

## POULSBO DISTRIBUTION SCHEDULE

**ORDINANCE NO. 2021-09**

**SUBJECT: PMC Building Code Update**

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### CONFORM AS TO DATES & SIGNATURES

- ☒ Filed with the City Clerk: 07/29/21
- ☒ Passed by the City Council: 08/04/21
- ☒ Signature of Mayor
- ☒ Signature of City Clerk
- ☒ Publication: 08/19/21
- ☒ Effective: 08/14/21
- ☐ Recorded: \_\_\_\_\_

### DISTRIBUTED COPIES AS FOLLOWS:

- ☒ NK Herald: (Seattle Times) 08/5/21
- ☒ Code Publishing
- ☐ City Attorney
- ☒ Clerk's Department:
- ☐ City Council
- ☐ Finance:
- ☒ Posted to Library Drive and Website
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- ☐ \_\_\_\_\_

Rhiannon Fernandez

City Clerk

08/5/21

Date

## ORDINANCE NO. 2021-09

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING TITLE 15 IN ITS ENTIRETY OF THE POULSBO MUNICIPAL CODE IN ORDER TO REVISE LANGUAGE AND STRUCTURE TO BE CONSISTENT WITH MODEL CODE AND PROVIDE CLARITY FOR BOTH THE PUBLIC AND CITY STAFF.

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**WHEREAS,** Title 15 of the Poulsbo Municipal Code regulates the City of Poulsbo's construction code and amendments to adopted state building codes pursuant to RCW 35A.12.140; and

**WHEREAS,** The City desires to clarify Poulsbo Municipal Code to be consistent with the structure of the Model Codes adopted by the State of Washington; and

**WHEREAS,** chapters 15.12, 15.14, 15.16, and 15.18 are repealed in their entirety and incorporated as amendments to the Model Codes in chapter 15.04, NOW THEREFORE,

**THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Adoption of Findings.** The recitals set forth above are hereby adopted as the City of Poulsbo City Council's findings justifying the revisions to the chapter of code adopted by this ordinance.

**Section 2. Adoption of PMC Title 15 and its respective chapters.** Title 15 in its entirety is hereby amended as shown in Attachment A.

**Section 3. Severability.** If any section, subsection, or paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of the ordinance or its application to any other person or situation.

**Section 4. Effective Date.** This ordinance shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

DocuSigned by:



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MAYOR, BECKY ERICKSON

ATTEST/AUTHENTICATED

DocuSigned by:  
  
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CITY CLERK, RHIANNON FERNANDEZ, CMC

APPROVED AS TO FORM:

DocuSigned by:  
  
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JAMES E. HANEY, CITY ATTORNEY

FILED WITH CITY CLERK: 07/29/2021  
PASSED BY THE CITY COUNCIL: 08/04/2021  
PUBLISHED: 08/09/2021  
EFFECTIVE DATE: 08/14/2021  
ORDINANCE NO.: 2021-09

## **SUMMARY OF ORDINANCE NO. 2021-09**

On July 14, 2021, the City Council of the City of Poulsbo passed Ordinance No. 2021-09. A summary of the content of said ordinance, consisting of the title, provides as follows:

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

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING TITLE 15 IN ITS ENTIRETY OF THE POULSBO MUNICIPAL CODE IN ORDER TO REVISE LANGUAGE AND STRUCTURE TO BE CONSISTENT WITH MODEL CODE AND PROVIDE CLARITY FOR BOTH THE PUBLIC AND CITY STAFF.

DATED August 4, 2021.

DocuSigned by:  
  
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CITY CLERK RHIANNON FERNANDEZ

## **Title 15**

### **BUILDINGS AND CONSTRUCTION**

#### Chapters:

- 15.01 Preliminary Article**
- 15.04 City Construction Code**
- 15.05 Outdoor Lighting Regulations**
- 15.06 Manufactured Home Installations**
- 15.07 Moving Buildings**
- 15.08 Outdoor Sound Systems**
- 15.24 Floodplain Management**
- 15.28 Right-of-Way Use Permits**
- 15.30 Latecomer Agreements for Street and Utility Improvements**
- 15.32 Regulation of Construction Hours**
- 15.35 Tree Cutting and Clearing**
- 15.40 Grading**

## **Chapter 15.01**

### **PRELIMINARY ARTICLE**

#### Sections:

- 15.01.010 Preliminary article.
- 15.01.020 Classification of crimes.

#### **15.01.010 Preliminary article.**

A. The sections of adopted RCWs and WACs as set forth as in this title, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded. In opting to adopt state statutes by reference in this title, only those crimes and offenses within the jurisdiction of the city are intended to be adopted and in those sections adopted which deal with both misdemeanors and felonies, only the language applicable to misdemeanors is to be applied.

B. If any section, subsection, sentence, or provision of this chapter, or its application to any person or circumstance, is held invalid, the remainder of this chapter, or the application of the section, subsection, sentence, or provision to other persons or circumstances is not affected, and to this end, the sections, subsections, sentences, and provisions of this chapter are declared to be severable.

C. By adopting state statutes, the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes. Whenever the word “state” shall appear in any statute adopted by reference in this chapter, the word “city” shall be substituted therefor; provided, however, the term “city” shall not be substituted for the term “state” in those circumstances that set forth administrative or licensing duties of the state and its subdivisions.

D. Whenever a state statute or WAC specifically adopted in this chapter refers to another state statute or WAC not specifically adopted in this chapter, the statute referred to shall be given the force and effect necessary to enforce the statute specifically adopted in this chapter.

E. Any section of this chapter that is repealed or amended by ordinance shall remain in full force and effect until the effective date of the ordinance repealing or amending the section. Any state statute that is adopted by reference which is later amended, repealed, or recodified shall remain in full force and effect until the effective date of the legislative act that repeals, recodifies, or amends the state statute. The amendment or recodification of any state statute adopted in this chapter shall be given its full force and effect upon the effective date of its amendment or recodification.

F. Except as otherwise specifically provided herein, any person violating this title shall be guilty of a misdemeanor.

G. Each separate day during which any violation occurs or continues shall be deemed to constitute a separate violation thereof and a separate offense thereunder. (Ord. 2007-43 § 17, 2007)

**15.01.020 Classification of crimes.**

A. For the purpose of this title, RCW 9A.04.040, Classes of crimes, and RCW 9A.20.010, Classification and designation of crimes, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein.

B. For the purpose of this title, RCW 9A.20.021, Maximum sentences for crimes committed July 1, 1984, and after, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

1. Gross misdemeanor: maximum penalty is three hundred sixty-five days in jail and/or fine of five thousand dollars, or by both such imprisonment and fine.

2. Misdemeanor: maximum penalty is ninety days in jail and/or a fine of one thousand dollars, or by both such imprisonment and fine.

C. For the purpose of this title, RCW 9A.20.030, Alternative to a fine—Restitution, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

D. For the purpose of this title, “infraction” means a civil infraction pursuant to Infraction Rules for Courts of Limited Jurisdiction (“IRLJ”) and any local rule adopted thereto by the Poulsbo municipal court.

E. For the purpose of this title, RCW 7.80.120, Monetary penalties—Restitution, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

1. Class 1, 2 and 3 civil infraction maximum penalties as set in Chapter 7.80 RCW. (Ord. 2007-43 § 18, 2007)

**Chapter 15.04****CITY CONSTRUCTION CODE\***

## Sections:

- 15.04.010 Title.
- 15.04.020 State Building Code adopted.
- 15.04.035 Fee schedule—Building code.
- 15.04.040 International codes—Copies on file.
- 15.04.050 Interpretation—Definitions.
- 15.04.135 Abatement—Interest.
- 15.04.136 Abatement—Definition of costs.
- 15.04.160 Sign permit
- 15.04.190 Construction board of appeals.
- 15.04.200 Contractor registration.
- 15.04.210 Compliance with zoning and environmental regulations required.
- 15.04.220 Inspections.
- 15.04.230 Notice of infraction.
- 15.04.240 Enforcement.
- 15.04.250 Amendments to the International Building Code.
- 15.04.260 Amendments to the International Existing Building Code.
- 15.04.270 Amendments to the International Residential Code.
- 15.04.280 Amendments to the International Mechanical Code and International Fuel Gas Code.
- 15.04.290 Amendments to the International Fire Code.
- 15.04.300 Amendments to the Uniform Plumbing Code.
- 15.04.310 Amendments to the International Property Maintenance Code.



\* Prior ordinance history: Ords. 84-16, 84-41, 85-11, 85-18, 85-28, 86-07, 86-43, 87-07 and 88-42.

**15.04.010 Title.**

This chapter shall be known as “the city of Poulsbo construction code.” (Ord. 89-44 § 1 (part), 1989)

**15.04.020 State Building Code adopted.**

A. Pursuant to RCW 35A.12.140 and 19.27, the following codes of technical regulations are hereby adopted by this reference as if set forth in full, subject to the modifications or amendments set forth in this chapter:

1. The current edition of the International Building Code, as published by the International Code Council (ICC), as adopted by the Washington State Building Code Council in Chapter 51-50 WAC, including Appendix E, ICC/ANSI 117.1, and the International Existing Building Code, including Appendix A;
2. The current edition of the International Residential Code, as published by the ICC, as adopted by the Washington State Building Code Council in Chapter 51-51 WAC, including Appendices F, Q, and U;
3. The current edition of the International Mechanical Code, as published by the ICC, as adopted by the Washington State Building Code Council in Chapter 51-52 WAC, including the International Fuel Gas Code, NFPA 58 Liquefied Petroleum Gas Code and NFPA 54 National Fuel Gas Code;
4. The current edition of the International Fire Code, as published by the ICC, as adopted by the Washington State Building Code Council in Chapter 51-54A WAC. including Appendix B, Appendix C and Appendix D;
5. The current edition of the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, as adopted by the Washington State Building Code Council in Chapter 51-56 WAC, including Appendices A, B and I;
6. The current edition of the International Energy Conservation Code, Commercial, as published by the ICC, as adopted by the Washington State Building Code Council in Chapter 51-11C WAC;
7. The current edition of the International Energy Conservation Code, Residential, as published by the ICC, as adopted by the Washington State Building Code Council in Chapter 51-11R WAC;
8. The current edition of the International Property Maintenance Code, as published by the ICC; and

B. In the case of a conflict between the codes adopted in subsection A of this section and the provisions of this chapter, the provisions of the Poulsbo Municipal Code shall prevail. In the case

of a conflict between the codes enumerated in 15.04.020(A)(1) through (8), the first named shall govern over the those following or the more stringent (greater protection) code adopted shall govern.

C. Corrections. Publishing or typographical error corrections as identified in Errata published by the International Code Council or International Association of Plumbing Officials shall become part of this code as if contained herein.

(Ord. 2017-11 § 1, 2017; Ord. 2016-10 § 2 (part), 2016; Ord. 2014-03 § 1, 2014; Ord. 2010-14 § 1, 2010; Ord. 2007-18 § 1, 2007; Ord. 2004-14 § 1, 2004; Ord. 98-16 § 1, 1998; Ord. 95-30 § 1, 1995; Ord. 91-24 § 1, 1991; Ord. 90-02 § 1, 1990; Ord. 89-44 § 1 (part), 1989)

#### **15.04.035 Fee schedule—Building code.**

The permit and inspection fees that shall apply to permits and inspections required under the codes adopted in PMC 15.04.020 shall be established by resolution of the Poulsbo city council establishing such fees pursuant to Section 3.12.020.

When permit fees are based on the determination of value or valuation under any of the provisions of this code, the value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and other permanent equipment. When portions of the building are to be constructed or installed under separate permit(s), the deferred permit(s) shall have permit fees based on the valuation of the work to be done or per the permit fees established in Section 3.12.020.

Plan Review Fee. When submittal documents are required to be reviewed by Section 107 of the International Building Code, a plan review fee shall be paid at the time of submitting the submittal documents for review. Said plan review fee shall be sixty-five percent of the building permit fee established by resolution of the city council per Section 3.12.020.

The plan review fees specified in this section are separate fees from the building permit fees and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review per Section 107.4 or when the project involves deferred submittal items as defined in Section 107.3.4.1 of the International Building Code, an additional plan review fee shall be charged at the rate shown in the fee resolution adopted by the city council.

