



# Whatcom County

COUNTY COURTHOUSE  
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## Agenda Bill Master Report

File Number: AB2021-096

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<b>File ID:</b>	AB2021-096	<b>Version:</b>	1	<b>Status:</b>	Adopted
<b>File Created:</b>	01/29/2021	<b>Entered by:</b>	CMetz@co.whatcom.wa.us		
<b>Department:</b>	Planning and Development Services Department	<b>File Type:</b>	Ordinance Requiring a Public Hearing		
<b>Assigned to:</b>	Council	<b>Final Action:</b>	02/23/2021		
<b>Agenda Date:</b>	02/23/2021	<b>Enactment #:</b>	ORD 2021-007		

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Primary Contact Email: cmetz@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance adopting amendments to Whatcom County Code Title 15 (Buildings & Construction) to adopt by reference the 2018 Editions of the International Building and other associated codes

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

An ordinance adopting amendments to Whatcom County Code Title 15 (Buildings & Construction) to adopt by reference the 2018 Editions of the International Building, Residential, Mechanical, Fuel Gas, Existing Building, Fire Codes, and the National Fuel Gas, Washington State Energy, Uniform Plumbing, & Liquefied Petroleum Gas Codes, and the 1997 Uniform Code for the Abatement of Dangerous Buildings, as amended as set forth herein, as required by RCW Chapter 19.27

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### HISTORY OF LEGISLATIVE FILE

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<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
02/09/2021	Council	INTRODUCED FOR PUBLIC HEARING	Council
		Aye: 7 Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner	
		Nay: 0	
		Absent: 0	
02/23/2021	Council	ADOPTED	
		Aye: 5 Browne, Buchanan, Byrd, Donovan, and Frazey	
		Nay: 2 Elenbaas, and Kershner	

Absent: 0

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**Attachments:** Staff Memo, Proposed Ordinance, Exhibit A

PROPOSED BY: Planning  
INTRODUCTION DATE: 2/09/2021

ORDINANCE NO. 2021-007

**ADOPTING AMENDMENTS TO WHATCOM COUNTY CODE TITLE 15 (BUILDINGS & CONSTRUCTION) TO ADOPT BY REFERENCE THE 2018 EDITIONS OF THE INTERNATIONAL BUILDING, RESIDENTIAL, MECHANICAL, FUEL GAS, EXISTING BUILDING, FIRE CODES, AND THE NATIONAL FUEL GAS, WASHINGTON STATE ENERGY, UNIFORM PLUMBING, & LIQUEFIED PETROLEUM GAS CODES, AND THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, AS AMENDED AS SET FORTH HEREIN, AS REQUIRED BY RCW CHAPTER 19.27**

**WHEREAS**, the State Building Code Council has updated and amended the State Building Code by adopting the International Codes, 2018 Edition, with modifications; and,

**WHEREAS**, RCW Chapter 19.27 requires local jurisdictions to administer and enforce the State Building Code within the unincorporated areas of its boundaries; and,

**WHEREAS**, RCW 19.27.040 allows local jurisdictions to adopt appropriate modifications and/or amendments to the State Building Code; and,

**WHEREAS**, some identified modifications and/or amendments to the State Building Code as it applies to Whatcom County are desirable for various reasons; and,

**WHEREAS**, the local adoption of the referenced codes will promote and protect the health, safety, and welfare of occupants or users of buildings and structures and the general public, and will fulfill the state-mandated enforcement obligation; and,

**WHEREAS**, the Whatcom County Council held a public hearing on February 23, 2021 to review findings and staff recommendations and to consider any public testimony and written correspondence regarding this matter.

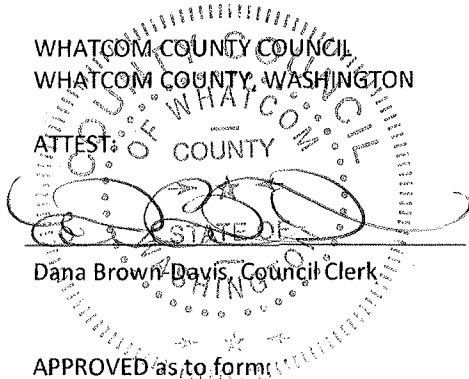
**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

Section 1. Amendments to the Whatcom County Code are hereby adopted as shown in Exhibit A.

Section 2. Staff is authorized to work with Code Publishing to correct and update any cross-references made ineffective by these amendments.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this 23rd day of February, 2021.



Dana Brown Davis, Council Clerk

APPROVED as to form:

Royce Buckingham / Approved via email / LB

Civil Deputy Prosecutor

Barry Buchanan, Council Chair

Approved    ( ) Denied

Satpal Sidhu, Executive

Date: 2/26/2021

# Exhibit A: 2018 Building Codes Update

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## Title 15 BUILDINGS & CONSTRUCTION

### Chapter 15.04 Building Codes

#### 15.04.010 Adoption of Referenced Codes.

Whatcom County hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to Chapters 19.27 and 70.92 RCW or successor, for the purpose of establishing rules and regulations for the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, including permits and penalties.

- A. The 2018 International Building Code (IBC), including the 2018 International Existing Building Code (IEBC), 2018 International Swimming Pool and Spa Code (ISPSC), Appendix B, except as amended per Ordinance No. 2007-024, Board of Appeals, and including Appendices C, E, and J, as published by the International Code Council, hereinafter referred to as the IBC, as modified by Chapter 51-50 WAC or successor and as amended in WCC 15.04.015, 15.04.020, and 15.04.050.
- B. The 2018 International Residential Code (IRC), including Appendices E, G, K, and Q as published by the International Code Council, hereinafter referred to as the IRC, and as modified by Chapter 51-51 WAC or successor and as amended in WCC 15.04.030 and in WCC 15.04.050, with the following additions, deletions and exceptions; provided, that Chapters 11 and 25 through 42 of this code are not adopted.
- C. The 2018 International Fire Code (IFC), including Appendix A, except as amended per Ordinance No. 2007-024 (Board of Appeals); Appendices B, C, and D and most current supplements, as published by the International Code Council, hereinafter referred to as the IFC, as modified by Chapter 51-54A WAC or successor and as amended in WCC 15.04.040 and 15.04.050.
- D. The 2018 International Mechanical Code (IMC), including Appendix A, as published by the International Code Council, hereinafter referred to as the IMC, as modified by Chapter 51-52 WAC and as amended by WCC 15.04.050 or successor.
- E. The 2018 International Fuel Gas Code (IFGC), as published by the International Code Council, hereinafter referred to as the IFGC, as modified by Chapter 51-52 WAC and as amended by WCC 15.04.050 or successor.
- F. The standards for liquefied petroleum gas installations shall be the 2018 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2018 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code), adopted by reference in Chapter 51-52 WAC and as amended by WCC 15.04.050 or successor.
- G. The 2018 Uniform Plumbing Code (UPC), the 2018 Uniform Plumbing Code Standards (IAPMO/ANSI UPC 1-2018), and/or all current referenced standards, and including Appendices A, B, C, and I, as published by the International Association of Plumbing and Mechanical Officials, hereinafter

referred to as the UPC, as modified by Chapter 51-56 WAC and as amended by WCC 15.04.050 or successor.

- H. The rules adopted by the Washington State Building Code Council establishing standards for making buildings and facilities accessible and usable by the physically disabled or elderly persons as provided in Chapter 51-50 WAC, IBC Chapters 10 and 11, IBC Appendix E, and ICC/ANSI A117.1 2009 or successor.
- I. The 2018 Washington State Energy Code, per Chapter 51-11C WAC (Commercial Provision), Chapter 51-11R WAC (Residential Provisions), and appendix chapters or successor, hereinafter referred to as the WSEC, promulgated by the State Building Code Council.
- J. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, or successor.
- K. Design data for Whatcom County shall be per WCC 15.04.030(E)(1) Climatic and Geographic Design Criteria).

#### **15.04.012 Definitions.**

The following words shall have the following meanings in this Title and throughout the codes adopted in §15.01.010:

“Administrative Authority” is the Department of Planning & Development Services, the Building Services Division, and the Whatcom County Building Official.

“Agricultural Building.” Livestock shelters or buildings, including shade structures and milking barns; poultry buildings or shelters; barns; storage of equipment and machinery used exclusively in agriculture; horticultural structures, including detached production greenhouses and crop protection shelters; sheds; grain silos; and stables. (IBC Appendix C, Group U-Agricultural Buildings)

“Agricultural Processing Building and/or Facility.” Buildings/facilities where agricultural products are cooled, frozen or dried, and packaged in their otherwise unaltered, primary state for shipping to distribution sales outlets. Agricultural processing buildings/facilities may include conveyors, refrigeration equipment and rooms, other applicable processing or environmental mechanical equipment, offices, employee facilities, restrooms, product and product packaging storage, loading docks, and similar applicable accessory appurtenances.

Although agricultural processing buildings/facilities are determined by Whatcom County to be a Group U occupancy for purposes of determining fire flow requirements, they represent a more intensive use than agricultural buildings, based on the typical number of personnel (even if seasonal), type of equipment, and typical operations. Appropriate, applicable health, fire, and life/safety codes and regulations will be applied in the review process of these buildings/facilities.

