbering
- 19.80 Appeals
- 19.85 Penalties
- 19.90 Limitation of Benefited and Protected Classes
- 19.95 Conversion Condominiums

Chapter 19.00

BUILDING CODE

Sections:

- 19.00.000 Purpose.
- 19.00.005 Referenced codes.
- 19.00.010 Conflict between codes.
- 19.00.015 Administrative provisions.
- 19.00.020 International Building Code adopted.
- 19.00.025 International Building Code section amendments.
- 19.00.030 Architectural design review – Optional vesting.
- 19.00.040 Excluding nonconforming religious building from certain requirements.
- 19.00.045 Reconstruction of damaged buildings.

19.00.000 Purpose.

The purpose of the codes and regulations adopted in this title is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the city of Edmonds. It is not the purpose or intent to create or designate any particular class or group of persons to be especially protected or benefited, nor is it intended to create any special relationship with any individual. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 1, 2010].

19.00.005 Referenced codes.

Where the following codes are referenced within any of the codes adopted and amended in this title, they shall be substituted as follows:

- A. “International Building Code” shall mean the building code as adopted and amended in this title.
- B. “International Residential Code” shall mean the residential building code as adopted and amended in this title.
- C. “International Mechanical Code” shall mean the mechanical code as adopted and amended in this title.
- D. “International Fuel Gas Code” shall mean the fuel gas code as adopted in Chapter 19.27 RCW and in accordance with the mechanical code as adopted and amended in this title.
- E. “International Fire Code” shall mean the fire code as adopted and amended in this title.
- F. “Uniform Plumbing Code” shall mean the plumbing code as adopted and amended in this title.
- G. “Washington State Energy Code” shall mean the energy code as adopted and amended in this title.
- H. The “National Electrical Code” shall mean the electrical code as adopted and amended in this title.
- I. “International Existing Building Code” shall mean the existing building code as adopted and amended in this title.
- J. “International Property Maintenance Code” shall mean the property maintenance code as adopted and amended in this title.
- K. “International Code Council Performance Code” shall mean the performance code as adopted and amended in this title.
- L. “International Swimming Pool and Spa Code” shall mean the swimming pool and spa code as adopted and amended in this title. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 1, 2010].

M. “International Wildland Urban Interface Code” shall mean the wildland urban interface code as adopted and amended in this title.

19.00.010 Conflict between codes.

In case of conflict among any of the codes referenced in ECDC 19.00.005 as adopted and subsequently amended by this chapter, the first named code shall govern over those following. In case of conflicts between other codes and provisions adopted by this chapter, the code or provision that is most specific, as determined by the building official, shall apply. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 1, 2010].

19.00.015 Administrative provisions.

The administrative provisions contained in Chapter 1 of the International Building Code as adopted and subsequently amended by this chapter shall be used as the general administrative provisions for the codes listed in ECDC 19.00.005(A), (B), (C), (D), ~~and (F)~~, (I), (L) and (M) unless otherwise required to meet the purpose of the code. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 1, 2010].

19.00.020 International Building Code adopted.

The International Building Code (IBC), ~~2018-2021~~ Edition, published by the International Code Council, as amended by the Washington State Building Code Council in Chapter 51-50 WAC, and as subsequently amended by this chapter, is hereby adopted along with Appendix Chapters E, G, H, ~~I and J~~ J and P. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 1, 2010].

19.00.025 International Building Code section amendments.

The following sections of the IBC are hereby amended as follows:

A. Section 101.4.3, Plumbing, is amended to read:

The provisions of the Uniform Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

B. Section 101.4.6, Energy, is amended to read:

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

C. Section 104.3, Notices and Orders, is amended to read:

The building official shall issue all necessary notices or orders to ensure compliance with this code. The building official is also authorized to use Chapter 20.110 ECDC for code compliance in addition to the remedies provided for in this code.

D. Section 105.1.1, Annual Permit, is deleted.

E. Section 105.1.1, Demolition Permits, is added and shall read:

Before the partial or complete demolition of any building or structure (interior or exterior), a demolition permit shall be obtained from the building official. The permit fee is established pursuant to Chapter 19.70 ECDC. The applicant shall also post with the city, prior to permit issuance, a performance bond, or frozen fund, conforming to Chapter 17.10 ECDC herein, in an amount to be determined by the building official to satisfy all city requirements no later than 180 days after the issuance of the permit. The demolition performance bond or frozen fund shall not be released until the building official determines the following requirements have been completed:

1. Cap Abandoned Sanitary Sewers. Septic tanks shall be pumped, collapsed and removed and/or filled with earth, sand, concrete, CDF or hard slurry.

2. Knock Down of Concrete Foundation Walls, Porches, Chimneys and Similar Structures. Concrete, bricks, cobbles and boulders shall be broken to less than 12-inch diameter. Debris left on site shall conform to IBC Section 1804.2-3 for clean fill.

3. Construction debris, vegetation, and garbage attributable to the demolition shall be removed from the site and from unopened street right-of-way within 30 days of written notice. No debris of any kind may be placed or maintained on street right-of-way (including alleys) without a permit issued pursuant to Chapter 18.60 or 18.70 of the Edmonds Community Development Code.

4. Repair of any damage to, and restoration of, any public property to substantially original conditions, i.e., alley, street, sidewalk, landscaping, water, sewer, storm and other utilities, rockeries, retaining walls, etc, in accordance with this code and the City's engineering requirements.

5. Grading of Site Back to Original Topography Grades. Basements shall be filled and compacted to 90 percent as verified by a special inspector. "Structural fill" is defined as any fill placed below structures, including slabs, where the fill soils need to support loads without unacceptable deflections or shearing. Structural fill shall be clean and free draining, placed above unyielding native site soils and compacted to a minimum of 90 percent modified proctor, per ASTM D1557.

6. Temporary erosion control shall be installed and maintained per Chapter 18.30 ECDC.

F. Section 105.1.2, Annual Permit Records, is deleted.

G. Section 105.2, Work Exempt From Permit, is replaced as follows:

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. It is the applicant's responsibility to comply with bulk zoning code standards per ECDC Title 16 and storm water management provisions per Chapter 18.30 ECDC. Permit exemptions shall not apply to work that is not entirely within a building when located in areas of flood hazard or areas within the designated Wildland Urban Interface.

Permits shall not be required for the following unless required by the provisions of ECDC Title 23 or ~~limited or prohibited by the provisions of~~ Chapter 19.10 ECDC:

1. Building (general):

(a) One (1) story detached accessory structures used as tool and storage sheds, playhouses and similar uses; provided the floor area (including the exterior wall or post) does not exceed 120 square feet, with a maximum eave of thirty (30) inches.

(b) Fences not over six (6) feet high; provided a permit is not required by Chapter 17.30 ECDC.

(c) Movable cases, counters and partitions not over five (5) feet nine (9) inches high.

(d) Retaining walls 4 feet (1,219 mm) in height or less measured vertically from the finished grade at the exposed toe of the retaining wall to the highest point in the wall, unless:

i. Supporting a surcharge; or

ii. Impounding Class I, II, III-A liquids; or

iii. Subject to the provisions of Chapter 23.50 ECDC or Chapter 23.80 ECDC.

(e) Rockeries. Construction of rockeries is limited as specified elsewhere in this code.

(f) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two (2) to one (1).

(g) Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route, provided a permit is not required by Chapter 18.60 ECDC.

(h) Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work provided that existing, required accessible features are not altered.

(i) Temporary motion picture, television and theater stage sets and scenery.

(j) Shade cloth structures constructed for nursery or agricultural purposes.

(k) Prefabricated swimming pools accessory to an occupancy in which the pool walls are entirely above the adjacent grade and the capacity does not exceed 5,000 gallons. Hot tubs and spas less than 5,000 gallons, completely supported by the ground.

(l) Grading less than fifty (50) cubic yards (placed, removed or moved within any 365-day period) unless subject to the provisions of Chapter 23.50 ECDC or Chapter 23.80 ECDC.

(m) Repair of appliances which do not alter original approval, certification, listing or code.

(n) Replacement or adding new insulation with no drywall removal or placement.

(o) Replacement or repair of existing gutters or downspouts.

(p) The following types of signs are exempt from permit requirements except that dimensional size and placement standards shall comply with Chapter 20.60 ECDC:

i. Replacing the panel on a previously permitted existing wall cabinet or pole sign,

ii. Repainting an existing previously permitted wood sign,

iii. Painted or vinyl lettering on storefront windows,

iv. Governmental signs, campaign signs, official public notices, and signs required by provision of local, state, or federal law,

v. Temporary signs announcing the sale or rent of property and other temporary signs as described in ECDC 20.60.080,

vi. Signs erected by the transportation authorities, and temporary seasonal and holiday displays.

2. Mechanical:

(a) Portable heating, ventilation, cooling, cooking or clothes drying appliances.

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

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

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

(e) Portable evaporative cooler.

(f) Self-contained refrigeration systems containing ten (10) pounds or less of refrigerant or that are actuated by motor of one (1) horsepower or less.

3. Plumbing:

(a) The stopping of leaks in drains, water, soil, waste or vent pipe, provided that the replacement of defective material shall be done with new material and a permit obtained and inspection made.

(b) Reinstallation or replacement of approved prefabricated plumbing fixtures that do not involve or require the replacement or rearrangement of valves or pipes.

4. Residential permit exemptions:

In addition the following exemptions apply for single family dwellings:

(a) One (1) story detached accessory structures used as tool and storage sheds, playhouses and similar uses; provided the floor area (including the exterior wall or post) does not exceed 200 square feet, with a maximum eave of twelve (12) inches and maximum height of fifteen (15) feet. Vehicle storage structures, such as garages and carports, are not exempted.

(b) Window awnings supported by an exterior wall and do not project more than fifty-four (54) inches from the exterior wall and do not require additional support.

(c) Sport courts less than 2,000 square feet.

(d) Dock repair of individual decking members. ECDC Title 24 provisions shall apply.

(e) Replacement or repair of existing non-structural exterior siding. This exemption does not include siding systems such as stucco, EIFS or wood panel sheathing.

(f) Replacement or repair of existing windows or doors provided; no alteration of structural members is required, safety glazing is provided where required, glazing U-value meets prescriptive requirements of the energy code, fall protection is provided where required, and egress requirements are maintained.

(g) Minor like-for-like drywall repairs not involving fire-rated assemblies.

(h) Replacement or repair of decking, or individual joists, stair treads, or intermediate rails.

(i) Uncovered platforms, decks, patios that are not more than thirty (30) inches above grade (measured vertically to the grade below at any point within 36 inches of the outer edge of the deck).

(j) Canopies, as defined in ECDC 17.70.035, accessory to a single family dwelling, with a floor area measured to the exterior wall or post not to exceed 200 square feet, for covered storage, carport or similar use.

(k) Reroof overlays. Overlays are not permitted over slate, clay or cement tiles, or where the existing roof has two or more applications of any type of roofing.

H. Section 105.3.2, Time Limitation of Permit Application, is amended to read:

1. Applications, for which no permit is issued within ~~180 days~~12 months following the date of application, shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official.

2. The building official may extend the time for action by the applicant for a period not exceeding ~~180 days~~6 months prior to such expiration date.

3. No application shall be extended more than once for a total application life of ~~360 days~~18 -except months except as allowed within this section. In ~~order to renew action on an expired application the event of application expiration,~~ the applicant shall submit a new application, revised plans based on any applicable code or ordinance change, and pay new plan review fees.

4. The Building Official may extend the life of an application if any of the following conditions exist:

(a) Compliance with the State Environmental Policy Act is in progress; or

(b) Any other City review is in progress; provided, the applicant has submitted a complete response to City requests or the Building Official determines that unique or unusual circumstances exist that warrant additional time for such response and the Building Official determines that the review is proceeding in a timely manner toward final City decision; or

(c) Litigation against the City or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

I. Section 105.3.3, Fully Complete Application, is added and reads:

In accordance with the provisions of RCW 19.27.031 and 19.27.074, an applicant's rights shall vest when a fully complete building permit application is filed. A fully complete building permit application is an application executed by the owners of the property for which the application is submitted or the duly authorized agent(s) for such owners, containing each and every document required under the terms of these ordinances and the IBC and is substantially complete in all respects. It is anticipated that minor changes or revisions may be required and are frequently made in the course of any building application review process, and such minor revisions or changes shall not keep an application from being deemed complete if a good faith attempt has been made to submit a substantially complete application containing all required components. Where required, the application and supporting documents shall be stamped and/or certified by the appropriate engineering, surveying or other professional consultants. A fully complete building permit application shall be accompanied by all required intake fees, including but not limited to plan review fees required under the provisions of this chapter and code. For mechanical, plumbing and fire permit applications related to the scope of work identified in a building permit application, all applicable construction codes adopted and in force at the time of filing of the complete building permit application will apply.

J. Section 105.3.4, Concurrent Review, is added and reads:

An applicant may submit an application for building permit approval and request plan review services concurrently with, or at any time following, the submittal of a complete application for any necessary or required discretionary permit approval or discretionary hearing; provided, that any building permit application submitted concurrently with an application for discretionary permit or approvals shall not be considered complete unless the applicant submits a signed statement, on a form approved by the director, which acknowledges that the building permit application is subject to any conditions or requirements imposed pursuant to the review and approval of any necessary or required discretionary permit or approvals. The applicant shall solely bear the risk of building permit submittal with discretionary permit approval. If, after discretionary approval, the building permit plans are modified or amended to comply with conditions or restrictions required by any discretionary permit or approval, the applicant shall be solely responsible for any and all costs which result therefrom, including but not limited to additional full plan review fees; provided further, that any applicant-initiated changes made after the original plan review is complete shall also require payment of full plan review fees.

K. Section 105.5, Permit Expiration and Extension, is amended to read:

1. Every permit issued under ECDC Title 19 shall expire by limitation ~~360 days~~ 2 years after issuance, ~~except as provided in ECDC 19.00.0251(2).~~

2. During or after a declared emergency covered under RCW chapter 38.52, the building official may authorize one 6-month extension to an unexpired permit if the building official finds that the state of emergency resulted in a stoppage of work or substantial construction delays.

~~2. The following permits shall expire by limitation, 180 days after issuance and may not be extended, unless they are associated with a primary building permit for a larger construction project, in which case they may run with the life of the primary permit:~~

~~Demolition permits;~~

~~Permits for Moving Buildings required by Chapter 19.60 ECDC;~~

~~Mechanical permits;~~

~~Tank removal, tank fill, or tank placement permits;~~

~~Grading, excavation and fill permits;~~

~~Water service line permits;~~

~~Plumbing permits;~~

~~Gas piping permits;~~

~~Deck and dock permits;~~

~~Fence permits;~~

~~Re-roof permits;~~

~~Retaining wall permits;~~

~~Swimming pool, hot tub and spa permits;~~

~~Sign permits;~~

~~Shoring permits;~~

~~Foundation permits.~~

~~3. Prior to expiration of an active permit the applicant may request in writing an extension for an additional year. Provided there has been at least one (1) required progress inspection conducted by the city building inspector prior to the extension, the permit shall be extended. Permit fees shall be charged at a rate of one quarter the original building permit fee to extend the permit.~~

~~43. If the applicant cannot complete work issued under an ~~extended~~ issued permit within a total period of two (2) years, the applicant may request in writing, prior to the second year expiration, an extension for a third and final year. ~~Provided there has been at least one (1) required progress inspection conducted by the city building inspector after the previous extension, the permit shall be extended.~~ Permit fees shall be charged at a rate of one quarter the original building permit fee to extend the permit.~~

~~54. The maximum amount of time any building permit may be extended shall be a total of three (3) years. At the end of any three (3) year period starting from the original date of permit issuance, the permit shall become null and void and a new building permit shall be required, with full permit fees, in order for the applicant to complete work. The voiding of the prior permit shall negate all previous vesting of zoning or Building codes. Whenever an appeal is filed and a necessary development approval is stayed in accordance with ECDC 20.06.030 the time limit periods imposed under this section shall also be stayed until final decision.~~

~~65. If a permit expired without final inspection and no further work was performed during the expiration period, the building official may authorize a 30-day extension to an expired permit for the purpose of performing a final inspection and closing out the permit as long as not more than ~~180 days~~ 6 months has passed since the permit expired. The 30-day extension would commence on the date of written approval. If work required under a final inspection is not completed within the 30-day extension period, the permit shall expire. However, the building official may authorize an additional 30-day extension if conditions outside of the applicant's control exist and the applicant is making a good faith effort to complete the permitted work.~~

~~67. The building official may reject requests for permit extension where he or she determines that modifications or amendments to the applicable zoning and Building codes have occurred since the original issuance of the permit~~

and/or modifications or amendments would significantly promote public health and safety if applied to the project through the issuance of a new permit.

L. *Repealed by Ord. 3926.*

M. Section 107.3.3, Phased Approval, is amended to read:

1. The building official may issue partial permits for phased construction as part of a development before the entire plans and specifications for the whole building or structure have been approved provided architectural design board approval has been granted and a fully complete permit application for the entire building or structure has been submitted for review.

2. Phased approval means permits for grading, shoring, and foundation may be issued separately, provided concurrent approval is granted by the planning manager, city engineer and fire marshal, when applicable. No phased approval permit shall be issued unless approved civil plans detailing the construction of all site improvements including, but not limited to: curbs, gutters, sidewalks, paved streets, water lines, sewer lines, and storm drainage have been signed as approved by the city engineer.

3. With such phased approval, a performance bond shall be posted with the city pursuant to Chapter 17.10 ECDC, to cover the estimated cost of construction to city standards for the improvements.

N. Section 113, ~~Board Means~~ of Appeals, is deleted and replaced by Chapter 19.80 ECDC.

O. Section 202, the definition of HIGH-RISE BUILDING, is amended to read:

HIGH-RISE BUILDING. A building with an occupied floor or rooftop located more than 75 feet (22,860 mm) above the lowest level of fire department vehicle access.

P. Section 502.1, Address Identification, is amended to read:

Approved numbers or addresses shall be installed by the property owner for new and existing buildings in such a position as to be clearly visible and legible from the street or roadway fronting the property. Letters or numbers on the building shall be a minimum six (6) inches in height and stroke a minimum of .75 inch of a contrasting color to the building base color. Where public or private access is provided and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. This means of premises identification does not preclude approved identification also affixed to structure.

Q. Section 903.2 is amended to read:

Where Required. Approved automatic fire sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.13.

R. Section 903.2.13 is added to read:

Automatic fire sprinkler systems shall be provided as required by ECDC 19.25.035A.

S. Section 903.3.7 is amended to read:

Fire department connections shall be installed in accordance with Section 912 and ECDC 19.25.~~035B~~035C.

T. Section 907.2 is amended to read:

Where required—New buildings and structures. An approved fire alarm system installed in accordance with this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.24 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

U. Section 907.2.24 is added to read:

Fire alarm and detection system shall be provided as required by ECDC 19.25.~~035C035D~~.

V. Section 1608.1, General, is amended to read:

Design snow loads shall be determined in accordance with Chapter 7 of ASCE 7, but the design roof snow load shall not be less than that determined by Section 1607, or 25 pounds per square foot, whichever is greater.

W. Section 3108.1.1, Radio, Television and Cellular Communication Related Equipment and Devices, is added and reads:

A permit shall be required for the installation or relocation of commercial radio, television or cellular tower support structures including monopoles, whip antennas, panel antennas, parabolic antennas and related accessory equipment, and accessory equipment shelters (regardless of size) including roof mounted equipment shelters.

X. Section 3109.2, Applicability and Maintenance, is added and reads:

1. Swimming pools, hot tubs and spas of all occupancies shall comply with the requirements of this section and other applicable sections of this code.

2. It is the responsibility of the owner to maintain a swimming pool, hot tub or spa in a clean and sanitary condition and all equipment shall be maintained in a satisfactory operating condition when the swimming pool, hot tub or spa is in use. A swimming pool, hot tub or spa that is neglected, not secured from public entry and/or not maintained in a clean and sanitary condition or its equipment in accord with manufacturers recommendations shall be determined to be a hazard to health and safety and shall be properly mitigated to the satisfaction of the building official.

Y. Section 3109.3, Location and Setbacks, is added and reads:

Swimming pools, hot tubs and spas shall meet requirements of the zoning code of the city of Edmonds.

1. Minimum setbacks are measured from property lines to the inside face of the pool, hot tub or spa as required by the zoning code for accessory structures.

2. All other accessory buildings and equipment shall meet the normally required setbacks for accessory structures in the zone in which they are located.

Z. Section 3109.4, Tests and Cross-Connection Devices, is added and reads:

1. All swimming pool, hot tub and spa piping shall be inspected and approved before being covered or concealed.

2. Washington State Department of Health approved cross connection devices are required to be provided on potable water systems when used to fill any swimming pool, hot tub or spa.

AA. Section 3109.5, Wastewater Disposal, is added and reads:

A means of disposal of the total contents of the swimming pool, hot tub or spa (including partial or periodic emptying) requires a permit. It shall be reviewed and approved by the public works director.

1. No direct connection shall be made between any swimming pool, hot tub or spa to any storm drain, city sewer main, drainage system, seepage pit, underground leaching pit, or sub-soil drain.