Public agencies and nonprofit organizations developing affordable housing as described in Poulsbo's Comprehensive Plan Goal HS-4 with one plan for more than one building may elect to participate in the city's "registered plan program." The plan review fee for the initial registered plan review shall be sixty-five percent of the building permit fee as shown in the fee resolution adopted by the city council. Valuations used to compute the plan review and permit fees shall include all options submitted with the registered plan. After the initial review and approval of a registered plan, subsequent plan review fees shall be reduced by fifty percent (i.e., to thirty-two and one-half percent of the building permit fee as shown in the fee resolution adopted by the city council). Plan review fees for subsequent building permit applications attached to an approved registered plan shall be thirty-two and one-half percent of the building permit fee as shown in the

fee resolution adopted by the city council. (Ord. 2016-10 § 2 (part), 2016; Ord. 2015-11 § 2, 2015; Ord. 2005-32 § 2, 2005; Ord. 2004-14 § 6, 2004; Ord. 99-28 § 1, 1999)

**15.04.040 International codes—Copies on file.**

One copy of each of the codes adopted pursuant to Section 15.04.020 of this chapter shall be available for use and examination by the public in the offices of the building department, pursuant to RCW 35A.12.140. (Ord. 2016-10 § 2 (part), 2016; Ord. 89-44 § 1 (part), 1989)

**15.04.050 Interpretation—Definitions.**

In interpreting the provisions of any of the codes adopted by reference in Section 15.04.020, the following terms shall be given the meanings set forth in this section:

- A. “City” means the city of Poulsbo.
- B. “Building official” means the building official of the city or duly authorized representative.
- C. “Owner” means any person, agent, firm or corporation which holds the fee title to real property or which holds a valid purchaser’s contract for purchase of real property which is filed for record with the auditor of Kitsap County.
- D. “Enforcement officer” means the building official or designee, or fire chief or fire marshal, when enforcement relates to any code or provision in this title. (Ord. 2016-10 § 2 (part), 2016; Ord. 89-44 § 1 (part), 1989)
- E. “Fire protection area” means the gross floor area within the exterior walls, including basements and mezzanines, and under projections of roof or floor above when exterior walls are not present. Buildings divided into separate buildings by fire walls complying with the provisions of Section 706 of the International Building Code may be considered separate fire protection areas.

**15.04.135 Abatement—Interest.**

The city shall impose interest on all assessments levied pursuant to the abatement provisions of the International Property Maintenance Code from the date the city records the assessment on the city’s abatement assessment roll until the assessment obligation is paid in full. The city shall impose interest at the rate of ten percent per year or the rate charged to the city for obtaining the funds necessary to abate or repair buildings pursuant to said code, whichever interest is greater. (Ord. 2004-14 § 5 (part), 2004; Ord. 90-08 § 2, 1990)

**15.04.136 Abatement—Definition of costs.**

The term “costs” as used in the abatement provisions of the International Property Maintenance Code shall include the cost of labor and materials utilized to repair or abate any structure or building pursuant to said abatement provisions of said code, all legal expenses and fees incurred by the city acting pursuant to the abatement provisions of said code, any interest expense incurred by the city for obtaining funds necessary to perform any actions pursuant to said abatement provisions until such interest expense is governed by the provisions of Section 15.04.135, any administrative cost incurred by the city acting pursuant to said abatement

proceedings, and any other reasonable cost incurred by the city acting pursuant to said abatement proceedings. (Ord. 2004-14 § 5 (part), 2004: Ord. 90-08 § 3, 1990)

(Ord. 2004-14 § 9 (part), 2004: Ord. 2003-16 § 34 (part), 2003: Ord. 98-16 § 3, 1998: Ord. 95-30 § 5, 1995; Ord. 89-44 § 1 (part), 1989)

#### **15.04.160 Sign permit.**

A sign permit is required for the erection, construction, enlargement or structural alteration of all signs located within the city limits of Poulsbo regardless of the value of the sign, except those signs specifically exempted by Chapter 18.170.040. The sign permit, sign variance and sign plan checking fees shall be as set forth in Section 3.12.020 (Ord. 2016-10 § 2 (part), 2016: Ord. 2004-14 § 9 (part), 2004: Ord. 2003-16 § 34 (part), 2003: Ord. 89-44 § 1 (part), 1989)

#### **15.04.190 Construction board of appeals.**

A. In order to provide for final interpretation of the provisions of this chapter and all the codes adopted by this chapter and to hear appeals provided for under such codes, the hearing examiner shall serve as a construction board of appeals.

B. All appeals under this section shall be processed according to the rules and regulations of the hearing examiner and the ordinances governing the same, except that:

1. All appeals of decisions under the International Property Maintenance Code shall be held pursuant to Section 111 of that code;
2. The hearing need not be public unless the hearing examiner determines in his or her sole discretion that because of the importance of, or public interest in, the particular appeal a public hearing would be in the public interest, in which case a public hearing shall be held in accordance with the procedures set forth by ordinance for public hearings before the hearing examiner. Notice of the hearing shall be given by completion of each of the following at least ten days prior to the hearing:
  - a. Publication in the city's official newspaper; and
  - b. Posting notice of the hearing at a conspicuous place on the property; and
  - c. Posting a notice of the hearing at three public places normally used by the city for posting notices; and
  - d. Mailing notice of the hearing to all owners of property within four hundred feet of the property to which the appeal relates, as shown by the records of the county assessor.

C. In the event that the hearing examiner shall determine, in his or her discretion, that certain tests or research would prove helpful in deciding the appeal and the issues raised thereby, the appellant shall cause such research or tests to be completed at the appellant's own expense and within such time as may be specified by the hearing examiner. (Ord. 2007-26 § 3, 2007: Ord. 2004-14 § 7, 2004: Ord. 89-44 § 1 (part), 1989)

**15.04.200 Contractor registration.**

No permit shall be issued for work which is to be done by any contractor required to be registered under Chapter 18.27 RCW without proof that such contractor is currently registered as required by law. (Ord. 89-44 § 1 (part), 1989)

**15.04.210 Compliance with zoning and environmental regulations required.**

A. No construction permit or approval governed by this chapter or any of the codes adopted herein, including, but not limited to, any building, grading, plumbing or mechanical permit or certificate of occupancy, shall be issued unless the permit complies with any and all conditions imposed by the city of Poulsbo as part of the city's land use approval process. Such conditions may include, but shall not be limited to, conditions imposed as part of any:

1. Site plan approval;
2. Rezone;
3. Variance;
4. Conditional use permit;
5. Nonresidential mobile structure permit;
6. Shoreline substantial development permit;
7. Shoreline variance;
8. Shoreline conditional use permit;
9. Subdivision;
10. Short plat;
11. SEPA mitigation measure; or
12. Any other land use approval process encompassed within the Poulsbo Municipal Code.

B. No construction permit for any property to be served by a septic system shall be issued unless and until the application for the permit has been approved by the Bremerton-Kitsap County Department of Public Health. The Health Department shall review an application to ascertain the adequacy of the sewerage systems proposed by the applicant. (Ord. 89-44 § 1 (part), 1989)

**15.04.230 Notice of infraction.**

Whenever the enforcement officer determines that any activity, condition, structure, construction, building or use exists or is being conducted in a manner which does not conform to the provisions of this chapter, or any code adopted herein, the enforcement officer may issue a notice of infraction in accordance with Chapter 1.16. (Ord. 2013-05 § 4, 2013; Ord. 89-44 § 1 (part), 1989)

**15.04.240 Enforcement.**

A. Violation. It is unlawful for any person, firm or corporation to violate any provision of this chapter, or any code adopted herein, or to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, within the city, or to use any land, contrary to, or in violation of, any of the provisions of this chapter, or any code adopted herein.

B. Penalty for Certain Fire Code Violations. Any person, firm or corporation who shall commit any violation of Sections 107.1, 109.3.4, 901.8, 901.8.1, 1003.6 or 1010 of the International Fire Code by criminal negligence as defined in RCW 9A.08.010(1)(d) and (2) as those statutes now exist or may hereafter be amended shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five thousand dollars or imprisonment for a period not to exceed one year, or by both such fine and imprisonment. In addition, each day or portion thereof during which any such violation is committed or permitted to exist shall constitute a separate offense.

C. Penalty for First Offense or Other Violations. Any person, firm or corporation who shall commit any violation of this chapter, or any code adopted herein, other than those specified in subsection B of this section, where such violation constitutes a first offense, shall have committed a civil infraction and, upon a finding by the Poulsbo municipal court that such infraction has been committed, shall pay a monetary penalty to the city of Poulsbo in an amount not to exceed two hundred fifty dollars.

D. Penalty for Second or Subsequent Offense. Any person who violates or fails to comply with any of the provisions of this chapter, or any code adopted herein, where such person has been adjudged by the Poulsbo Municipal Court to have committed a previous violation of such provision, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars or imprisonment for a period not to exceed 90 days or by both such fine and imprisonment. In addition, each day or portion thereof during which any violation of this chapter, or any code adopted herein, is committed or permitted to exist shall constitute a separate offense.

E. Conflicts. The penalties provided in this section are intended to be in addition to, and not to supersede, any noncriminal and noncivil infraction penalties provided in any of the codes adopted in Section 15.04.020. In the event of a conflict between the penalty provisions of this section and the penalty provisions in any of the said codes, this section shall control.

F. Additional Remedies. In addition to any other remedy provided by this chapter, the city may initiate injunction or abatement proceedings or any other appropriate action in the courts against any person who violates or fails to comply with any provision of this chapter, or any code adopted herein, to prevent, enjoin, abate or terminate such violation or to restore a condition which existed prior to the violation. Every violation of this chapter, or any code adopted herein, is declared to be a nuisance, and any and all remedies available to prevent or abate nuisances may be used by the city in enforcing the provisions. In all injunctions, abatement and nuisance proceedings, the violator shall be required, in addition to any other relief, to pay the costs of such action, including reasonable attorneys fees. (Ord. 2016-10 § 2 (part), 2016; Ord. 2004-14 § 8, 2004; Ord. 98-16 § 5, 1998; Ord. 95-30 § 7, 1995; Ord. 89-44 § 1 (part), 1989)

**15.04.250 Amendments to the International Building Code.**

The following local amendments to the International Building Code adopted in PMC [15.04.020](#) are hereby adopted and incorporated into the International Building Code:

A. Title. Section 101.1 of the International Building Code entitled “General – Title” is amended to read as follows:

**Sec. 101.1 Title.** These regulations shall be known as the Building Code of the City of Poulsbo, hereinafter referred to as “this code.”

B. Appendices. Section 101.2.1 of the International Building Code, entitled “General - Appendices,” is amended to read as follows:

**Sec. 101.2.1 Building code appendices adopted.** Appendices E and J to the International Building Code is hereby adopted; however, the city engineer shall have the authority to enforce and interpret Appendix J and, accordingly, all references to the "building official" in Appendix J shall be substituted with the words "city engineer."

C. Plumbing. Section 101.4.3 of the International Building Code entitled “General – Plumbing” is amended to read as follows:

**Sec. 101.4.3 Plumbing.** The provisions of the Uniform Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

D. Energy. Section 101.4.6 of the International Building Code, entitled "General - Energy," is amended to read as follows:

**Sec. 101.4.6 Energy.** The provisions of the Washington State Energy Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

E. Washington State Referenced Codes. Section 101.4 of the International Building Code, entitled "General," is amended by adding Subsection 101.4.8 to read as follows:

**Sec. 101.4.8 Washington State Referenced Codes.** Wherever the adopted codes state the International Plumbing Code, it shall mean the Uniform Plumbing Code as adopted by the State of Washington. Wherever the adopted codes state the National Electrical Code (NFPA 70), it shall mean the electrical code as adopted by the State of Washington in accordance with RCW 19.28 and WAC 296-46B. Wherever the adopted codes state the International Energy Conservation Code, it shall mean the Washington State Energy Code as adopted by the State of Washington.

F. Corrections. Section 101.4 of the International Building Code, entitled "General," is amended by adding the following new Subsection 101.4.9 to read as follows:

**Sec. 101.4.9 Corrections.** Publishing or typographical error corrections as identified in Errata published by the International Code Council shall become part of this code as if contained herein.

G. Permits. Section 105.1 of the International Building Code, entitled “Permits - Required,” is amended by adding an additional section, 105.1.3 to read as follows:

**Sec. 105.1.3 Permit Required Prior to Occupancy, Shell Building.** When a building is constructed with future tenant spaces intended to be finished or occupied at a later date, a separate building permit is required for each tenant space prior to any tenant occupancy. Upon approval of all required inspections and completion of the scope of the permit to finish or occupy the tenant space, a certificate of occupancy shall be issued.

**Exception:** Individual rental units of mini-storage buildings.

H. Work exempt from permit. IBC Section 105.2, Building, Item #2, of the International Building Code entitled “Permits - Work exempt from permit” is amended to read as follows:

**Sec. 105.2, Building, Item #2.** Fences not over 6 feet high per PMC 18.70.070.M.2.

I. Work exempt from permit. IBC Section 105.2 of the International Building Code entitled “Permits - Work exempt from permit” is amended by adding Item 4 under Electrical to read as follows:

**Sec. 105.2, Electrical. 4. Electrical permits.** Electrical permits, inspections and approvals shall be under the jurisdiction of the Washington State Department of Labor and Industries, Electrical Section, under the provisions of this code.

J. Expiration. Section 105.5 of the International Building Code entitled “Permits - Expiration” is amended to read as follows:

**Sec. 105.5. Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Having required inspections performed and approved within every 180 days is evidence that work has commenced and is continuing. Permits that do not receive an inspection within 180 days of permit issuance, or within 180 days since the previous approved inspection, shall automatically expire and become invalid. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

K. Revised certificate of occupancy. Section 111 of the International Building Code entitled “Certificate of occupancy” is amended by adding Section, 111.5 to read as follows:

**Sec. 111.5 Revised certificate of occupancy.** A revised certificate of occupancy shall be



issued upon a change of the information having to do with the business supplied in Section 111.2. It shall be the responsibility of the owner of the business to inform the Building Department of the changes in order to maintain current and accurate information.