Cooking, modifying, altering, combining, and/or other secondary food processing/ manufacturing is not considered agricultural processing. The primary use for this type of processing is determined to be a Group F occupancy per applicable provisions of the IBC and other adopted codes and regulations

“Building Official” is the Director of the Department of Planning & Development Services or his/her designee. See WCC 15.04.015 (Department of Building Safety ).

“Building Site” is any site proposed for the location of a manufactured home, including sites within mobile home parks.

“Critical Areas” means those resource and hazard areas as designated in WCC 16.16 (Critical Areas).

“Director” means the director of the Whatcom County Department of Planning and Development Services, or his/her designee.

“Fire Chief.” Whenever the term Fire Chief is referenced in this code it shall mean Whatcom County Fire Marshal (Fire Code Official) or his/her designee, as identified in IFC §103, except as stated in IFC §104.11 and/or where the Fire Marshal has delegated a specific responsibility to the Fire Chief of a given fire district by verbal, written, and/or historic agreement.

“Fire Code Official.” Whenever the term Fire Code Official is referenced in this code it shall mean Whatcom County Fire Marshal, or his/her designee, as identified in IFC §103.2 and as amended per WCC 15.04.040.

“Fire-Flow.” The flow rate of a water supply, measured at 20 pounds per square inch (psi) (138 kPa) residual pressure, that is available for firefighting.

“Fire-Flow Calculation Area.” The floor area, in square feet (m<sup>2</sup>), used to determine the required fire flow.

“HUD” is the Federal Department of Housing and Urban Development.

“Installer” shall either be the owner or a State licensed mobile home installer.

“Manufactured Home” means a structure designed and built to comply with the Washington State Department of Labor and Industry’s rules and regulations for Manufactured Homes and Commercial Coaches. It is also defined and cross-referenced per the current adopted edition of the IRC, §R202 (Definitions, MANUFACTURED HOME).

“Mobile Home” is a transportable, factory-built dwelling unit constructed prior to June 15, 1976 (prior to enactment of National Manufactured Housing Construction & Safety Standards [NMHCSS] Act of 1974).

“Ordinary High Water Mark”: The mark or line on all lakes, rivers, streams, and tidal water that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland in respect to vegetation as that condition existed on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with approved development; provided, that in any area where the OHWM cannot be found, the OHWM adjoining saltwater shall be the line of mean higher high tide and the OHWM adjoining fresh water shall be the line of mean high water. For braided streams, the OHWM is found on the banks forming the outer limits of the depression within which the braiding occurs.

“Permanent Foundation” means concrete blocks on a concrete footing or slab, or other approved engineered foundation systems.

Tiny Home. A tiny home is a single-family dwelling unit that is 400 square feet or less in floor area (excluding sleeping lofts). There are two types of tiny homes as described below. Any other form is considered a recreational vehicle.

1. Site-Built Tiny Home. A tiny home built on-site on a permanent foundation that meets the minimum requirements of the International Residential Code (IRC), including provisions of Appendix Q, and is reviewed and inspected by Whatcom County.
2. Manufactured Tiny Home. A factory-built tiny home bearing a certification tag from the Washington State Department of Labor and Industries (L&I) or other approved third party inspection agency stating it is approved for use as a single-family residence per the current

edition of the International Residential Code (IRC) or Housing and Urban Development (HUD) requirements. Manufactured tiny homes usually have wheels and a chassis when they come out of the factory, and typically have the wheels removed prior to placing it on its manufacturer-approved foundation.

#### **15.04.016 Project Permit Review Procedures.**

All applications for project permits shall be reviewed and processed in accordance with WCC Title 22 (Land Use and Development), except as otherwise stated within this title. Appeals of this Title's fire and building code requirements shall be made to the Board of Appeals per current building code. The Hearing Examiner shall be the appeal body for appeals of non-fire and building code requirements associated with project permits required by this Title.

#### **15.04.020 Amendments to the International Building Code (IBC).**

A. IBC §103 is amended as follows:

§103.1 Creation of Enforcement Agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the Building Official. The Department of Building Safety is hereby referred to as the Building Services Division of the Whatcom County Planning and Development Services Department (WCPDS).

§103.2 Appointment. The Director of Planning and Development Services is the Building Official. The Director may appoint an alternate designee at their discretion.

§103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a Deputy Building Official, the related technical officers, inspectors, plans examiners, and other employees. Such employees shall have powers as delegated by the Building Official.

B. IBC §104 is amended as follows:

§104.1 (General) is amended with the following additional language: For matters related to flood review of building permits WCC Title 17 (Flood Damage Prevention) and WCC Chapter 16.16 (Critical Areas) shall control.

In §104.11 (Alternate Materials, Design and Methods of Construction), the last sentence is amended as follows:

Where the alternative material, design, or method of construction is not approved, the Building Official shall respond in writing, stating the reasons why the alternative was not approved, when a determination request is submitted to the Building Official in writing.

C. IBC §105 is amended as follows:

1. §105.1 (Required) is amended to include the following:

§105.1.3 Commercial project proposals require pre-screening for a waiver from or a pre-application meeting prior to permit application submittal. Pre-screening may be waived at the discretion of the Building Official for minor projects such as simple signs, single unit small equipment foundations, and projects of similar minor scale and impact. Information and document submittals for the purposes of waiver or pre-application are not intended to meet the standard for a complete permit application and do not constitute project vesting. However,



information, requirements, and conditions received by the applicant(s) and/or their agents or consultants for a given project proposal, as part of the waiver or pre-application process, will be considered vested, regardless of change of adopted codes or regulations, if a complete permit application is received within 30 consecutive days from the date of waiver or pre-application meeting. Such information, requirements, and conditions are not intended or represented as a complete or comprehensive list of project requirements. Significant changes in the scope of a project proposal may require additional screening for another waiver or pre-application meeting.

§105.1.4 Whatcom County may require that a covenant or agreement be recorded against the deed(s) applicable to the location and/or operation of a given project to inform future property owners of the current restrictions or approved land uses. The County may draft the covenant or agreement upon whatever terms the County in its discretion deems proper.

§105.1.5 A coordinated master site plan (MSP), demonstrating consistency in the layout of the project proposal with all applicable regulatory requirements, is required to be submitted by the applicant and/or project design professional in substantial charge prior to permit issuance. In general, a coordinated MSP will be required for projects exceeding a construction value of \$200,000, but may be required for any project the Building Official deems necessary. County staff will review the site plan(s) in the application file for regulatory conflicts and discrepancies prior to plan check. County staff will notify the applicant and/or design professional of identified conflicts or discrepancies to be reconciled. The master site plan may be one page which incorporates all applicable regulatory review overlays when practical. It may also include multiple overlay pages for readability purposes provided they have been verified by County staff for regulatory consistency. Once the coordinated MSP has been reviewed and approved, application review processing will continue.

§105.1.6 A state licensed contractor may obtain a permit, as required by the mechanical and plumbing codes, through mail-in applications for work not exceeding \$10,000 valuation and not requiring plans and specifications and not in conflict with state or local zoning and environmental policies and with the prior approval of the Building Official.

§105.1.7 The applicant shall fill out in full the forms furnished for that purpose, and attach thereto the full amount of moneys that are required for fees as required in the respective codes. The application shall contain all information necessary for the lawful enforcement of the provisions of the respective codes. The applicant shall file all forms with applicable fees.

§105.1.8 No person, firm, partnership, corporation, or other entity shall perform work as provided herein until such time as they receive verification of approval of their application by the Building Official and have been given written notice of a valid permit.

2. §105.2 (Work Exempt from Permit) is amended read as follows:

Building:

1. One-story detached, non-habitable accessory structures without basements, used as tool and storage sheds, playhouses, and similar uses, provided that:

- a. The building footprint does not exceed 120 square feet (11 sq. m) measured outside wall to outside wall;
  - b. Accessory structures maintain a minimum separation of 10 feet [3,048 mm] between exterior walls, and a minimum separation of 6 feet [2438 mm] between eaves of adjacent buildings on the same property;
  - c. The accessory structure meet all applicable setback requirements;
  - d. The maximum wall height is 10 feet (3,048 mm);
  - e. The maximum building height is 11 feet 6 inches (3,505 mm); and,
  - f. The maximum eave overhang is 24 inches (610 mm).
2. Fences not over 7 feet (2,134 mm) high.
  3. Retaining walls that do not retain more than 4 feet (1,219 mm) of unbalanced back fill in height differential measured from the lower finished ground level and the upper finished ground level, unless supporting surcharge, or grades exceeding a 1:3 slope above or below the wall or impounding Class I, II, or IIIA liquids.
  4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
  5. Sidewalks, walking surfaces, and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and are not part of an accessible route.
  6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
  7. Temporary motion picture, television, and theater stage sets and scenery.
  8. Prefabricated swimming pools installed entirely above-ground and accessory to a Group R-3.
  9. Shade cloth or soft cover structures constructed for nursery or agricultural purposes and not including service systems.
  10. Swings and other playground equipment.
  11. Window awnings in Group R-3 and U occupancies supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
  12. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1,753 mm) in height.
  13. Bridges, box culverts, and similar passageway structures built over depressions or obstacles, hereinafter referred to as bridges, are structures and may be deemed as exempt as interpreted and quantified in Building Services Division Code Interpretation #2002-05. All other bridges shall be designed and constructed per the current adopted Whatcom County Development Standards (WCDS), Chapter 5 (Road Standards), §513 (Bridges and Associated Retaining Walls), and per applicable portions of IFC §503. Bridges constructed as a requirement or condition of subdivision or short subdivision approval per, WCC Title 21 (Land Division Regulations), and which must receive final approval from the Public Works Technical Administrator, shall be deemed by the Building Official to have met the permit requirements per IBC §105. The Technical Administrator is designated as the County Engineer, per WCDS Chapter 5 (Road Standards), §502.
  14. Temporary construction site office and storage structures placed at a permitted job site during construction may be allowed on a temporary basis and shall be removed upon final

approval of the construction and prior to issuance of the certificate of occupancy. A temporary construction site office or storage structure is a portable structure for which the primary purpose is to securely house equipment and supplies, and which may serve as a temporary office during construction of a project