2. A sanitary tee (outside cleanout installed on the main building side sewer line) shall be provided for draining of treated water into the city sanitary sewer system.

BB. Section 3109.9, Inspection Requirements, is added and reads:

The appropriate city inspector shall be notified for the following applicable inspections:

1. Footing, wall, pre-form, pre-gunite, erosion control, underground plumbing, sanitary extension and cleanout, mechanical pool equipment, gas piping, mechanical enclosure location, cross connection and final inspection.

2. An initial cross connection control installation inspection is required by the city cross connection control specialist prior to final installation approval.

3. All backflow assemblies shall be tested by state certified backflow assembly testers upon initial installation and then annually thereafter. Copies of all test reports shall be submitted to the city water division for review and approval.

CC. Appendix E, Accessibility Requirements, is amended by deleting Sections E107, E108, E110 and E111.

DD. Appendix H, Signs, is amended as follows:

1. Section H101.2, Signs exempt from permits, is replaced by subsection (E)(1)(p) of this section.

2. Section H101.2.1, Prohibited signs, is added and reads as follows:

a. It is unlawful for any person to advertise or display any visually communicated message, by letter or pictorially, of any kind on any seating bench, or in direct connection with any bench.

b. All signs not expressly permitted by Chapter 20.60 ECDC.

c. Signs which the city engineer determines to be a hazard to vehicle or pedestrian traffic because they resemble or obscure a traffic control device, or pose a hazard to a pedestrian walkway or because they obscure visibility needed for safe traffic passage. Such signs shall be immediately removed at the request of the city engineer.

d. All signs which are located within a public right-of-way and that have been improperly posted or displayed are hereby declared to be a public nuisance and shall be subject to immediate removal and confiscation per ECDC 20.60.090.

3. Sections H104, Identification, H106.1.1, Internally illuminated signs, H107, Combustible materials, H108, Animated devices, H109.1, Height restrictions, and H110, Roof signs, are deleted.

[Ord. 4212 § 1 (Att. A), 2021; Ord. 4199 § 4 (Att. D), 2020; Ord. 4154 § 9 (Att. D), 2019; Ord. 4111 § 2 (Exh. 2), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 4026 § 2 (Att. B), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3845 § 6, 2011; Ord. 3796 § 1, 2010].

19.00.030 Architectural design review – Optional vesting.

In addition to the vesting rights created by RCW 19.27.095 and ECDC 19.00.015, an applicant for development as defined in ECDC 20.10.010 and subject to architectural design board (ADB) review may, at the applicant's option, file a fully complete augmented architectural design review application (hereinafter "augmented ADB application") and vest rights including applicable [building](#) permit, development and impact fees under the provisions of the ECDC and the State Building Code as adopted and amended by the city of Edmonds, and this title as then in effect, to, but only to, the extent that the application provides full and detailed information necessary to confirm the particular regulation to be vested. The burden is on the applicant to provide such detail.

A. A fully complete, augmented application for architectural design review shall consist of a complete application for architectural design review, executed by each and every property owner of record of the development site or their duly authorized agent(s), accompanied by the following:

1. All fees required by ordinance, including impact mitigation fees, to be deposited at the time such State Environmental Policy Act (SEPA) requirements become final.

2. A site plan showing the current zoning of the development site, the footprint of all proposed structures, the total square footage and use of each floor, all setbacks required by either the zoning code or state building codes, proposed parking configurations, and exits.

3. Elevation drawings showing the original grade of the site, any proposed alterations to grade, the proposed height of the structure and the number of stories.

4. A letter executed by all owners of record or their duly authorized agent(s) detailing the proposed use in sufficient detail to determine whether the proposed use complies with the zoning code then in effect and with the building code then in effect to determine type of construction and occupancy classifications of the IBC and IFC as those codes are then in effect.

5. A building permit application, as described in IBC Section 105.3 as the same exists or is hereafter amended, and all building permit and plan review fees as established and set forth in Chapter 19.70 ECDC; provided, that the plans required by IBC Section 107, as the same exists or is hereafter amended, and other engineering documents, plans or drawings required by ECDC Title 18 may be submitted within 90 days of final ADB approval, or final approval on appeal.

B. Upon filing of the augmented ADB application, the applicant shall be deemed fully vested as if a fully complete building permit application had been filed; provided:

1. The burden shall be upon the applicant to supply all material required by the provisions of this section and as necessary to meet the requirements of Chapter 20.10 ECDC. The applicant may supplement the original application in the event an application is deemed incomplete by the ~~planning and development~~ ~~development services~~ director or designee. Vesting shall occur only when the application is deemed complete by the ~~planning and development~~ ~~development services~~ director. Failure to supplement an incomplete application within 90 days of final ADB approval shall result in forfeiture of all fees paid and no vesting right shall attach.

2. The application shall expire along with all rights vested ~~180 days~~ 6 months f-following the date of application if final architectural design approval is not received.

a. The ~~planning and development~~ ~~development services~~ director or designee may issue an extension for an additional period, not exceeding 180 days, upon written request by the applicant(s) or their agent(s). Such request for extension shall be filed prior to the expiration of the original application time period. An extension shall be granted if the architectural design board has not yet considered the application or an appeal thereof is pending.

b. The time period shall run concurrently with the periods established by ECDC 19.00.025 as the same exists or is hereafter amended. No application shall be extended more than once. ~~In order to renew an application after~~ In the event of application expiration, the applicant shall resubmit all required information and pay a new plan review fee.

3. The applicant shall comply with all provisions of state law and regulation and this code regarding SEPA review. Review periods or delays occasioned by SEPA shall stay the time periods set by this chapter.

4. Following final ADB approval, the applicant shall file the plans and information required by IBC Section 107. It is anticipated that minor adjustments and changes ~~may be and~~ are usually required to the plans submitted as a result of the plan review and administrative process; ~~provided, that the~~ The following changes shall not be considered “minor” and shall forfeit vesting rights, and shall require the filing of a new application:

a. Any substantial change not required by the terms of ADB approval.

b. Any increase in height or total square footage or any change which would change the occupancy classification for the purposes of the State Building Code.

5. Any decision of the city staff regarding the application stated in this section and its interpretation shall be considered a Type I decision appealable only to the superior court of Snohomish County by the Land Use Petition Act.

C. The rights vested by ECDC 19.00.025(I) (Section 105.3.3 of IBC as amended) and this section refer only to zoning and building code rights protected by RCW 19.27.095.

D. These sections shall not be interpreted to create vesting rights not protected by RCW 19.27.095 and shall not be interpreted as a further limitation on the administrative obligations and legislative powers of the city. By way of illustration and not limitation, this chapter does not limit:

1. The city council’s authority to create local improvement districts.

2. The city council's authority to legislate life safety requirements that are not required to recognize existing vested rights.

3. Environmental and shorelines review and mitigation procedures. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 1, 2010].

19.00.040 Excluding nonconforming religious building from certain requirements.

Existing legal nonconforming churches, synagogues, mosques and other buildings used for religious observance (hereinafter "church" or "churches") are hereby excluded from any requirement of the State Building Code which would be triggered by a change of use as specifically limited and set forth herein:

A. This change in use exclusion is limited solely to a change in use for the provision of emergency housing to the homeless and other indigent persons. The term "emergency" shall mean the housing of indigent and homeless persons when the ambient temperature is forecast by the National Weather Service to be below 33 degrees for a four-hour overnight period or when wind chill, violent storms or other inclement conditions present a direct threat to the lives of homeless and other indigent persons without shelter. Such danger could include, but is not limited to, the threat presented by carbon monoxide poisoning for persons attempting to take shelter in cars or other vehicles with the motor running.

B. In order to claim this exclusion, a church shall:

1. Be a legal nonconforming structure prior to the provision of emergency housing for the homeless and indigent. In the alternative, a church may establish that it has previously provided overnight housing to members of its congregation or the public in emergencies, for educational, religious or other purposes.

2. Maintain a "fire watch." The term "fire watch" shall mean the maintenance during all times when indigent housing services are provided of a watch by paid staff or volunteers who shall, on premises, monitor for fires or violations of no smoking prohibitions. At least one fire monitor shall be provided for each eight persons housed.

3. Provide an operational smoke detection system.

4. Prohibit the smoking of tobacco or similar products on the premises and prohibit the use of any open flame in the area in which the homeless or indigent persons are temporarily housed.

5. Maintain clear and unobstructed means of egress. Exits must not be locked in the direction of egress unless a special egress control device is installed in accordance with the building code.

C. The application of this exclusion is intended to fulfill the city's obligation to provide flexibility and consider reasonable alternatives in the application of the rigid requirements of the State Building Code. The building official is directed to avoid technical inflexibility, to consider the use of any reasonable alternative which would provide the minimum protections required either under the State Building Code or this exclusion and to be flexible when considering alternative approaches to the specific requirements set forth above. All decisions by the building official shall be in writing and articulate the public interest to be served as well as an analysis of the alternatives.

D. These provisions are for the purpose of providing for and promoting the health, safety and welfare of the general public. See Chapter 19.90 ECDC, Limitation of Benefited and Protected Classes. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 1, 2010].

19.00.045 Reconstruction of damaged buildings.

For any structure that is destroyed, damaged or demolished in an amount equal to 75 percent or more of its replacement cost at the time of destruction, the reconstruction shall be considered to be under the category of "new" construction. Determination of replacement costs and the level of destruction shall be made by the building official and shall be appealable as a Type II staff decision under the provisions of Chapter 20.06 ECDC. The "new" construction will be subject to all applicable requirements of the Edmonds Community Development Code for a new building, including but not limited to zoning, utilities and site-related features; provided, that Chapter 17.40 ECDC also applies to certain requirements for nonconforming buildings and uses. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4151 § 3 (Att. A), 2019].

Chapter 19.05

RESIDENTIAL BUILDING CODE

Sections:

- 19.05.000 International Residential Code adopted.
- 19.05.010 Chapter 1 not adopted.
- 19.05.015 Other chapters not adopted.
- 19.05.020 Section amendments.
- 19.05.025 Applicability of International Residential Code.
- 19.05.030 Manufactured home installation standards.

19.05.000 International Residential Code adopted.

The International Residential Code (IRC), ~~2018~~ 2021 Edition, published by the International Code Council, as amended by the Washington State Building Code Council in Chapter 51-51 WAC, and as subsequently amended by this chapter, is hereby adopted along with Appendix Chapters ~~A, B, C,~~ E, F, K, ~~and Q, T, U and Y.~~ [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3819 § 1, 2010; Ord. 3796 § 2, 2010].

19.05.010 Chapter 1 not adopted.

Chapter 1 is not adopted, except as provided for in ECDC 19.00.015. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 2, 2010].

19.05.015 Other chapters not adopted.

Chapters ~~11, 20 and 21,~~ and Part VII, Plumbing, and Part VIII, Electrical, are not adopted. See Chapter 19.20 ECDC for adopted plumbing code and Chapter 19.55 ECDC for adopted electrical code. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013].

19.05.020 Section amendments.

The following sections of the IRC are hereby amended as follows:

A. Table R301.2(1), Climatic and Geographic Design Criteria, is amended with the following criteria:

1. Ground Snow Load = 25 psf non-reducible; Roof Snow Load = 25 psf non-reducible
2. Wind Speed(d) = ~~Basic = 85 mph; Ultimate = 110-98~~ mph
3. Topographical effects(k) = No
4. Seismic Design Category(f) = D1
5. Weathering(a) = moderate
6. Frost Line Depth(b) = 18 inches for primary structures; 12 inches for porches and decks
7. Termite(c) = slight to moderate
8. Winter Design Temp(e) = 27 degrees F
9. Flood Hazard(g) = NFIP adoption 8/8/78. Date of ~~current~~ FIS 6/19/20; FIRM maps 6/19/20.
10. Ice Shield Underlayment(h) = not required
11. Air Freezing Index(i) = 175
12. Mean Annual Temp(j) = 50 degrees F

B. Section R313, Automatic fire sprinkler system, is amended to read:

1. An approved automatic fire sprinkler system shall be installed in new buildings containing three (3) or more attached dwelling units. Refer to ECDC 19.25.035.

2. An approved automatic fire sprinkler system shall be installed in new one-family and two-family dwellings and townhouses exceeding 3,000 square feet of fire area. For the purposes of this section fire area shall include all areas of the primary structure including all dwelling units, attached garages and covered porches and patios.

3. The design and installation of residential fire sprinkler systems shall be in accordance with NFPA 13D- and the following:

- a. All systems shall include a main pressure gauge and a main drain plumbed to the exterior for fire operations and maintenance purposes.
- b. Sprinkler supply risers shall be connected to the domestic plumbing supply in such a manner that prevents the sprinkler system from being shut off without turning off the main domestic water supply.
- c. For flow-through systems a sink or toilet shall be connected to the sprinkler system with at least one domestic connection on each floor.
- d. Where fire sprinkler systems are installed, all fuel fired equipment (water heater, furnace, BBQ, exterior heaters, etc.) and appliances where located under combustible construction shall be protected by a minimum of one (1) sprinkler head.

Exception: Equipment and appliances located under exterior projections less than 48 inches.

- e. In addition to signage required by the NFPA, a red placard with one-half inch (½”) white lettering reading “THIS VALVE SHUTS OFF THE DOMESTIC WATER AND FIRE SPRINKLER SYSTEM” shall be permanently installed at the main supply valve location.
- f. A red placard with one-half inch (1/2”) white lettering reading “DRAIN VALVE” shall be permanently installed at the main drain valve location.

C. Section R319.1 Address identification, is amended to read:

Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

Exception: Where approved by the fire code official, numbers attached to traditional-style or historical structures, or where other context may warrant, may be less than 4 inches in height.

ED. Any definitions in Appendix E, entitled “Manufactured Housing Used as Dwellings,” which are inconsistent with definitions set forth in this chapter, including the definitions of “manufactured home” and “mobile home” in AE201.1, are not adopted, and the definitions set forth in this chapter shall prevail. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4199 § 3 (Att. C), 2020; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3819 § 2, 2010; Ord. 3796 § 2, 2010].

19.05.025 Applicability of International Residential Code.

A. Definitions.

1. “Manufactured home” means a factory-built dwelling that is built in accordance with regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).
2. “Modular home” means a dwelling that is constructed in a factory in one or more modules, each of which:
 - a. Meets applicable state and city building codes; and
 - b. Is transported to the home building site, installed on foundations, and completed.
3. “Mobile home” means a factory-built dwelling built before June 15, 1976, to standards other than the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), and acceptable under applicable state codes in effect at the time of construction or introduction of the home into this state.

B. Applicability of the IRC.

1. The International Residential Code (IRC) does not apply to the construction or installation of manufactured homes, except to the extent that Appendix E of the IRC applies.

The International Residential Code does apply to the construction of modular homes. [Ord. 4212 § 1 (Att. A), 2021].

19.05.030 Manufactured home installation standards.

A. Local Authority Related to Manufactured Homes.

1. The city establishes standards for manufactured homes governing the building site and performs installation inspections. “Installation” is the activity needed to prepare a building site and to set a manufactured home within that site.
2. The building official shall have the authority to enforce city regulations governing the building site and installation of a manufactured home.
3. The city shall have the authority to ensure that self-supporting awnings, carports, porches and similar structures or additions comply with applicable regulations.
4. Chapter 296-150M WAC, as currently promulgated together with any future amendments thereof, or future additions thereto, is hereby adopted. The building official is authorized to issue building permits and collect permit fees for the installation of all manufactured homes that meet the requirements of this chapter, to inspect the installation of manufactured homes, and enforce all violations of this chapter.
5. The installation of manufactured homes shall be enforced and fees charged by the city in the same manner the State Building Code is enforced under RCW 19.27.050. Fees for the installation of a manufactured home shall be as set forth in Chapter 19.70 ECDC. All other applicable development fees shall also be imposed as with any other single-family residence.
6. Manufactured homes to be placed within the city shall be “new manufactured homes” as defined in RCW 35.63.160(2). The applicant is required to provide the vehicle identification number (VIN) or serial number.
7. Manufactured homes shall be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product which can be either load bearing or decorative.
8. Manufactured homes shall comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located.
9. Manufactured homes shall be thermally equivalent to the current State Energy Code. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 2, 2010].

Chapter 19.07

FLOOD DAMAGE PREVENTION

Sections:

- 19.07.000 Purpose.
- 19.07.010 Applicability.
- 19.07.020 Definitions.
- 19.07.025 Administration.
- 19.07.030 International Building Code section amendments.
- 19.07.040 International Residential Code section amendments.
- 19.07.050 Habitat assessment.
- 19.07.060 Review of building permits.
- 19.07.065 Changes to special flood hazard areas (SFHA).
- 19.07.070 Anchoring.
- 19.07.080 Subdivision proposals and development.
- 19.07.090 Manufactured homes.
- 19.07.095 General requirements for other development.
- 19.07.100 All other building standards apply.
- 19.07.110 Variance.

19.07.000 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- G. Notify potential buyers that the property is in a special flood hazard area;
- H. Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
- I. Participate in and maintain eligibility for flood insurance and disaster relief. [Ord. 4199 § 1 (Att. A), 2020].

19.07.010 Applicability.

A. Lands to Which This Chapter Applies. This chapter shall apply to all special flood hazard areas within the boundaries of the city of Edmonds.

B. Basis for Establishing the Areas of Special Flood Hazard. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Snohomish County, Washington, and Incorporated Areas" dated June 19, 2020, and any revisions thereto, with accompanying flood insurance rate maps (FIRMs), and any revisions thereto, are hereby adopted by reference and

declared to be a part of this chapter. The FIS and the FIRM are on file at the [planning and developmentdevelopment services](#) department at 121 5th Avenue North.

The best available information for flood hazard area identification as outlined in Section G103.3 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section G103.3. [Ord. 4199 § 1 (Att. A), 2020].

19.07.020 Definitions.

The following definitions apply to this chapter:

A. “Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

B. “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the flood insurance rate map (FIRM) as zone A, AO, AH, A1-30, AE, A99, or AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

C. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the “100-year flood”).

D. “Base flood elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.

E. “Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

F. “Coastal high hazard area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.

G. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

H. “Elevation certificate” means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F).

I. “Flood or flooding” means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation or runoff of surface waters from any source.

c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (I)(1)(b) of this section and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (I)(1)(a) of this section.

J. “Flood elevation study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a flood insurance study (FIS).

K. “Flood insurance rate map (FIRM)” means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

L. “Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flood or flooding.”

M. Floodplain Administrator. The building official is designated to administer and enforce the floodplain management regulations.

N. “Floodplain management regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

O. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the base flood elevation.

P. “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Q. “Habitat assessment” means a written document that describes a project, identifies and analyzes the project’s impacts to habitat for species discussed in the “Endangered Species Act – Section 7 Consultation Final Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the Implementation of the National Flood Insurance Program in the State of Washington, Phase One Document – Puget Sound Region,” and provides an effects determination.

R. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

S. “Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

T. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter (i.e., provided there are adequate flood ventilation openings).

U. “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

V. “Mean sea level” means, for purposes of the National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community’s flood insurance rate map are referenced.

W. “New construction” means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial flood insurance rate map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

X. “Start of construction” includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Y. “Structure” means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Z. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the replacement cost of the structure before the damage occurred.

AA. “Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not include any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

BB. “Variance” means a grant of relief by a community from the terms of a floodplain management regulation.

CC. “Water surface elevation” means the height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. [Ord. 4199 § 1 (Att. A), 2020].

19.07.025 Administration.

A. Establishment of a Development Permit.

1. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in ECDC 19.07.010. The permit shall be for all structures

including manufactured homes, as set forth in ECDC 19.07.020, Definitions, and for all development including fill and other activities, also as set forth in ECDC 19.07.020, Definitions.

2. Application for Development Permit. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to, plans ~~in duplicate~~ drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures recorded on a current elevation certificate with subsection (B) of this section completed by the floodplain administrator;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in the IBC;
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
- e. Where a structure is proposed in a V, V1-30, or VE zone, a V-zone design certificate; and
- f. Any other such information that may be reasonably required by the floodplain administrator in order to review the application.

B. Designation of the floodplain administrator. The building official is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions. The floodplain administrator may delegate authority to implement these provisions.

C. Duties and responsibilities of the floodplain administrator shall include, but not be limited to:

1. Permit Review. Review all development permits to determine that:

- a. The permit requirements of this chapter have been satisfied;
- b. All other required state and federal permits have been obtained;
- c. The site is reasonably safe from flooding;
- d. Notify FEMA when annexations occur in the special flood hazard area.

2. Use of Other Base Flood Data in A and V Zones. When base flood elevation data has not been provided (in A or V zones) in accordance with ECDC 19.07.010, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer this chapter.

3. Information to Be Obtained and Maintained.

- a. Where base flood elevation data is provided through the FIS, FIRM, or required as in subsection (C)(2) of this section, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. Obtain and maintain documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones.
- c. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (C)(2) of this section.

d. Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was floodproofed.

e. Maintain the floodproofing certifications required in subsection (A) of this section.

f. Records of all variance actions, including justification for their issuance.

g. Improvement and damage calculations.

h. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Alteration of Watercourse. Whenever a watercourse is to be altered or relocated:

a. Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means;

b. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. [Ord. 4199 § 1 (Att. A), 2020].