L. Construction board of appeals. Section 113.1 of the International Building Code entitled “Board of Appeals – General” is amended to read as follows:

**Sec. 113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official or designated code enforcement official relative to the application and interpretation of this code, the hearing examiner shall serve as a construction board of appeals pursuant to PMC 15.04.190.

M. Address identification. Section 502.1 of the International Building Code entitled “Building Address - Address identification” is amended to read as follows:

**Sec. 502.1 Address identification.** New and existing buildings shall be provided with approved address identification as regulated in PMC 12.24.

N. Supervisory service. Section 901.6 of the International Building Code entitled “General - Supervisory service” is amended to read as follows:

**Sec. 901.6 Supervisory service.** Where required, fire protection systems shall be monitored by an approved central station conforming to ANSI/UL Standard 827 and listed by Underwriters Laboratory (UL).in accordance with NFPA 72.

O. Monitoring of automatic sprinkler systems. Section 901.6.1 of the International Building Code entitled “General - Automatic sprinkler systems” is amended to read as follows:

**Sec. 901.6.1 Automatic sprinkler systems.** Automatic sprinkler systems shall be monitored by an approved central station conforming to ANSI/UL Standard 827 and listed by Underwriters Laboratory (UL).

**Exceptions:**

1. A U.L. listed central monitoring station is not required for automatic sprinkler systems protecting one- and two-family dwellings.
2. Limited area systems in accordance with Section 903.3.8.

P. Monitoring of fire alarm systems. Section 901.6.3 of the International Building Code entitled “General - Fire alarm systems” is amended to read as follows:

**Sec. 901.6.3 Fire alarm systems.** Fire alarm systems required by the provisions of Section 907.2 of this code, Sections 907.2 and 907.9 of the International Fire Code, and Section 15.16 shall be monitored by an approved central station conforming to ANSI/UL Standard 827 and listed by Underwriters Laboratory.

**Exceptions:**

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Smoke detectors in Group I-3 occupancies.
3. Supervisory service is not required for automatic sprinkler systems in one- and two-family dwellings.

Q. Fire protection areas. Section 901.7 of the International Building Code entitled “General - Fire areas” is amended to read as follows:

**901.7 Fire protection areas.** Where buildings, or portions thereof, are divided into fire protection areas so as not to exceed the limits established for requiring a fire protection system in accordance with this chapter, such fire protection areas shall be separated by fire walls constructed in accordance with Section 706 of the International Building Code having a fire-resistance rating of not less than that determined in accordance with Section 706.4 of the International Building Code.

R. Automatic sprinkler systems. Section 903.2 of the International Building Code entitled “Automatic sprinkler systems – Where required” is amended to read as follows:

**Sec. 903.2 Where required.** Approved automatic sprinkler systems shall be provided in new buildings and structures and in existing buildings and structures undergoing change of use in the locations described in Sections 903.2.1 through 903.2.12.

**Exception:** Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 or not less than 2-hour horizontal assemblies constructed in accordance with Section 711, or both.

S. Group A. Section 903.2.1 of the International Building Code entitled “Automatic sprinkler systems - Group A” is amended to read as follows:

**Sec. 903.2.1 Group A.** An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section.

**Sec. 903.2.1.1 Group A-1.** An automatic sprinkler system shall be provided throughout buildings containing Group A-1 occupancies where any of the following conditions exists:

1. The fire protection area exceeds 10,000 square feet.
2. The fire protection area has an occupant load of 300 or more.
3. The occupancy is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire protection area contains a multi-theater complex.
5. The building exceeds three stories in height above grade plane.

6. The building exceeds 30 feet in height above grade plane.

**903.2.1.2 Group A-2.** An automatic sprinkler system shall be provided throughout buildings containing Group A-2 occupancies where any of the following conditions exists:

1. The fire protection area exceeds 5,000 square feet.
2. The fire protection area has an occupant load of 100 or more.
3. The occupancy is located on a floor other than a level of exit discharge serving such occupancies.
4. The building exceeds three stories in height above grade plane.
5. The building exceeds 30 feet in height above grade plane.

**Sec. 903.2.1.3 Group A-3.** An automatic sprinkler system shall be provided throughout buildings containing Group A-3 occupancies where any of the following conditions exists:

1. The fire protection area exceeds 10,000 square feet.
2. The fire protection area has an occupant load of 300 or more.
3. The occupancy is located on a floor other than a level of exit discharge serving such occupancies.
4. The building exceeds three stories in height above grade plane.
5. The building exceeds 30 feet in height above grade plane.

**Sec. 903.2.1.4 Group A-4.** An automatic sprinkler system shall be provided throughout buildings containing Group A-4 occupancies where any of the following conditions exists:

1. The fire protection area of the building exceeds 10,000 square feet.
2. The fire protection area has an occupant load of 300 or more.
3. The fire protection area is located on a floor other than a level of exit discharge serving such occupancies.
4. The building exceeds three stories in height above grade plane.
5. The building exceeds 30 feet in height above grade plane.

(Remainder of Sec. 903.2.1 remains as adopted by the state.)

T. Group B. Section 903.2.2 of the International Building Code entitled “Automatic sprinkler systems - Ambulatory care facilities” is amended to read as follows:

**Sec. 903.2.2 Group B.** An automatic sprinkler system shall be provided for fire protection areas containing Group B occupancies where any of the following conditions exists:

1. The fire protection area of the building exceeds 10,000 square feet.
2. The building exceeds three stories in height above grade plane.
3. The building exceeds 30 feet in height above grade plane.

**Sec. 903.2.2.1 Ambulatory care facilities.** An automatic sprinkler system shall be installed throughout the entire fire protection area containing an ambulatory care facility where either of the following conditions exist at any time:

1. Four or more care recipients are incapable of self-preservation, whether rendered incapable by staff or staff has accepted responsibility for care recipients already incapable.

2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.

U. Group E. Section 903.2.3 of the International Building Code entitled “Automatic sprinkler systems - Group E” is amended to read as follows:

**903.2.3 Group E.** An automatic sprinkler system shall be provided for fire protection areas containing Group E occupancies where the Group E fire area has an occupant load of 51 or more, calculated in accordance with Table 1004.1.2.

**Exceptions:**

1. Portable school classrooms with an occupant load of 50 or less calculated in accordance with Table 1004.1.2, provided that the aggregate area of any cluster of portable school classrooms does not exceed 6,000 square feet (557 m<sup>2</sup>); and clusters of portable school classrooms shall be separated as required by the building code; or
2. Portable school classrooms with an occupant load from 51 through 98, calculated in accordance with Table 1004.1.2, and provided with two means of direct independent exterior egress from each classroom in accordance with Chapter 10, and one exit from each class room shall be accessible, provided that the aggregate area of any cluster of portable classrooms does not exceed 6,000 square feet (557 m<sup>2</sup>); and clusters of portable school classrooms shall be separated as required by the building code; or
3. Fire areas containing day care and preschool facilities with a total occupant load of 100 or less located at the level of exit discharge where every room in which care is provided has not fewer than one exit discharge door.

V. Group F. Section 903.2.4 of the International Building Code entitled “Automatic sprinkler systems - Group F-1” is amended to read as follows:

**Sec. 903.2.4 Group F.** An automatic sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one of the following conditions exists:

1. A Group F fire protection area of the building exceeds 10,000 square feet.
2. A Group F fire protection area is located in a building that exceeds three stories above grade plane.
3. A Group F occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet.
4. The building exceeds 30 feet in height above grade plane.

(Section 903.2.4.1 Woodworking operations remains as adopted by the state.)

(Section 903.2.5 Group H remains as adopted by the state.)

W. Group I-4. Section 903.2.6.1 of the International Building Code entitled “Automatic sprinkler systems - Group I-4” is amended to read as follows:

**903.2.6.1 Group I-4.** An automatic sprinkler system shall be provided in fire protection areas containing Group I-4 occupancies where the Group I-4 fire area has an occupant load of 51

or more, calculated in accordance with Table 1004.1.2, or where any of the following conditions exists:

1. The fire protection area of the building exceeds 10,000 square feet.
2. The building exceeds three stories in height above grade plane.
3. The building exceeds 30 feet in height above grade plane.

**Exceptions:**

1. An automatic sprinkler system is not required for Group I-4 day care facilities with a total occupant load of 100 or less located at the level of exit discharge and where every room where care is provided has not fewer than one exterior exit door.
2. In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the level of exit discharge and all floors below the level of exit discharge other than areas classified as an open parking garage.

X. Group M. Section 903.2.7 of the International Building Code entitled “Automatic sprinkler systems - Group M” is amended to read as follows:

**Sec. 903.2.7 Group M.** An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire protection area exceeds 10,000 square feet.
2. A Group M is located in a building that exceeds three stories above grade plane.
3. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet.
4. The building exceeds 30 feet in height above grade plane.

(Sec. 903.2.7.1 High-piled storage remains as adopted by the state.)

(Sec. 903.2.8 Group R remains as adopted by the state.)

Y. Group S-1. Section 903.2.9 of the International Building Code entitled “Automatic sprinkler systems - Group S-1” is amended to read as follows:

**Sec. 903.2.9 Group S-1.** An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A fire protection area containing a Group S-1 exceeds 10,000 square feet.
2. A Group S-1 is located in a building that exceeds three stories in height or 30 feet in height above grade plane.
3. A Group S-1 fire protection area used for the storage of commercial motor vehicles where the Group S-1 fire area exceeds 5,000 square feet.
4. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet.

**Sec. 903.2.9.1 Repair garages.** An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 10,000 square feet.
2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 10,000 square feet.
3. Buildings with repair garages servicing vehicles parked in basements.
4. A Group S-1 fire protection area used for the repair of commercial motor vehicles where the Group S-1 fire area exceeds 5,000 square feet.

(Sec. 903.2.9.2 Bulk storage of tires remains as adopted by the state.)

Z. Group S-2. Section 903.2.10 of the International Building Code entitled “Automatic sprinkler systems - Group S-2” is amended to read as follows:

**Sec. 903.2.10 Group S-2 enclosed parking garages.** An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 where either of the following conditions exists:

1. Where the fire protection area containing the enclosed parking garage exceeds 10,000 square feet.
  2. Where the enclosed parking garage is located beneath other occupancy groups.
- Exception: Enclosed parking garages located beneath Group R-3 occupancies.

(Sec. 903.2.10.1 Commercial parking garages remains as adopted by the state.)

AA. Openings on one side only. Section 903.2.11.1.2 of the International Building Code entitled “Automatic sprinkler systems - Openings on one side only” is amended to read as follows:

**Sec. 903.2.11.1.2 Openings on one side only.** Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet from such openings, the building shall be equipped throughout with an approved automatic sprinkler system, or openings shall be provided on not fewer than two sides of the story.

BB. Basements. Section 903.2.11.1.3 of the International Building Code entitled “Automatic sprinkler systems - Basements” formerly deleted from the state adopted code is hereby reinstated into this code and amended to read as follows:

**Sec. 903.2.11.1.3 Basements.** Where any portion of a basement is located more than 75 feet from openings required by Section 903.2.11.1, or where walls, partitions or other obstructions are installed that restrict the application of water from hose streams, the building shall be equipped throughout with an approved automatic sprinkler system.

CC. Buildings 55 feet or more in height. Section 903.2.11.3 of the International Building Code entitled “Automatic sprinkler systems - Buildings 55 feet or more in height” is amended to read as follows:

**Sec. 903.2.11.3 Buildings 55 feet or more in height.** An automatic sprinkler system shall be installed throughout buildings with fire protection area exceeding 10,000 square feet or that have one or more stories with an occupant load of 30 or more located 55 feet or more above the lowest level of fire department vehicle access, measured to the finished floor.

DD. Monitoring. Section 903.4.1 of the International Building Code entitled “Automatic sprinkler systems - Monitoring” is amended to read as follows:

**903.4.1 Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved U.L. Listed central supervising station.

**Exceptions:**

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.
2. Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA72 and separately annunciated.

EE. Fire alarm and detection systems. Section 907.2 of the International Building Code entitled “Fire alarm and detection systems – Where required” is amended to read as follows:

**Sec. 907.2 Where required—new and existing buildings and structures.** An approved automatic and manual fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures and in existing buildings and structures undergoing change of use in accordance with Sections 907.2.1 through 907.2.23, and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code. Not fewer than one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or waterflow detection devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed. When required by this chapter and other adopted codes, an approved fire alarm system shall be installed and maintained in all structures whether occupied or not.

**Exceptions:**

1. The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.
2. The manual fire alarm box is not required for Group R-2 occupancies unless required by the fire code official to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm box shall not be located in an area that is accessible to the public.

An approved fire alarm system may be required in any existing building or fire protection area having greater than four thousand square foot whenever such building is remodeled, altered, or has a change in use which results in any of the following conditions:

1. Hazardous operations.
2. Hazardous contents.
3. Critical exposure problem.
4. Limited accessibility to the building.
5. Increased fire or life safety risk.