3. §105.3 (Application for Permit) is amended to replace the first paragraph with the following: To obtain the permit, the applicant shall first file an application in writing on a form provided by the Department and shall include all items as stated in the Department's Administrative Manual. Such applications shall:

4. §105.5 (Expiration) is amended to include the following:

§105.5.1 Land Disturbance permits issued for grading activity shall expire if work authorized is not commenced within 180 days of issuance unless a phased plan has been approved by the Director. The Director is authorized to grant one extension of 180 days if the request is submitted prior to expiration of the permit. The extension shall be requested in writing and justifiable cause(s) demonstrated. If the project is located within a Water Resource Protection Overlay District (WCC 20.71) or the Lake Whatcom Watershed Overlay District (WCC 20.51), which are subject to seasonal clearing activity limitations, the extension shall begin at the commencement of the construction season, pursuant to WCC 20.80.735 (Water Resource Special Management Areas).

§105.5.2 Grading permits also expire and become invalid when the total approved volume has been placed into or excavated from the approved area.

5. §107.2 (Construction Documents) is amended to include the following:

§107.2.7 Construction documents may be submitted in Standard English or Metric measurement. However, the Building Official may require, at his/her discretion, that any Metric construction documents be converted by the applicant to Standard English measurement, which then may be submitted independently or in tandem with Metric documents.

6. §109.6 (Refunds) is amended to include the following policy:

§109.6.1 The refund policy applies to the current editions and amends the respective Sections of the IBC, §109; IRC, §R108.5; IFC, §113.5; IMC, §106.5.3; IFGC, §106.6.3; and UPC §103.4.5, as adopted per WCC 15.04.010.

§109.6.2 The Building Official may authorize refunding any fee hereunder which was erroneously paid or collected at 100%.

§109.6.3 The Building Official may authorize refunding of not more than 80% of the fee paid for a building permit when no work has been done under a building permit issued in accordance with the current editions listed in this policy.

§109.6.4 The Building Official may authorize refunding of not more than 80% of the plan review fee paid when an application for a building permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

§109.6.5 The Building Official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

7. §113 (Board of Appeals) is amended as follows:

Appeals related to grading activity, per Appendix J and as amended per WCC 15.04.020(B), that include, are associated with in any way, or promulgated within any regulated critical areas (see WCC Chapter 16.16) are according to the provisions of WCC Sections 16.16.280 (Appeals) and 16.16.285 (Penalties and Enforcement) and shall be the decision of the Whatcom County Hearings Examiner.

D. Appendix J (Grading) is adopted and amended as follows:

1. §J101 (General) is amended to include an additional paragraph to read as follows:

§J101.3 The Director of Planning and Development Services is hereby authorized and directed to enforce the provisions of IBC Appendix J (Grading), as amended herein. The Director shall have the authority to render interpretations of the amended Appendix and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of amended Appendix J. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in amended Appendix J.

2. §J102.1, Definitions is amended to add the following sentence: Words not defined herein shall be as defined in WCC 15.04.12 (Definitions).

3. The following shall be added to §J103.1:

Upon receipt of a fill and grade permit application on properties within 500 feet of a site known to contain archaeological resources that are outside of the Shoreline Management Program Jurisdiction (WCC Title 23) and/or the Point Roberts Special District (WCC 20.72), the County shall notify the applicant that the project's location is within an archaeologically sensitive area and Federal, State and Tribal Laws and Regulations pertaining to cultural resources may apply.

Grading permit expiration is per WCC 22.05.140 (Expiration of Project Permits).

4. The numbered exemption list of §J103.2 (Exemptions) is amended as follows:

1. Grading in an isolated, self-contained area, provided there is no danger to the public; that such grading will not adversely affect adjoining properties or critical areas; that the activity occurs outside of the jurisdiction of the Whatcom County Shoreline Management Program (WCC Title 23); and that fill does not exceed 250 cubic yards; and is associated with a residence authorized by a valid building permit.

2. Excavation for construction of a structure permitted under this code, provided that said construction has been duly reviewed for compliance with the Whatcom County Shoreline Management Program (WCC Title 23) and the Whatcom County Critical Areas Ordinance (WCC 16.16).

3. Cemetery graves.

4. Refuse disposal sites controlled by and appropriately permitted in accordance with other regulations.

5. Excavations for wells or trenches for utilities, provided the activity occurs outside of the jurisdiction of the Whatcom County Shoreline Management Program (WCC Title 23) and there are no adverse impacts to critical areas.
6. Mining, quarrying, excavating, processing, or stockpiling rock, sand, gravel, aggregate, or clay controlled by other regulations, provided the activity occurs outside of the jurisdiction of the Whatcom County Shoreline Management Program (WCC Title 23) and such operations do not affect the lateral support of, or significantly increase stresses in soil on adjoining properties or adversely impact critical areas.
7. Exploratory excavations performed under the direction of a registered design professional provided that said excavations have been duly reviewed for compliance with the Whatcom County Shoreline Management Program (WCC Title 23) or critical areas regulations (WCC Chapter 16.16).
8. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope) or less than 3 feet in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot, and does not obstruct a drainage course or otherwise impact critical areas, provided the activity occurs outside of the jurisdiction of the Whatcom County Shoreline Management Program.
9. Exemptions listed per WCC 20.80.733 (Land Clearing Exemptions).
5. The following requirements are added to §J104.2 (Site Plan Requirements):
  1. In addition to the provisions of §107, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work, and show in detail that it complies with the requirements of this code.
  2. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.
  3. The plans shall show erosion control types and locations, natural features (slopes, streams, wetlands, ponds, etc.), forested or treed areas, ditches, culverts, wet areas, flow directions, critical area boundaries, the Ordinary High Water Mark (OHWM) of any water body regulated by the Whatcom County Shoreline Management Program, and any other information deemed necessary by the Building Official.
6. §J104.3 (Geotechnical Report) is amended as follows:

When required by the Director, a geotechnical report shall be provided consistent with WCC 16.16.375 (Geologically Hazardous Areas – Review and Reporting Requirements)
7. Add the following as §J104.5 (Surface Mining Report):

Grading permit plans associated with surface mining shall be consistent with a surface mining reclamation plan as required and approved by the Washington Department of Natural Resources.

#### **15.04.030 Amendments to the International Residential Code (IRC).**

- A. In §R104.11 (Alternative Materials and Methods of Construction and Equipment), the last sentence is amended as follows:

Where the alternative material, design, or method of construction is not approved, the Building Official shall respond in writing, stating the reasons why the alternative was not approved, when a determination request is submitted to the Building Official in writing.

B. §R105.1 (Required) is amended as follows:

§R105.1.1 Whatcom County may require that a covenant or agreement be recorded against the deed(s) applicable to the location and/or operation of a given project to inform future property owners of the current restrictions or approved land uses. The County may draft the covenant or agreement upon whatever terms the County in its discretion deems proper.

C. §R105.2 (Work Exempt from Permit) is amended to read as follows:

1. One-story detached, non-habitable accessory structures without basements, used as tool and storage sheds, playhouses, and similar uses, provided that:
  - a. The building footprint does not exceed 200 square feet (18.6 sq. m) measured outside wall to outside wall;
  - b. Accessory structures maintain a minimum separation of 10 feet [3,048 mm] between exterior walls, and a minimum separation of 6 feet [2438 mm] between eaves of adjacent buildings on the same property;
  - c. The accessory structure meet all applicable setback requirements;
  - d. The maximum wall height is 10 feet (3,048 mm);
  - e. The maximum building height is 11 feet 6 inches (3,505 mm); and,
  - f. The maximum eave overhang is 24 inches (610 mm).
2. Fences not over 7 feet (2,134 mm) high.
3. Retaining walls that do not retain more than 4 feet (1,219 mm) of unbalanced back fill in height differential measured from the lower finished ground level and upper finished ground level, unless supporting a surcharge, or grades exceeding a 1:3 slope above or below the wall or impounding Class I, II, or IIIA liquids.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks, walking surfaces, and driveways not more than 30 inches above grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
7. Above ground pre-fabricated pools that are less than 24 inches deep, or as per the 2018 International Swimming Pool/Spa Code (ISPSC).
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
10. Uncovered decks not exceeding 200 square feet (18.58 sq. m) in area, that are no more than 30 inches (762 mm) above grade at any point, not attached to a dwelling or accessory structure, and do not serve the exit door required by §R311.4.
11. Flag poles not over 25 feet (7,620 mm) in height. Flag poles must meet property line set backs.