19.07.030 International Building Code section amendments.

The following sections of the IBC are hereby amended as follows:

A. Section 110.3.3, Lowest floor elevation, is amended to read:

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5.4 shall be submitted to the building official. Prior to final inspection approval, the building official shall require an elevation certificate based on finished construction prepared and sealed by a State licensed land surveyor.

B. Section 1612.1.1, Residential Structures, is added and reads:

Any residential or commercial structure located in a flood hazard area, that is destroyed, damaged or demolished in an amount equal to 50 percent or more of its replacement cost at the time of destruction, shall not be reconstructed except in full conformance with all provisions of this chapter and other local, state and federal regulations.

C. Section 1612.4.1, Lowest Floor Elevation, is added and reads:

For buildings in all structure categories located in the Coastal High Hazard Areas and Coastal A Flood Zones, the elevation of the lowest floor shall be a minimum of two feet above the base flood elevation, as determined from the applicable FEMA flood hazard map.

[Ord. 4199 § 1 (Att. A), 2020].

19.07.040 International Residential Code section amendments.

The following sections of the IRC are hereby amended as follows:

A. Table R301.2(1), Climatic and Geographic Design Criteria, is amended with the following criteria:

Flood Hazard(g) = ~~NFIP adoption 8/8/78. NFIP adoption~~ Current FIS June 19, 2020. FIRM maps June 19, ~~2019~~2020.

B. R322.1, General, is hereby amended as follows:

Buildings and structures constructed in whole or in part in flood hazard areas (including A or V Zones) as established in Table R301.2(1) shall be designed and constructed in accordance with the provisions contained in this section.

Any residential or commercial structure located in a flood hazard area, that is destroyed, damaged or demolished in an amount equal to 50 percent or more of its replacement cost at the time of destruction, shall not be reconstructed except in full conformance with all provisions of this chapter and other local, state and federal regulations.

[Ord. 4199 § 1 (Att. A), 2020].

19.07.050 Habitat assessment.

A development permit application shall include a habitat assessment unless the project is, in its entirety, one of the following activities:

A. Normal maintenance, repairs, or remodeling of structures, such as reroofing and replacing siding, provided such work is not a substantial improvement or a repair of substantial damage. To comply, such work must be less than 50 percent of the value of the structure(s).

B. Expansion or reconstruction of an existing structure that is no greater than 10 percent beyond its existing footprint.

C. Activities with the sole purpose of creating, restoring, or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet federal and state standards, provided the activities do not include structures, grading, fill, or impervious surfaces.

D. Development of open space and recreational facilities, such as parks, trails, and hunting grounds, that do not include structures, fill, impervious surfaces, or removal of more than five percent of the native vegetation on that portion of the property in the floodplain.

E. Repair to on-site septic systems, provided ground disturbance is the minimal necessary and best management practices (BMPs) to prevent stormwater runoff and soil erosion are used.

F. Projects that have already received concurrence under another permit or other consultation with the services, either through Section 7, Section 4d, or Section 10 of the Endangered Species Act (ESA) that addresses the entirety of the project in the floodplain (such as an Army Corps 404 permit or nonconversion forest practice activities including any interrelated and interdependent activities).

G. Repair of an existing, functional bulkhead in the same location and footprint with the same materials when the ordinary high water mark (OHWM) is still outside of the face of the bulkhead (i.e., if the work qualifies for a Corps exemption from Section 404 coverage). [Ord. 4199 § 1 (Att. A), 2020].

19.07.060 Review of building permits.

Where elevation data is not available either through the FIS, FIRM, or from another authoritative source (ECDC 19.07.025(C)(2)), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. [Ord. 4199 § 1 (Att. A), 2020].

19.07.065 Changes to special flood hazard areas (SFHA).

A. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a letter of map change, then the project proponent shall initiate, and receive approval of, a conditional letter of map revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.

B. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the floodplain administrator to be attached to the floodplain development permit, including all required property owner notifications. [Ord. 4199 § 1 (Att. A), 2020].

19.07.070 Anchoring.

A. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

B. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. For more detailed information, refer to guidebook, FEMA-85, "Manufactured Home Installation in Flood Hazard Areas." [Ord. 4199 § 1 (Att. A), 2020].

19.07.080 Subdivision proposals and development.

All subdivisions, as well as new developments, shall:

- A. Be consistent with the need to minimize flood damage;
- B. Have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage;
- C. Have adequate drainage provided to reduce exposure to flood damage;
- D. Where subdivision proposals and other proposed developments contain greater than 50 lots or five acres (whichever is the lesser) base flood elevation data shall be included as part of the application. [Ord. 4199 § 1 (Att. A), 2020].

19.07.090 Manufactured homes.

A. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

B. All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites:

- 1. Outside of a manufactured home park or subdivision;
- 2. In a new manufactured home park or subdivision;
- 3. In an expansion to an existing manufactured home park or subdivision; or
- 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall meet the standards of ASCE 24-14, Chapter 4 requirements for residential buildings. [Ord. 4199 § 1 (Att. A), 2020].

19.07.095 General requirements for other development.

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this chapter or the state building codes with adopted amendments and any city of Edmonds amendments, shall:

- A. Be located and constructed to minimize flood damage;
- B. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- C. Be constructed of flood damage-resistant materials; and
- D. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations. [Ord. 4199 § 1 (Att. A), 2020].

19.07.100 All other building standards apply.

All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of the adopted IBC, IRC, Appendix (IBC) G, and ASCE 24. [Ord. 4199 § 1 (Att. A), 2020].

19.07.110 Variance.

A. General. The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted by the city's floodplain administrator for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the city of Edmonds to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the base flood elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Requirements for Variances.

1. Variances shall only be issued:

- a. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- b. For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
- c. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- d. Upon a showing of good and sufficient cause;
- e. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
- f. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in ECDC 19.07.020 in the definition of "Functionally dependent use."

2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the provisions of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

C. Variance Criteria. In considering variance applications, the floodplain administrator shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

D. Additional Requirements for the Issuance of a Variance.

1. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance coverage; and
 - b. Such construction below the BFE increases risks to life and property.
2. The floodplain administrator shall maintain a record of all variance actions, including justification for their issuance.
3. The floodplain administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.
4. Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

E. Appeals. Appeals of a variance from the provisions of this chapter shall be appealable in accordance with Chapter 19.80 ECDC. [Ord. 4199 § 1 (Att. A), 2020].

Chapter 19.10

BUILDING PERMITS – EARTH SUBSIDENCE AND LANDSLIDE HAZARD AREA

Sections:

- 19.10.000 Statement of purpose and application.
- 19.10.010 Section amendments.
- 19.10.020 Definitions.
- 19.10.030 Minimum required application submittals.
- 19.10.040 Site posting notice, disclosures, declarations, covenants and waivers.
- 19.10.050 Site bonds and contractor general public liability insurance.
- 19.10.060 Review to determine compliance with engineering practice and best available science.
- 19.10.070 Issuance and denial of permits.
- 19.10.080 Site access, professional/special inspection, monitoring during construction and final geotechnical report.

19.10.000 Statement of purpose and application.

A. This chapter has been enacted in order to provide both substantive and procedural provisions relating to the issuance of permits within the North Edmonds earth subsidence and landslide hazard area. It shall be the policy of the city that no permit shall be issued for any site which is found to be unsuitable for improvement due to excessively steep slopes, unsatisfactory foundation support, instability or unsuitable topography for the particular permit requested for issuance. When development occurs on an unstable site, an unreasonable risk of danger may exist to the public, to public improvements or to adjacent property owners. If such a site can be stabilized through the construction of on-site improvements, that risk may be reduced.

B. The construction of professionally designed structures addressing the risks of earth movement, and employing feasible attendant measures (including but not limited to drainage improvements, specially designed foundations, retaining walls, removal of overburden and other improvements designed to minimize the risk of earth movement, prevent avoidable damage to structures, safeguard adjacent properties, limit risk to inhabitants, and to stabilize the structure in the event of movement) may mitigate and reduce the risk of earth movement on individual properties. Nothing herein shall relieve an owner of any obligation imposed by the State Building Code or city ordinance to take all reasonable and practical measures available to reduce or eliminate the risk or hazard.

C. The IRC/IBC, as promulgated by the state of Washington and required to be adopted by the city, does not specify a standard regarding lot stability. Since the city's request for an interpretation of the International Building Code by the State Building Code Council to designate an acceptable level of lot stability was denied, and because the city wishes to comply with state law requiring that the issuance of building permits be a ministerial and not a discretionary act, the provisions of this chapter have been adopted in order to provide reasonable certainty in the permit issuance process. The purpose of these provisions is not to lessen the minimum requirements of the current adopted building code, but rather to define its requirements for city implementation.

D. These provisions have been adopted in order to establish a policy that permits shall not be issued for any site where a substantial risk of earth subsidence and landslide hazard exist unless:

1. The risks can be defined with reasonable scientific certainty and found to be within acceptable limits as determined in accordance with this chapter.
2. Any hazard associated with the site is scientifically ascertained and fully disclosed through the permit process.
3. Notice of any risk is given to future purchasers through the land records of Snohomish County.
4. Any risks associated with construction and habitation are assumed by the builder and future owners of the site.
5. Adequate indemnification is provided by the builder and the owner of the site in order that the general public not assume or bear any portion of the costs or liability associated with the builder's investigation, design and construction as well as the continuing maintenance of the site by the property owner.

E. Notwithstanding any contrary provision of this chapter or the IRC/IBC, all applications for permits received for any site, any portion of which lies within the North Edmonds earth subsidence and landslide hazard area or its buffer, shall be governed by the provisions of this chapter. In addition to all other requirements of these sections, the restrictions and provisions of this chapter shall apply to all building, grading, fill and excavation permits (herein “permits”). Minor permits such as plumbing, mechanical, reroof and interior alterations are exempt from the requirements of this chapter.

F. All applications for permits under this chapter shall disclose within the geotechnical report whether or not any part of the site lies within or adjacent to the North Edmonds earth subsidence and landslide hazard area. The building official may require preliminary investigation by a geotechnical engineer for any applicant whose property lies within or adjacent to the North Edmonds earth subsidence and landslide hazard area in order to assist the building official in determining whether these provisions should be applied.

G. Nothing in this chapter should or shall be interpreted to guarantee issuance of a permit with respect to any property unless the requirements of the IRC/IBC as amended and interpreted by this chapter have been met. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.10.010 Section amendments.

The provisions of this section amend the 2003 Edition of the IRC/IBC and all subsequent revisions adopted by RCW 19.27.031 as the State Building Code as previously amended by Chapter 19.05 ECDC. All prior substantive amendments have received the approval of the State Building Code Council. All provisions of the IRC/IBC which conflict with this chapter shall be deemed amended hereby, and any ambiguity created shall be resolved in favor of the specific provision or general intent of said chapter. In addition to the amendments of the IRC/IBC by its alteration, improvement and correction to incorporate the chapter, the following specific code provisions are amended and the substantive and procedural requirements of this chapter are amended by the correction and alteration of the following sections of the IRC/IBC:

A. Chapter 1, Administration.

1. Section R105.1.1 Permit review applicability. Any permit requested for a site lying in whole or in part within an earth subsidence and landslide hazard area as defined by ECDC 19.10.020(F) shall be processed and acted upon in accordance with the provisions of Chapter 19.10 ECDC.

2. Section R105.2 Work exempt from a permit. ECDC 19.00.025(E)(1) exemptions (a), (b), (d), (e), (f), (g), (j), (k), (l), and (p) and ECDC 19.00.025E(4) exemptions (a), (c) and (i) shall not apply in any area designated as an earth subsidence and landslide hazard area as defined in ECDC 19.10.020(F).

3. Section R105.3.2 Time limitation of permit application.

a. Applications, for which no permit is issued within two (2) years following the date of application, shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official.

b. The building official may not extend the time for action by the applicant on an expired application except as allowed within this section. In the event of application expiration, the applicant shall submit a new application, revised plans based on current adopted codes and pay new plan review fees as well as any outstanding peer review fees incurred to date.

4. The Building Official may extend the life of an application if any of the following conditions exist:

(a) Compliance with the State Environmental Policy Act is in progress; or

(b) Any other City review is in progress; provided, the applicant has submitted a complete response to City requests; or

(c) The Building Official determines that unique or unusual circumstances exist that warrant additional time for such response and the Building Official determines that the review is proceeding in a timely manner toward final City decision; or

(d) Litigation against the City or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

5. Section R105.5 Permit expiration and extension.

a. Every permit issued under the provisions and development standards of Chapter 19.10 ECDC shall expire by limitation two (2) years after issuance, except as provided in ECDC 19.10.010(A)(4)(b).

b. Prior to expiration of an active permit the applicant may request in writing an extension for a third and final year. If the plans and specifications for the permit extension application are the same as the plans and specifications submitted for the original permit application and provided there has been at least one (1) required progress inspection conducted by the city building inspector prior to the extension, the permit shall be extended. Permit fees shall be charged at a rate of one quarter the original building permit fee to extend the permit.

c. The maximum amount of time any building permit may be extended shall be a total of three (3) years. At the end of any three (3) year period starting from the original date of permit issuance, the permit shall become null and void and a new building permit shall be required, with full fees, in order for the applicant to complete work. The issuance of a new permit shall negate all previous vesting of zoning or building codes. Whenever an appeal is filed and a necessary development approval is stayed in accordance with the Land Use Petition Act, the time limit periods imposed under this section shall also be stayed until final decision.

d. The building official shall reject requests for permit extensions if modifications or amendments to the applicable zoning and building codes have occurred since the original issuance of the permit, and modifications or amendments would significantly promote public health and safety if applied to the project through the issuance of a new permit.

6. Section R105.5.1 Recommence work on an expired permit.

a. In order to recommence work on an expired permit, a new permit application with full fees shall be submitted to the building official.

b. New permit applications shall be reviewed under current zoning and building codes in effect at the time of complete application submittal. If a new permit is sought to recommence work on an expired permit, the new permit shall be vested under the codes in effect at the time of complete application for the new permit, not the expired permit. When additional plan review is required, plan review fees shall be charged. When applicable, peer review and peer review fees shall be assessed.

7. Section R106.3.3.1 Phased approval.

a. The building official may require sequencing of construction phases or activities such as the installation of shoring or temporary erosion control remedies and/or drainage systems, well in advance of grading or foundation construction on a time frame consistent with geotechnical recommendations and peer review. As part of the sequencing process, the building official may impose permit conditions that address site work sequencing to include but not be limited to: limiting all excavation, drainage systems and foundation installation to the drier season between May 1st and September 30th.

b. When permit conditions such as groundwork are limited by the building official on a particular project, the applicant's geotechnical engineer may submit a letter detailing geotechnical recommendations that portions of work may progress. The letter shall include a detailed work schedule submitted by the general contractor specifying work to be done, timeline, provisions for monitoring and equipment to be used. Any such recommendation shall be based upon best available science and be consistent with standard geotechnical engineering practice. The building official may require a peer review prior to a decision which provides concurrence regarding at least the following issues:

i. Duration of work,

ii. Type of equipment to use,

iii. Additional temporary erosion and sediment control provisions required, and

iv. Applicability of special inspections, and similar issues.

c. The building official may issue partial permits for phased construction before the entire plans and specifications for the whole building or structure have been approved provided peer review approval has been granted. Phased approval means separate permits for grading, shoring, and foundation may be issued separately, provided concurrent approval is granted by the planning manager, city engineer, and city public works director, when applicable. No phased approval permit shall be issued unless approved civil plans detailing the construction of all site improvements (including, but not limited to: curbs, gutters, sidewalks, paved streets, water lines, sewer lines, and storm drainage) have been signed as approved by the city engineer. With such phased approval, a performance bond shall be posted with the city pursuant to Chapter 17.10 ECDC, to cover the estimated cost of construction to city standards for the improvements.

B. Chapter 2, Definitions.

1. Section R202 and IBC 202 are hereby amended to include the definitions set forth in ECDC 19.10.020, incorporated by this reference as fully as if herein set forth.

C. Chapter 4, Foundations.

1. Section R401.1 General Exception 3. Any permit requested for a site lying in whole or in part within the North Edmonds Earth Subsidence and Landslide Hazard Area shall be processed and acted upon in accordance with the provisions of Chapter 19.10 ECDC.

D. IBC Chapter 16, Structural design.

1. Section IBC 1601.1.1 Scope. Setting forth the requirements of Chapter 19.10 ECDC, incorporated by this reference as fully as if herein set forth.

E. IBC Appendix J, Grading.

1. Section IBC Appendix J 101.1.2, Scope. Setting forth the requirements of Chapter 19.10 ECDC, incorporated by this reference as fully as if herein set forth.

[Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.10.020 Definitions.

The following terms, when used within this chapter, shall have the following definitions:

A. “Architect” shall mean a person licensed to practice architecture by the state of Washington.

B. “Best available science” shall be determined in accordance with the criteria established in WAC 365-195-900, et seq.

C. “Bluff” shall mean any slope 10 feet in height or greater inclined at greater than one unit vertical in one unit horizontal or 100 percent slope.

D. “Building official” shall mean the building official of the city of Edmonds.

E. “Director” shall mean the city of Edmonds ~~development services~~ planning and development director or his/her designee.

F. “General contractor” shall mean a bonded, insured and registered contractor in the state of Washington. A general contractor shall maintain state-required bonding and shall carry general public liability insurance in the minimum amount of \$1,000,000. The general contractor shall have a current valid state contractor’s license with the state of Washington and a city of Edmonds resident or nonresident business license, whichever is applicable.

G. “Geologist” means a practicing geologist licensed in the state of Washington with at least four years’ experience as a licensed geologist in responsible charge, including experience with landslide evaluation.

H. “Geotechnical engineer” means a practicing geotechnical/civil engineer licensed as a professional civil engineer in the state of Washington who has at least four years of professional employment as a geotechnical engineer in responsible charge, including experience with landslide evaluation.

I. “North Edmonds earth subsidence landslide hazard area” shall mean the hazard area, including its buffer, designated in the 2007 report of Landau Associates and as may be amended in future adopted earth subsidence and landslide hazard maps which are hereby incorporated by this reference and made a part of this chapter as fully as if herein set forth and may be provided in a summary text form. Future adopted landslide hazard maps shall be incorporated by reference upon adoption by ordinance.

Applicants for permits in the North Edmonds earth subsidence and landslide hazard area shall submit a geotechnical report and complete plan set submittal as required by this chapter to the building official for review.

The presumption of risk shall be rebuttable and the decision of the director or building official that any area lies within, or adjacent to, such earth subsidence and landslide hazard area shall be appealable as a staff decision to superior court in accordance with the Land Use Petition Act.

Copies of the reports and maps shall be maintained in the offices of the building official and shall be available for inspection during all normal working hours. Individual copies of the reports and map may be obtained by the public upon the payment of the cost of reproduction.

J. “Landslide hazard areas” means areas mapped or otherwise defined by the city of Edmonds as environmentally critical areas or geologically hazardous areas.

K. “Land surveyor” means a person who holds a Washington State land surveyor’s license.

L. “Lead design professional” means the person designated by the applicant to oversee and coordinate the permit review process on behalf of the applicant.

M. “Plan set submittal” means a complete application pursuant to ECDC 19.00.015 including:

1. Vicinity map.
2. Topography map and survey.
3. Civil plans including grading, temporary erosion and sediment control, storm drainage, utilities and site improvements.
4. Tree cutting/land clearing plans.
5. Geotechnical report.
6. Architectural and structural plans with design calculations, stamped and signed by licensed design professionals of the state of Washington.

N. “Site” means the entire area within the boundaries, as described in a legal description, of the property that is to be developed under the permit for which the applicant has applied.

O. “Stable” shall mean that the risk of damage to the proposed development, or to adjacent properties, from soil instability is minimal subject to the conditions set forth in the reports developed under the requirements of ECDC 19.10.030 and the proposed development will not increase the potential for soil movement.

In the event that any site has an underlying risk of movement based upon deep-seated earth movement or large-scale earth failure which is not susceptible to correction by on-site improvements, such hazard shall not render a site proposed for single-family residences to be presumed unstable for the purpose of this provision if the geotechnical engineer of record and recommendation of any peer reviewer confirm the risk of probability of earth movement is 30 percent or less within a 25-year period.

In order to meet the definition of “stable” the geotechnical report shall include identified hazards for the property and the mitigation measures proposed to reduce or correct the hazards along with measures taken to mitigate potential impacts from the remaining hazards, including all on- and off-site measures taken to correct or reduce the risk. These shall be fully disclosed to the applicant and future owners, heirs and assigns in the covenant required to be executed in accordance with provisions of this chapter, in which case the defined risk may be approved as an acceptable condition.

P. “Steep slope” shall be defined and calculated pursuant to Chapter 23.80 ECDC.

Q. “Storm event” means one inch or greater precipitation in a 24-hour period as reported by the National Oceanic and Atmospheric Administration (NOAA).