FF. Fire alarm and detection systems. Section 907.2.1 of the International Building Code entitled “Fire alarm and detection systems - Group A” is amended to read as follows:

**Sec. 907.2.1 Group A.** An automatic and manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies where the fire protection area of the building or structure exceeds 4,000 square feet or the occupant load of the fire protection area is 300 or more, or where the Group A occupant load is more than 100 persons above or below the lowest level of exit discharge. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

**Exception:** Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

GG. Fire alarm in Group B. Section 907.2.2 of the International Building Code entitled “Fire alarm and detection systems - Group B” is amended to read as follows:

**Sec. 907.2.2 Group B.** An automatic and manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group B occupancies where any of the following conditions exists:

1. The fire protection area of the building or structure exceeds 4,000 square feet.
2. The combined Group B occupant load of all floors is 500 or more.
3. The Group B occupant load is more than 100 persons above or below the lowest level of exit discharge.
4. The fire protection area contains an ambulatory care facility.

**Exception:** Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

**Sec 907.2.2.1 Ambulatory care facilities.** Fire protection areas containing ambulatory care facilities shall be provided with an electronically supervised automatic smoke detection system installed within the ambulatory care facility and in public use areas outside of tenant spaces, including public corridors and elevator lobbies.



**Exception:** Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, provided the occupant notification appliances will activate throughout the notification zones upon sprinkler waterflow.

HH. Fire alarm in Group E. Section 907.2.3 of the International Building Code entitled “Fire alarm and detection systems - Group E” is amended to read as follows:

**Sec. 907.2.3 Group E.** Group E occupancies shall be provided with a manual fire alarm system, and an automatic and manual fire alarm system when the fire protection area exceeds 4,000 square feet, that initiates the occupant notification signal utilizing one of the following:

1. An emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6; or
2. A system developed as part of a safe school plan adopted in accordance with RCW 28A.320.125 or developed as part of an emergency response system consistent with the provisions of RCW 28A.320.126. The system must achieve all of the following performance standards:
  - 2.1 The ability to broadcast voice messages or customized announcements;
  - 2.2 Includes a feature for multiple sounds, including sounds to initiate a lock down;
  - 2.3 The ability to deliver messages to the interior of a building, areas outside of a building as designated pursuant to the safe school plan, and to personnel;
  - 2.4 The ability for two-way communications;
  - 2.5 The ability for individual room calling;
  - 2.6 The ability for a manual override;
  - 2.7 Installation in accordance with NFPA 72;
  - 2.8 Provide 15 minutes of battery backup for alarm and 24 hours of battery backup for standby; and
  - 2.9 Includes a program for annual inspection and maintenance in accordance with NFPA 72.

**Exceptions:**

1. A manual fire alarm system is not required in Group E occupancies with an occupant load of 50 or less.
2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, such as individual portable school classroom buildings; provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.
3. Where an existing approved alarm system is in place, an emergency voice/alarm system is not required in any portion of an existing Group E building undergoing any one of the following repairs, alteration or addition:
  - 3.1 Alteration or repair to an existing building including, without limitation, alterations to rooms and systems, and/or corridor configurations, not exceeding 35 percent of the fire area of the building (or the fire area undergoing the alteration or repair if the building is comprised of two or more fire areas); or

- 3.2 An addition to an existing building, not exceeding 35 percent of the fire area of the building (or the fire area to which the addition is made if the building is comprised of two or more fire areas).
4. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:
- 4.1 Interior corridors are protected by smoke detectors.
  - 4.2 Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.
  - 4.3 Shops and laboratories involving dust or vapors are protected by heat detectors or other approved detection devices.
5. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:
- 5.1 The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.
  - 5.2 The emergency voice/alarm communication system will activate on sprinkler waterflow.
  - 5.3 Manual activation is provided from a normally occupied location.

II. Fire alarm in Group F. Section 907.2.4 of the International Building Code entitled “Fire alarm and detection systems - Group F” is amended to read as follows:

**Sec. 907.2.4 Group F.** An automatic and manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in fire protection areas containing Group F occupancies where any of the following conditions exist:

- 1. The Group F occupancy is two or more stories in height.
- 2. The Group F occupancy has a combined occupant load of 500 or more above or below the lowest level of exit discharge.
- 3. The fire protection area of the building or structure exceeds 4,000 square feet.

**Exception:** Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

JJ. Fire alarm in Group H. Section 907.2.5 of the International Building Code entitled “Fire alarm and detection systems - Group H” is amended to read as follows:

**Sec. 907.2.5 Group H.** An automatic and manual fire alarm system with occupant notification in accordance with Section 907.5 shall be provided in Group H occupancies located in fire protection areas exceeding 4,000 square feet, in Group H-5 occupancies and in occupancies used for the manufacture of organic coatings. An automatic smoke detection system shall be installed for highly toxic gases, organic peroxides and oxidizers in accordance with Chapters 60, 62 and 63, respectively, of the International Fire Code.

KK. Fire alarm in Group I. Section 907.2.6 of the International Building Code entitled “Fire alarm and detection systems - Group I” is amended to read as follows:

**Sec. 907.2.6 Group I.** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group I occupancies. An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be provided in accordance with Sections 907.2.6.1, 907.2.6.2, 907.2.6.3, and 907.2.6.4. A full automatic and manual fire alarm system with occupant notification shall be provided in Group I occupancies located in fire protection areas that exceed 4,000 square feet.

**Exceptions:**

1. Manual fire alarm boxes in resident or patient sleeping areas of Group I-1 and I-2 occupancies shall not be required at exits if located at nurses' control stations or other constantly attended staff locations, provided that such manual fire alarm boxes are visible and provided with ready access, and the distances of travel required in Section 907.4.2.1 are not exceeded.
2. Occupant notification systems are not required to be activated where private mode signaling installed in accordance with NFPA 72 is approved by the fire code official and staff evacuation responsibilities are included in the fire safety and evacuation plan required by Section 404 of the International Fire Code.

LL. Fire alarm in Group I-4. Section 907.2.6.4 of the International Building Code entitled “Fire alarm and detection systems - Group I-4” is amended to read as follows:

**907.2.6.4 Group I-4 occupancies.** A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group I-4 occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An automatic and manual fire alarm system shall be installed in fire protection areas exceeding 4,000 ft<sup>2</sup>.

**Exceptions:**

1. A manual fire alarm system is not required in Group I-4 occupancies with an occupant load of 50 or less.
2. Emergency voice alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group I-4 occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

MM. Fire alarm in Group M and Group S. Section 907.2.7 of the International Building Code entitled “Fire alarm and detection systems - Group M” is amended to read as follows:

**Sec. 907.2.7 Group M and Group S.** A full automatic and manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in buildings containing Group M occupancies and Group S occupancies where any of the following conditions exists:

1. The combined occupant load of all floors is 500 or more persons.
2. The occupant load is more than 100 persons above or below the lowest level of exit discharge.
3. The fire protection area exceeds 4,000 square feet.
4. The building exceeds three stories in height above grade plane.
5. The building exceeds 30 feet in height above grade plane.

**Exceptions:**

1. A manual fire alarm system is not required in covered or open mall buildings complying with Section 402.
2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will automatically activate throughout the notification zones upon sprinkler water flow.

NN. Occupant notification in Group M. Section 907.2.7.1 of the International Building Code entitled “Fire alarm and detection systems - Occupant notification” is hereby deleted from this code.

OO. Fire alarm in Group R-1. Section 907.2.8 of the International Building Code entitled “Fire alarm and detection systems - Group R-1” is amended to read as follows:

**Sec. 907.2.8 Group R-1.** Fire alarm systems and smoke alarms shall be installed in Group R-1 occupancies as required in Sections 907.2.8.1 through 907.2.8.3. A full automatic and manual fire alarm system is required in fire protection areas exceeding 4,000 square feet and containing Group R-1 occupancies.

**Sec. 907.2.8.1 Manual fire alarm system.** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-1 occupancies located in fire protection areas less than or equal to 4,000 square feet.

**Exceptions:**

1. A manual fire alarm system is not required in buildings not more than two stories in height where all individual sleeping units and contiguous attic and crawl spaces to those units are separated from each other and public or common areas by not less than 1-hour fire partitions and each individual sleeping unit has an exit directly to a public way, egress court or yard.
2. Manual fire alarm boxes are not required throughout the building where all of the following conditions are met:
  - 2.1. The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

2.2. The notification appliances will activate upon sprinkler water flow.

2.3. Not fewer than one manual fire alarm box is installed at an approved location.

PP. Fire alarm in Group R-2. Section 907.2.9 and 907.2.9.1 of the International Building Code entitled “Fire alarm and detection systems - Group R-2” is amended to read as follows:

**Sec. 907.2.9 Group R-2.** A full automatic and manual fire alarm system shall be installed in Group R-2 occupancies located in fire protection areas exceeding 4,000 square feet. Fire alarm systems and smoke alarms shall be installed in Group R-2 occupancies as required in Sections 907.2.9.1 through 907.2.9.3.

**Sec. 907.2.9.1 Manual fire alarm system.** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where any of the following conditions apply:

1. Any dwelling unit or sleeping unit is located three or more stories above the lowest level of exit discharge.
2. Any dwelling unit or sleeping unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit.
3. The building contains more than 16 dwelling units or sleeping units.

**Exceptions:**

1. A fire alarm system is not required in buildings not more than two stories in height and has a fire protection area less than 4,000 square feet where all dwelling units or sleeping units and contiguous attic and crawl spaces are separated from each other and public or common areas by not less than 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public way, egress court or yard.
2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and the occupant notification appliances will automatically activate throughout the notification zones upon a sprinkler water flow.
3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and monitored by an approved U.L listed central supervising station, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, Exception 3.

QQ. Initiating device identification. Section 907.6.3 of the International Building Code entitled “Fire alarm and detection systems - Initiating device identification” is amended to read as follows:

**907.6.3 Initiating device identification.** The fire alarm system shall identify the specific initiating device address, location, device type, floor level where applicable and status including indication of normal, alarm, trouble and supervisory status, as appropriate.

**Exceptions:**

1. Fire alarm systems in single-story buildings less than 4,000 square feet in area.
2. Fire alarm systems that only include manual fire alarm boxes, waterflow initiating devices and not more than 10 additional alarm-initiating devices.
3. Special initiating devices that do not support individual device identification.
4. Fire alarm systems or devices that are replacing existing equipment.

RR. Annunciation. Section 907.6.3.1 of the International Building Code entitled “Fire alarm and detection systems - Annunciation” is amended to read as follows:

**907.6.3.1 Annunciation.** The initiating device status shall be annunciated at an approved on-site location and be transmitted to the approved U.L. listed central supervising station.

SS. Monitoring. Section 907.6.6 of the International Building Code entitled “Fire alarm and detection systems - Monitoring” is amended to read as follows:

**907.6.6 Monitoring.** Fire alarm systems required by this chapter or by the International Fire Code shall be monitored by an approved U.L. listed central supervising station in accordance with NFPA 72.

TT. Construction in flood areas. Section 1612.1 of the International Building Code entitled “Flood loads - General” is amended to read as follows:

**Sec. 1612.1 General.** Within flood hazard areas as established in Section 1612.3, all new construction of buildings, structures and portions of buildings and structures, including substantial improvement and restoration of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads in accordance with this code and PMC 15.24 Floodplain Management. For buildings that are located in more than one flood hazard area, the provisions associated with the most restrictive flood hazard area shall apply.

UU. Establishment of flood area hazards. Section 1612.3 of the International Building Code entitled “Flood loads – Establishment of flood area hazards” is amended to read as follows:

**Sec. 1612.3 Establishment of flood hazard areas.** To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for “Kitsap County and Incorporated Areas,” dated February 3, 2017, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood

Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

#### **15.04.260 Amendments to the International Existing Building Code.**

The following local amendments to the International Existing Building Code adopted in PMC 15.04.020 are hereby adopted and incorporated into the International Existing Building Code:

A. Title. Section 101.1 of the International Existing Building Code entitled “General - Title” is amended to read as follows:

**Sec. 101.1 Title.** These regulations shall be known as the Existing Building Code of the City of Poulsbo, hereinafter referred to as “this code.”

B. Referenced codes and standards. Section 102.4 of the International Existing Building Code entitled “Applicability - Referenced codes and standards” is amended to read as follows:

**102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 through 102.4.3.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

C. Washington State Referenced Codes. Section 102.4 of the International Existing Building Code entitled “Applicability - Referenced codes and standards” is amended to add subsection 102.4.3 to read as follows:

**Sec. 102.4.3 Washington State Referenced Codes.** Wherever the adopted codes state the International Plumbing Code, it shall mean the Uniform Plumbing Code as adopted by the State of Washington. Wherever the adopted codes state the National Electrical Code or NFPA 70. It shall mean the National Electrical Code as adopted by the State of Washington in accordance with RCW 19.28 and WAC 296-46B. Wherever the adopted codes state the International Energy Conservation Code, it shall mean the Washington State Energy Code as adopted by the State of Washington.