- D. In §R105.3 (Application for Permit) the first paragraph is replaced with the following:  
To obtain the permit, the applicant shall first file an application in writing on a form provided by the Department and shall include all items as stated in the Department's Administrative Manual. Such application shall:
- E. §301.2 (Climatic and Geographic Design Criteria) is amended as follows:
1. Figure R301.2(6) shall be interpreted using Table 1, below.

Table 1. Ground Snow Load, January 1997

Whatcom County	Approx. Average Elevation (feet above mean sea level)	Revised Ground Snow Load (psf)	Revised Roof Snow Load (psf)
Acme	310	22	25
Bellingham	100	15	25
Blaine	45	16	25
Deming	210	24	25
Diablo	910	100	100
Ferndale	60	20	25
Glacier	900	74	74
Lawrence	145	24	25
Lynden	103	24	25
Maple Falls	643	77	77
Mt. Baker Ski Area	4,200	588	588
Newhalem	510	129	129
Nooksack	84	24	25
Sumas	36	24	25
Wickersham	310	28	28
Kendall	460		50
Paradise	460		50
Pt. Roberts	120		25

2. Notes on Table 1 Ground Snow Load:
  - a. Any proposal can challenge the above design load with engineer or architect stamped and signed calculations and criteria.
  - b. Buildings where the roof snow load exceeds 30 psf may require architect or engineer review.
  - c. Recommendations are valid for the recognized central area of each regional designation. Building Services reserves the right to adjust the roof snow load based on building location and/or criteria per the 2012 IBC and/or the most current edition of the Snow Load Analysis for Washington.
3. Other design criteria shall be as follows:
  - a. Wind Speed (mph): IRC – Vult = 110 mph [Figure R301.2(4)B]. Vult = IBC Risk Category 1 – 100 mph [Figure 1609.3(3)]; IBC Risk Category II – 110 mph [Figure 1609.3(1)]; IBC Risk Category III and IV – 115 mph [Figure 1609.3(2)].
  - b. Seismic Design: Zone D0/D1; Design Category D (See IBC §1613 and/or ASCE 7)
  - c. Subject to Damage from Weathering: Moderate
  - d. Frost Line Depth: 18" (west of longitude 122° 54' 30", approximately at mile post 35 of State Route 542, Mt. Baker Highway)
  - e. Termite: None
  - f. Decay: Moderate

- g. Winter Design Temp: 19° F
- h. Ice Shield Underlayment Req.: No
- i. Air Freezing Index: 260
- j. Mean Annual Temperature: 48° F

F. IRC Appendix E (Manufactured Homes) is entirely replaced with the following:

This chapter is enacted as an exercise of the police power of the County for the benefit of the public at large. It is not intended to create a special relationship with any individual or individuals, nor to identify and protect any particular class of persons.

The purpose of this chapter is to provide minimum standards to safeguard life or limb, health or property, and public welfare by regulating and controlling the installation of manufactured homes on building sites within the county.

It is not the intent of this chapter to impose liability upon the County for failure to perform any discretionary act. Rather, it is the intent of this chapter to place the obligation of complying with its requirements upon the installer. Nothing contained in this chapter shall be construed to relieve from or to lessen the responsibility or liability of any person for injury or damage to persons or property caused by or resulting from any defect of any nature in any manufactured home installation work performed by said person or in any manufactured home installation equipment owned, controlled, operated, or used by him/her; nor shall Whatcom County, or any officer, agent, or employee thereof, incur or be held as assuming any liability by reason or in consequence of any permission, certificate of inspection, inspection, or approval authorized herein, or issued or given as herein provided, or by reasons or consequence of any things done or acts performed pursuant to the provisions of this chapter.

1) SCOPE

This chapter sets forth rules and regulations to regulate and control the installation of manufactured homes on building sites, establishes an administrative procedure for the issuance of permits, and provides for the inspection of manufactured home installations.

2) DEFINITIONS

Words shall be as defined in WCC 15.04.12 (Definitions).

3) GENERAL INSTALLATION REQUIREMENTS

- a. Manufactured homes installed on building sites shall be installed in accordance with the provisions of this chapter and all applicable local, state, and federal codes, ordinances, and statutes.
- b. Manufactured homes shall be installed in compliance with the manufacturer's installation recommendations or according to NCSBCS/ANSI A225.1-1994 (Permanent Foundation Requirements). The manufacturer or dealer shall send copies of its approved installation recommendations to the purchaser of the manufactured home and copies shall be submitted with the building permit application.
- c. No person, firm, partnership, corporation, or other entity may install a manufactured home unless s/he owns the manufactured home or is a licensed manufactured home installer.



- d. All manufactured home installations shall comply with the requirements of the IRC §R403.1.7.3 (Foundation Elevation) and with the following:
  - i. On graded sites, the top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device a minimum of 12 inches plus 2 percent. The Building Official may approve alternate elevations, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.
  - ii. The following provisions shall be made to prevent standing water under and around a building or structure prior to the final inspection:
    - A. The finished grade and elevation under the building shall be above the ground drainage flow of the land around the building to prevent surface or sub-surface water from draining to the space under the building, provided that other approved alternates such as drain tile, exterior grading to a point lower than the interior drainage of the building or an approved sump pump may be used, and provided further that the alternate method to be used shall be shown on the building plans.
    - B. An approved sump pump system shall in no case be connected to the sanitary sewer system. In all instances where a drainage or sump pump system is installed under the structure there shall be provided, in the foundation wall, an access crawl hole which shall be no more than 20 feet from the main drain cleanout.
    - C. To facilitate the drainage of water, the building site shall have at least a 2% gradient towards approved drainage facilities from building pads. However, this may be waived by the Building Official provided that the permittee can demonstrate that due to the nature of the site this would be impractical and that an approved alternate will be used.
    - D. If water appears under the building within a period of 12 months after the final inspection of the building or structure, the builder shall be responsible for providing the drainage of the same, and provided further that the builder has not complied with the requirements of §1804.7 herein, concerning drainage. Thereafter, the owner of the building shall be responsible for providing drainage of the same, except where owner and builder agree otherwise.
- e. In those areas that are recognized as floodplains by the Washington State Department of Ecology or the Department of Homeland Security, or hazardous because of the probability of earthquakes, ground slides, avalanches, or high winds, the Building Official may set requirements that are necessary to lessen the hazards. Manufactured homes installed on sites that are sloping or have poor drainage shall be installed in accordance with installation recommendations provided by a professional engineer or architect licensed in the state of Washington.
- f. Manufactured homes in a floodplain must be installed per the applicable provisions of Whatcom County Code, Title 17, Flood Damage Prevention, and per associated requirements of the Endangered Species Act (ESA).
- g. Used mobile homes older than 1976 require a fire/life safety inspection by the State Department of Labor & Industries prior to building permit submittal.

#### 4) PERMITS REQUIRED

No person, firm, or corporation shall install or cause to be installed any manufactured home on a building site without having first obtained a building permit, and a manufactured home dealer shall not deliver a manufactured home to a building site until that dealer has verified that the installer has obtained the necessary building permits.

#### 5) APPLICATION REQUIREMENTS

In addition to the manufactured home permit application and issuance regulations, the following shall apply to manufactured home installations:

- a. A separate application shall be required for each manufactured home installation. The application shall be made upon forms provided by the Department and shall be accompanied by the permit fee established herein.
- b. Each application shall be accompanied by a plot plan drawn to scale with detail sufficient to show that the installation will meet siting requirements of all applicable state and local regulations. The plot plan shall show all existing and proposed structures, including decks and porches.
- c. Construction plans and details for all proposed non-exempt landings, open decks, covered decks, and stairs shall be provided with the application
- d. Applications for manufactured homes shall be accompanied by foundation plans for a permanent foundation.

#### 6) INSPECTION

Approved installation specifications shall be available at the site at the time of inspection of the installation. In the event that no approved installation specifications are available or the approved specifications as provided above do not cover all the installation requirements of this chapter, then the total installation of the portions thereof not covered by the approved specifications shall comply with the appropriate provisions of this code.

- a. The installer of the manufactured/ mobile home shall request the following inspections:
  - i. Footing inspection, after the placement of the footing forms and rebar but prior to pouring concrete or placing the footings.
  - ii. Tie-down, blocking, and vapor barrier inspection,
  - iii. Final inspection, after all aspects of the installation have been completed.
  - iv. All requests for inspection shall be made one working day before such inspection is desired.
- b. The manufactured/mobile home may be occupied once the installation has passed final inspection for compliance with the requirements of this chapter and any conditions placed upon the issued permit.
- c. If the installation does not comply with the installation requirements of this chapter and the conditions of the installation permit, the local enforcement agency shall provide the installer with a list of corrections that the installer must make. The list of corrections shall state a date by which the corrections must be completed. If the items that require correction do not endanger the health or safety of the occupants, or substantially affect the habitability of the manufactured/mobile home, the local enforcement agency may permit the owner of the home to occupy it.