R. “Structural engineer” means a person licensed to practice structural engineering by the state of Washington.

S. “Structural fill” shall mean any fill placed below structures, including slabs, where the fill soils are intended to support loads without unacceptable deflections or shearing. Structural fill should be clean and free-draining and should be placed above unyielding native site soils compacted in accordance with an approved geotechnical report prepared utilizing best engineering science. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.10.030 Minimum required application submittals.

A. The applicant shall submit a complete plan set submittal and permit application and specifications for the proposed development as defined in ECDC 19.10.020(M) and this chapter.

B. An earth subsidence and landslide hazard area permit submittal checklist shall be adopted at the direction of the director and shall be provided to all persons inquiring regarding building permit applications or development permits in the designated earth subsidence and landslide hazard area of North Edmonds. The submittal checklist shall include but not be limited to the requirements contained in city public handouts, written policies, adopted maps, reference maps, summary reports, minimum geotechnical report guidelines, and the following:

1. North Edmonds earth subsidence and landslide hazard map.
2. Vicinity map.
3. Topographic map and survey.
4. Civil plans (i.e., grading, temporary erosion and sediment control, storm drainage, utilities and site improvements).
5. Tree cutting/land clearing plan.
6. Geotechnical report.
7. Owner and professional declarations.
8. Detailed architectural and structural plans with structural calculations and specifications.
9. Bonds, covenants and contractor public liability insurance in accordance with the detailed requirements stated below.

If any item in the checklist is inapplicable to a particular project, a letter or a report shall be provided to the director stamped by the appropriate licensed design professional, with sufficient information or data to demonstrate why the item is inapplicable. The director may utilize appropriate licensed consultants to determine if generally accepted engineering practice requires submission of an application requirement. When consultants are used to determine if generally accepted engineering practice requires submission of an application requirement, the cost of review shall be paid by the applicant. The director may develop a modified checklist suitable for projects of a minor nature, such as retaining walls, decks and sheds, as may be appropriate.

C. A copy of the North Edmonds earth subsidence and landslide hazard map shall be included in the submittal checklist materials.

D. The vicinity map shall be suitable for locating the site and include information related to existing conditions on or near the site, based on the topographic map and survey and shall designate all known landslide masses, or debris flows or mud flows on or near the site which could threaten proposed structures within 100 feet, as referenced, noted, described or discussed in the geotechnical report.

E. The applicant shall submit a topographic map and survey prepared and stamped by a licensed land surveyor, prior to studies and evaluations by the geotechnical engineer, and shall show:

1. Map scale, north arrow, legal description, tax account parcel numbers, easements, and lot property lines.
2. Existing grade contour lines, at two-foot intervals.
3. All distances between existing structures on the site and approximate distances of existing habitable structures on adjacent sites within 50 feet of property lines (all adjacent sites which could affect or be affected by the proposed development shall be shown).
4. Lowest footing or basement slab elevation of existing and proposed structures on the property and on adjacent properties to the extent that such information is reasonably available, and proposed finish floor elevations.
5. The location of existing sanitary sewers, stormwater drainage facilities, septic tanks, drain fields, wells, piezometers, private drainage systems, underground storage tanks, subsurface drains, and other sewer/drainage facility components on, and adjacent to, the site to the extent such information is reasonably available.
6. The location of all existing underground utilities on, and adjacent to, the site including, but not limited to, telephone, cable television, gas, electric and water utilities, vaults, fire hydrants and other cables, wires, meters and drainage pipes to the extent that such information is available.
7. A separate topographical drawing shall be submitted showing proposed grade contours at two-foot intervals. This drawing shall include the bottom of proposed footing elevations including all stepped footing elevations.

F. Civil-engineered plans shall be prepared and stamped by a state of Washington licensed civil engineer pursuant to the provisions of Chapter 18.30 ECDC and current adopted city stormwater manual. Geotechnical report recommendations affecting civil plans shall be incorporated into the design and detailed on the plans and shall include:

1. Storm drainage plan with storm drainage calculations.
2. Provisions for building pad and foundation drainage.
3. Temporary erosion and sediment control with drainage and maintenance provisions, and/or other sediment control assemblies.
4. Permanent erosion control with drainage and maintenance provisions.
5. Fill/soil stockpile limitation provisions, specific location, height, protection and maintenance.
6. Slope protection plans, rockeries, retaining walls, ecology blocks, keystone block walls, soldier pile walls, and soil nail walls.
7. Utilities and site improvements.
8. Grading plans, temporary and permanent shoring plans, top and toe of slope setbacks, driveway slope.

G. In lieu of the procedural requirements of Chapter 18.45 ECDC, a tree cutting/land clearing plan shall be submitted when significant trees are proposed to be removed. A significant tree is a tree with a trunk diameter of six

inches or greater measured four feet from the ground. No significant tree shall be removed until the permit is approved.

A detailed landscape plan may also be required in order for the city to evaluate long-term erosion control measures. The plan shall comply with all requirements of the ECDC relating to tree clearing and critical areas review, if applicable. The director may require the project geotechnical engineer's concurrence regarding an approval of a tree cutting/land clearing plan when slope stability is at issue.

H. Included in the permit submittal checklist shall be general and specific soils and geotechnical information, details or analysis required pursuant to IBC 1802. The applicant shall retain a geotechnical engineer to prepare a report and evaluation of the subsurface soil conditions on the site to include:

1. The geotechnical report shall be prepared in accordance with ECDC 23.80.050 and generally accepted geotechnical engineering practices, under the supervision of, and signed and stamped by, the geotechnical engineer. A geologist may be required to be part of the geotechnical consulting staff. The report shall reference the Landau Associates Summary Report (2007) as a technical document reviewed as part of the geologic analysis for the project and discuss all items listed in the permit submittal checklist and shall make specific recommendations concerning development of the site.

2. The opinions and recommendations contained in the geotechnical report shall be supported by field observations and, where appropriate or applicable, by literature review, conducted by the geotechnical engineer. The report shall be based on best available science.

3. The report shall include an analysis of material gathered through appropriate explorations, such as borings or test pits to a minimum depth of six feet below the proposed lowest footing or pile, an analysis of soil characteristics conducted by or under the supervision of the engineer in accordance with the standards adopted by the American Society of Testing and Materials (ASTM) or other applicable standards. The report must provide subsurface data to support the engineer's conclusions regarding slope stability.

4. If the evaluation involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geologist. It shall be the responsibility of the geotechnical engineer to assure that the geologist meets the qualifications listed in ECDC 19.10.020. A letter of concurrence from the geologist shall be included in the report.

5. Based upon the North Edmonds landslide area geology and slide mechanisms map and table found in the Landau Associates Summary Report (2007), any lot which contains any portion of any hazard zone or is adjacent thereto (regardless of whether the proposed building pad is located within any hazard area) shall specifically consider within the geotechnical report the following types of typical hazard zones and shall specifically note if the hazard is, or is not, present on the site. The report shall address hazards from encroaching landslide materials, hazards from ground failure in material that has not previously failed, and hazards from ground failure in previously failed material. For each landslide hazard identified on a property, the geotechnical engineer shall identify the types of specific processes associated with the hazard and include design features to reduce such hazards and mitigate impacts.

6. For properties containing or adjacent to bluffs, the geotechnical engineer shall, as a part of the building permit process, provide analysis of the rate of retreat of the bluff prepared by a geologist and estimate the bluff retreat amount and regression rate for periods of 25 and 125 years. The geotechnical engineer shall address the effects of bluff retreat on the stability of structures and/or improvements. A "structure" is defined as:

- a. A building intended for human habitation,

- b. A building, structure or other improvement whose stress or weight, collapse or movement would endanger public safety in the event of slope failure, and

- c. Any improvement on the site which is necessary to mitigate danger to public safety or provide stability.

If the bluff retreat rate analysis shows that the rate of retreat of the bluff is such that any structure or improvement constructed pursuant to the building permit would be unreasonably endangered or reasonably could be anticipated to be endangered by landslide or earth subsidence during its normal useful life, the application shall be denied.

7. Geotechnical letter addressing the provisions of Chapter 23.80 ECDC.

I. The applicant shall submit, consistent with the findings of the geotechnical report, detailed structural plans with corresponding calculations prepared and stamped by the structural engineer of record. When architectural plans incorporate such structural details, said plans shall be stamped and signed by the structural engineer of record. All other architectural plans may be prepared by an architect, designer, builder or lay person.

J. The applicant shall submit documentation of required bonds, frozen funds or adequate instrument of credit. The applicant shall submit a copy of the contractor's general public liability insurance pursuant to ECDC 19.10.050.

K. The applicant shall submit declarations, disclosures, covenants and waivers as required by ECDC 19.10.040. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.10.040 Site posting notice, disclosures, declarations, covenants and waivers.

+ A. Notices of permit submittal application with the city shall be posted pursuant to ECDC 20.03.002(F).

B. At permit application submittal, the applicant shall submit a written declaration with the permit application that includes the statement that the accuracy of all information is warranted by the owner/applicant in a form which relieves the city and its staff from any liability associated with reliance on such submittals.

The declaration shall also state that the owner/applicant understands and accepts the risk of developing in an area with potential unstable soils and that the owner/applicant will advise in writing any prospective purchasers of the site, or any prospective purchasers or residential lessees of structures or portions of a structure on the site, of the slide potential of the area.

The owner/applicant shall also acknowledge that he, she or they understand and accept the need for future monitoring and maintenance of the property as described in the final geotechnical report when future monitoring and maintenance may affect slope stability over time. While an application may reference the reports of prior public consultants to the city, all conclusions shall be those of the owner/applicant and his or her professionals.

C. The plan set submittal shall include a disclosure letter from the geotechnical engineer and civil engineer who prepared the geotechnical report and civil plans, stating that in his or her judgment the plans and specifications submitted for the project conform to the recommendations in the geotechnical report, and that the risk of damage to the proposed development, or to adjacent properties, from soil instability will be minimized subject to the conditions set forth in the report, and the proposed development will not increase the potential for soil movement.

“Minimized” shall mean that the applicant has utilized best available science and commonly accepted engineering and architectural practice to minimize, to the extent possible, the risks associated with development of the property.

The geotechnical engineer shall review the erosion and sediment control plan and provide a statement about the adequacy of the plan with respect to site conditions and report findings. The geotechnical engineer's statement shall also include an identification of landslide hazards applicable to the site, the on-site measures taken to correct or reduce the hazards, as applicable, and measures taken to mitigate potential impacts from the remaining hazards.

For sites where the hazards are not mitigated or where the risks from deep-seated or large-scale earth movement cannot be practically reduced by individual lot owners, the geotechnical engineer shall prepare a statement identifying what design measures will be taken to mitigate the risk to structures, adjacent properties, and inhabitants in the event of deep-seated or large-scale movement. The statement shall specify any risks from earth movement that are not fully mitigated by design measures and render an opinion as to whether the site will be stable within the meaning of this chapter following installation of all proposed improvements. The statement will clarify to current and future owners what measures were installed to reduce risks and what hazards could not be addressed by individual lot development.

D. Further recommendations signed and sealed by the geotechnical engineer shall be provided should there be additions or exceptions to the original recommendations based on the plans, site conditions or other supporting data. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the director accompanying the plans and specifications,

express agreement or disagreement with the recommendations in the geotechnical report and state that the revised plans and specifications conform to the new recommendations.

E. The plan set submittal shall include a disclosure letter or notation on the design drawings by the structural engineer of record stating that he has reviewed the geotechnical report(s), that he understands its recommendations, has explained or has had explained to the owner/applicant the risk of loss due to slides on the site, and that he has incorporated into the design the recommendations of the report and established measures to reduce the potential risk of injury or damage that might be caused by any risk of earth movement referenced in the report. The statement shall note any risks, hazards, and potential problems from earth movement that are not fully mitigated by design measures.

F. The owner shall execute a covenant (in a form provided by the city) to be submitted with the application (with necessary fee) to be filed with the Snohomish County auditor. The director shall cause such completed covenant to be so filed. A copy of the recorded covenant shall be forwarded to the owner. This covenant shall be a covenant running with the land, which shall at a minimum include:

1. A legal description of the property.
2. A statement explaining that the site is in a potential earth subsidence and landslide hazard area, that the risk associated with the development of the site is set forth in permit file No. _____ with the city of Edmonds building department, that conditions or prohibitions on development may have been imposed by the city in the course of permit issuance, and referencing any features in the design which will require maintenance or modification to address anticipated soil changes. The covenant may incorporate by reference the statements and conditions to be observed in the form proposed by the owner/applicant's geotechnical engineer, geologist, architect and/or structural engineer as approved after the review set forth in ECDC 19.10.060.
3. A statement waiving and promising to indemnify and hold harmless the city of Edmonds, its officers and employees from any claims the owner/applicant and his/her successors or assigns may have for any loss or damage to people or property either on or off the site resulting from soil movement and arising from or out of the issuances of any permit(s) authorizing development on the site, as well as due to any act or failure to act by the indemnitor, its agents or successors, in interest under or following issuance of the permit.
4. The date of permit issuance and permit number authorizing the development. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3817 § 9, 2010; Ord. 3736 § 36, 2009; Ord. 3651 § 1, 2007].

19.10.050 Site bonds and contractor general public liability insurance.

A. Site Bonding Requirements.

1. A surety bond, in an amount to be determined by the director, executed by a surety company authorized to do business in the state of Washington shall be posted by the owner/applicant or general contractor to assure the restoration of any areas on the site, or in the surrounding area, disturbed or damaged by slides during construction, and to ensure completion of the work authorized by the permit, or, if the work is not completed, to assure that the site will be restored to a safe and stable condition at least equal to the safety and stability of the site prior to commencement of work under the permit. The bond will be exonerated upon occupancy approval of the building permit by the building official.

2. In lieu of the surety bond, the owner/applicant or general contractor may ~~propose to file a cash deposit or an instrument of credit with the director~~ provide documentation of a frozen fund in an amount equal to that which would be required in the surety bond, and similarly conditioned.

B. Public Liability Insurance. The general contractor of record shall carry general public liability insurance effective through final occupancy in the minimum amount of \$1,000,000, and which shall name the city as an additional named insured, against the injury, death, property damage and/or loss arising from or out of the city's involvement in the permitting process for the project.

C. Homeowner Insurance. The city strongly recommends that each property owner maintain policies of liability insurance, adequate to provide sufficient funds, to indemnify and hold harmless third parties in the event of earth subsidence or landslides emanating from or across the owner's property. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.10.060 Review to determine compliance with engineering practice and best available science.

A. The city shall require professional peer review of the plan set submittals accompanying the permit application by a civil engineer, geotechnical engineer, geologist, and/or structural engineer as may be necessary and determined by the building official or director, in order to determine whether the plan set submittals were prepared in accordance with generally accepted engineering practice or the practice of the particular engineering or design specialty and are based upon best available science. The full cost of such peer review shall be paid in full by the owner/applicant within 30 days of billing by the city. Failure to make timely payments shall result in a stay of city plan review services on the application.

B. This requirement may be selectively waived at the discretion of the director, provided the applicable project geotechnical engineer, civil engineer or structural engineer provides written concurrence, determination, details, facts and/or data that individual site conditions warrant an exemption from outside peer review. Once waived, the building official shall not be required to inquire further into the adequacy of any report, plans, or data, but rather may rely upon the submittals as warranted by the owner/applicant as reviewed by the city's consultant. Nothing herein shall relieve the owner/applicant of the obligation to submit a complete application fulfilling all the requirements of this chapter and the IRC/IBC.

C. The final recommendation of the peer review regarding whether a submittal complies with generally accepted practice and/or is based on best available science shall be binding upon the building official. Such recommendation may be appealed to superior court under the Land Use Petition Act. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.10.070 Issuance and denial of permits.

A. The notice of final decision shall be mailed or otherwise delivered to the applicant, to any person who submitted comments, and any person who requested a copy of the decision.

B. Permit Issuance. The following requirements must be satisfied before a permit will be issued:

1. An approved geotechnical report has been submitted and approved.
2. Plans and specifications have been submitted incorporating the recommendations of the geotechnical report and said plans have been approved.
3. The required declarations, disclosures, covenants and waivers have been submitted and approved.
4. Required bonds, cash deposits and public liability insurance have been posted with the city.
5. When peer review has been required, all submittals have been determined to have been prepared in accordance with generally accepted engineering practice.
6. Peer review concurrence for permit issuance has been received by the building official.
7. All other provisions of ECDC Titles 16, 18 and 20 have been reviewed and approved by the appropriate city official.

C. Permit Denial. The following criteria shall result in the denial of issuance of permit:

1. Building, grading and excavation permits for construction on land which the director finds to be unsuitable for improvement due to excessively steep slopes, unsatisfactory foundation support, instability or unsuitable topography, or
2. The resulting development would increase the potential of soil movement resulting in an unacceptable risk of damage to adjacent properties or an unreasonable risk of damage to the proposed development, or

3. Excessive flooding, seepage, high water table, or inadequate drainage, or
4. If the bluff retreat rate analysis shows that the rate of retreat of the bluff is such that any structure or improvement would be unreasonably endangered or reasonably could be anticipated to be endangered by landslide or earth subsidence during its normal useful life, the application shall be denied. A “structure” is defined as:
 - a. A building intended for human habitation,
 - b. A building, structure or other improvement whose stress or weight, collapse or movement would endanger public safety in the event of slope failure, and
 - c. Any improvement on the site which is necessary to mitigate danger to public safety or provide stability, or
 - d. Other hazardous conditions posing an unreasonable risk to public health, safety, or welfare, or
 - e. Where the noted site dangers or geologic hazards are not minimized to the extent possible by the use of best available science and generally accepted engineering and architectural practice, or
 - f. If the applicant’s geotechnical engineer determines that there is a greater chance than 30 percent in a 25-year period that landslide damage on site will occur.

D. In making a determination of permit denial, the director shall consider not only the land which is the subject of the application, but in addition, the surrounding area which would be adversely affected if the permit were granted. Permit denial shall be made in writing to the owner/applicant when the site cannot be rendered “stable” as defined in ECDC 19.10.020(O). This decision and other preliminary determinations as referenced herein shall be appealable to Snohomish County superior court in accordance with the Land Use Petition Act. No other appeal shall be permitted. The appeal period shall commence upon the date of mailing of any preliminary or final decision.

E. Prohibitions. Because of the relationship of groundwater to stability, the discharge of collected surface water or stormwater to the ground surface or subsurface is prohibited on sites within the earth subsidence and landslide hazard area. In addition, the following construction, buildings, or improvements are hereby prohibited within the earth subsidence and landslide hazard area:

1. Swimming pools or hot tubs.
2. Ponds or other artificial impoundments of water.
3. Watering or irrigation systems.
4. Temporary or permanent stockpile of fill on top or bottom of slopes.
5. Rockeries.

F. Waiver. The prohibitions established in subsection (E) of this section shall apply unless the property owner requests a waiver based upon the written analysis of a geotechnical engineer which clearly establishes that the proposed improvement will have no reasonable likelihood of triggering or otherwise contributing to any landslide hazard or earth subsidence risk either on the site or in the neighboring earth subsidence or landslide hazard area.

In any review or appeal of the director’s or building official’s denial of a waiver to construct an otherwise prohibited improvement, the burden of proof shall always be upon the applicant to establish by a clear preponderance of the evidence that no such risk will be created by the improvement. Any geotechnical engineering report provided in any review shall consider not only the risk incurred due to or during construction of the otherwise prohibited improvement, but also the potential impacts due to failure to maintain the improvement, damage through reasonably foreseeable events such as earthquakes or other acts of God, or the reasonably foreseeable negligence of the owner or future owners. The director may utilize peer review consultants. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.10.080 Site access, professional/special inspection, monitoring during construction and final geotechnical report.

A. Site Clearing and Grading. The owner/applicant or contractor shall secure the building official’s approval before entering an earth subsidence and landslide hazard area site with excavating or other grading and clearing equipment to clear, remove trees or grade for any purpose including the creation of access to the site.

The building official may condition such access approval if site conditions are warranted and when discretionary approval permits are required. As part of the approval process the building official may impose conditions that address site work issues; such measures could include but are not limited to limiting all excavation and drainage installation to the drier season between May and the end of September, or sequencing activities such as the installation of drainage systems well in advance of construction.

Requests for early site access in advance of building permit approval or in the time period between October 1st and April 30th for any purpose shall be submitted to the building official accompanied by written concurrence of the owner/applicant’s geotechnical engineer of record.

The building official may utilize peer review consultants to determine whether the request is based on generally accepted engineering practice and is reasonable with regard to time frame to complete the work, types of equipment proposed to perform the work, length of exposure of slopes, and adequacy of site monitoring and temporary erosion control measures. When such peer review is utilized, the applicant is responsible for the peer review fee.

B. Reporting Authority. The owner/applicant shall retain a geotechnical engineer to monitor the site during construction. The owner/applicant shall preferably retain the geotechnical engineer who prepared the final geotechnical report in the plan set submittal and who has reviewed the approved plans and specifications.