D. Corrections. Section 102 of the International Existing Building Code entitled “Applicability” is amended by adding subsection 102.6 to read as follows:

**Sec. 102.6 Corrections.** Publishing or typographical error corrections as identified in Errata published by the International Code Council shall become part of this code as if contained herein.

E. Expiration. Section 105.5 of the International Existing Building Code entitled “Permits - Expiration” is amended to read as follows:

**Sec. 105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Having required inspections performed and approved within every 180 days is evidence that work has commenced and is continuing. Permits that do not receive an inspection within 180 days of permit issuance, or within 180 days since the previous approved inspection, shall automatically expire and become invalid. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

F. Fire protection area. Section 202 of the International Existing Building Code entitled “Definitions” is amended by adding a definition to read as follows:

**FIRE PROTECTION AREA.** Fire protection area is bounded by the exterior walls separated in accordance with the International Building Code for fire separation distance or shall be bounded by fire walls constructed in accordance with Section 706 of the International Building Code having a fire-resistance rating of not less than that determined in accordance with Section 706.4 of the International Building Code to create separate buildings.

G. Additional codes. Section 302.3 of the International Existing Building Code entitled “General provisions - Additional codes” is amended to read as follows:

**302.3 Additional codes.** Alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in this code and the Washington State Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Uniform Plumbing Code, International Property Maintenance Code, International Residential Code and NFPA 70. Where provisions of the other codes conflict with provisions of this code, the provisions of this code shall take precedence.

H. Fire protection of Level 1 alterations. Section 703 of the International Existing Building Code entitled “Fire protection” is amended by adding Subsections 703.2 and 703.3 to read as follows:

**Sec. 703.2 Fire safety in existing buildings.** Existing buildings shall comply with the minimum provisions for fire safety contained in Chapter 11 of the International Fire Code.



**Sec. 703.3 Fire protection.** Alterations may be required to be enhanced for the safety of the occupants or for the protection of the community. Enhancements may include the installation of exterior gypsum wallboard under exterior siding to provide exterior wall protection due to fire separation distance, fire stopping in existing walls when the framing is exposed, or other provisions as deemed necessary.

I. Fire protection of Level II alterations. Section 803.1 of the International Existing Building Code entitled “Fire protection - Scope” is amended to read as follows:

**803.1 Scope.** The requirements of this section shall apply to work areas in which Level 2 alterations are being performed, and where specified they shall apply throughout the floor, fire protection area or building in which the work areas are located, unless specified otherwise.

J. Groups A, B, E, F, H, I, M, R, and S. Section 803.2.2 of the International Existing Building Code entitled “Automatic sprinkler systems - Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and -S-2” is amended to read as follows:

**Sec. 803.2.2 Groups A, B, E, F, H, I, M, R, and S.** In buildings with occupancies in Groups A, B, E, F, H, I, M, R, S and U work areas that have exits or corridors shared by more than one tenant or that have exits or corridors serving an occupant load greater than 30 shall be provided with automatic sprinkler protection where both of the following conditions occur:

1. The work area is required to be provided with automatic sprinkler protection in accordance with the International Building Code as applicable to new construction; and
2. The work area exceeds 50 percent of the floor area.

K. Mixed uses. Section 803.2.2.1 of the International Existing Building Code entitled “Automatic sprinkler systems - Mixed uses” is amended to read as follows:

**803.2.2.1 Mixed uses.** In work areas containing mixed uses, one or more of which requires automatic sprinkler protection in accordance with Section 803.2.2, such protection shall not be required throughout the work area provided that the uses requiring such protection are separated from those not requiring protection by fire-resistance-rated construction having a minimum rating in compliance with Section 707.3.10 of the International Building Code.

L. Existing buildings. Section 803.2 of the International Existing Building Code entitled “Automatic sprinkler systems” is amended to add subsections 803.2.2.2 and 803.2.2.3 to read as follows:

**Sec. 803.2.2.2 Existing buildings exceeding 10,000 square feet.** Existing buildings in excess of 10,000 square feet total floor area which are not fully sprinklered shall be provided with an automatic fire-extinguishing system whenever alteration of the building results in a change in the classification of the occupancy or use of the building.

**Sec. 803.2.2.3 Existing buildings not exceeding 10,000 square feet .**Existing buildings not exceeding 10,000 square feet total floor area which are not fully sprinklered shall be provided with an automatic fire-extinguishing system whenever remodeling or alteration of the building results in any one of the following conditions: hazardous operations, hazardous contents, critical exposure problems, limited accessibility to the building, or other items which may contribute to definite fire hazards

M. Group R. Section 803.2 of the International Existing Building Code entitled “Automatic sprinkler systems” is amended to add subsection 803.2.2.4 to read as follows:

**803.2.2.4 Group R.** Automatic fire sprinklers shall be installed in all Group R-1 or R-2 buildings that contain ten or more dwelling units when, within a three-year period, there has been damage to the building that exceeds fifty percent of the assessed value of the building, or the building has been rehabilitated to an extent that exceeds fifty percent of the assessed value of the building.

N. Supervision. Section 803.2.5 of the International Existing Building Code entitled “Automatic sprinkler Systems - Supervision” is amended to read as follows:

**803.2.5 Supervision.** Fire sprinkler systems required by this section shall be monitored by an approved central station conforming to ANSI/UL Standard 827 and listed by Underwriters Laboratory (UL).

**Exceptions:**

1. A U.L. listed central monitoring station is not required for automatic sprinkler systems protecting one- and two-family dwellings.
2. Limited area systems serving fewer than 20 sprinklers.
3. Underground gate valve with roadway boxes.

O. Supplemental fire alarm system requirements. Section 803.4.2 of the International Existing Building Code entitled “Fire alarm and detection - Supplemental fire alarm system requirements” is amended to read as follows:

**Sec. 803.4.2 Supplemental fire alarm system requirements.** Where the work area on any floor exceeds 50 percent of that floor area, Section 803.4.1 shall apply throughout the floor. Where the fire protection area exceeds 4,000 square feet and the work area contains a change of use, or the work area exceeds 50% of the building floor area, a full automatic and manual fire alarm system shall be provided per Section 907 of the International Building Code and the International Fire Code.

**Exception:** Alarm-initiating and notification appliances shall not be required to be installed in tenant spaces outside of the work area.

P. Fire protection in existing buildings classified as Level 2 alterations. Section 803 of the International Existing Building Code entitled “Fire protection” is amended by adding subsections 803.5 and 803.6 to read as follows:

**Sec. 803.4 Fire safety in existing buildings.** Existing buildings shall comply with the minimum provisions for fire safety contained in Chapter 11 of the International Fire Code.

**Sec. 803.5 Fire protection.** Alterations may be required to be enhanced for the safety of the occupants or for the protection of the community. Enhancements may include the installation of exterior gypsum wallboard under exterior siding to provide exterior wall protection due to fire separation distance, fire stopping in existing walls when the framing is exposed, or other provisions as deemed necessary.

Q. Groups A, B, E, F, H, I, M, R, and S. Section 904.1 of the International Existing Building Code entitled “Automatic sprinkler systems” is amended by adding subsection 904.1.5 to read as follows:

**Sec. 904.1.5 Groups A, B, E, F, H, I, M, R, and S.** An automatic fire sprinkler system shall be provided throughout the building or fire protection area per Section 903 of the International Building Code when the building or fire protection area contains an occupancy that would require an automatic fire sprinkler system for new construction

R. Fire protection in existing buildings classified as Level 3 alterations. Section 904 of the International Existing Building Code is amended by adding subsections 904.3 and 904.4 to read as follows:

**Sec. 904.3 Fire safety in existing buildings.** Existing buildings shall comply with the minimum provisions for fire safety contained in Chapter 11 of the International Fire Code.

**Sec. 904.4 Fire protection.** Alterations may be required to be enhanced for the safety of the occupants or for the protection of the community. Enhancements may include the installation of exterior gypsum wallboard under exterior siding to provide exterior wall protection due to fire separation distance, fire stopping in existing walls when the framing is exposed, or other provisions as deemed necessary.

S. Change of occupancy classification without separation. Section 1011.1.1.1 of the International Existing Building Code entitled “Change of occupancy classification without separation” is amended to read as follows:

**1011.1.1.1 Change of occupancy classification without separation.** Where a portion of an existing building is changed to a new occupancy classification or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the International Building Code, and that portion is not separated

from the remainder of the building with fire walls having a fire-resistance rating as required in the International Building Code for fire protection area, the entire building shall comply with all of the requirements of Chapter 9 applied throughout the building for the most restrictive occupancy classification in the building and with the requirements of this chapter.

T. Change of occupancy classification with separation. Section 1011.1.1.2 of the International Existing Building Code entitled “Change of occupancy classification with separation” is amended to read as follows:

**1011.1.1.2. Change of occupancy classification with separation.** Where a portion of an existing building is changed to a new occupancy classification or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the International Building Code, and that portion is separated from the remainder of the building with fire walls having a fire-resistance rating as required in the International Building Code for the fire protection area, that portion shall comply with all of the requirements of Chapter 9 of this code for the new occupancy classification and with the requirements of this chapter.

U. Fire sprinkler system. Section 1011.2.1 of the International Existing Building Code entitled “Change of occupancy classification - Fire sprinkler system” is amended to read as follows:

**1011.2.1 Fire sprinkler system.** Where a change in occupancy classification occurs or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the International Building Code that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with Chapter 9 of the International Building Code, such system shall be provided throughout the fire protection area where the change of occupancy occurs.

V. Fire alarm and detection system. Section 1011.2.2 of the International Existing Building Code entitled “Change of occupancy classification - Fire alarm and detection system” is amended to read as follows:

**1011.2.2 Fire alarm and detection system.** Where a change in occupancy classification occurs or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the International Building Code that requires a fire alarm and detection system to be provided based on the new occupancy in accordance with Chapter 9 of the International Building Code, such system shall be provided throughout the fire protection area where the change of occupancy occurs. Existing alarm notification appliances shall be automatically activated throughout the building. Where the building is not equipped with a fire alarm system, alarm notification appliances shall be provided throughout the fire protection area where the change of occupancy occurs

in accordance with Section 907 of the International Building Code as required for new construction.

W. Fire safety in existing buildings containing change of use. Section 1011 of the International Existing Building Code entitled “Change of occupancy classifications” is amended by adding subsections 1011.8 and 1011.9 to read as follows:

**Sec. 1011.8 Fire safety in existing buildings.** Existing buildings shall comply with the minimum provisions for fire safety contained in Chapter 11 of the International Fire Code.

**Sec. 1011.9 Fire protection.** Alterations may be required to be enhanced for the safety of the occupants or for the protection of the community. Enhancements may include the installation of exterior gypsum wallboard under exterior siding to provide exterior wall protection due to fire separation distance, fire stopping in existing walls when the framing is exposed, or other provisions as deemed necessary.

X. Means of egress for change to a higher hazard category. Section 1011.4.1 of the International Existing Building Code entitled “Change of occupancy classifications - Means of egress for change to a higher hazard category” is amended to read as follows:

**1011.4.1 Means of egress for change to a higher -hazard category.** Where a change of occupancy classification is made to a higher -hazard category (lower number) as shown in Table 1011.4, the means of egress shall comply with the requirements of Chapter 10 of the International Building Code.

**Exceptions:**

1. Stairways shall be enclosed in compliance with the applicable provisions of Section 903.1.
2. Existing stairways including handrails and guards complying with the requirements of Chapter 9 shall be permitted for continued use subject to approval of the code official.
3. Any stairway replacing an existing stairway within a space where the pitch or slope cannot be reduced because of existing construction shall not be required to comply with the maximum riser height and minimum tread depth requirements.
4. Existing corridor walls constructed on both sides of wood lath and plaster in good condition or 1/2-inch-thick gypsum wallboard shall be permitted. Such walls shall either terminate at the underside of a ceiling of equivalent construction or extend to the underside of the floor or roof next above.
5. Existing corridor doorways, transoms and other corridor openings shall comply with the requirements in Sections 805.5.1, 805.5.2 and 805.5.3.
6. Existing dead-end corridors shall comply with the requirements in Section 805.6.
7. An existing operable window with clear opening area not less than 4 square feet and minimum opening height and width of 22 inches and 20 inches, respectively, shall be accepted as an emergency escape and rescue opening in an existing Group R occupancy sleeping area or basement and such opening was established at the time of construction.

Y. Fire protection systems. Section 1102.3 of the International Existing Building Code entitled “Heights and areas - Fire protection systems” is amended to read as follows:

**1102.3 Fire protection systems.** Existing fire protection areas increased by the addition shall comply with Chapter 9 of the International Building Code.

#### **15.04.270 Amendments to the International Residential Code.**

The following local amendments to the International Residential Code adopted in PMC 15.04.020 are hereby adopted and incorporated into the International Residential Code:

A. Title. Section R101.1 of the International Residential Code entitled “General – Title” is amended to read as follows:

**Sec. R101.1 Title.** These provisions shall be known as the Residential Code for One- and Two- Family Dwellings of the City of Poulsbo, and shall be cited as such and will be referred to herein as “this code.”