## 7) BUILDING SITE PREPARATION

A manufactured home may not be installed on a building site unless the ground at the site has adequate compaction and load-bearing ability to meet the support requirements of WCC 15.04.030(F)(3)(d) or, if the building site is in a mobile home park, the park owner must insure that the ground on which the mobile home is to be installed has been improved as necessary to provide a proper base for the mobile home and that the area beneath the mobile home has adequate drainage.

## 8) FOUNDATION SYSTEM FOOTINGS

- a. Footings shall be constructed of solid concrete per the manufacturer's installation specifications or an approved alternate method.
- b. Foundations placed in flood zones or floodplains shall be installed per WCC 15.04.030(F)(3)(e and f) and may require an engineers' review for the design.
- c. Footings shall be:
  - i. Evenly bedded and level;
  - ii. Placed on firm, undisturbed or compacted soil that is free of organic material;
  - iii. Spaced not more than eight feet apart and no more than two feet from the ends of the main frame. The Building Official may require a closer spacing, depending on the load bearing capacity of the soil or the specifications in the manufactured home installation manual.
- d. A manufactured home with more than one section must have centerline blocking at end walls and at other points of connection of the sections that have ridge beam bearing support. Blocking is also required at both ends of a door opening that is six feet or more wide in an exterior wall.
- e. If a manufactured home requires footings on its exterior perimeter, as specified by the installation recommendations or required by the Building Official, the footings shall be installed below the frost line.
- f. Footings shall be constructed so that 75% of the area under the manufactured home has at least 18 inches clearance between the bottom of the main chassis members and the ground level. The area beneath the furnace cross-overs and fireplaces must always have at least 18 inches clearance. At no point under the manufactured home may clearance be less than 12 inches.

## 9) FOUNDATION SYSTEM PIERS

- a. An installer must build and position piers and load-bearing supports or devices to distribute the required load evenly. An installer must use manufactured piers or load-bearing supports or devices that are listed or approved for the intended use.
- b. A pier may be made of a single stack of 8-inch by 16-inch blocks if the blocks are not stacked more than four blocks high. A pier made of a single stack of blocks shall be installed at a right angle to the main frame longitudinal members and shall be capped with no more than 2-inch by 8-inch by 16-inch wood blocks or one 4-inch by 8-inch by 16-inch concrete block.
- c. A pier may be made of a double stack of 8-inch by 8-inch by 10-inch blocks if the blocks are not stacked more than five blocks high. Each row of blocks in such a pier shall be stacked at right angles to the abutting rows of blocks. The pier shall be capped with 2-inch by 8-inch by

16-inch concrete blocks. The pier shall be installed so that the joint between the cap block is at right angle to the main frame longitudinal members.

- d. A pier may be made with more than five courses of blocks, not to exceed 9 (72 inches) courses of block, if the stacked blocks are filled with 2,000 psi concrete or mortar and no more than 20% of the piers exceed five courses (40"). All other systems shall be designed by a licensed Washington state engineer or architect.
- e. All blocks shall be set with cores placed vertically.

#### 10) FOUNDATION SYSTEM PLATES AND SHIMS

An installer may fill a gap between the top of a pier and the main frame with a wood plate that is not more than two inches thick and two opposing wedge-shaped shims that are not more than two inches thick. Wood plates and shims must be of hemlock/fir, Douglas fir, or spruce/pine/fir. A shim shall be at least four inches wide and six inches long. The installer shall fit the shim properly and drive it tight between the wood plate or pier and the main frame to ensure that the manufactured home is level and properly supported at all load-bearing points. A block that abuts a wedge-shaped shim shall be solid.

#### 11) FOUNDATION

A manufactured home shall have an approved skirting around its entire perimeter. The wood of the skirting shall be at least six inches from the ground unless it is pressure-treated wood. Metal fasteners shall be hot dipped galvanized, stainless steel, or other corrosive-resistant material. Ferrous metal members in contact with the earth, other than those that are galvanized or stainless steel, shall be coated with asphaltic emulsion. A manufactured home that is installed shall have ventilation openings with a net area of one square foot per 150 square feet of crawl space; except manufactured homes installed in the floodplain shall have ventilation openings with a net area of 1 square inch per 1 square foot of crawlspace installed within 1 foot of finished grade. The openings shall be designed to provide cross ventilation on at least two approximately opposite sides of the manufactured home. The installer shall locate openings as close to the corner of the manufactured home as practical and shall cover the opening with a corrosive-resistant wire mesh. Dryer vents and hot water tank pressure release valves shall exhaust on the exterior of the perimeter skirting. The skirting for each section of the manufactured home shall have an opening of at least 18 inches by 24 inches with a cover of metal or pressure-treated wood to allow access to the crawl space. In all cases the foundation shall be installed before a final sign off can be made.

#### 12) ANCHORING SYSTEM

The Building Official shall require a single-section or multiple-section manufactured home to have an anchoring system. Such an anchoring system shall be installed per the manufactured installation specifications or according to the design of a professional Washington State licensed engineer or architect. Components of the anchoring system shall have a resistance to weather deterioration that is at least equal to that of a zinc coating that is not less than 0.3 inches per square foot of coated surface. Cut edges of zinc-coated strapping do not need to be coated.

- a. An installer shall install, preload, and adjust a ground anchor in accordance with the anchor manufacturer's instructions. The installer must supply a copy of the instructions to the

Building Official. Ground anchors shall be marked with the manufacturer’s identification and model number in a location that is visible to the inspector after the anchor is installed. The manufacturer of a ground anchor must provide instructions with each anchor that specifies the kinds of soils for which the anchor is suitable. Analysis from a Washington State licensed engineer may be required.

- b. If concrete slabs or continuous footings are used to transfer the anchoring loads to the ground, the following requirements apply:
  - i. Engineered tie-down systems shall be per approved details from the Washington State Department of Labor and Industries.
  - ii. A concrete slab may be used in place of a ground anchor if it provides holding strength equal to the required ground anchors.
  - iii. Analysis from a Washington State licensed engineer may be required.
- c. Ties shall be of approved strapping, or other approved materials. Ties shall be fastened to the ground anchors and drawn tight with turnbuckles, yoke fasteners, or other approved tension devices. Tension devices shall end in clevis, forged, or welded eyes. Tension devices shall be designed to prevent self-disconnection if the ties become slack. Ties shall connect the ground anchors to the main frame longitudinal members. Ties must not connect to steel outrigger beams that fasten to the main frame unless the manufacturer’s installation instructions specifically approve the connection. Diagonal ties must lie at least 45 degrees from the vertical.
- d. The installer shall space the ties as evenly as practical and shall locate a tie within eight feet of each end of the manufactured home. The installer shall install vertical ties at each detached corner of a clerestory roof and added-on sections of expandable manufactured homes. The installer shall install the following number of ties for each I-beam or other main frame longitudinal member according to the manufacturer’s specifications or per NCSBCS/ANSI A225.1-1994, as indicated in the following chart:

Length of home in feet (excluding hitch)	Number of vertical ties per detached corner of add-ons	Number of diagonal ties
32 – 54	1	5
55 – 73	1	6

13) ASSEMBLY

The water pipe connection to the manufactured home shall have a main shutoff valve in compliance with the 2018 Uniform Plumbing Code, §606. Exterior water lines and ducting under the manufactured home shall be insulated. In all other respects, utility connections to the manufactured home, including water, sewer, electricity, and gas, shall comply with the applicable County codes. Accessory structures such as awnings, carports, garages, porches, or steps attached to or located next to a home shall be constructed in conformance with applicable County codes and structurally independent of the manufactured home unless pre-approved by the manufacturer.

**15.04.040 Amendments to the International Fire Code (IFC).**

- A. §102.2 (Administrative, Operational and Maintenance Provisions) is amended to read as follows:  
To provide a reasonable degree of safety to persons occupying existing buildings, there shall be a fire code inspection, at times to be determined by the Whatcom County Fire Marshal, for all Group A, B, E, F, H, I, M, R, S, and U occupancies. Only R-3 Occupancies containing the following shall be subject to fire code inspections: adult family homes, family daycare homes, and adult and child care facilities, as defined in Chapter 2 (Definitions) as amended by Washington State.
- B. §103.1 (General) is amended to read as follows:  
The Department of Fire Prevention, hereinafter referred to as the Fire Marshal's Office, is established within the jurisdiction under the direction of the Fire Code Official, hereinafter referred to as the Fire Marshal. The function of the Office shall be the implementation, administration, and enforcement of this code. Recognizing the authority and responsibility vested in the Fire Marshal by the International Fire Code, the Fire Marshal is authorized to promulgate such rules, policies, and/or procedures as s/he deems necessary for the efficient operation of fire prevention and investigations.
- C. §103.2 (Appointment) is amended to read as follows:  
The Fire Marshal is the Director of Planning and Development Services, except that a Fire Marshal and/or Deputy Fire Marshal may be appointed by the Director. The Fire Marshal/Deputy Fire Marshal shall be not less than a supervisor within the Building Services Division of the Whatcom County Department of Planning & Development Services, as designated by the Director. The Fire Marshal for Whatcom County is authorized to enforce the provisions of this ordinance and adopted referenced codes and amendments.
- D. §104.1 (General) is amended with the following additional paragraphs:  
The provisions of RCW 18.160.070 and the Levels of Licensing required by the State Fire Marshal's Office will be enforced by the Whatcom County Fire Marshal's Office as specified, including but not limited to work performed by contractors and/or documentation verifying compliance with current licensing requirements. Issuance of permits may be withheld due to lack of compliance with these provisions.
- It is the interpretation and determination of the Whatcom County Fire Marshal that the "installation of underground work of any kind for any kind of structure" applies to the installation of fire protection systems connected to or integral to a fire protection sprinkler system. A Level U license from the State Fire Marshal's office shall be required. The Fire Marshal, at his/her discretion, may require a Level U license for any underground work determined at any stage of installation to be substantially and/or consistently substandard.
- E. In §104.9 (Alternate Materials and Methods), the last sentence is amended as follows:  
Where the alternative material, design or method of construction is not approved, the Fire Marshal shall respond in writing, stating the reasons why the alternative was not approved, when a determination request is submitted to the Fire Marshal in writing.
- F. §104.10 (Fire Investigation) is amended to read as follows:  
The Whatcom County Sheriff's Office shall have the authority to investigate the cause, origin, and circumstances of any fire, explosion or other hazardous conditions. Information that could