If a different geotechnical engineering consultant is retained by the owner/applicant, the new geotechnical engineer shall submit a letter to the director stating that he or she has read all reports and recommendations and reviews to date and state whether or not he or she agrees with the opinions and recommendations of the original geotechnical report and peer review comments. Further recommendations, signed and sealed by the new geotechnical engineer, and supporting data shall be provided should there be exceptions or changes to the original recommendations that would affect the approved plans.

C. Construction Monitoring, Special Inspections.

1. Inspection Requirements. During the period from October 1st to April 30th, when on site, the owner/applicant or designated erosion sedimentation control (ESC) site supervisor shall perform erosion and sedimentation control inspections. Records of installed ESC facilities shall be maintained by the erosion and sedimentation control supervisor and copies of all ESC records shall be provided to city inspectors upon request.

ESC facilities on inactive sites (sites where no work will be performed for more than three consecutive days) shall be inspected weekly by the erosion and sedimentation control supervisor. During all other times of the year, weekly inspections by the ESC site supervisor are required and shall be recorded.

2. Weekly Field Reports. The geotechnical engineer shall monitor, during construction, compliance with the recommendations in the geotechnical report including: site excavation, shoring, temporary erosion control, soil support for foundation, piles, subdrainage installation, soil compaction and other geotechnical aspects of the construction. Unless otherwise approved by the director, the specific recommendations contained in the geotechnical report shall be implemented by the owner/applicant. Omissions or deviations from the approved geotechnical report and civil plans shall be highlighted to the city in a separate report. All reports shall be submitted to the city on a weekly basis for review. Failure to submit required reports may result in the issuance of a stop work order.

3. Storm Events. During all work periods, special inspections shall be performed after “storm events” as defined in ECDC 19.10.020(Q). The storm event report shall be provided within one week of the event.

D. Final Construction Report. The geotechnical engineer of record shall prepare a final written report to be submitted to the building official stating that, based upon his or her professional opinion, site observations and final

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site grading, the completed development substantially complies with the recommendations of the geotechnical report and with all geotechnical-related permit requirements as shown on the approved plans.

“Substantially complies” means that the completed development offers at least the level of stability and safety, on and off site, as was afforded by the original recommendations and report. Recommendations to the owner/applicant shall be included in the report for future monitoring and maintenance of the property including drainage, tightlines, catch basins, berms, retaining wall drainage, hazard mitigation improvements, slopes, bluffs, vegetation, and permanent erosion control that affect slope stability over time. Occupancy of the residence shall not be granted until the report has been reviewed and accepted by the building official. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

Chapter 19.15

MECHANICAL CODE AND FUEL GAS CODE

Sections:

- 19.15.000 International Mechanical Code adopted.
- 19.15.005 Amendments.
- 19.15.010 International Fuel Gas Code adopted.
- 19.15.015 *Repealed.*

19.15.000 International Mechanical Code adopted.

The International Mechanical Code (IMC), ~~2018-2021~~ Edition, published by the International Code Council, as amended by the Washington State Building Code Council in Chapter 51-52 WAC, and as subsequently amended by this chapter is hereby adopted. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 3, 2010].

19.15.005 Amendments.

Chapter 1 is not adopted, except as provided for in ECDC 19.00.015. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 3, 2010].

19.15.010 International Fuel Gas Code adopted.

The International Fuel Gas Code, ~~2018-2021~~ Edition, published by the International Code Council, as amended by the Washington State Building Code Council in Chapter 51-52 WAC inclusive of NFPA 54 and 58, and as subsequently amended by this chapter, is hereby adopted. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 3, 2010].

19.15.015 Amendments.

Repealed by Ord. 3926. [Ord. 3796 § 3, 2010].

Chapter 19.20
PLUMBING CODE

Sections:

- 19.20.000 Uniform Plumbing Code adopted.
- 19.20.005 Amendments.
- 19.20.010 Evidence of potable water.

19.20.000 Uniform Plumbing Code adopted.

The Uniform Plumbing Code (UPC), ~~2021~~ ~~2018~~ Edition, including Appendices A, B, ~~and I and M,~~ published by the International Association of Plumbing and Mechanical Officials, as amended by the Washington State Building Code Council in Chapter 51-56 WAC, and as subsequently amended by this chapter; provided, that any provisions that affect fuel gas piping are not adopted, is hereby adopted. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 4, 2010].

19.20.005 Amendments.

A. Chapter 1 is not adopted, except as provided for in ECDC 19.00.015.

B. Chapter 12, Fuel piping, is deleted.

C. Chapter 14, Firestop protection, is deleted. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 4, 2010].

19.20.010 Evidence of potable water.

Prior to the issuance of any building permit for new development, the building official shall require substantive evidence of an adequate potable water supply from the purveyor of water to the site for which a building permit is requested. For those areas lying within the service area of the city of Edmonds water utility, the notification from a duly authorized representative of the city's water utility shall be sufficient; provided, nothing herein shall be interpreted to prevent the city or any of its water purveyors from declaring a moratorium or other water emergency limiting or otherwise restricting the availability of adequate potable water. Applicants relying on a well shall provide a copy of applicable state approval for the appropriation and a current test of water quality by a qualified laboratory. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 4, 2010].

Chapter 19.25

FIRE CODE

Sections:

- 19.25.000 International Fire Code adopted.
- 19.25.005 Section amendments.
- 19.25.010 Department of fire prevention.
- 19.25.015 Definitions.
- 19.25.020 Permits.
- 19.25.025 Charges for fire review and inspection.
- 19.25.030 Modifications, interpretations and appeals.
- 19.25.035 Fire protection systems.
- 19.25.036 Dwelling fire sprinkler systems and connection fees.
- 19.25.040 Fire protection water supplies.
- 19.25.045 Charges for water mains and hydrants.
- 19.25.050 Mains and service lines.
- 19.25.055 Location of public hydrants.
- 19.25.060 Location of private hydrants.
- 19.25.065 Hydrant specifications.
- 19.25.070 Penalties.

19.25.000 International Fire Code adopted.

Under the statutory authority of RCW 19.27.031 and 19.27.074, the International Fire Code (IFC), ~~2021~~ 2018 Edition, as published by the International Code Council including amendments set forth in Chapter 51-54A WAC, and subsequently revised by this chapter, is hereby adopted ~~including all referenced standards~~, Appendices B, C, I, and L. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

19.25.005 Section amendments.

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

~~A. Chapter 1 Administration.~~

~~A1.~~ Section 102.5 Application of Residential Code. Adopted as originally set forth in IFC (notwithstanding revisions thereto by the state building code council).

~~B2.~~ Section 103.1-2 Department of Fire Prevention. Replaced by ECDC 19.25.010.

~~C3.~~ Section 104.8 Modifications. Replaced by ECDC 19.25.030.

~~D4.~~ 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 and hazardous conditions of this code when requested by the fire marshal.

~~E5.~~ Section 105.1.1 Permits required. Replaced by ECDC 19.25.020.

~~F6.~~ Section 108 Board of appeals. Replaced by Chapter 19.80 ECDC.

~~G7.~~ Section 109.4 Violation Penalties. Replaced by ECDC 19.25.070.

~~H.B.~~ Section 202, the definition of HIGH-RISE BUILDING, is amended to read:

HIGH-RISE BUILDING. A building with an occupied floor or rooftop located more than 75 feet (22,860 mm) above the lowest level of fire department vehicle access.

~~C. Chapter 3, General Requirements.~~

~~I4. Section 308.1.6.3 Sky Lanterns. Is amended to read:~~

It is unlawful for any person to sell, use, transfer, discharge or ignite any sky lantern within the city limits.

~~D. Chapter 5, Fire Service Features. J. Section 503 Fire Apparatus Access Roads is hereby adopted and amended to read:~~

503.1 Scope.

Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code (IFC.)

Section 503.1.1 is amended to read:

Authority. The fire code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations, and the authority to decrease the minimum access widths where other fire protection features are provided.

Section 503.1.2 is added and reads:

Definition of FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

503.2 Required.

Approved fire apparatus access roads shall be provided and maintained for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this Section and shall extend to within 200 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Unless otherwise approved by the fire code official, fire apparatus access shall extend to within 50 feet of the main entry of any multi-family residential building.

Parking lots, automobile sales lots, and outdoor storage areas, each with a capacity of 100 or more vehicles, shall have a designated and approved fire apparatus access road circulating throughout the lot.

The fire code official is authorized to increase the dimensions where any of the following conditions occur:

EXCEPTIONS:

1. The fire code official is authorized to increase the dimension up to 300 feet where the building is equipped throughout with an approved automatic sprinkler system installed in accordance with IFC Sections 903.3.1.1, 903.3.1.2, or 903.3.1.3 and approved by the fire code official.
2. When fire apparatus roads cannot be installed because of property locations, topography, waterways, non-negotiable grades or other similar conditions, an approved alternative means of fire protection may be proposed to be evaluated by the fire code official.

503.3 High Piled Storage.

Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of IFC Chapter 32.

503.4 Additional Access.

The fire code official is authorized to require two separate and approved fire apparatus access roads in accordance with Subsection 503.4 through 503.4.4. Where two fire apparatus access roads are required, the access roads shall comply with Subsection 503.4.5.

503.4.1 Potential Impairment.

Projects that have the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access shall be provided with two separate and approved fire apparatus access roads.-

503.4.2 Commercial and Industrial Developments.

Commercial and industrial developments shall have not fewer than two means of approved fire apparatus access roads where any of the following exist.

1. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet. For purposes of this section— the highest roof surface shall be determined by measurements to the eave of a pitched roof, the intersection of the roof to the exterior wall, or to the top of parapet walls, whichever is greater.

2. Buildings or facilities having a gross building area of more than 62,000 square feet.

503.4.3 Multiple-Family Residential Developments.

Multiple-family residential projects having more than 100 dwelling units shall be ~~equipped~~ provided throughout with two separate and approved fire apparatus access roads unless otherwise approved by the fire code official.

EXCEPTION:

1. Projects having up to 200 dwelling units shall have not fewer than one approved fire apparatus access road where all buildings, including nonresidential occupancies, are equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. If more than 200 dwelling units, the project shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

503.4.4 One- Or Two-Family Residential Developments.

Developments of one- or two-family dwellings where the number of dwelling units exceeds 30; shall be provided with two separate and approved fire apparatus access roads.

EXCEPTIONS:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3, access from two directions shall not be required.

2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

503.4.5 Remoteness.

Where two fire apparatus access roads are required, they shall be placed a distance apart equal to and not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

503.5 Specifications.

All fire apparatus access roads shall comply with the minimum specifications found within this Section. The fire code official shall have the authority to require or allow modifications to the required access specifications where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

The fire code official shall have the authority to decrease the minimum access widths where other fire protection features are provided.

503.5.1 Dimensions.

Fire apparatus access roads shall have an unobstructed width of 20 feet. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet.

503.5.2 Dead-End Roads.

Dead-end fire apparatus roads in excess of 200 feet shall be provided with a turnaround in accordance with Figure D1.

503.5.3 Vertical Clearance.

Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

503.5.4 Surface.

Fire apparatus access roads shall be designed, constructed, and maintained to support the imposed loads of not less than 75,000 pounds and 45,000 pounds point loads. Fire apparatus access roads shall be constructed of asphalt, concrete, or other approved all-weather driving surfaces.

503.5.5 Turning Radius.

The required turning radius of a fire apparatus access road shall have a 25-foot minimum inside turning radius and a 45-foot minimum outside turning radius.

For all arterial streets, corner design should strive for an actual curb radius that is no more than 20 feet. A variety of strategies can be employed to minimize the actual curb radius:

- On low volume two-lane streets, corner design should assume that a large vehicle will use the entire width of the departing and receiving travel lanes, including the oncoming traffic lane.
- At signalized intersections, corner design should assume the large vehicle will use the entire width of the receiving lanes on the intersecting street.
- At signalized intersections where additional space is needed to accommodate turning vehicles, consideration can be given to recessing the stop line on the receiving street to enable the vehicle to use a portion of or the entire width of the receiving roadway (encroaching on the opposing travel lane). Recessing the stop bar should be balanced with signal operations.
- On principal arterials where the City would anticipate frequent larger vehicle turning movements, a radius evaluation based on a larger vehicle would be required but shall not exceed 30' without Public Works Director approval.

503.5.6 Grade.

Unless otherwise approved, the grade of the fire apparatus access road shall not exceed fourteen percent (14%) and the cross slope of the road section or within a turnaround area shall not exceed five percent (5%). Grades exceeding twelve percent (12%) shall require additional fire protection features.

503.5.7 Angles of Approach and Departure.

The angles of approach and departure for fire apparatus access roads shall not exceed a five percent (5%) change along any 10- foot section.

503.5.8 Maintenance of Fire Apparatus Access Roads.

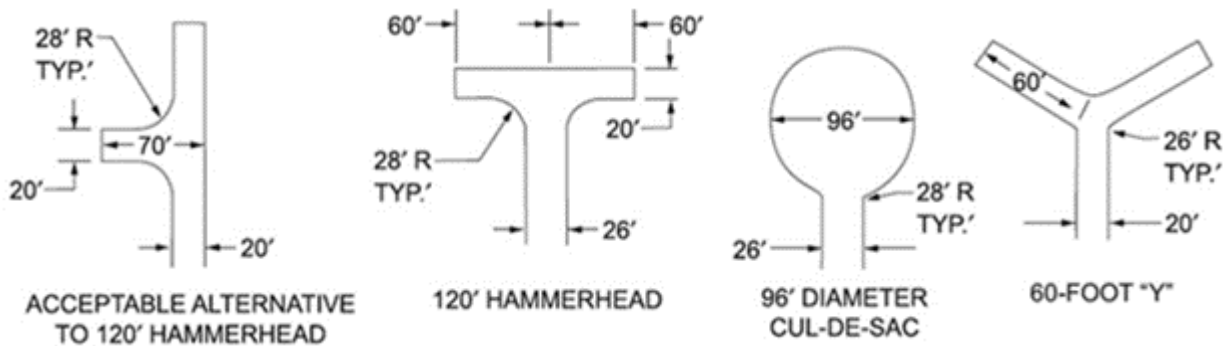
503.5.8.1 Markings.

Where parking is prohibited, the fire apparatus access road shall be provided with approved markings in accordance with Section 503.8.

503.5.9 Bridges and Elevated Surfaces.

Where a bridge, utility vault, or an elevated surface is part of a fire apparatus access road, the bridge, utility vault, or elevated surface shall be constructed and maintained in accordance with specifications established by the fire code official and the city engineer, or their designees. At a minimum, ~~however,~~ the bridge or elevated surface shall be constructed and maintained in accordance with AASHTO Standard Specifications for Highway Bridges. Bridges, vaults, and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of a 30-ton or greater fire apparatus, the total imposed load to be determined by the fire code official. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. If required by the fire code official, where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for the use, approved barriers, or approved signs, or both, shall be installed and maintained.

FIGURE D1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND



503.6 Aerial Fire Apparatus Access Roads

503.6.1 Where Required.

Where the vertical distance between the grade plan and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For the purposes of this Section, the highest roof surface shall be determined by measurements to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

503.6.2 Two Access Roads.

Buildings that require aerial fire apparatus access roads, are required to provide shall be provided with two separate and approved fire apparatus access roads or as in accordance complying with subsections 503.4 and 503.5 or as otherwise approved by the fire code official.

503.6.3 Proximity to Building.

One or more of the required access routes meeting this condition shall be located not less than 15 feet and not greater than 30 feet from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

503.6.4 Obstructions.

Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

503.7 Gates and Bollards.

Gates and bollards securing a fire department access road are subject to permit approval by the fire code official and shall comply with all criteria found in this Section.

503.7.1 Gates.

All gates shall be installed and maintained in accordance with Section 503.7.2 through 503.7.6 and any other provision found in other codes or ordinances for the City of Edmonds. Gates across required fire access shall be automatic gates. Additional access gates may be manual gates.

503.7.2 Width.

All gates shall have a minimum unobstructed width of 20 feet.

503.7.3 Types of Gates.

Gates shall be of the swinging or sliding type. Chain gates or cable gates are not approved types shall not be allowed.

503.7.4 Manually Operated Gates.

All manually operated gates shall be designed to remain in the open position when left unattended. Manual gates shall be provided with an approved method for emergency access complying with one of the following:

1. High security padlock (Knox brand) keyed to the Edmonds Fire Department emergency access keyways as approved by the fire code official.
2. Installation of a Knox rapid access key box containing the gate key. ~~If~~Where a key box is used, it shall be installed on a gate support pillar or post adjacent to the gate. The box must always be visible to anyone approaching the gate.

503.7.5 Electronically Operated Gates.

Gates electronically controlled shall have both a fire department override key switch (Knox brand) and an automatic traffic control activation strobe light sensor (Tomar brand or equivalent) complying with ~~S~~subsections 503.7.5.1 through 503.7.5.2

503.7.5.1 Override Key Switch.

Activation of an approved key switch shall open the gate/gates to the fully open position within 10 seconds and remain in the open position until reset by fire department personnel.

503.7.5.2 Automatic Traffic Control-Activation Strobe Sensors.

Approved automatic traffic control-activating strobe light sensors shall be capable of detecting emergency vehicle pulsing strobe lights (Tomar, Opticom or other compatible sensor) from any direction of vehicle approach (interior and exterior), overriding all commands, and opening the gate(s). In the event of a power failure, including battery backup, the gate(s) shall automatically open by spring tension or other non-electrical methods, or the gate must be capable of being pushed open without additional steps having to be performed.

503.7.6 Maintenance.

Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.

503.7.7 Bollards.

All bollards shall be installed and maintained in accordance with Section 503.7 and Subsections 503.7.7.1 through 503.7.7.5 and any other provisions found in other codes or ordinances for the City of Edmonds.

503.7.7.1 Type.

Bollards, when used to limit access to a fire department access roadway or fire lane, shall be collapsible or fold down types.

EXCEPTION:

1. Other types of bollards may be approved on a case-by-case basis by the fire code official.

503.7.7.2 Locks.

Bollards shall be locked using a Knox pad lock. External frangible/breakable padlocks capable of being removed by a forcible entry tool may be approved by the ~~F~~fire ~~C~~code ~~O~~official.

503.7.7.3 Dimensions.

Bollards ~~dimensions~~ shall be a minimum of 2 inches in thickness and a minimum of 6 inches in width, with a height of 30 to 48 inches. When the bollard is in its collapsed or folded position it shall have a clearance not higher than 3.5 inches.

503.7.7.4 Color.

Bollards shall be yellow in color unless otherwise approved by the fire code official.

503.7.7.5 Maintenance.

Bollards shall be in an operative condition at all times and replaced or repaired when defective.

503.8 Markings.

Fire apparatus access roads shall be marked whenever necessary to maintain the unobstructed minimum required width of roadways. Subject to the fire code official's approval, marked fire apparatus access roads, or "fire lanes" as defined within this code, may be established, or relocated at the time of plan review, pre-construction site inspection and/or post-construction site inspection, as well as any time during the life of the occupancy. Fire lanes shall be approved by the fire code official with the markings indicated in this Section.

503.8.1 Curb Markings and/or Pavement.

Fire apparatus access roads established by the fire code official shall be indicated by curb and/or pavement markings in accordance with 503.8.1.1 and 503.8.1.2. Yellow pavement striping directly in front of the curb is an acceptable alternative to painted curbs.

503.8.1.1 Yellow Curbs.

Curbs and/or pavement shall be identified by yellow traffic paint and the striping method shall comply with the following:

1. Fire lane markings shall be identified with 4-inch wide yellow stripe on the pavement, extending the length of the designated fire lane.
2. Squared curbs shall be provided with a 4-inch wide stripe on the top and front, extending the length of the designated fire lane.
3. Rolled curbs shall be provided with a 4-inch wide stripe on the curb, extending the length of the designated fire lane.
4. Only those fire apparatus access roads established by the fire code official can utilize yellow marking paint with the term "fire lane."

503.8.1.2 Lettering on Curbs and/or Pavement.

In addition to curbs and pavement being identified in yellow traffic paint, there shall also be "FIRE LANE – NO PARKING" complying with the following:

Pavement fire lane lettering:

1. Pavement stencil shall be a minimum of 12 inches tall, yellow, "FIRE LANE – NO PARKING" with thick font lettering for clear and easy reading.
2. Pavement Stencil shall be positioned as to be legible from the fire lane side of the fire lane striping and placed parallel to the fire lane striping.
3. Pavement stencil shall be spaced every 30' feet and alternate with the opposite side of fire lane lettering.
4. When a fire hydrant is present, the stencil shall be centered directly in front of the hydrant.

Curb fire lane lettering:

1. Curb Stencils shall be centered on curb face between fire lane signs when required.
2. Curb stencils ~~are required to~~ shall be red in color.
3. When a fire hydrant is present, the stencil shall be centered directly in front of the hydrant.
4. Stenciling shall be spaced evenly between "NO PARKING" signs with a ~~maximum~~ distance between stenciling ~~of~~ no greater than 75 feet.

503.8.2 Signs.

Where approved by the fire code official, "FIRE LANE – NO PARKING" signs may be used in addition to, or in lieu of, painted pavement or curbs. Fire apparatus access roads established by the fire code official that require signage shall be indicated with approved signs in accordance with 503.8.2.1 and 503.8.2.2.