B. Washington State Referenced Codes. Section R102.4 of the International Residential Code entitled "Applicability - Referenced codes and standards" is amended by adding subsection R102.4.3 to read as follows:

**Sec. R102.4.3 Washington State Referenced Codes.** Wherever the adopted codes state the International Plumbing Code, it shall mean the Uniform Plumbing Code as adopted by the State of Washington. Wherever the adopted codes state the National Electrical Code (NFPA 70), it shall mean the electrical code as adopted by the State of Washington in accordance with RCW 19.28 and WAC 296-46B. Wherever the adopted codes state the International Energy Conservation Code, it shall mean the Washington State Energy Code as adopted by the State of Washington.

C. Corrections. Section R102.4 of the International Residential Code entitled “Applicability - Referenced codes and standards” is amended by adding subsection, 102.4.4, to read as follows:

**Sec. 102.4.4 Corrections.** Publishing or typographical error corrections as identified in Errata published by the International Code Council shall become part of this code as if contained herein.

D. Work exempt from permit. Section R105.2 of the International Residential Code entitled “Permits – Work exempt from permit” is amended to read as follows:

**Sec. R105.2. Building Item #2:** Fences not over 6 feet high as stated in PMC 18.70.070.M.2.

E. Work exempt from permit. Section R105.2 of the International Residential Code entitled “Permits - Work exempt from permit” is amended by adding a new sentence at the end of the Electrical section to read as follows:

**Sec. R105.2 Electrical:** (Add the following sentence at the end of the subsection): Electrical permits, inspections and approvals shall be under the jurisdiction of the Washington State Department of Labor and Industries, Electrical Section.

F. Climatic and Geographic Design Criteria. Table R301.2(1) of the International Residential Code entitled “Design Criteria - Climatic and Geographic Design Criteria” is amended by filling in the blanks of the table to reflect specific City of Poulsbo criteria as follows:

GROUND SNOW LOAD: 30 psf

WIND DESIGN

Speed (mph): Ultimate 110

Topographical Effects: NO

Special Wind Region: NO

Wind-borne Debris Zone: NO

SEISMIC DESIGN CATEGORY: D<sub>2</sub>

SUBJECT TO DAMAGE FROM

Weathering: Moderate

Frost Line Depth: 12"

Termite: Slight to Moderate

WINTER DESIGN TEMP: 26° F

ICE BARRIER UNDERLAYMENT REQUIRED: NO

FLOOD HAZARDS:

(a) date of the jurisdiction’s entry into the National Flood Insurance Program:

June 25, 1979

(b) date(s) of the Flood Insurance Study: February 3, 2017

(c) panel numbers and dates of the currently effective FIRM’s and FBFM’s or other flood hazard map adopted:

53035C0095F, effective 2/3/2017

53035C0094F, effective 2/3/2017

53035C0206F, effective 2/3/2017

53035C0207F, effective 2/3/2017

53035C0230F, effective 2/3/2017

53035C0209F, effective 2/3/2017

AIR FREEZING INDEX: 148

MEAN ANNUAL TEMP: 51.4° F

G. Location required. Section R317.1, item number 2, of the International Residential Code entitled “Protection of wood and wood-based products against decay - Location required” is amended to read as follows:

**Sec. R317.1. Location required, Item #2:** All wood framing members that rest directly on concrete or masonry exterior foundation walls.

H. Flood-resistant construction. Section R322.1 of the International Residential Code entitled “Flood-resistant construction - General” is amended to read as follows:

**R322.1 General.** Buildings and structures constructed in whole or in part in flood hazard areas, including A or V Zones and Coastal A Zones, as established in Table R301.2(1), and substantial improvement and restoration of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed to resist the effects of flood hazards and flood loads in accordance with this code and PMC 15.24 Floodplain Management and in accordance with the provisions contained in this section. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24.

I. Electrical requirements. Section M1305.1.2.1 of the International Residential Code entitled “Appliance access – Electrical requirements” is amended to read as follows:

**Sec. M1305.1.2.1 Electrical Requirements.** A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be installed at or near the appliance location in accordance with the electrical code. Exposed lamps shall be protected from damage by location or lamp guards.

J. Electrical requirements. Section M1305.1.3.3 of the International Residential Code entitled “Appliance access – Electrical requirements” is amended to read as follows:

**Sec. M1305.1.3.3 Electrical Requirements.** A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be installed at or near the appliance location in accordance with the electrical code. Exposed lamps shall be protected from damage by location or lamp guards.

K. Electrical appliances. Section M1307.5 of the International Residential Code entitled “Appliance installation – Electrical appliances” is amended to read as follows:

**Sec. M1307.5 Electrical appliances.** Electrical appliances shall be installed in accordance with Chapters 14, 15, 19, 20 and the electrical code.

L. Radiant heating systems. Section M1406.1 of the International Residential Code entitled “Radiant heating systems – General” is amended to read as follows:

**Sec M1406.1 General.** Electric radiant heating systems shall be installed in accordance with the manufacturer’s instructions and the electrical code and shall be listed for the application.



M. Section M1406.2 of the International Residential Code entitled “Radiant heating systems – Clearances” is amended to read as follows:

**Sec. M1406.2 Clearances.** Clearances for radiant heating panels or elements to any wiring, outlet boxes and junction boxes used for installing electrical devices or mounting luminaires shall comply with the electrical code.

N. Section M1407.1 of the International Residential Code entitled “Duct heaters – General” is amended to read as follows:

**Sec. M1407.1 General.** Electric duct heaters shall be installed in accordance with the manufacturer’s instructions and the electrical code. Electric duct heaters shall comply with UL 1996.

O. Section M2004.1 of the International Residential Code entitled “Water heaters used for space heating – General” is amended to read as follows:

**Sec. M2004.1 General.** Water heaters utilized both to supply potable hot water and to provide hot water for space heating shall be installed in accordance with this chapter, Chapter 24, the plumbing code and the manufacturer’s installation instructions.

P. Section M2005.3 of the International Residential Code entitled “Water heaters – Electric water heaters” is amended to read as follows:

**M2005.3 Electric water heaters.** Electric water heaters shall be installed in accordance with the applicable provisions of the plumbing code.

Q. System drain down. Section M2101.2 of the International Residential Code entitled “Baseboard convectors - System drain down” is amended to read as follows:

**M2101.2 System drain down.** Hydronic piping systems shall be installed to permit draining of the system. When the system drains to the plumbing drainage system, the installation shall conform to the requirements of the plumbing code.

**Exception:** The buried portions of systems embedded underground or under floors.

R. Protection of potable water. Section M2101.3 of the International Residential Code entitled “Baseboard convectors - Protection of potable water” is amended to read as follows:

**M2101.3 Protection of potable water.** The potable water system shall be protected from backflow in accordance with the provisions listed in Section 603 of the state plumbing code and PMC chapter 13.06.

S. Backflow prevention. Section M2301.5 of the International Residential Code entitled “Solar thermal energy systems - Backflow prevention” is amended to read as follows:

**M2301.5 Backflow protection.** Connections from the potable water supply to solar systems shall comply with the plumbing code and PMC chapter 13.06.

T. Connections. Section G2410.2 of the International Residential Code entitled “Electrical - Connections” is amended to read as follows:

**Sec. G2410.2 (309.2) Connections.** Electrical connections between appliances and the building wiring, including the grounding of the appliances, shall conform to the electrical code.

U. Installation requirements. Section G2448.1.1 of the International Residential Code entitled “Water heaters - Installation requirements” is amended to read as follows:

**G2448.1.1 (624.1.1) Installation requirements.** The requirements for water heaters relative to sizing, relief valves, drain pans and scald protection shall be in accordance with the plumbing code.

#### **15.04.280 Amendments to the International Mechanical Code.**

The following local amendments to the International Mechanical Code and International Fuel Gas Code adopted in PMC [15.04.020](#) are hereby adopted and incorporated into the International Mechanical Code and International Fuel Gas Code:

A. Section 101.1 of the International Mechanical Code entitled “General - Title” is amended to read as follows:

**Sec. 101.1 Title.** These regulations shall be known as the Mechanical Code of the City of Poulsbo, hereinafter referred to as “this code.”

B. Section 102.8 of the International Mechanical Code entitled “Applicability - Referenced codes and standards” is amended by adding subsections 102.8.3 and 102.8.4 to read as follows:

**Sec. 102.8.3 Referenced Codes.** Wherever this code states the International Plumbing Code, it shall mean the Uniform Plumbing Code as adopted by the State of Washington. Wherever this code states the International Electrical Code, ICC Electrical Code, or the Electrical Code, it shall mean the National Electrical Code (NFPA 70) as adopted by the State of Washington in accordance with RCW 19.28 and WAC 296-46B. Wherever this code states the International Energy Conservation Code, it shall mean the Washington State Energy Code as adopted by the State of Washington.

**Sec. 102.8.4 Corrections.** Publishing or typographical error corrections as identified in Errata published by the International Code Council shall become part of this code as if contained herein.

C. Expiration. Section 106.4.3 of the International Mechanical Code entitled “Permits - Expiration” is amended to read as follows:

**106.4.3 Expiration.** Every permit issued by the code official shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date 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. Having required inspections performed and approved within every 180 days is evidence that work has commenced and is continuing. Permits that do not receive an inspection within 180 days of permit issuance, or within 180 days since the previous approved inspection, shall automatically expire and become invalid.

D. Extensions. Section 106.4.4 of the International Mechanical Code entitled “Permits - Extensions” is amended to read as follows:

**Sec. 106.4.4 Extensions.** A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each, based on good and satisfactory reasons. The extension shall be requested in writing and justifiable cause demonstrated.

E. Fee schedule. Section 106.5.2 of the International Mechanical Code entitled “Permits - Fee schedule” is amended to read as follows:

**106.5.2 Fee Schedule.** The fees for work shall be as indicated in the fee schedule referenced in PMC 15.04.035.

F. Fee refunds. Section 106.5.3 of the International Mechanical Code entitled “fee refunds” is amended to read as follows:

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

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 90 percent of the permit fee paid where work has not been done under a permit issued in accordance with this code.

3. Not more than 90 percent of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code 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.

- G. Violation penalties. Section 108.4 of the International Mechanical Code entitled “Violations - Violation penalties” is amended to read as follows:

**108.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, will be subject to enforcement actions pursuant to PMC Chapter 15.04. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- H. Stop work orders. Section 108.5 of the International Mechanical Code entitled “Violations - Stop work orders” is amended to read as follows:

**108.5 Stop Work Orders.** Upon notice from the code official that mechanical work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to enforcement actions pursuant to PMC Chapter 15.04.

- I. Title. Section 101.1 of the International Fuel Gas Code entitled “General - Title” is amended to read as follows:

**Sec. 101.1 Title.** These regulations shall be known as the Fuel Gas Code of the City of Poulsbo, hereinafter referred to as “this code.”

- J. Washington State Referenced Codes. Section 102.8 of the International Fuel Gas Code entitled “Applicability - Referenced codes and standards” is amended by adding subsections 102.8.3 and 102.8.4 to read as follows:

**Sec. 102.8.3 Washington State Referenced Codes.** Wherever the adopted codes state the International Plumbing Code, it shall mean the Uniform Plumbing Code as adopted by the

State of Washington. Wherever the adopted codes state the International Electrical Code, it shall mean the National Electrical Code (NFPA 70) as adopted by the State of Washington in accordance with RCW 19.28 and WAC 296-46B. Wherever the adopted codes state the International Energy Conservation Code, it shall mean the Washington State Energy Code as adopted by the State of Washington.

**Sec. 102.8.4 Corrections.** Publishing or typographical error corrections as identified in Errata published by the International Code Council shall become part of this code as if contained herein.

K. Section 106.5.3 of the International Fuel Gas Code entitled “Permits - Expiration” is amended to read as follows:

**Sec. 106.5.3 Expiration.** Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or is suspended or abandoned at any time after the work is commenced for a period of 180 days. Having required inspections performed and approved within every 180 days is evidence that work has commenced and is continuing. Permits that do not receive an inspection within 180 days of permit issuance, or within 180 days since the previous approved inspection, shall automatically expire and become invalid.

L. Extensions. Section 106.5.4 of the International Fuel Gas Code entitled “Permits - Extensions” is amended to read as follows:

**Sec. 106.5.4 Extensions.** A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which he or she will commence work under the permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

M. Fee schedule. Section 106.6.2 of the International Fuel Gas Code entitled “Permits - Fee schedule” is amended to read as follows:

**Sec. 106.6.2 Fee Schedule.** The fees for work shall be as indicated in the fee schedule referenced in PMC 15.04.035.

N. Fee refunds. Section 106.6.3 of the International Fuel Gas Code entitled “Permits - Fee refunds” is amended to read as follows:

**Sec. 106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder that was erroneously paid or collected.

2. Not more than 90 percent of the permit fee paid where work has not been done under a permit issued in accordance with this code.
3. Not more than 90 percent of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

O. Violation penalties. Section 108.4 of the International Fuel Gas Code entitled “Violations - Violation penalties” is amended to read as follows:

**Sec. 108.4 Violation penalties.** Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, will be subject to enforcement actions pursuant to PMC Chapter 15.04. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

P. Stop work orders. Section 108.5 of the International Fuel Gas Code entitled “Violations - Stop work orders” is amended to read as follows:

**Sec. 108.5 Stop work orders.** Upon notice from the code official that work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner’s authorized agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to enforcement actions pursuant to PMC Chapter 15.04.