be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

- G. §104.10.1 (Assistance from Other Agencies) is amended with the following additional language: The Whatcom County Fire Marshal shall have the authority to render necessary assistance in the investigation of fires. The Whatcom County Fire Marshal and designated, assigned staff members shall have the powers of a limited authority of a Washington peace officer as defined in Chapter 10.93 RCW. They shall be commissioned by the Whatcom County Sheriff as specially commissioned Washington peace officers, as defined in Chapter 10.93 RCW, upon satisfaction of the training and other requirements prescribed or approved by the Washington Criminal Justice Training Commission, for the purpose of administering this code.
- H. §105.7.1 (Automatic Fire-Extinguishing Systems) is amended with the addition of the following language:  
Commercial cooking arrays require permanently affixed signage that states: "Alteration of commercial cooking arrays is prohibited without prior review and approval from the Whatcom County Fire Marshal." Sign location to be determined by the Fire Marshal.
- I. §105.7.9 (Flammable and Combustible Liquids) is amended as follows:  
3. To install, alter, remove, abandon, or otherwise dispose of a flammable or combustible liquid tank. Abandoned underground fuel tanks are required to be removed according to all applicable codes and safety standards except under special circumstances, such as steep or extreme topography, significant physical obstructions, or similar circumstances, as approved per the discretion and judgment of the Fire Marshal.
- J. §109.1 (Board of Appeals) is amended to read as follows:  
Decisions or determinations made by the Fire Marshal relative to the application and interpretation of this code shall be heard by the Whatcom County Board of Appeals.
- K. §202 (General Definitions) is amended to add the following sentence: Words not defined herein shall be as defined in WCC 15.04.12 (Definitions).
- L. Chapter 5 is amended to include adoption of all sections of the chapter not adopted by Washington State Amendments, Chapter 51-54A WAC, as authorized per RCW 19.27.060(5).
- M. Appendix B (Fire Flow Requirements for Buildings) is amended to read in its entirety as follows:

#### **§B101 GENERAL**

**B101.1 Scope.** The procedure for determining fire flow requirements for buildings or portions of building hereafter constructed shall be in accordance with this appendix. This appendix does not apply to structures other than buildings.

#### **§B102 DEFINITIONS**

**B102.1 Definitions.** Words shall be as defined in WCC 15.04.12 (Definitions).

#### **§B103 MODIFICATIONS**

##### **§B103.1 (Decreases).**

The Fire Marshal is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical. This may include consideration of alternative materials and

methods where the Fire Marshal finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method, or work is at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire-resistance, durability, and safety.

**B103.2 Increases.** The Fire Code Official is authorized to increase the fire flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall be not more than twice that required for the building under construction.

**B103.3 Areas without water supply systems.** For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire marshal is authorized to utilize NFPA 1142 or the International Wildland-Urban Interface Code (IWUIC).

## **SECTION B104 FIRE-FLOW CALCULATION AREA**

### **§B104.1 (General)**

B104.1.1 The fire-flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under horizontal projections of the roof of a building (such as a connecting breezeway), otherwise including only areas that are fully enclosed on all sides and which have a full ceiling height. Full ceiling height means an average (50% or more) ceiling height of 6 (six) feet – 8 (eight) inches (203.3 cm), including under-floor areas that are accessed by a side-hinged man door, sliding door, overhead door, or similar standard height access. The calculation area is measured to the outside surface of exterior and/or enclosure walls.

B104.1.2 In general, commercial and industrial structures will be measured using the same method as for residential/accessory buildings, except that structures will also be judged according to their use and corresponding hazard, according to the applicable codes in the IFC and IBC, and according to the judgment and discretion of the Fire Marshal. As such area may be calculated for roof only (open sided) structures, covered open/partially open portions of buildings, to the outside edge of eaves, and/or for uncovered portions of structures (decks, balconies, loading docks, etc.) on a case-by-case basis where, in the discretion of the Fire Marshal, it is warranted to preserve the health, safety, and welfare of the public, building occupants, and/or emergency responders.

**B104.2 Area Separation.** Portions of buildings that are separated by fire walls without openings, constructed in accordance with the International Building Code, are allowed to be considered as separate fire-flow calculation areas.

**B104.3 Type IA and Type IB Construction.** The fire-flow calculation area of buildings constructed of Type IA and Type IB construction shall be the area of the three largest successive floors.

Exception: Fire-flow calculation area for open parking garages shall be determined by the area of the largest floor.

## **SECTION B105 FIRE-FLOW REQUIREMENTS FOR BUILDINGS**

### **§B105.1 (One- and Two-Family Dwellings).**



**B105.1.1** The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area—including both existing and new proposed building area—that measures in excess of 4,000 square feet (371.6 m<sup>2</sup>) shall be 500 GPM @ 20 psi for 1 hour. For a fire hydrant to qualify for fire-flow it shall be located with 600 feet along an accessible route measured to the center of the structure.

**B105.1.2** An NFPA 13D automatic sprinkler system throughout the measured fire area of a residence and/or residential accessory building qualifies as 100% reduction/mitigation in fire flow when the requirement threshold is exceeded.

**B105.1.3** An NFPA 13-D automatic sprinkler system is required throughout all dwellings with a measured fire area exceeding 8,000 square feet. In addition, fire-flow for dwellings with a fire-flow calculation area exceeding 8,000 square feet (743.2 m<sup>2</sup>), shall not be less than that specified in Table B105.1, as amended by Whatcom County, except that the flow duration may be a minimum of one hour.

*Exception:* For Single Family Residences, where the addition of an attached garage results in a total building area exceeding 8,000 square feet (743.2m<sup>2</sup>), where a fire flow system consisting of a water storage tank, fire pump, and a hydrant would be required, all of the following shall be installed to relieve the fire flow requirements. If the total building area is over 10,000 sf (929m<sup>2</sup>) this exception does not apply.

- i. Full two-hour fire rated construction that separates the garage from the house. The fire wall shall be designed per IBC §706, except that there shall only be one opening allowed in the fire-rated construction between the house and garage. The maximum size of the opening shall accommodate one 3'-0" x 6'-8" man door. The man door shall be two-hour fire rated assembly and have an automatic closing devise. No other openings are allowed in the fire-rated construction between the garage and house.
- ii. An NFPA 13D automatic sprinkler system shall be installed throughout the house and attached garage (entire structure).
- iii. The water storage for the sprinkler system shall be designed to twice the calculated required amount.

**§B105.2 (Buildings other than One- and Two-Family Dwellings)**

**B105.2.1** The minimum fire-flow and flow duration requirements for private garages, detached shops, agricultural storage buildings (Group U occupancy) shall be 500 GPM @ 20 psi for 1 hour.

*Exception:* Fire-flow is not required if the structure meets one of the following criteria:

1. It does not exceed 2,500 square feet (232.3 m<sup>2</sup>).
2. It is protected by an approved automatic fire sprinkler system.
3. It has, at a minimum, 60-foot setbacks from all property lines and other structures on the same lot. Setback measurement may include the full width of an adjacent public way, no-build easement recorded with the Auditor to run concurrent with the deed, or similar instrument or provision acceptable to the Fire Marshal.
4. It has, at a minimum, 100-foot setbacks to all property lines and other structures on the same lot for buildings which include hay storage, other combustible fibers, the potential for

loose combustible fibers, and/or the potential for combustible dust (IFC Sections 2204 and 3704.1; NFPA 61). Setback measurement may include the full width of an adjacent public way, no-build easement recorded with the Auditor to run concurrent with the deed, or similar instrument or provision acceptable to the Fire Marshal.

**B105.2.2** The minimum fire-flow and flow duration requirements for agricultural processing buildings not exceeding 6,000 square feet (557.4 m<sup>2</sup>) shall be 500 GPM @ 20 psi for 1 hour. If the building exceeds 6,000 square feet (557.4 m<sup>2</sup>), Table B105.1, as amended by Whatcom County, shall apply except that, at the discretion of the Fire Marshal, where adequate and reliable water supply systems do not exist the duration may be reduced by up to 50%, but not to be reduced to below a duration of 1 hour.