503.8.2.1 Specifications.

Fire apparatus access road markings shall include the addition of metal signs complying with the following:

1. Metal construction 12 inches wide by 18 inches high.
2. Red letters on a white reflective background.

3. Sign shall read “NO PARKING – FIRE LANE – TOW AWAY ZONE.”
4. The letters indicating “NO PARKING” and “FIRE LANE” shall be no less than 2 inches in height.
5. The letters indicating “TOW AWAY ZONE” shall be no less than 1 inch in height.

503.8.2.2 Sign Placement.

Placement of ‘NO PARKING – FIRE LANE – TOW AWAY ZONE’ signs shall comply with the following:

1. When the total length of the restricted area is less than 75 feet, a minimum of one sign is required to be placed in the center of the area.
2. In restricted areas with a total length greater than 75 feet, a minimum of two signs are required with the first being located at the beginning of the restricted area with an arrow pointing towards the restricted area and the second located at the end of the restricted area with an arrow pointing back into the restricted area.
3. Additional signs are required to comply with a maximum distance between signs of no greater than 75 feet.

503.8.3 Alternative Fire Lane Paving Markings.

Fire apparatus access roads and/or turnarounds that use paving systems that allow grass to grow in between structural elements that support a fire truck shall be approved by the fire code official.

503.8.3.1 Curbing.

A concrete curb framing in the fire lane area where it is safe for apparatus to drive, painted in yellow traffic paint and having “FIRE LANE—NO PARKING” lettering painted in red traffic paint located on the top and face of the curb. Where curbing is used as a border for alternative fire lane surfaces, marking shall be as approved by the fire code official.

503.8.3.2 Signs.

A minimum of one fire lane sign shall be posted at each entrance and/or exit to the land. Where alternative fire lane surfaces are used, signage shall be installed as required by the fire code official. The fire lane signs shall comply with the following:

1. Metal construction 12 inches wide by 18 inches high.
2. Red letters on a white reflective background.
3. Sign shall read “FIRE LANE” and have a symbol of a fire apparatus with a green bar beneath it.
4. The symbol of the fire apparatus with the green bar beneath it shall take up no less than 2/3 of the sign space.

503.8.4 Alternative Materials and Methods.

The fire code official may modify, on a case-by-case basis, any of the marking provisions in this section where practical difficulties exist. Modification requests with proposed alternatives, shall be submitted in writing to the fire code official.

503.9 Obstructions and Traffic Calming Devices.

503.9.1 Obstructions.

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles.

503.9.2 Traffic Calming Devices.

Traffic calming devices shall be prohibited unless approved by the fire code official.

1. Section 503.2.2 is amended to read: Authority. The fire code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations, and the authority to decrease the minimum access widths where other fire protection features are provided.

K2. Section 504.1 Required access, is amended to read:

Exterior doors and openings required by this code or the International Building Code, including exterior doors and openings facing interior courtyards, shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided where required by the fire code official. New buildings with enclosed interior courtyards shall have a straight and direct access corridor or stairway from the exterior to the courtyard at a location approved by the fire code official. If a stairway is used it shall comply with International Fire Code Section 1011 and a corridor shall comply with International Fire Code Section 1020. The access shall have a minimum width of 4 feet, unless otherwise approved by the fire code official, and be large enough to carry a 20 foot long folded sectional ladder directly from the exterior to the courtyard without obstructions. The access door shall be marked at the street as "Direct access to courtyard".

L3. Section 505.1 Address Identification, is amended to read:

Approved numbers or addresses shall be installed by the property owner for new and existing buildings in such a position as to be clearly visible and legible from the street or roadway fronting the property. Letters or numbers on the building shall be a minimum six (6) inches in height and stroke a minimum of .75 inch of a contrasting color to the building base color. Where public or private access is provided and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. This means of premises identification does not preclude approved identification also affixed to structure.

EXCEPTION:

1. Structures built in accordance with the International Residential Code.

M34. Section 507.5.1.1 Hydrant for standpipe systems, is amended to read:

Fire hydrants for sprinkler and standpipe systems. Buildings equipped with a Fire Department Connection (FDC) shall have a fire hydrant within 50 feet or as approved by the fire code official.

E. Chapter 9, Fire Protection Systems

N4. Section 901.4.6.1 Access, is amended to read:

Automatic sprinkler system risers, fire pumps and controllers shall be provided with ready access. Sprinkler riser rooms shall be located on an outside wall at grade, with direct exterior access. This room shall contain sprinkler control valves, sprinkler backflow assembly (unless prohibited by the water purveyor), fire pump and associated components and the fire alarm control panel(s). Such rooms shall be of a size that will allow a minimum of 36-inch clearance around all portions of the fire pump assembly and in front of the fire alarm panel(s). All risers shall have a minimum of 36" clear space at the front and 18" on the remaining sides. All drains are to be plumbed to the exterior of the building. No other uses or utilities shall be allowed in this room. Where located in a fire pump room or automatic sprinkler system riser room, the door shall be permitted to be locked provided that the key is available at all times.

O2. Section 901.6.3.1 Records information, is amended to read:

Initial records shall include the name of the installation contractor, type of components installed, manufacturer of the components, location and number of components installed per floor. Records shall include the manufacturer's operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation. Annual confidence test reports for fire alarm and sprinkler systems and semi-annual inspection test reports for commercial hood suppression systems shall be submitted to the Department of Fire Prevention by the method approved by the fire code official within 14 days of the test/inspection date.

~~P3~~. Section 903.2 is amended to read:

Where Required. Approved automatic fire sprinkler systems in new and existing buildings and structures shall be provided in the locations listed in sections 903.2.1 through 903.2.13.

~~Q4~~. Section 903.2.13 is added.

Automatic fire sprinkler systems shall be provided as required by ECDC 19.25.035A.

~~R5~~. Section 903.3.7 is amended to read:

Fire department connections shall be installed in accordance with Section 912 and ECDC 19.25.~~035B~~035C.

~~S6~~. Section 907.2 is amended to read:

Where required – New and existing buildings and structures. An approved fire alarm system installed in accordance with this code and NFPA 72 shall be provided in Sections 907.2.1 through 907.2.24 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

~~T7~~. Section 907.2.24 is added.

Fire alarm and detection system shall be provided as required by ECDC 19.25.~~035C~~035D.

~~F. Chapter 23, Motor Fuel Dispensing Facilities and Repair Garages.~~

~~U~~. Section 2303.2, Emergency disconnect switches, is amended to read:

An approved emergency disconnect switch shall be provided at an approved location to stop the transfer of fuel to the fuel dispensers in the event of a fuel spill or other emergency. The emergency disconnect switch for exterior fuel dispensers shall be provided with ready access and shall be located within 100 feet (30,480 mm) of, but not less than 20 feet (6,096 mm) from, the fuel dispensers. For interior fuel-dispensing operations, the emergency disconnect switch shall be provided with ready access and be installed at an approved location. Such devices shall be distinctly labeled as: EMERGENCY FUEL SHUTOFF. Emergency controls shall have an approved means of signage and illumination.

~~VG~~. Chapter 36, Marinas. Replaced in entirety by Chapter 19.65 ECDC.

~~H. Chapter 56, Explosives and Fireworks.~~

~~W.~~ Section 5601.1.3 Fireworks. Replaced by Chapter 5.27 ECC.

~~J. Chapter 57 Flammable and Combustible Liquids.~~

~~X.~~ Sections 5704.2.9.6.1 (outside) and 5706.2.4.4 (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 districts and shall be no more than 1,000 gallons capacity in residential zones designated by the city.

~~K. Chapter 61 Liquefied Petroleum Gases.~~

~~Y.~~ Section 6104.2 Maximum capacity within established limits. The maximum capacity for each installation is restricted for the protection of residential districts within the city and shall be no more than 500 gallons water capacity in residential zones designated by the city.

[Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

19.25.010 Department of fire prevention.

A. There is established in the city a department of fire prevention supervised by the fire marshal or 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. An annual report shall be provided to the mayor containing proceedings under this code, with other statistics as the fire chief and mayor wish to include. The fire marshal may also recommend any changes to the code. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

19.25.015 Definitions.

A. Whenever the term “fire code official” is used in the IFC, it shall mean the fire marshal or chief of fire prevention.

B. Whenever the word “jurisdiction” is used in the IFC, it shall mean the city of Edmonds.

C. Whenever the term “legal representative of the jurisdiction” is used in the IFC, it shall mean the city attorney.

D. Whenever the term “police” is used in the IFC, it shall mean the city of Edmonds police department. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

19.25.020 Permits.

A. Operational permits required under the city’s fire code and regulated by the city shall be issued by the fire marshal. The application for the permit shall be accompanied by the full application fee in order to vest rights under the permit and to constitute a complete permit application. The permit fee shall be set by the city council annually by resolution or on such review cycle as the council, in its discretion, shall determine. All permits shall be renewed annually unless the specific time period is set forth when the permit is granted. No permit shall be transferable and each permit shall be issued on a single job, transaction, owner, or occupancy basis, except that the fire marshal is authorized to consolidate permits for a single location, building, or unit.

B. In the event that the activity, location or risk associated with the activity requires a fire safety inspection in excess of the time estimated within the permit fee (one hour) an inspection fee equal to the actual cost to the city of providing the inspection shall be charged pursuant to ECDC 19.25.025. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

19.25.025 Charges for fire review and inspection.

A. Certain licenses and permits issued by the city include a fire department inspection. The cost of the permit may include an estimate of the normal time associated with the fire inspection. Where the permit does not include such an estimate, or when the estimate of time established within the ordinance is exceeded by the actual time spent inspecting a premises, location or activity, the actual cost of conducting the inspection shall be charged. The

administrative services director is authorized to establish on an annual basis, in conjunction with or immediately following the budget process, a fee for the hourly charge associated with the provision of services by reasonable classifications of fire marshal and fire inspector.

B. The permittee shall pay the actual charges of inspection, in addition to the permit fee associated with such activity. Licenses and permits requiring the actual payment of inspection charges include, but are not limited to, ~~public amusement licenses issued pursuant to Chapter 4.32 ECC, cabaret dance licenses issued pursuant to Chapter 4.48 ECC,~~ adult entertainment facility licenses issued pursuant to Chapter 4.52 ECC, business licenses issued pursuant to Chapter 4.72 ECC, and aircraft landing licenses issued pursuant to Chapter 4.80 ECC.

C. No charge shall be levied against any department or agency of the city of Edmonds operating within the city's general fund. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

19.25.030 Modifications, interpretations and appeals.

A. 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.

B. 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. Whenever the fire marshal disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire marshal to the hearings examiner. Such appeals shall be governed by the procedures set forth in Chapter 19.80 ECDC. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

19.25.035 Fire protection systems.

A. Automatic Fire Sprinklers. In addition to the requirements of IFC Section 903.2, an approved automatic fire sprinkler system shall be installed and maintained throughout all buildings, structures, floors, and suites described in this section. If conflicts exist between the IFC and this section, this section shall prevail. All sprinklers shall be installed per the applicable NFPA ~~and South County Fire's (SCF)~~ fire sprinkler standard. For the purposes of this section, spaces separated by fire walls, fire barriers, fire partitions and fire-resistance-rated horizontal assemblies noted in Chapter 7 IBC shall not be considered to be separate buildings or fire areas. Partial area automatic sprinkler systems are prohibited except where approved by the fire code official.

1. In all new buildings and structures with a fire area of 5,000 or greater square feet, regardless of type or use.

2. In existing buildings, structures, or suites that undergo an addition where the new total fire area is 5,000 square feet or greater.

3. When required by the International Existing Building Code (IEBC) for existing buildings and structures undergoing additions, alteration, repairs, or changes of occupancy and exceeding 5,000 square feet in fire area. The classification of work level shall be determined by the building and fire code official. Changes of occupancy resulting in an equal or lesser hazard category shall not require sprinklers where approved by the fire code official.

4. In existing buildings, structures, or suites having an existing automatic fire sprinkler system that does not protect all areas, when the unprotected areas undergo an alteration, repair, modification, or similar improvement requiring a building permit, those unprotected areas shall be provided with protection as approved by the fire code official.

5. Where required fire access road grade is 12 percent or greater.

6. When adequate fire protection is not available for vehicles parked in an open-air parking garage from fire apparatus at street level, approved dry standpipes shall be installed.

7. One- and two-family dwellings and townhouses constructed under the International Residential Code shall be provided with automatic fire sprinkler systems where required by ECDC 19.05.020.

8. Existing sprinkler deficiencies including piping without adequate seismic bracing, hangers, painted heads, inadequate sprinkler coverage, etc. shall be corrected whenever the sprinkler system is modified. The area of these upgrades shall be throughout the area of sprinkler modification.

9. Sprinkler protection for R1 and R2 occupancies shall be provided to all exterior balconies, decks, exterior egress paths, and ground floor patios provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are with 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

10. Sprinkler protection shall be extended to combustible attic(s) of R1 and R2 occupancies greater than three floors in height.

11. All "M", "S" and "H" Occupancy (as defined by the IBC) canopies and overhangs that exceed 4 feet in width shall be provided with fire sprinklers regardless of construction type.

Exposed insulation located above sprinkler heads shall be supported by a minimum 24 inch x 24 inch non-combustible wire mesh.

Service providers hired by the building owner are responsible for electronically submitting completed annual confidence test reports of fire alarm systems, sprinkler systems, fire pumps, suppression systems, and standpipes to the appropriate fire prevention offices' online reporting system within 14 days of the completed inspection.

B. Sprinkler Riser Rooms.

1. Sprinkler riser rooms for NFPA 13 and 13R systems shall be located on an outside wall at grade or as approved by the fire code official.

2. The riser room shall contain all sprinkler control valves, backflow assembly (unless prohibited by the water purveyor), fire pump, if provided, and the fire alarm control panel(s). No other uses or utilities including storage shall be allowed in the riser room.

3. Riser rooms shall be of a size that will allow a minimum of 36" clearance along the front of all riser(s) and equipment and a minimum of at least 18" on the three remaining sides of all sprinkler risers, pumps and appurtenances

4. Major building remodels or square footage increases may elicit the need to construct an exterior accessible riser room if not previously existing as approved by the fire code official.

5. An all-weather RED placard with 2" white lettering reading "FIRE SPRINKLER CONTROL ROOM" shall be permanently affixed to the EXTERIOR of the riser room door at a height of 72", or at a location approved by the fire code official.

6. An all-weather red placard with 2" white lettering reading "NO STORAGE" shall be permanently affixed to the EXTERIOR of the riser room directly below the "FIRE SPRINKLER CONTROL ROOM" sign.

7. An all-weather RED placard with 2" white lettering reading "NO STORAGE ALLOWED" shall be permanently affixed to at least one INTERIOR wall of the riser room in a readily visible location.

8. A Knox brand box shall be installed on the exterior of the riser room door and at the main entrance to all buildings in accordance with SCF's Emergency Access Standard. The box shall be installed at a height of 60-72". Boxes are available at www.knoxbox.com.

9. Riser rooms shall be provided with map(s) showing what areas of the building are covered by the system(s). These map(s) shall indicate the building layout, location of all sprinkler zones, standpipe outlets, control valves, water-flow alarm devices, and remote drains. All maps shall be legible, easily understood, laminated and permanently attached to the wall in the riser room.

C. Fire Department Connection (FDC).

1. FDC's shall be installed remote from the building, out of the collapse zone, in an approved location along a public street or fire apparatus access road and located within-between 3 feet and 50 feet of from a fire hydrant or as approved by the fire code official.

Exception: In the downtown core, where a building fronts a public sidewalk, FDC's shall be on the face of the building.

2. FDC's shall be installed in accordance with the applicable IFC provisions and NFPA standards, and SCF's fire sprinkler standard.

3. FDC's shall be equipped with a 4" Storz adapter, Knox locking cap and a 30/120-degree downturn fitting.

4. FDC's shall be painted red and labeled with the building address. Partial systems shall indicate the area covered by the system.

5. FDC's shall be provided with additional signage as required by NFPA 13.

6. FDC's shall be provided with an approved placard indicating the required pressure to be delivered and what type of system(s) they serve.

C.D. Fire Alarms and Detection Systems. In addition to the requirements of IFC Section 907.2, an approved, monitored automatic fire alarm system shall be installed and maintained throughout all buildings, structures, floors, and suites described in this section. If conflicts exist between the IFC and this section, this section shall prevail. Fire alarm systems shall be installed per the IFC and NFPA 72 National Fire Alarm and Signaling Code, and SCF's fire alarm standard. Partial area fire alarm systems are prohibited except where approved by the fire code official.

Exception: Structures regulated by the International Residential Code.

1. In all new buildings and structures with a fire area of 3,000 or greater square feet, regardless of type or use.

2. In existing buildings and structures that undergo an addition where the new total fire area is 3,000 square feet or greater.

3. When required by the International Existing Building Code (IEBC) for existing buildings and structures undergoing additions, alterations, repairs or changes of occupancy and exceeding 3,000 square feet in fire area. ~~The classification of work level shall be determined by the building and fire code official. Changes of occupancy resulting in an equal or lesser hazard category shall not require fire alarms where approved by the fire code official.~~

~~4. In existing buildings, structures or suites having an existing fire alarm system that does not protect all areas, when the building, structure, or suite undergoes an alteration, repair, modification, or similar improvement requiring a building permit, unprotected areas shall be provided with protection as approved by the fire code official. Where an existing building or suite provided with a fire alarm system, fire detection system, or supervised sprinkler system undergoes an alteration, repair, modification, change of use or occupancy, or where a fire alarm control panel is installed, replaced or upgraded, all fire alarm initiation and notification devices located within the entire building shall be required to meet both the currently adopted IFC and NFPA 72 National Fire Alarm and Signaling Code unless otherwise approved by the fire code official.~~

5. In existing buildings, structures, suites, or areas that undergo additions, alterations, repair or modification that have fire sprinkler protection and lack a fire alarm system.

~~6. In a building or suite provided with a fire alarm system, fire detection system, or supervised sprinkler system, but which lacks adequate occupant notification appliances, audio/visual devices shall be installed as required by NFPA 72 and SCF's fire alarm standard.~~

~~The installation, upgrade, or replacement of an existing Fire Alarm Control Panel (FACP) shall require that all fire alarm system components meet both the currently adopted IFC and NFPA 72 National Fire Alarm and Signaling Code. Exception: FACP replacement of the same make and model as the existing panel.~~

~~Systems and their components shall be listed and approved for the purpose for which they are installed. All new alarm systems shall be addressable, and each device shall have its own address and shall annunciate individual addresses to an approved central station. All new FACP's shall be installed in the fire riser room and have signage stating "Fire Alarm" or "Fire Alarm Control Panel" affixed to the outside of the door. Signs shall be Red, with 2 inch white letters.~~

~~All means of communication between the FACP and the central station shall be of a method approved by the fire code official and be provided with a minimum of 24 hours' standby power. Only components that are serviceable by a fire alarm technician shall be part of the means of communication located on the protected premises. The fire code official shall maintain a list of approved communication means.~~

~~Detection shall be provided in all R1 and R2 occupancy buildings with common hallways and at the top of stairways unless otherwise approved by the fire code official.~~

~~FACP's shall be provided with an approved Knox key box for access.~~

~~Duct smoke detectors shall be connected to the FACP and report as a supervisory signal.~~

~~At least one audio/visual notification device shall be installed on the exterior of the building facing fire department arrival. One visual notification device shall be required to be located at the exterior entrance to a fire alarm control panel room as approved by the fire code official.~~

~~Testing Maintenance. Service providers hired by the building owner are responsible for electronically submitting completed annual confidence test reports of fire alarm systems, sprinkler systems, fire pumps, suppression systems, and standpipes to the appropriate fire prevention offices' online reporting system within 14 days of the completed inspection.~~

~~Partial area fire alarm and detection systems are prohibited except where approved by the fire code official.~~

~~DE. Systems Out of Service. For the first 48 hours, the owner may provide a competent adult to serve as a fire watch. After the initial 48 hours, the fire watch must be provided by a licensed and bonded private security company until the system is returned to full service. The owner must furnish the fire marshal with the name and contact information of the competent adult and/or security company within eight hours of implementing a fire watch. Fire watch must comply with SCF's fire watch standard. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].~~

19.25.036 Dwelling fire sprinkler systems and connection fees.

A. Where dwelling fire sprinkler systems are required to be installed in a dwelling (building containing one or two dwelling units) constructed under the International Residential Code (IRC), a single water connection may provide fire protection and domestic services through combination water lines utilizing an integrated fire and plumbing flow-through piping system described in IRC Appendix Q-U (WAC 51-51-60105).

B. Automatic sprinkler systems installed pursuant to subsection (A) of this section shall not be subject to the cost differential from general facility charges for connection to the public water system when an up-sized meter is required to meet the design flow rate for, and is solely attributable to, the installation of the automatic sprinkler system. ~~Refer to ECC 7.30.035 for specific requirements. All other costs, including the expense of a larger meter, a general facility charge attributable to the meter sized for the domestic service alone, and other permits and fees, shall remain the responsibility of the owner.~~

C. When automatic sprinkler systems designed for life safety and installed pursuant to subsection (A) of this section are integrated and dependent upon the domestic water supply of the residential dwelling unit, the property owner shall be responsible for maintaining the service connection and paying for an adequate supply of water to the residential dwelling unit. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3819 § 3, 2010].