#### **15.04.280 Amendments to the International Fire Code.**

The following local amendments to the International Fire Code adopted in PMC [15.04.020](#) are hereby adopted and incorporated into the International Fire Code:

A. Title. Section 101.1 of the International Fire Code entitled “General - Title” is amended to read as follows:

**Sec. 101.1 Title.** These regulations shall be known as the Fire Code of the City of Poulsbo, hereinafter referred to as "this code."

B. Appendices. Section 101.2.1 of the International Fire Code, entitled “General - Appendices,” is amended to read as follows:

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**Sec. 101.2.1 Appendices.** Fire code appendices adopted. Appendices B and D to the International Fire Code are hereby adopted.

C. Corrections. Section 101 of the International Fire Code, entitled "General - Scope and general requirements" is amended by adding Subsection 101.6 to read as follows:

**Sec. 101.6 Corrections.** Publishing or typographical error corrections as identified in Errata published by the International Code Council shall become part of this code as if contained herein.

D. Washington State Referenced Codes. Section 102.7 of the International Fire Code, entitled "Applicability - Referenced codes and standards," is amended by adding Subsection 102.7.3 to read as follows:

**Sec. 102.7.3 Washington State Referenced Codes.** Wherever the adopted codes state the International Plumbing Code, it shall mean the Uniform Plumbing Code as adopted by the State of Washington. Wherever the adopted codes state the National Electrical Code (NFPA 70), it shall mean the electrical code as adopted by the State of Washington in accordance with RCW 19.28 and WAC 296-46B. Wherever the adopted codes state the International Energy Conservation Code, it shall mean the Washington State Energy Code as adopted by the State of Washington.

E. Violation penalties. Section 110.4 of the International Fire Code, entitled "Violations – Violation penalties," is amended to read as follows:

**Sec. 110.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail 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 or directive of the code enforcement official, or of a permit or certificate used under provisions of this code, will be subject to enforcement actions pursuant to PMC Chapter 15.04. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

F. Failure to comply. Section 112.4 of the International Fire Code entitled "Stop work order - Failure to comply" is amended to read as follows:

**Sec. 112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to enforcement actions pursuant to the penalties identified in PMC Chapter 15.04.

G. Fire code official. Section 202 of the International Fire Code entitled "General Definitions" is amended by defining the term "Fire code official" to read as follows:

**FIRE CODE OFFICIAL.** The fire chief or building official or other designated authority charged with the administration and enforcement of the code, or a duly authorized

representative.

H. Fire apparatus access roads. Section 503 of the International Fire Code entitled “Fire Apparatus Access Roads” is hereby adopted in its entirety.

I. Address identification. Section 505.1 of the International Fire Code entitled “Premises identification - Address identification” is amended to read as follows:

**Sec. 505.1 Address identification.** New and existing buildings shall be provided with approved address identification as regulated in PMC 12.24.

J. Fire protection areas. Section 901.4.3 of the International Fire Code entitled “General - Fire areas” is amended to read as follows:

**901.4.3 Fire protection areas.** Where buildings, or portions thereof, are divided into fire protection areas so as not to exceed the limits established for requiring a fire protection system in accordance with this chapter, such fire protection areas shall be separated by fire walls constructed in accordance with Section 706 of the International Building Code having a fire-resistance rating of not less than that determined in accordance with Section 706.4 of the International Building Code.

K. Additional fire protection systems. Section 901.4.4 of the International Fire Code entitled “General - Additional fire protection systems” is amended to read as follows:

**Sec. 901.4.4 Additional fire protection systems.** Additional fire protection systems or safeguards may be required for buildings in which any of the following conditions exist:

1. Building contains occupancies of a hazardous nature.
2. Special hazards exist in addition to the normal hazards of the occupancy.
3. Building or site presents critical exposure problems.
4. Building has limited accessibility for fire fighting operations.
5. Building or occupancy presents increased fire or life safety risk.
6. Access for fire apparatus is unduly difficult.

Such safeguards include, but shall not be limited to, the following: automatic fire detection systems, fire alarm systems, automatic fire-extinguishing systems, standpipe systems, or portable or fixed extinguishers. Fire protection equipment required under this section shall be installed in accordance with this code and the applicable referenced standards.

L. Supervisory service. Section 901.4 of the International Fire Code entitled “General - Installation” is amended by adding subsection 901.4.7 to read as follows:

**Sec. 901.4.7 Supervisory service.** Where required, fire protection systems shall be monitored by an approved central station conforming to ANSI/UL Standard 827 and listed by Underwriters Laboratory (UL).in accordance with NFPA 72.



M. Group A. Section 903.2.1 of the International Fire Code entitled “Automatic sprinkler systems - Group A” is amended to read as follows:

**Sec. 903.2.1 Group A.** An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section.

**Sec. 903.2.1.1 Group A-1.** An automatic sprinkler system shall be provided throughout buildings containing Group A-1 occupancies where any of the following conditions exists:

1. The fire protection area exceeds 10,000 square feet.
2. The fire protection area has an occupant load of 300 or more.
3. The occupancy is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire protection area contains a multi-theater complex.
5. The building exceeds three stories in height above grade plane.
6. The building exceeds 30 feet in height above grade plane.

**903.2.1.2 Group A-2.** An automatic sprinkler system shall be provided throughout buildings containing Group A-2 occupancies where any of the following conditions exists:

1. The fire protection area exceeds 5,000 square feet.
2. The fire protection area has an occupant load of 100 or more.
3. The occupancy is located on a floor other than a level of exit discharge serving such occupancies.
4. The building exceeds three stories in height above grade plane.
5. The building exceeds 30 feet in height above grade plane.

**Sec. 903.2.1.3 Group A-3.** An automatic sprinkler system shall be provided throughout buildings containing Group A-3 occupancies where any of the following conditions exists:

1. The fire protection area exceeds 10,000 square feet.
2. The fire protection area has an occupant load of 300 or more.
3. The occupancy is located on a floor other than a level of exit discharge serving such occupancies.
4. The building exceeds three stories in height above grade plane.
5. The building exceeds 30 feet in height above grade plane.

**Sec. 903.2.1.4 Group A-4.** An automatic sprinkler system shall be provided throughout buildings containing Group A-4 occupancies where any of the following conditions exists:

1. The fire protection area of the building exceeds 10,000 square feet.
2. The fire protection area has an occupant load of 300 or more.
3. The fire protection area is located on a floor other than a level of exit discharge serving such occupancies.
4. The building exceeds three stories in height above grade plane.
5. The building exceeds 30 feet in height above grade plane.

**Sec. 903.2.1.5 Group A-5.** An automatic sprinkler system shall be provided for all enclosed Group A-5 occupancies in the following areas: concession stands, retail areas, press boxes

and other accessory use areas in excess of 1,000 square feet.

**Sec. 903.2.1.5.1 Spaces under grandstands or bleachers.** Enclosed spaces under grandstands or bleachers shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1 where either of the following exist:

1. The enclosed area is 1,000 square feet or less and is not constructed in accordance with Section 1029.1.1.1.
2. The enclosed area exceeds 1,000 square feet.

**Sec. 903.2.1.6 Assembly occupancies on roofs.** Where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for Group A-2 and 300 for other Group A occupancies, all floors between the occupied roof and the level of exit discharge shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

**Exception:** Open parking garages of Type I or Type II construction.

**Sec. 903.2.1.7 Multiple fire protection areas.** An automatic sprinkler system shall be provided throughout a building where multiple fire areas of Group A-1, A-2, A-3 or A-4 occupancies share exit or exit access components and the combined occupant load of these fire areas is 300 or more.

N. Group B. Section 903.2.2 of the International Fire Code entitled “Ambulatory care facilities” is amended to read as follows:

**Sec. 903.2.2 Group B.** An automatic sprinkler system shall be provided for fire protection areas containing Group B occupancies where any of the following conditions exists:

1. The fire protection area of the building exceeds 10,000 square feet.
2. The building exceeds three stories in height above grade plane.
3. The building exceeds 30 feet in height above grade plane.

**Sec. 903.2.2.1 Ambulatory care facilities.** An automatic sprinkler system shall be installed throughout the entire building containing an ambulatory care facility where either of the following conditions exist at any time:

1. Four or more care recipients are incapable of self-preservation, whether rendered incapable by staff or staff has accepted responsibility for care recipients already incapable.
2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.

O. Group E. Section 903.2.3 of the International Fire Code entitled “Automatic sprinkler systems – Group E” is amended to read as follows:

**903.2.3 Group E.** An automatic sprinkler system shall be provided for fire protection areas containing Group E occupancies where the Group E fire area has an occupant load of 51 or more, calculated in accordance with Table 1004.1.2.

**Exceptions:**

1. Portable school classrooms with an occupant load of 50 or less calculated in accordance with Table 1004.1.2, provided that the aggregate area of any cluster of portable school classrooms does not exceed 6,000 square feet (557 m<sup>2</sup>); and clusters of portable school classrooms shall be separated as required by the building code; or
2. Portable school classrooms with an occupant load from 51 through 98, calculated in accordance with Table 1004.1.2, and provided with two means of direct independent exterior egress from each classroom in accordance with Chapter 10, and one exit from each class room shall be accessible, provided that the aggregate area of any cluster of portable classrooms does not exceed 6,000 square feet (557 m<sup>2</sup>); and clusters of portable school classrooms shall be separated as required by the building code; or
3. Fire areas containing day care and preschool facilities with a total occupant load of 100 or less located at the level of exit discharge where every room in which care is provided has not fewer than one exit discharge door.

P. Group F. Section 903.2.4 of the International Fire Code entitled “Automatic sprinkler systems – Group F” is amended to read as follows:

**Sec. 903.2.4 Group F.** An automatic sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one of the following conditions exists:

1. A Group F fire protection area of the building exceeds 10,000 square feet.
2. A Group F fire protection area is located in a building that exceeds three stories above grade plane.
3. A Group F occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet.
4. The building exceeds 30 feet in height above grade plane.

(Section 903.2.5 Group H remains unamended.)

Q. Group I-4. Section 903.2.6.1 of the International Fire Code entitled “Automatic sprinkler systems - Group I-4” is amended to read as follows:

**903.2.6.1 Group I-4.** An automatic sprinkler system shall be provided in fire protection areas containing Group I-4 occupancies where the fire area has an occupant load of 51 or more, calculated in accordance with Table 1004.1.2, or where any of the following conditions exists:

1. The fire protection area of the building exceeds 10,000 square feet.
2. The building exceeds three stories in height above grade plane.
3. The building exceeds 30 feet in height above grade plane.

**Exceptions:**

1. An automatic sprinkler system is not required for Group I-4 day care facilities with a total occupant load of 100 or less located at the level of exit discharge and where every room where care is provided has not fewer than one exterior exit door.
2. In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care

and the level of exit discharge and all floors below the level of exit discharge other than areas classified as an open parking garage.

R. Group M. Section 903.2.7 of the International Fire Code entitled “Automatic sprinkler systems – Group M” is amended to read as follows:

**Sec. 903.2.7 Group M.** An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire protection area exceeds 10,000 square feet (1115 m<sup>2</sup>).
2. A Group M is located in a building that exceeds three stories above grade plane.
3. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m<sup>2</sup>).
4. The building exceeds 30 feet in height above grade plane.

(Sec. 903.2.7.1 remains as adopted by the state.)

(Sec. 903.2.8 remains as adopted by the state.)

S. Group S. Section 903.2.9 of the International Fire Code entitled “Automatic sprinkler systems - Group S-1” is amended to read as follows:

**Sec. 903.2.9 Group S-1.** An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A fire protection area containing a Group S-1 exceeds 10,000 square feet.
2. A Group S-1 is located in a building that exceeds three stories in height or 30 feet in height above grade plane.
3. A Group S-1 fire protection area used for the storage of commercial motor vehicles where the Group S-1 fire area exceeds 5,000 square feet.
4. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet.

**Sec. 903.2.9.1 Repair garages.** An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 10,000 square feet.
2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 10,000 square feet.
3. Buildings with repair garages servicing vehicles parked in basements.
4. A Group S-1 fire protection area used for the repair of commercial motor vehicles where the Group S-1 fire area exceeds 5,000 square feet.

(Sec. 903.2.9.2 and 903.2.9.3 remains as adopted by the state.)

T. Group S-2. Section 903.2.10 of the International Fire Code entitled “Automatic sprinkler systems - Group S-2” is amended to read as follows:

**Sec. 903.2.10 Group S-2 enclosed parking garages.** An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 where either of the following conditions exists:

1. Where the fire protection area containing the enclosed parking garage exceeds 10,000 square feet.
  2. Where the enclosed parking garage is located beneath other occupancy groups.
- Exception: Enclosed parking garages located beneath Group R-3 occupancies.

(Sec. 903.2.10.1 remains as adopted by the state.)