*Exception:* Fire-flow is not required if the structure meets one of the following criteria:

1. It does not exceed 2,500 square feet (232.3 m<sup>2</sup>), in measured fire area.
2. It has, at a minimum, 60-foot setbacks to all property lines and other structures on the same lot. Setback measurement may include the full width of an adjacent public way, no-build easement recorded with the Auditor to run concurrent with the deed, or similar instrument or provision acceptable to the Fire Marshal.
3. The building is provided with an NFPA 13 automatic sprinkler system throughout, including water storage to support the sprinkler system per the system design, plus an additional 500 gpm of fire flow at 20 psi for a duration of one hour, to be available at an approved hydrant or hydrants as determined by the Fire Marshal.

**B105.2.3** The minimum fire flow and flow duration requirements for buildings other than one- and two-family dwellings and Group U buildings specified above shall be as specified in Table B105.1, as amended by Whatcom County, with the ability to apply fire-protection credits as described in Table B105.2, but not to be reduced to below 500 GPM @ 20 psi for duration of 1 hour for Group F and S occupancies, including accessory occupancies (per IBC 508.2); 1,500 GPM @ 20 psi for a duration of 1 hour for occupancies and/or mixed occupancies including Group B, E, I, M, and R occupancies except where lower gpm is indicated per Table B105.1. Fire-flow reductions for Group H occupancies may only be considered at the discretion of the Fire Marshal. Increases in fire flow may be required based on the Fire Marshal's evaluation of operational hazard and/or occupancy group. Fire protection credits shall not allow the elimination of required systems as required in other parts of the Fire Code.

*Exception:* Fire flow is not required if the structure meets all of the following criteria:

1. It does not exceed 2,500 square feet (232.3 m<sup>2</sup>).
2. It does not contain a hazardous operation, as determined by the Fire Marshal.
3. It is not a Group A occupancy.

TABLE B105.1. Fire-flow for Buildings Other than One- and Two-Family Dwellings and Private Garages and Commercial Agricultural Buildings (Group U)

Construction Type <sup>(a)</sup>					Required Fire Flow (GPM)	Duration (Hours)
IA & IB	IIA & IIIA	IV & VA	IIB & IIIB	VB		
<b>WHEN TOTAL FIRE AREA IN SQUARE FEET<sup>(b)</sup> IS EQUAL TO OR LESS THAN THESE VALUES</b>						
5,500	3,700	2,600	2,100	1,600	500	1
11,100	6,800	4,700	3,500	2,400	750	1
15,900	9,300	6,200	4,500	2,900	1,000	1
22,700	12,700	8,200	5,900	3,600	1,250	1
30,200	17,000	10,900	7,900	4,800	1,500	1
38,700	21,800	12,900	9,800	6,200	1,750	1.5
48,300	24,200	17,400	12,600	7,700	2,000	1.5
59,900	33,200	21,300	15,400	9,400	2,250	1.5
70,900	39,700	25,500	18,400	11,300	2,500	2
83,700	47,100	30,100	21,800	13,400	2,750	2
97,700	54,900	35,200	25,900	15,600	3,000	2
112,700	63,400	40,600	29,300	18,000	3,250	3
128,700	72,400	46,400	33,500	20,600	3,500	3
145,900	82,100	52,500	37,900	23,300	3,750	3
164,200	92,400	59,100	42,700	26,300	4,000	4
184,400	103,100	66,000	47,700	29,300	4,250	4
203,700	114,600	73,300	53,000	32,600	4,500	4
225,200	126,700	81,100	58,600	36,000	4,750	4
247,700	139,400	89,200	65,400	39,600	5,000	4
271,200	152,600	97,700	70,600	43,400	5,250	4
295,900	166,500	106,500	77,000	47,400	5,500	4
GREATER	GREATER	115,800	83,700	51,500	5,750	4
		125,500	90,600	55,700	6,000	4
		135,500	97,900	60,200	6,250	4
		145,800	106,800	64,800	6,500	4
		156,700	113,200	69,600	6,750	4

Construction Type <sup>(a)</sup>					Required Fire Flow (GPM)	Duration (Hours)
IA & IB	IIA & IIIA	IV & VA	IIB & IIIB	VB		
		167,900	121,300	74,600	7,000	4
		179,400	129,600	79,800	7,250	4
		191,400	138,300	85,100	7,500	4
		GREATER	GREATER	GREATER	7,750	4

Footnotes:

- (a) Types of construction are based upon the current adopted edition of the IBC.
- (b) Each portion of a building shall be considered as a separate fire area when separated by one or more fire walls built in accordance with the IBC.

TABLE B105.2. Fire Protection Credit for Commercial Rural Fire-Flow

Options to Reduce Fire-Flow <sup>(a)</sup>	% Reduction <sup>(b)</sup>
NFPA Monitored Fire Alarm	25%
NFPA 13 Automatic Sprinkler System	75%
40' Minimum Setbacks <sup>(c)</sup>	25%

Footnotes:

- (a) Credits used for or with substantial alterations shall be applied to the entire structure.
- (b) Reductions will be simply rounded to the closest fire flow rate and applied for the duration prescribed by that flow rate. In cases of an equal distance between two rates, the rate will be rounded down.
- (c) Setbacks apply to all property lines and buildings, on all sides of the structure. Setback measurement may include the full width of an adjacent public way, no-build easement recorded with the Auditor to run concurrent with the deed, or similar instrument or provision acceptable to the Fire Marshal.
- (d) Fire-flow rates shall not be reduced less than the minimums as required in Section B105.2.

§B105.3 Water supply for buildings equipped with an automatic sprinkler system.

B105.3.1 For buildings equipped with an automatic sprinkler system, the water supply shall be capable of providing the greater of:

1. The automatic sprinkler system demand, including hose allowance.
2. The required fire-flow.

SECTION B106 REFERENCED STANDARDS.

ICC; IBC-18 International Building Code B104.2

ICC; ICF-18 International Fire Code As amended, Tables B105.1 and B105.2

ICC IWUIC-18 International Wildland-Urban interface Code, Table B105.1(1)

NFPA 1142-12 Standards on Water Supplies for Suburban and Rural Fire Fighting, B103.3 or most current version.

N. Appendix C (Fire Hydrant Locations and Distributions) is amended with the following added section:

§C106 (Subdivision Alternative) is added to the Appendix:

C106.1 Hydrant placement alternative. Subdivisions and plats with no fire flow infrastructure require a minimum lot size of 1 acre and a minimum 20-foot setback from property lines to structures, in addition to applicable fire flow requirements per Appendix B as amended. A no-build easement recorded with the Auditor to run concurrent will be required to reduce the property setbacks.

O. Appendix D (Fire Apparatus Access Roads) is amended as follows:

§D103 (Minimum Specifications) is amended as follows:

§D103.2 Grade Whatcom County Development Standards, Chapter 5 (Road Standards). In addition to standard access road requirements, residential and residential accessory structures accessed by roads or driveways exceeding 12% grade require mitigation, such as an automatic sprinkler system per NFPA 13-D throughout the applicable building(s); an approved fire flow system; or equivalent mitigation, approved at the discretion of the Fire Marshal.

§D103.3 Turning radius – Minimum (35-foot radii. Residential private roads and driveways per Whatcom County Development Standards, Chapter 5.

§D103.5 (Fire Apparatus and Access Road Gates) is amended as follows:

Gates installed across emergency apparatus access roads and driveways require a permit from the Fire Marshal's office and shall comply with all the following criteria:

1. Where a single gate is provided, the net openable gate width shall be not less than 20 feet (6,096 mm). Where a fire apparatus road consists of a divided roadway (one separate lane in each direction) or the current required width of the apparatus access road is a minimum of 12 feet (3,658 mm), the net openable gate width shall be not less than 12 feet (3,658 mm) at each lane or road. The net openable width of the gate shall be not less than the applicable required drivable surface width of any access road or driveway.
9. ...At the Fire Marshal's determination, applications for gates proposed to be installed across private access easements, roads, and driveways which are shared by multiple property owners/users may be required to include written, notarized confirmation that all property owners/users approve of the gate installation.
10. Gate installations where multiple properties are accessed shall include an approved universal optical sensor access system that will allow access by all emergency responders.
11. Where deemed appropriate, the Fire Marshal may require language addressing maintenance responsibilities and/or incorporation of maintenance language and other relevant information regarding any gate to be recorded with the County Auditor separately or as part of the access easement(s) description.

Add §D103.7 Turnarounds – For all projects other than residential or residential accessory, turnarounds shall be a minimum 20-foot wide drivable surface, and legs (60 feet long per WCDS, Chapter 5 (Road Standards). Where options are limited by topography or at the discretion of the Fire Marshal for other considerations, turnarounds for residential or residential accessory structure access may be a minimum 20-foot wide drivable surface and turnaround legs 45 feet long. Turnarounds shall be located within 150 feet of a structure that requires access but no closer than 50 feet unless otherwise approved by the Fire Marshal where topographic or other significant obstacles exist.