19.25.040 Fire protection water supplies.

All fire hydrant, water main and appurtenance installations shall meet the provisions of this chapter as well as other applicable plans, standards and codes adopted by the city of Edmonds, as a condition of approval of subdivisions and building permits. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

19.25.045 Charges for water mains and hydrants.

A. For private development, owners shall be responsible for the replacement (upgrade) of the existing public main (including fire hydrants and appurtenances) to city standard when identified by the city engineer as a condition of development approval. The city will pay the difference in material costs only between six inches and the size that is required to be installed only when the existing system is a looped system.

B. A hydrant use permit issued by the public works director is required in order for any person or entity other than fire department personnel to draw water from any fire hydrant.

C. The installation of water mains, fire hydrants and appurtenances to properties not previously served shall be sized in accordance with the city's water comprehensive plan, built to city standard and shall be at the benefited property owner's or developer's expense.

D. Oversized water mains required for special use demands relating to a particular property or development shall be installed at the developer's or property owner's expense.

E. If the water mains installed pursuant to subsections (C) and (D) of this section provide service or benefits to properties other than owned by the water main installer, latecomer agreements may be arranged between the city and the installer for the construction and dedication of the water facilities pursuant to the provisions of Chapter 35.91 RCW. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

19.25.050 Mains and service lines.

A. All public hydrants in single-family areas shall be supplied by not less than six-inch looped water mains. All hydrants in areas other than single-family residential shall be supplied by not less than eight-inch looped water mains. Dead-end water mains to hydrants shall be at least eight inches in diameter, with the exception of mains up to 50 feet long which may be no less than six inches in diameter.

B. The service line from the water main to the hydrant shall be no less than six inches in diameter. Any service lines over 50 feet in length from water main to hydrant shall be no less than eight inches in diameter.

C. When city streets, or state highways having water mains in the public right-of-way, are improved to permanent street or highway improvement standards, any water mains in the public right-of-way of said streets or highways that are substandard as to size or material according to applicable city standards shall be replaced with ductile iron water mains conforming to applicable city standards and plans. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

19.25.055 Location of public hydrants.

A. Public hydrants are those owned by the city.

B. All public fire hydrants shall be installed at street intersections where possible. Public hydrant spacing shall be measured along vehicle access routes.

C. In areas zoned for one- and two-family residential use, public hydrants shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a fire hydrant.

D. In areas other than one- and two-family residential, public fire hydrants shall have a maximum lateral spacing of 300 feet with no structure in excess of 150 feet from a fire hydrant. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

19.25.060 Location of private hydrants.

A. A private hydrant is privately owned, but is subject to use by the city for inspection and testing at reasonable times, and for fire suppression at any time. All private hydrants shall be connected to the city water main through a privately owned and maintained double detector check valve assembly.

B. All buildings except one- and two-family dwellings that are located so that a portion is more than 200 feet from a street, as measured along vehicle access routes, shall have private fire hydrants located at the building. One- and two-family dwellings with a fire-flow calculation area greater than 4,800 square feet may require a private hydrant.

C. Buildings having required fire flows of 3,000 gallons per minute may have fire hydrants on one side of the building only. There shall never be fewer than two fire hydrants for any building larger than 5,000 square feet in the first floor area including covered parking and storage. When the required fire flow is 3,000 gallons per minute or greater, the fire hydrants shall be served by a looped main around the building or complex of buildings.

D. Fire hydrants shall be spaced on average 300 feet around the perimeter line, 50 feet out of the buildings. All hydrants shall be placed in locations accessible to fire department vehicles adjacent to fire apparatus access roads. The fire marshal shall determine the location of fire hydrants depending on utility, topography and building location for maximum fire protection. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

19.25.065 Hydrant specifications.

A. The installation of flush type hydrants (hydrants entirely below grade) is prohibited.

B. Fire hydrants shall have two two-and-one-half-inch hose outlets and one four-and-one-half-inch pumper outlet. All outlets' ports shall have national standard thread. Additionally, the pumper outlet shall be provided with a four-inch Storz adapter. Fire hydrants shall meet the American Water Works Association Standard No. C-502 and current city standards.

C. Fire hydrants and appurtenances shall be installed in accordance with generally accepted engineering practices and city standards, and to the approval of the city engineer, who shall also approve the selection and use of all pipe fittings and valves. There shall be a foot valve installed between the service main and the hydrant sufficient to permit the repair and replacement of the hydrant without disruption of water service. The foot valve shall be installed to city standards. The location of all such valves installed shall be properly and accurately marked on as-built plans or drawings with generally acceptable engineering detail, two copies of which shall be furnished to the public works department. Valves shall be furnished with a standard valve box.

D. Hydrants shall stand plumb, and be set to established street grade with the lowest outlet of the hydrant at least 18 inches above the adjacent finished grade and at least 36 inches of clear area around the hydrant for clearance of hydrant wrench on both outlets and on the control valve. The pumper port shall face the street, as determined by the fire marshal.

E. Where reasonably necessary to protect a hydrant from damage, the fire marshal may require hydrants to be protected by two or more posts, eight inches in diameter by five feet long, made either of reinforced concrete or steel.

F. If there presently exist fire hydrants which do not conform to these requirements, they shall be replaced with conforming hydrants upon redevelopment or the timetable established by the city's comprehensive plan.

G. No person shall plant any vegetation, erect any structure or perform any action which results in the obstruction of a fire hydrant for a distance of 50 feet along the immediate route of approach. The owner-occupant of any area in which a hydrant is located shall be responsible for removing weed and tree growth from around the hydrant for a distance of not less than five feet. The purpose of this section is to maintain clear approach and visual area around the hydrant.

H. The installation of the fire hydrants and mains may be accomplished by city capital contract, developers (as a condition of development) or public works department employees. All installations are to be approved by the city engineer.

I. Following the installation of fire hydrants, all pipes, valves and hydrants shall be pressure tested, purified, flushed and sampled to meet the requirements of the American Water Works Association Standard No. C-502. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

19.25.070 Penalties.

A. Any person who violates any of the provisions of the IFC including those standards of the National Fire Protection Association specifically referenced in the IFC as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by decision of the city's board of appeals or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a gross misdemeanor, punishable as provided in ECC 5.50.020.

B. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions exist or are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4111 § 1 (Exh. 1), 2018; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 1, 2010].

Chapter 19.30
ENERGY CODE

Sections:

19.30.000 State Energy Code adopted.

19.30.000 State Energy Code adopted.

The Washington State Energy Code, ~~2018~~ 2021-Edition, as adopted and amended by the Washington State Building Code Council in Chapters 51-11C and 51-11R WAC, is hereby adopted. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 5, 2010].

Chapter 19.35

INTERNATIONAL SWIMMING POOL AND SPA CODE

Sections:

19.35.000 International Swimming Pool and Spa Code adopted.

19.35.000 International Swimming Pool and Spa Code adopted.

The International Swimming Pool and Spa Code, ~~2021~~ ~~2018~~ Edition, published by the International Code Council, is hereby adopted. The design and construction of swimming pools, spas and other aquatic recreation facilities shall comply with the ISPSC, where the facility is one of the following, except that public swimming pool barriers are regulated by WAC 246-260-031(4):

- A. For the sole use of residents and invited guests at a single-family dwelling;
- B. For the sole use of residents and invited guests of a duplex owned by the residents; or
- C. Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner.

All other “water recreation facilities” as defined in RCW 70.90.110 are regulated under Chapters 246-260 and 246-262 WAC. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016]-

19.35.010 Chapter 1 not adopted.

Chapter 1 is not adopted, except as provided for in ECDC 19.00.015.

Chapter 19.40

INTERNATIONAL PROPERTY MAINTENANCE CODE

Sections:

- 19.40.000 International Property Maintenance Code adopted.
- 19.40.005 Amendments.

19.40.000 International Property Maintenance Code adopted.

The International Property Maintenance Code, ~~2018-2021~~ Edition, published by the International Code Council, is hereby adopted. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 6, 2010].

19.40.005 Amendments.

A. Section 102.3, Application of other codes, is amended to read:

Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the codes listed in ECDC 19.00.005. Nothing in this code shall be construed to cancel, modify or set aside any provision of the ECDC.

B. Section ~~106~~109, Violations, is deleted and replaced as follows:

Violation of any provisions of this code are subject to the Civil Violation – Enforcement procedures in Chapter 20.110 ECDC.

C. Sections ~~108~~111.2, Closing of vacant structures, ~~108.3~~111.4, Notice, ~~108.4~~111.7, Placarding, ~~108.5~~111.8, Prohibited occupancy, ~~108.6~~111.9, Restoration or Abatement ~~methods~~, and ~~108.7~~, Record, are deleted and replaced by the provisions of Chapter 20.110 ECDC.

D. Section ~~111~~107, Means of Appeal, is deleted and replaced by ECDC 20.110.040(C).

E. Section 302 is deleted.

F. Section 303 is deleted.

G. Section 308 is deleted.

H. Section 309 is deleted. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 6, 2010].

Chapter 19.45

INTERNATIONAL CODE COUNCIL PERFORMANCE CODE

Sections:

19.45.000 International Code Council Performance Code adopted.

19.45.000 International Code Council Performance Code adopted.

The International Code Council Performance Code, ~~2018~~2021 Edition, published by the International Code Council, is hereby adopted. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 7, 2010].

Chapter 19.50

INTERNATIONAL EXISTING BUILDING CODE

Sections:

19.50.000 International Existing Building Code adopted.

19.50.000 International Existing Building Code adopted.

The International Existing Building Code, ~~2018-2021~~ Edition, published by the International Code Council, as amended by the Washington State Building Code Council in Chapter 51-50 WAC, and as subsequently amended by this chapter, is hereby adopted, ~~along with Appendix Chapter A (Guidelines for the seismic retrofit of existing buildings) and Resource A (Guidelines on fire ratings of archaic materials and assemblies).~~ [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 8, 2010].

19.50.010 Chapter 1 not adopted.

Chapter 1 is not adopted, except as provided for in ECDC 19.00.015.

Chapter 19.52

INTERNATIONAL WILDLAND URBAN INTERFACE CODE

Sections:

19.52.000 International Wildland Urban Interface Code adopted.

19.52.000 International Wildland Urban Interface Code adopted.

The International Wildland Urban Interface Code, 2021 Edition, published by the International Code Council, as amended by the Washington State Building Code Council in Chapter 51-55 WAC, and as subsequently amended by this chapter, is hereby adopted.

19.52.010 Chapter 1 not adopted.

Chapter 1 is not adopted, except as provided for in ECDC 19.00.015.

Chapter 19.55
ELECTRICAL CODE

Sections:

- 19.55.000 National Electrical Code adopted.
- 19.55.005 When code effective.
- 19.55.010 Nonliability.
- 19.55.015 Conflicts – How resolved.

19.55.000 National Electrical Code adopted.

Under the statutory authority of RCW 35A.70.050 and 19.28.141, the city of Edmonds may enforce the same permitting and inspection standards applicable to basic electrical work as are enforced by the Department of Labor and Industries, including but not limited to the version of the National Electrical Code that the Department of Labor and Industries has most recently adopted by rule. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 9, 2010; Ord. 3651 § 1, 2007].

19.55.005 When code effective.

If the state of Washington, through its duly designated electrical inspector or inspectors, for any reason fails to continue to inspect electrical installation, license the same or provide the standards, the provisions of the Edmonds electrical code as amended shall be applicable to all electrical installation in the city as if the state of Washington had not exercised jurisdiction of any kind. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 9, 2010; Ord. 3651 § 1, 2007].

19.55.010 Nonliability.

This chapter shall not be construed to relieve or lessen the responsibility of any person owning, operating or installing any electrical equipment for damages to anyone injured by a defect of the equipment, nor shall the city or its agent be held as assuming any such liability by reason of the inspection under this code or the certificate of inspection issued by the building department. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 9, 2010; Ord. 3651 § 1, 2007].

19.55.015 Conflicts – How resolved.

If there is any conflict between the electrical code of the city, the National Electrical Code and/or the rules and regulations as set forth by the state of Washington for electric wires and equipment, then the conditions, requirements, provisions or terms which provide, in the opinion of the building official, for the greatest public safety shall be observed and shall control. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3796 § 9, 2010; Ord. 3651 § 1, 2007].

Chapter 19.60
MOVING BUILDINGS

Sections:

- 19.60.000 Permit required.
- 19.60.005 Applicability.
- 19.60.010 Application requirements.
- 19.60.015 Pre-move inspection requirements and building upgrades.
- 19.60.020 Correction of defects.

19.60.000 Permit required.

Any person who proposes to move an existing building into or through the city of Edmonds shall, before the move, apply for and obtain a moving permit from the building official. A moving permit is separate from, and in addition to, any and all other permits required to bring the moved building into compliance with current adopted codes and city regulations. Separate permit approvals for grading, shoring, foundation, remodeling, repair or alteration may be imposed to bring the building to current adopted code standards and zoning compliance for height and setbacks. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.60.005 Applicability.

Buildings or structures moved into or within the city shall comply with the provisions of this code including the current adopted editions of the following codes: International Building Code, International Residential Code, International Mechanical Code, International Fire Code, Uniform Plumbing Code, Washington State Energy Code, International Existing Building Code, International Property Maintenance Code, and applicable state WAC amendments. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.60.010 Application requirements.

A. In order to obtain permits to move any building through, along, or across the streets or any public place within city limits, the building official shall determine permit submittal requirements which, at a minimum, shall contain:

1. Proposed route;
2. Location of any overhead utility lines or traffic signals along with their height along the route; and
3. Dimensions of building proposed to be moved.

B. The permit application shall be reviewed by the building official, public works director, police chief, traffic engineer, fire department and any other affected city department. If the proposed moving will unduly interfere with the rights of the public as determined by the city engineer or designee, the permit shall be denied. Denial of the application by one department shall constitute denial of the permit by the city.

C. A performance bond or frozen fund, pursuant to Chapter 17.10 ECDC, in an amount to be determined by the building official shall be posted prior to permit issuance guaranteeing the completion of all required site development improvements or site cleanup and/or repair of damage to public property no later than 180 days after the permit is issued. The bond or frozen fund will be exonerated upon final project approval provided all required site restoration and/or improvements are installed, inspected and approved to city standards.

D. The moving contractor shall be state licensed and carry general public liability insurance for the amount no less than \$1,000,000, valid during entire building moving operations, and the insurance policy shall name the city as an additional named insured, against the injury, death, property damage and/or loss arising from or out of the city's involvement in the permitting process for the project.

E. As a condition of obtaining a moving permit, the moving contractor shall assume all liability for any damage to public property by such moving operations. Repair of damage to any public property improvement shall be completed under a valid permit within 30 days of date of notice. Emergency repair work performed by city crews to

repair damage to public improvements shall be charged against the moving contractor. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.60.015 Pre-move inspection requirements and building upgrades.

A. Upon application and payment of the building moving permit fee, the building official shall coordinate a date and time to perform a pre-move inspection with the applicant. The pre-move inspection shall be made at the original location of the building before it is moved.

B. The applicant shall remove from the building as much of the interior wall and ceiling coverings as is necessary in the judgment of the building official to conduct a thorough inspection of the wiring, plumbing and structural features of the building. The building official shall determine what structural, energy, ventilation, plumbing, mechanical and life-safety upgrades shall be imposed on any building moved into or within city limits in compliance with current adopted codes. Designated historic buildings are also subject to provisions of Chapter 19.50 ECDC. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.60.020 Correction of defects.

If, at or after the time of the inspection, the building official notifies the applicant that any portion of the building, electrical wiring or rough plumbing is in any way in violation of the ordinances of the city of Edmonds, so that compliance will require a replacement of any parts or materials used, then any defective parts or materials shall be removed from the building before it is moved. Any corrections required to comply with the ECDC, IBC and IRC shall be completed and inspected before final approval and occupancy is granted. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

Chapter 19.65

MARINAS

Sections:

- 19.65.000 Application.
- 19.65.005 Building code – Compliance required.
- 19.65.010 Design live loads.
- 19.65.015 Materials.
- 19.65.020 Area and location requirements.
- 19.65.025 Fire Protection Standard adopted.
- 19.65.030 Fuel floats.

19.65.000 Application.

The provisions of this chapter apply to the construction, changes, repair and use of a small boat marina providing covered floating boat moorage within the city. A “marina” is a basin of safe anchorage providing moorage for small vessels. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 2, 2010].

19.65.005 Building code – Compliance required.

All construction on or in connection with a marina shall comply with all the provisions of this title including permits, permit fees and penalties and all other applicable ordinances of the city and other applicable laws. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 2, 2010].

19.65.010 Design live loads.

- A. Decks. Float decks shall have a design live load of at least 40 pounds per square foot minimum.
- B. Roofs. The roof structures shall have a design live load of at least 25 pounds per square foot minimum.
- C. Ramps. The ramps to floats shall have a design live load of at least 40 pounds per square foot minimum. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 2, 2010].

19.65.015 Materials.

- A. Roofs. Roof coverings shall be noncombustible.
- B. Floats. Floating structures and floats shall be material of a type approved by the building official. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 2, 2010].

19.65.020 Area and location requirements.

- A. Length of Floats. The maximum length of any combination of floats shall be 500 feet from the shore end of the gangplank to the outer end of the main float. A main float is a center or side float connected by a ramp to the shore, being fixed laterally by a system of piling but allowed to move vertically, and may have finger floats connected at intervals.
- B. Length of Roofs. The maximum length of any roof over floats shall be 400 feet, measured along a main float. At least 75 percent of the exterior walls shall be open. The maximum area covered shall be 30,000 square feet over any single main float area.
- C. Separation. The minimum separation of covered moorage shall be 20 feet.
- D. Floats, piers, and walkways shall provide an aisle not less than 44 inches in width.
- E. Slips and mooring spaces shall be individually identified by an approved numeric or alphabetic designator that shall be posted at each space. Signs indicating the space designators located on finger piers and floats shall be posted at the base of all piers, finger piers, floats and finger floats. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 2, 2010].

19.65.025 Fire Protection Standard adopted.

A. The “Fire Protection Standard for Marinas and Boatyards,” current edition, of the National Fire Protection Association Publication No. 303 is hereby adopted to provide the minimum acceptable level of safety to life and property from fire and electrical hazards at marinas and boatyards. The most restrictive requirements from all codes and adopted standards may apply. In the event of any conflict between provisions of the fire and electrical codes of the city of Edmonds as adopted by this title, the fire and electrical codes shall prevail.

B. Access and Water Supply. Piers shall be provided with fire apparatus access roads and water-supply systems with on-site hydrants where required by the fire marshal. The maximum distance from any point on a float system to an approved fire hydrant shall be 600 feet, except for fuel floats there shall be 300 feet.

C. Emergency Operations Staging Areas. Approved areas on piers and ashore shall be provided for the staging of emergency equipment. These areas shall be posted with approved signage to keep clear for emergency operations. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 2, 2010].

19.65.030 Fuel floats.

A. Fuel floats shall be constructed of gas-resistant flotation material and shall be separated from other floats by at least 80 feet of open water.

B. Class I, II and IIIA Fuel Storage and Dispensing. All Class I, II and IIIA fuel storage tanks shall be of an approved type and comply with all zoning, building code and fire code requirements, and comply with IFC Section 2303.2, Emergency disconnect switches. Emergency controls shall have an approved means of signage and illumination. Portable Class I, II and IIIA fuel containers shall be of the listed and approved type and no larger than six gallons.

C. All fuel lines shall be provided with flexible connections from shore to floating facilities.

D. Fire extinguishers shall be provided near fuel dispensers as approved by the Edmonds fire department.

E. Gangplank access from shore to fuel floats shall be within 175 feet of fuel dispensers.

F. Fresh water taps shall be available on fuel floats.

G. All portions of a fuel float shall be located within 300 feet of a fire hydrant.

H. Moorage at any fuel float shall be prohibited and unlawful except during the shortest time necessary to take on fuel. Moorage shall be unlawful at any fuel float at any time the fuel pumps are not open for business and physically attended by the fuel pump proprietor, his agent, employee or port tenant trained to a fire department approved environmental and safety standard. It shall be the independent responsibility of the fuel pump proprietor, vessel operator, and vessel owner to comply with this subsection and each said person or class of persons shall be subject to the penalties of ECC 5.50.020 for any and all violations hereof.

I. All fuel spills shall be reported immediately in accordance with local, state and federal requirements. [Ord. 4212 § 1 (Att. A), 2021; Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3798 § 2, 2010].

Chapter 19.70

FEES

Sections:

- 19.70.000 Scope.
- 19.70.005 *Repealed.*
- 19.70.010 Schedule of permit fees.
- 19.70.015 Establishing building construction valuation.
- 19.70.020 Work commencing before permit issuance.
- 19.70.025 Refunds.

19.70.000 Scope.

Fees associated with this title including plan review, permit, inspection and related development or mitigation fees are established by this chapter and as set forth in ECDC 15.00.020. Fees may be altered pursuant to city Resolution 997. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.70.005 Payment of fees.

Repealed by Ord. 3926. [Ord. 3651 § 1, 2007].

19.70.010 Schedule of permit fees.

For buildings, structures, grading, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with this chapter and ECDC 15.00.020. Fee schedules are on file in the city clerk's office.

A. Plan Review Fee. Before accepting a set of plans and specifications for plan review, the building official shall collect the full plan review fee. Plan review fees shall be in addition to, and a percentage of, the required permit fee as calculated pursuant to ECDC 19.70.015.

B. Permit Fee. Before issuing a building permit and releasing approved plans, the building official shall collect the full building permit fees including supplemental required permit fees, inspection fees and any additional plan review fee or violation compliance fee, development fee or mitigation fee outstanding at the time of permit issuance. Building construction valuation shall be determined by ECDC 19.70.015.

C. Inspection Fee. Inspection and reinspection fees shall be paid prior to any inspection by city staff. Inspection fees are established and set forth in this chapter.

D. Related Development or Mitigation Fees. The payment of the fee for construction, alteration, removal or demolition done in connection, or concurrently with, the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law. Fees for other permits or related development fees shall be as set forth in ECDC 15.00.020. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.70.015 Establishing building construction valuation.

The applicant for a permit shall provide an estimated building construction valuation at time of application. Building construction valuation for the purpose of calculating permit fees shall include total value of work including fair-market labor and materials with equipment needed to complete the work, including but not limited to all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. If, in the opinion of the building official, the building construction valuation is underestimated on the application, the building official shall assign a building construction valuation. Permit valuation for new construction shall be based on square footage building construction valuation as established by the building official. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.70.020 Work commencing before permit issuance.

Any person who commences any work regulated by this title including work on a building, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a violation compliance fee established by the building official pursuant to the city's fee schedule adopted by resolution that shall be in addition to the required permit fees. The violation compliance fee shall be collected whether or not a permit is then or subsequently issued. The payment of such violation compliance fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law. Violation compliance fees are set forth in this chapter. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.70.025 Refunds.

The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The building official may authorize refunding of not more than 80 percent 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 on an expired permit. Any application for a refund must be made in writing and describe the circumstances to justify. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

Chapter 19.75

STREET NAMES AND ADDRESS NUMBERING

Sections:

- 19.75.000 Adoption of street name map and criteria.
- 19.75.005 Adoption of property and building numbering system and criteria.
- 19.75.010 Other street names and premises numbers prohibited.

19.75.000 Adoption of street name map and criteria.

A. There is hereby established a uniform system of designating street names/numbers in the city of Edmonds. The street names/numbers are those depicted on that map entitled, "official street map," a copy of which has been authenticated by the mayor of the city and the attestation of the city clerk. The map and all explanatory matter on the map is re-adopted and affirmed and by this reference is incorporated herein as if set forth in full. Official street name/number designations are the responsibility of the city engineer.

B. Pursuant to ECDC 18.50.030, any change to the name or number of any street on the official street map shall be by action of the city council approving an ordinance changing the official street map.

C. The city engineer shall maintain and update the official street map and shall designate/approve public and private street names/numbers in accordance with this chapter. All approved street names/numbers shall be forwarded to the United States Postal Service (USPS), public and private utilities, law enforcement agencies, emergency services providers, and other persons of new or corrected street names/numbers. The city engineer shall develop policies and guidelines for street names and numbers in accordance with the following guidelines:

1. New street designations shall be in accordance with the Snohomish County grid system and the official street map.
2. When descriptive street names (as opposed to numerical street designations) are allowed by subsection (C)(1) of this section, preference shall be for descriptive names with logical relationship to locale or geographic area, and avoidance of private individual names.
3. Facilitation of map reading and indexing to assist in rapid location of streets and addresses.
4. Avoidance of multiple and/or alternative names for single street sections and requirement of selection of a primary street designation to assist in the Enhanced 9-1-1 grid system for emergency services dispatching.
5. Any other appropriate and applicable standards concerning street and street designations as well as current department of public works policies, guidelines, or rules for naming public streets as determined by the director. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.75.005 Adoption of property and building numbering system and criteria.

A. There is hereby established a uniform system for numbering properties, buildings and primary structures in the city of Edmonds. The official building and property address map depicting all issued property address numbers is maintained by the building official or designee. The building official assigns, maintains and corrects addresses for the city of Edmonds and shall notify the United States Postal Service (USPS), emergency services providers and other persons of new or corrected addresses.

B. Addresses shall conform to the numerical grid system established by Enhanced 9-1-1. The number utilized by each building or property shall be that number within the system assigned by the building official. Addresses are assigned based on the location of the driveway access or house frontage to a street and only one address is allowed per building on any lot. Numbers assigned during any previous numbering system that fit within the grid system are hereby ratified and shall remain in full force and effect.

C. The building official shall require any address not in conformance or any address that poses any problem or confusion for safety and emergency response be changed within 30 days of written notification from the city of Edmonds.

D. All owners or occupants of all buildings and structures in the city of Edmonds, other than garages or other similar buildings or structures of a secondary nature to the primary building or structure, shall affix and maintain the officially designated premises number to the building or structure pursuant to ECDC 19.00.025(OP). When topography or vegetation may obscure vision from the street, the numerals shall be affixed as to be reasonably visible from the street.

E. Where any commercial building, multiple-family residential structure, or other similar structure has more than one entrance serving separate occupants, a suite designation or apartment number shall be assigned to each entrance serving a tenant or resident in addition to the number assigned to the principal entrance of the building or structure. The unit designations shall be progressive as assigned in the progressive direction of the street and per the property numbering system approved by this code.

F. All requests for a building or property address change shall be made in writing to the building official and all of the following conditions shall be present in order for the request to be approved:

1. An obvious error shall exist (i.e., the building was addressed off a street not associated with the site, the building or property addresses are out of sequence, duplicate address exists, etc.).
2. The existing address could delay fire, police or emergency services from finding the location in an emergency.
3. The fire department agrees the address change is necessary. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.75.010 Other street names and premises numbers prohibited.

It is unlawful for any owner or occupant of any premises, building or structure to display a street name or premises number other than those officially designated pursuant to the provisions of this chapter, subject to penalties per Chapter 5.50 ECC and Chapter 20.110 ECDC. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

Chapter 19.80

APPEALS

Sections:

- 19.80.000 Purpose and applicability.
- 19.80.005 Application and fee.
- 19.80.010 *Repealed.*
- 19.80.015 Hearing examiner procedures.
- 19.80.020 Powers and duties of the hearing examiner.
- 19.80.023 *Repealed.*
- 19.80.025 Appeals from decisions of the hearing examiner.
- 19.80.030 *Repealed.*

19.80.000 Purpose and applicability.

A. All properly filed appeals pursuant to the adopted codes of this title shall be heard by the hearing examiner. The hearing examiner shall have no authority to review administrative decisions or grant modifications to the provisions of any administrative chapter as adopted by this title, nor can the hearing examiner waive a code requirement.

B. The term “code official” refers to the building official or fire marshal in exercise of authority over applicable building and fire codes from this chapter.

C. The hearing examiner shall hear appeals from the code official’s interpretation of the adopted building codes, determinations of suitable alternative methods and materials, and any other appeal pursuant to the state building codes and this code, including but not limited to the International Building Code, the International Residential Code, the International Fire Code, the International Property Maintenance Code, the International Fuel Gas Code, the International Mechanical Code, the Uniform Plumbing Code and any and all other codes adopted pursuant to the direction and authority of Chapter 19.27 RCW.

D. The provisions of the state building codes as adopted by the city are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this code, provided any alternative has been approved and its use authorized by the code official or on appeal or request for review by the hearing examiner.

E. The provisions of this chapter shall not apply to hearing examiner proceedings under ECDC Title 20 (land use hearings) unless such a hearing is required to be combined with a hearing under this chapter, in which case the provisions of this chapter shall only apply to the ECDC Title 19 portions of that combined hearing. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.80.005 Application and fee.

An application for appeal shall be filed with the code official upon a departmental form within 10 days of the date of formal written decision. The application shall be accompanied by the required fee as set forth in Chapter 19.70 ECDC and shall be complete in all aspects before the hearing shall be scheduled. Failure to supplement an incomplete application within 10 business days of filing shall constitute an incomplete application and the administrative recourse of appeal shall be denied. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.80.010 Board of appeals membership.

Repealed by Ord. 3926. [Ord. 3651 § 1, 2007].

19.80.015 Hearing examiner procedures.

A. Public Notice. Public notice shall be given of all hearings. Upon written receipt and confirmation of a complete appeal of a request, notice shall be sent to the fire department, the health department, the city attorney and the owner of the real estate and parties within 100 feet affected by the request. No hearing shall be scheduled until 15 days after the required hearing notifications are mailed. Hearings shall be open to the public. The appellant, the

appellant's representative, the code official, and any person whose interests are affected shall be given an opportunity to be heard.

B. Department/Interested Party. At any public hearing a representative of the city building and fire department and any other interested party may appear in person, by agent or by attorney, offer evidence and testimony and cross-examine witnesses. All evidence and testimony shall be presented publicly. The hearing examiner may take judicial notice of facts to the same extent and in the same manner as courts of record and may consider relevant facts within the personal knowledge of any member of the board that are stated into the record by such member.

C. Recording. All hearings shall be recorded. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.80.020 Powers and duties of the hearing examiner.

A. The hearing examiner shall adopt rules and procedures governing all proceedings consistent with the provisions set forth herein. The rules and regulations shall include meeting location, meeting time, procedures, contents of a complete appeal application and time to be allotted for each case.

B. Subject to the limitations enumerated herein, the hearing examiner shall have and may exercise the following powers:

1. The hearing examiner shall have no authority relative to the interpretation of the administrative provisions of any of the state building codes, nor shall the hearing examiner be empowered to waive any requirement of any such code.

2. Nothing herein shall be interpreted to permit the hearing examiner to hear any appeal, nor any request for deviation of design or alternative methods with respect to any property lying within a recognized landslide hazard and earth subsidence area or which is otherwise subject to the requirements of Chapter 19.10 ECDC including effecting map changes.

3. The hearing examiner, on review, may approve the use of any material, alternate design or method of construction providing that it finds that the proposed design is satisfactory and complies with the provisions of this code and that the material, design, or method is, for the purpose intended, at least the equivalent of that prescribed in the applicable code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The decision of the code official shall not be overturned unless the hearing examiner shall find that the following conditions exist:

a. That the appellant properly applied for an appeal;

b. That sufficient evidence, proof or testing reports were submitted by the appellant that substantiated claims of equivalency;

c. That the proposed modification or alternate will not weaken the general purpose of the adopted code;

d. That the proposed modification or alternate will be in harmony with the spirit and purpose of the adopted code;

e. That the proposed modification or alternate will not adversely affect the public health and safety;

f. That the proposed modification or alternate will not adversely affect the structural integrity of the building; and

g. That the proposed modification or alternate will not adversely affect the fire safety of the building.

4. To hear and decide appeals where it is alleged there is error in any notice or order made by the code official and/or fire marshal in the enforcement of the adopted codes in this title. The hearing examiner shall have the power to stay the enforcement of any order issued by the building and/or fire prevention department unless the code official certifies that a stay of the order or denial would, in the opinion of the code official, cause imminent peril to life or property. A stay shall not constitute hearing examiner approval, shall be personal to the appellant and not transferable, and shall be subject to the terms and conditions imposed by the hearing examiner. Any determination or order of the building and/or fire department shall be presumed to be correct until evidence is introduced that would support a contrary determination.

5. Whenever the owner or legally responsible person of an alleged unsafe building, structure, utility or other condition does not agree with the order from the code official and/or fire marshal as to the correction to be made, he shall have the right to appeal to the hearing examiner within 10 days from the date of said order. In his appeal, the appellant shall state how he proposes to make the unsafe building, structure, utility or other condition safe and the hearing examiner may require the appellant to submit detailed engineering analysis or recommendations, accompanied by plans and specifications prepared by a state licensed architect or registered professional engineer, as prescribed in this adopted code. The hearing examiner, in hearing such appeals, may require substantiating data concerning the removal or other remedial steps to be taken to render the unsafe building, structure, utility or other condition safe. In any matter in which an order or notice relating to an unsafe building, structure, utility or other condition is appealed, the building and/or fire department may certify to the hearing examiner that the unsafe building, structure, utility or other condition could become an imminent hazard, in which case the hearing examiner shall schedule a hearing within five business days to hear said appeal.

C. Burden of Proof.

1. The appellant bears the burden of proof in any proceeding before the hearing examiner. If there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or construction does not conform to the requirements of this code, the appeal from the decision of the code official shall be denied.

2. The hearing examiner may continue any proceeding in order to permit the appellant to provide proof of compliance through tests conducted in accordance with general engineering practice and best scientific evidence. Such tests shall be made by the appellant and at no expense to the jurisdiction. Test methods shall be as specified by the applicable building code or by other recognized testing standards. If there are not recognized and accepted test methods for the proposed alternate, testing methods shall utilize generally accepted engineering practice and best scientific method. Reports of such tests shall be retained and made a part of record of the proceedings.

D. Decision of the Hearing Examiner.

1. The hearing examiner shall render formal written decisions within 10 days of the date of the hearing. Every decision of the hearing examiner shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed compliance with the code. The code official shall take immediate action in accordance with the decision of the hearing examiner.

2. Copies of the decision shall be forwarded to the appellant, a copy shall be placed in the appeal file and copies shall be made available to any person as a matter of public information. Decisions shall be filed with the building or fire department as a matter of public record.

3. In the exercise of the powers described above, the hearing examiner may reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination appealed from the hearing examiner, may impose conditions or requirements as deemed necessary and may hold cases in abeyance until proper information needed by the hearing examiner is supplied. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.80.023 Alternate to board of appeals.

Repealed by Ord. 3926. [Ord. 3740 § 1, 2009].

19.80.025 Appeals from decisions of the hearing examiner.

A. The filing of a land use petition for review shall not stay proceedings upon the decision appealed but the court may grant a stay in accordance with the Land Use Petition Act.

B. All decisions of the hearing examiner are appealable by Land Use Petition Act to Snohomish County superior court. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.80.030 Snohomish County regional board of appeals.

Repealed by Ord. 3926. [Ord. 3651 § 1, 2007].

Chapter 19.85

PENALTIES

Sections:

19.85.000 Applicability.

19.85.000 Applicability.

The provisions of all adopted codes within this title shall be subject to penalties as described herein.

It is unlawful for any person, firm, corporation or other organization to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter. Any person, firm, corporation or other organization violating any of the provisions of this title as adopted herein, or other provision of this chapter, shall be guilty of a misdemeanor, and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title herein is committed, continued or permitted, and upon the conviction thereof of such violation, and each violation thereof such person, firm, corporation or other organization, and the officers, directors and managers thereof shall be punishable as set forth in ECC 5.50.020 and Chapter 20.110 ECDC.

Nothing herein shall be interpreted to limit the discretion of the city to seek any other available civil, statutory or common law remedies. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

Chapter 19.90

LIMITATION OF BENEFITED AND PROTECTED CLASSES

Sections:

19.90.000 Limitation of benefited and protected classes.

19.90.000 Limitation of benefited and protected classes.

The building and supplemental codes adopted by this title are for the purpose of providing for and promoting the health, safety and welfare of the general public. Nothing in this title shall be interpreted to create or otherwise establish any particular class or group of persons who will or would be especially protected or benefited by the adoption of any code in this title. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

Chapter 19.95

CONVERSION CONDOMINIUMS

Sections:

- 19.95.010 Definitions.
- 19.95.020 Relocation assistance.
- 19.95.030 Violations.
- 19.95.040 Civil penalty.
- 19.95.050 Enforcement.

19.95.010 Definitions.

The following words and phrases used in this chapter shall have the meaning set forth in this section:

A. "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to this chapter.

B. "Conversion condominium" means a condominium (1) that at any time before creation of the condominium was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, for which the tenant or subtenant had not received the notice described in subsection (2) of this definition; or (2) that, at any time within 12 months before the conveyance of, or acceptance of an agreement to convey, any unit therein other than to a declarant or any affiliate of a declarant, was lawfully occupied wholly or partially by a residential tenant of a declarant or an affiliate of a declarant and such tenant was not notified in writing, prior to lawfully occupying a unit or executing a rental agreement, whichever event first occurs, that the unit was part of a condominium and subject to sale. "Conversion condominium" shall not include a condominium in which, before the effective date of the ordinance codified herein, any unit therein had been conveyed or been made subject to an agreement to convey to any transferee other than a declarant or an affiliate of a declarant.

C. "Declarant" means any person who:

1. Executes as declarant the document, however denominated, that creates a condominium by setting forth the information required by RCW 64.34.216 and any amendments to that document; or
2. Reserves any special declarant right in the declaration; or
3. Exercises special declarant rights or to whom special declarant rights are transferred; or
4. Is the owner of a fee interest in the real property which is subjected to the declaration at the time of the recording of an instrument pursuant to RCW 64.34.316 and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the condominium created by the recording of the instrument; or
5. Undertakes to convert, sell, or offer for sale units in a conversion condominium.

D. "Director" means the ~~planning and development~~~~development services~~ director or his/her designee.

E. "Notice of conversion" means the 90-day notice pursuant to RCW 64.34.440(1) required to be given by the declarant or his agent to residential tenants and subtenants in possession of a portion of a conversion condominium.

F. "Person" means a natural person, corporation, partnership, limited partnership, trust, association, or other legal entity.

G. “Tenant” or “subtenant” means any person who occupies and has a leasehold interest in a rental unit under a lawful rental agreement, whether oral or written, express or implied.

H. “Unit” means a physical portion of the condominium designed for separate ownership, the boundaries of which are described pursuant to RCW 64.34.216(1)(d). [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.95.020 Relocation assistance.

A. Declarant shall pay relocation assistance of \$500.00 per unit to tenants and subtenants who elect not to purchase a unit and who are in lawful occupancy for residential purposes of a unit, and whose monthly household income from all sources, on the date of the notice of conversion, was less than an amount equal to 80 percent of the monthly median income for comparably sized households in the Seattle-Everett Standard Metropolitan Statistical Area, as defined and established by the United States Department of Housing and Urban Development.

B. The household size of a unit shall be based on the number of natural persons actually in lawful occupancy of the unit on the date of the notice of conversion.

C. The tenant or subtenant actually in lawful occupancy of the unit shall be entitled to the relocation assistance.

D. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled. Unpaid rent or other amounts owed by the tenant or subtenant to the landlord may be offset against the relocation assistance.

E. Rights of tenants and subtenants set forth in the notice of conversion pursuant to RCW 64.34.440(1) must set forth tenants’ and subtenants’ right to relocation assistance as provided in this section. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.95.030 Violations.

It shall be a violation of this chapter for a declarant to fail or refuse to comply with the provisions of this chapter. Each tenant and subtenant who is subjected to a violation of the provisions of this chapter shall constitute a separate violation. Each day of violation shall constitute a separate violation. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.95.040 Civil penalty.

Any person who fails or refuses to comply with the provisions or requirements of this chapter shall be subject to a civil penalty in the amount of \$100.00 per violation per day from the date that the violation is first committed until the declarant complies with the requirements of this chapter. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

19.95.050 Enforcement.

A. Tenants and subtenants subjected to violations of the provisions of this chapter, or their agents, may file a complaint with the director. The director is authorized and directed to receive complaints and conduct such investigations as are deemed necessary such as contacting declarants and seeking explanation for apparent violations.

B. Whenever it is determined that there has been a violation of this chapter, the director is authorized to pursue, at the director’s discretion, enforcement of the code pursuant to the provisions of Chapter 20.110 ECDC. [Ord. 4029 § 1 (Att. A), 2016; Ord. 3926 § 1 (Exh. A), 2013; Ord. 3651 § 1, 2007].

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH992840 ORD NO. 4350 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 03/09/2024 and ending on 03/09/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

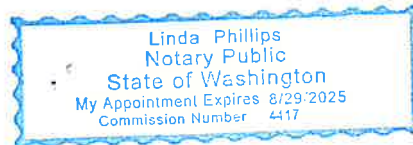
The amount of the fee for such publication is \$24.08.

Subscribed and sworn before me on this 13th day of March, 2024.



Notary Public in and for the State of Washington.

City of Edmonds - LEGAL ADS | 14101416
NICHOLAS FALK



ORDINANCE SUMMARY

of the City of Edmonds, Washington
On the 5th Day of March, 2024, the City Council of the City of Edmonds, passed the following Ordinances, the summaries of said ordinances consisting of files are provided as follows:

ORDINANCE NO. 4350

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON,
ADOPTING THE STATE BUILDING CODE AND RELATED
CODES AND AMENDING TITLE 19 OF THE EDMONDS
COMMUNITY DEVELOPMENT CODE PERTAINING TO THE
BUILDING CODE AND RELATED CODES

DATED INs 7th Day of March, 2024.
CITY CLERK, SCOTT PASSEY

Published: March 9, 2024.

EDH992840