Add §D103.8 Bridges – Bridges, box culverts, or similar passageway structures built over depressions or obstacles shall be hereinafter referred to as bridges. When a bridge is required to be used as part of a driveway access road, it shall be designed and constructed per the current adopted edition of the WCDS, Chapter 5 (Road Standards), §513 (Bridges and Associated Retaining Walls) and per applicable portions of IFC §503. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Marshal.

Add §D103.9 Installation of residential accessory buildings less than 2,500 square feet, small residential/ accessory additions, and similar minor changes or alterations may be exempt or may not trigger road standard improvements on a case-by-case basis, at the discretion of the Fire Marshal.

Add §D103.10 Surface – Per Whatcom County Development Standards (WCDS), Chapter 5 (Road Standards).

Add §D103.11 Vertical clearance – Minimum 13 feet-6 inches unobstructed vertical clearance for the required width of the road.

Add §D103.12 Fire apparatus access roads serving up to 2 residential lots where building location is less than 150 feet from approved access roads require a minimum width of 12 feet (3658 mm) and a minimum vertical clearance of 13 feet-6 inches (4,115 mm).

Add §D103.13 Fire apparatus roads over (150 feet long serving up to two residential lots:

§D103.13.1 Minimum width –12-foot driving surface with turnouts no farther than every 600 feet when required by the Fire Marshal. To create a turnout, the road shall be widened to (20 feet in the direction of travel for a minimum distance of 100 feet to allow vehicles to pull over to allow emergency vehicles to proceed. Turnout shall be located approximately midpoint for driveways over 600 feet but less than 1,200 feet.

Add §D103.14 Fire apparatus access roads and access serving more than two residential units shall meet the following:

1. Standards per Whatcom County Development Standards (WCDS), Chapter 5 (Road Standards).
2. The Fire Marshal may make modifications in these standards if the road is not buildable because of topography, waterways, nonnegotiable grades, or similar conditions. These modifications shall be based on:

- a. The building being protected by a minimum NFPA 13D Automatic Sprinkler System.
- b. Additional fire protection features as required by the Fire Marshal.
3. When in the opinion of the Fire Marshal a residential addition or a new detached accessory building will not create a more significant fire load or hazardous situation, exceptions may be made for:
  - a. Minor additions to existing dwellings not exceeding 1,248 square feet of net measurable fire area where the total measurable fire area of the contiguous building (new and existing) does not exceed 4,000 square feet.
  - b. One small, detached accessory building not exceeding 864 square feet in measurable fire area or where the aggregate measurable fire area of all detached accessory buildings on a site does not exceed 864 square feet.

Add §D103.15 Emergency vehicle access roads or driveways shall not be obstructed in any manner, including the parking of vehicles. Width and clearance requirements of these standards shall be maintained at all times.

Add §D103.16 Private roads and driveways shall meet Whatcom County Development Standards and Drawings Chapter 5 (Roads & Related Work).

#### **15.04.050 Permit Expirations and Violations of the Above-Referenced Codes.**

##### **A. Expiration.**

1. IBC §105.5 and IRC §R105.5 are amended to read as follows:

Every permit issued under the provisions of this code, according to IBC §105.5 and IRC §R105.5, shall expire and become null and void, if the work authorized by such permit is not commenced within 180 days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The building official is authorized to grant, in writing, one or more extensions of time, for a period not more than 180 days each. The extension shall be requested in writing and justifiable causes demonstrated. In the event of permit expiration, before such work can recommence, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year. These permits are only transferable with the prior approval of the Building Official and any change in occupancy, operation, tenancy, or ownership shall require that a new permit be issued.

2. IFC §105.3.1 is amended to read as follows:

Every permit issued under the provisions of this code, according to IFC §105, shall expire and become null and void, if the work authorized by such permit is not commenced within 180 days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The fire code official (designated as the fire marshal) is authorized to grant, in writing, one or more extensions of time for a period not more than 180 days each, except that expiration

and extension shall not apply to open burning permits. The extension shall be requested in writing and justifiable causes demonstrated. In the event of permit expiration, before such work can recommence, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. An operational permit under the IFC shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. These permits are not transferable and any change in occupancy, operation, tenancy, or ownership shall require that a new permit be issued.

B. Construction without Permit.

1. The following paragraphs shall be added to IBC §114.1, IRC §R113.1, and IFC §110.1:  
When construction and/or development has occurred on a site without a valid permit as required by this chapter, any and all permits or approvals issued by the County may be denied for that site until the issue has been resolved. In addition, prompt restoration of the site to its original condition will be required. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use for which it authorizes is lawful. The issuance or granting of a permit or approval of plans shall not prevent the Director of Planning & Development Services, the Building Official, the Fire Code Official, or any administrator who has been granted authority by the Director from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this code or of any other ordinance or from revoking any certificate of approval when issued in error.

When construction, development, modification, or any changes to a structure have taken place without a valid permit as required by this chapter, the County may, at its discretion and as it deems necessary for compliance, require the structure to be restored to its original construction/condition. This may include, but is not limited to, complete or partial demolition of the structure or remodel; removal of framed walls or other structural components; electrical systems and/or components; cabinets, doors, countertops, fixtures, drywall; plumbing and/or plumbing fixtures; applicable appliances. Time lines required to restore the structure to its original condition shall be at the discretion of the County.

C. Stop Work Orders.

1. IBC §115 , IRC §R114 , and IFC §112 are amended to read as follows:  
In the event any person, firm, partnership, corporation or other entity violates any provision of this ordinance or any code adopted by this ordinance, the County may issue a notice of violation, to be delivered to the owner, operator, or their agent, or to be conspicuously posted at the site. In a non-emergency situation, such notice may include notice of the intent to issue a stop work order no less than 10 calendar days following the receipt of the



notice, and provide for an administrative pre-deprivation hearing within 10 calendar days of notice/order. In an emergency situation where there is a significant threat to public safety or the environment, the County may issue a stop work order. The stop work order shall include, in writing, the right to request an administrative post-deprivation hearing within 72 hours following receipt of the stop work order. Failure to comply with the stop work order shall be a gross misdemeanor punishable upon conviction by a minimum fine of \$500.00 up to a maximum fine of \$1,000 or one year in jail, or both. Under no circumstance may the court defer or suspend any portion of the minimum \$500 fine for any conviction under this section. Each day or part thereof of noncompliance with said order to stop work shall constitute a separate offense.

D. Violation Deemed Misdemeanor.

1. IBC §114 of the, IRC §R113 , and IFC §110 are amended to read as follows:

Except as specified below, any violation of the provisions of the International Building, Fire, Residential or other related codes as herein adopted is a misdemeanor. Any person, firm or corporation violating any of the provisions of this code or failing to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents, directives or conditions of the Building Official or the Fire Code Official or the Director of Planning and Development Services or of a permit or certification used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*EXCEPTION:* Violations of IFC §307 (Open Burning and Recreational Fires) shall constitute Class 1 civil infractions pursuant to RCW 7.80.120. The maximum penalty and the default amount for such violations shall be consistent with Chapter 7.80 RCW. All violations shall be heard and determined in accordance with the system established in Chapter 7.80 RCW. After having been found to have committed two successive infractions for violations of the same provision of this title on the same property, any person, firm, or corporation who continues to violate this title in the same manner on the same property shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment not exceeding 90 days, or both such fines and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

E. Notice of Violations.

1. IFC §110.3 of the is amended to read as follows:

When the Fire Code Official, referred to as the Fire Marshal, finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe. When immediate compliance is not possible, a time shall be specified for re-inspection. In special situations citations could be issued to individuals violating this code.

## F. Civil Penalty.

1. Any person, firm, partnership, corporation or other entity violating any of the provisions of this chapter, or of the codes adopted by reference by this chapter, shall be deemed guilty of a civil offense and each day during which such violation is continued or committed shall constitute a separate offense, and shall be fined not more than \$1,000 for each offense. The penalty provided in this section shall be imposed by a notice in writing and delivered by personal service to the owner, the owner's agent, the operator and/or violator, and/or sent by certified mail, and/or be conspicuously posted at the site. The notice shall include the amount of the penalty imposed and shall describe the violation with reasonable particularity in ordering the act(s) constituting the violation(s) to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time. The notice may simultaneously accompany a notice of penalty.
2. Within 30 days after the notice is received, the person incurring the penalty may apply in writing to the Building Official for remission or mitigation of such penalty. Upon receipt of the application, said department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper.
3. The final decision of the Building Official, Fire Marshal, or the Director of Planning and Development Services on mitigation or revision shall be reviewed by the County Council, if the person being penalized files a written appeal therewith of said decision, within 10 days of its issuance. The decision of the County Council regarding the penalty imposed shall be final.
4. A fee, as established in the Unified Fee Schedule, shall be paid to the County Council office upon filing of such an appeal. This fee shall not apply to appeals initiated by a County department. If an appellant prevails in an appeal of final decisions of the Building Official, Fire Code Official, or the Director of Planning and Development Services, on mitigation or revision of the penalty to the County Council, the appellant's appeal fees shall be refunded.
5. In addition to the civil penalties described above, the Prosecuting Attorney may in his discretion bring such injunctive, declaratory, or other actions as deemed necessary to ensure that violations of this chapter are prevented or cease, and to otherwise enforce the provisions of this chapter.