U. Openings on one side only. Section 903.2.11.1.2 of the International Fire Code entitled “Automatic sprinkler systems – Openings on one side only” is amended to read as follows:

**Sec. 903.2.11.1.2 Openings on one side only.** Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet from such openings, the building shall be equipped throughout with an approved automatic sprinkler system, or openings shall be provided on not fewer than two sides of the story.

V. Basements. Section 903.2.11.1.3 of the International Fire Code entitled “Automatic sprinkler systems – Basements” formerly deleted from the state adopted code is hereby reinstated into this code and amended to read as follows:

**Sec. 903.2.11.1.3 Basements.** Where any portion of a basement is located more than 75 feet from openings required by Section 903.2.11.1, or where new walls, partitions or other obstructions are installed that that increase the exit access travel distance to more than 75 feet, the building shall be equipped throughout with an approved automatic sprinkler system.

W. Buildings 55 feet or more in height. Section 903.2.11.3 of the International Fire Code entitled “Automatic sprinkler systems – Buildings 55 feet or more in height” is amended to read as follows:

**Sec. 903.2.11.3 Buildings 55 feet or more in height.** An automatic sprinkler system shall be installed throughout buildings with fire protection area exceeding 10,000 square feet or that have one or more stories with an occupant load of 30 or more located 55 feet or more above the lowest level of fire department vehicle access, measured to the finished floor.

X. Monitoring. Section 903.4.1 of the International Fire Code entitled “Automatic sprinkler systems – Monitoring” is amended to read as follows:

**Sec. 903.4.1 Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an U.L. listed central supervising station.

**Exceptions:**

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.

2. Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

Y. Fire alarm and detection systems. Section 907.2 of the International Fire Code entitled “Fire alarm and detection systems – Where required – new buildings and structures” is amended to read as follows:

**Sec. 907.2 Where required—new and existing buildings and structures.** An approved automatic and manual fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures and in existing buildings and structures undergoing change of use in accordance with Sections 907.2.1 through 907.2.23, and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

Not fewer than one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or waterflow detection devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed. When required by this chapter and other adopted codes, an approved fire alarm system shall be installed and maintained in all structures whether occupied or not.

**Exceptions:**

1. The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.
2. The manual fire alarm box is not required for Group R-2 occupancies unless required by the fire code official to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm box shall not be located in an area that is accessible to the public.

An approved fire alarm system may be required in any existing building or fire protection area having greater than four thousand square foot whenever such building is remodeled, altered, or has a change in use which results in any of the following conditions:

1. Hazardous operations.
2. Hazardous contents.
3. Critical exposure problem.
4. Limited accessibility to the building.
5. Increased fire or life safety risk.

Z. Fire alarm and detection systems. Section 907.2.1 of the International Fire Code entitled “Fire alarm and detection systems – Group A” is amended to read as follows:

**Sec. 907.2.1 Group A.** An automatic and manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies where the fire protection area of the building or structure exceeds 4,000 square feet or the occupant load of the fire protection area is 300 or more, or where the Group A occupant load is more than 100 persons above or below the lowest level of exit discharge. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

**Exception:** Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

AA. Fire alarm in Group B. Section 907.2.2 of the International Fire Code entitled “Fire alarm and detection systems – Group B” is amended to read as follows:

**Sec. 907.2.2 Group B.** An automatic and manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group B occupancies where one of the following conditions exists:

1. The fire protection area of the building or structure exceeds 4,000 square feet.
2. The combined Group B occupant load of all floors is 500 or more.
3. The Group B occupant load is more than 100 persons above or below the lowest level of exit discharge.
4. The fire protection area contains an ambulatory care facility.

**Exception:** Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

**Sec 907.2.2.1 Ambulatory care facilities.** Fire protection areas containing ambulatory care facilities shall be provided with an electronically supervised automatic smoke detection system installed within the ambulatory care facility and in public use areas outside of tenant spaces, including public corridors and elevator lobbies.

Exception: Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, provided the occupant notification appliances will activate throughout the notification zones upon sprinkler waterflow.

BB. Fire alarm in Group E. Section 907.2.3 of the International Fire Code entitled “Fire alarm and detection systems – Group E” is amended to read as follows:

**Sec. 907.2.3 Group E.** Group E occupancies shall be provided with a manual fire alarm system, and an automatic and manual fire alarm system when the fire protection area exceeds 4,000 square feet, that initiates the occupant notification signal utilizing one of the following:

1. An emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6; or
2. A system developed as part of a safe school plan adopted in accordance with RCW 28A.320.125 or developed as part of an emergency response system consistent with the provisions of RCW 28A.320.126. The system must achieve all of the following performance standards:
  - 2.1 The ability to broadcast voice messages or customized announcements;
  - 2.2 Includes a feature for multiple sounds, including sounds to initiate a lock down;
  - 2.3 The ability to deliver messages to the interior of a building, areas outside of a building as designated pursuant to the safe school plan, and to personnel;
  - 2.4 The ability for two-way communications;
  - 2.5 The ability for individual room calling;
  - 2.6 The ability for a manual override;
  - 2.7 Installation in accordance with NFPA 72;
  - 2.8 Provide 15 minutes of battery backup for alarm and 24 hours of battery backup for standby; and
  - 2.9 Includes a program for annual inspection and maintenance in accordance with NFPA 72.

**Exceptions:**

1. A manual fire alarm system is not required in Group E occupancies with an occupant load of 50 or less.
2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, such as individual portable school classroom buildings; provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.
3. Where an existing approved alarm system is in place, an emergency voice/alarm system is not required in any portion of an existing Group E building undergoing any one of the following repairs, alteration or addition:
  - 3.1 Alteration or repair to an existing building including, without limitation, alterations to rooms and systems, and/or corridor configurations, not exceeding 35 percent of the fire area of the building (or the fire area undergoing the alteration or repair if the building is comprised of two or more fire areas); or
  - 3.2 An addition to an existing building, not exceeding 35 percent of the fire area of the building (or the fire area to which the addition is made if the building is comprised of two or more fire areas).
4. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:
  - 4.1 Interior corridors are protected by smoke detectors.
  - 4.2 Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.
  - 4.3 Shops and laboratories involving dust or vapors are protected by heat detectors or other approved detection devices.



5. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:

5.1 The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.

5.2 The emergency voice/alarm communication system will activate on sprinkler waterflow.

5.3 Manual activation is provided from a normally occupied location.

CC. Fire alarm in Group F. Section 907.2.4 of the International Fire Code entitled “Fire alarm and detection systems – Group F” is amended to read as follows:

**Sec. 907.2.4 Group F.** An automatic and manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in fire protection areas containing Group F occupancies where any of the following conditions exist:

1. The Group F occupancy is two or more stories in height.
2. The Group F occupancy has a combined occupant load of 500 or more above or below the lowest level of exit discharge.
3. The fire protection area of the building or structure exceeds 4,000 square feet.

**Exception:** Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

DD. Fire alarm in Group H. Section 907.2.5 of the International Fire Code entitled “Fire alarm and detection systems – Group H” is amended to read as follows:

**Sec. 907.2.5 Group H.** An automatic and manual fire alarm system with occupant notification in accordance with Section 907.5 shall be provided in Group H occupancies located in fire protection areas exceeding 4,000 square feet, in Group H-5 occupancies and in occupancies used for the manufacture of organic coatings. An automatic smoke detection system shall be installed for highly toxic gases, organic peroxides and oxidizers in accordance with Chapters 60, 62 and 63, respectively, of the International Fire Code.

EE. Fire alarm in Group I. Section 907.2.6 of the International Fire Code entitled “Fire alarm and detection systems – Group I” is amended to read as follows:

**Sec. 907.2.6 Group I.** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group I occupancies. An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be provided in accordance with Sections 907.2.6.1, 907.2.6.2, 907.2.6.3, and 907.2.6.4. A full automatic and manual fire alarm system with occupant notification shall be provided in Group I occupancies located in fire protection areas that exceed 4,000 square feet.

**Exceptions:**

1. Manual fire alarm boxes in resident or patient sleeping areas of Group I-1 and I-2 occupancies shall not be required at exits if located at nurses' control stations or other constantly attended staff locations, provided that such manual fire alarm boxes are visible and provided with ready access, and the distances of travel required in Section 907.4.2.1 are not exceeded.
2. Occupant notification systems are not required to be activated where private mode signaling installed in accordance with NFPA 72 is approved by the fire code official and staff evacuation responsibilities are included in the fire safety and evacuation plan required by Section 404 of the International Fire Code.

FF. Fire alarm in Group I-4. Section 907.2.6.4 of the International Fire Code entitled "Fire alarm and detection systems - Group I-4" is amended to read as follows:

**907.2.6.4 Group I-4 occupancies.** A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group I-4 occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An automatic and manual fire alarm system shall be installed in fire protection areas exceeding 4,000 ft<sup>2</sup>.

**Exceptions:**

1. A manual fire alarm system is not required in Group I-4 occupancies with an occupant load of 50 or less.
2. Emergency voice alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group I-4 occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

GG. Fire alarm in Group M and Group S. Section 907.2.7 of the International Fire Code entitled "Fire alarm and detection systems – Group M" is amended to read as follows:

**Sec. 907.2.7 Group M and Group S.** A full automatic and manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group M occupancies and Group S occupancies where any of the following conditions exists:

1. The combined occupant load of all floors is 500 or more persons.
2. The occupant load is more than 100 persons above or below the lowest level of exit discharge.
3. The fire protection area exceeds 4,000 square feet.
4. The building exceeds three stories in height above grade plane.
5. The building exceeds 30 feet in height above grade plane.

**Exceptions:**

1. A manual fire alarm system is not required in covered or open mall buildings complying with Section 402.
2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will automatically activate throughout the notification zones upon sprinkler water flow.

HH. Occupant notification in Group M. Section 907.2.7.1 of the International Fire Code entitled “Fire alarm and detection systems – Occupant notification” is hereby deleted from this code.

II. Fire alarm in Group R-1. Section 907.2.8 of the International Fire Code entitled “Fire alarm and detection systems – Group R-1” is amended to read as follows:

**Sec. 907.2.8 Group R-1.** Fire alarm systems and smoke alarms shall be installed in Group R-1 occupancies as required in Sections 907.2.8.1 through 907.2.8.3. A full automatic and manual fire alarm system is required in Group R-1 occupancies located in fire protection areas exceeding 4,000 square feet.

**Sec. 907.2.8.1 Manual fire alarm system.** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-1 occupancies located in fire protection areas less than or equal to 4,000 square feet.

**Exceptions:**

1. A manual fire alarm system is not required in buildings not more than two stories in height where all individual sleeping units and contiguous attic and crawl spaces to those units are separated from each other and public or common areas by not less than 1-hour fire partitions and each individual sleeping unit has an exit directly to a public way, egress court or yard.
2. Manual fire alarm boxes are not required throughout the building where all of the following conditions are met:
  - 2.1. The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
  - 2.2. The notification appliances will activate upon sprinkler water flow.
  - 2.3. Not fewer than one manual fire alarm box is installed at an approved location.

JJ. Fire alarm in Group R-2. Section 907.2.9 of the International Fire Code entitled “Fire alarm and detection systems – Group R-2” is amended to read as follows:

**Sec. 907.2.9 Group R-2.** A full automatic and manual fire alarm system shall be installed in Group R-2 occupancies located in fire protection areas exceeding 4,000 square feet. Fire alarm systems and smoke alarms shall be installed in Group R-2 occupancies as required in Sections 907.2.9.1 through 907.2.9.3.

**Sec. 907.2.9.1 Manual fire alarm system.** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where any of the following conditions apply:

1. Any dwelling unit or sleeping unit is located three or more stories above the lowest level of exit discharge.
2. Any dwelling unit or sleeping unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit.
3. The building contains more than 16 dwelling units or sleeping units.

**Exceptions:**

1. A fire alarm system is not required in buildings not more than two stories in height and has a fire protection area of 4,000 square feet or less where all dwelling units or sleeping units and contiguous attic and crawl spaces are separated from each other and public or common areas by not less than 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public way, egress court or yard.
2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and the occupant notification appliances will automatically activate throughout the notification zones upon a sprinkler water flow.
3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and monitored by an approved U.L listed central supervising station, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, Exception 3.

KK. Initiating device identification. Section 907.6.3 of the International Fire Code entitled “Fire alarm and detection systems – Initiating device identification” is amended to read as follows:

**Sec. 907.6.3 Initiating device identification.** The fire alarm system shall identify the specific initiating device address, location, device type, floor level where applicable and status including indication of normal, alarm, trouble and supervisory status, as appropriate.

**Exceptions:**

1. Fire alarm systems in single-story buildings less than 4,000 square feet in area.
2. Fire alarm systems that only include manual fire alarm boxes, waterflow initiating devices and not more than 10 additional alarm-initiating devices.
3. Special initiating devices that do not support individual device identification.
4. Fire alarm systems or devices that are replacing existing equipment.

**Sec. 907.6.3.1 Annunciation.** The initiating device status shall be annunciated at an approved on-site location and be transmitted to the approved U.L. listed central supervising station.

LL. Monitoring. Section 907.6.6 of the International Fire Code entitled “Fire alarm and detection systems – Monitoring” is amended to read as follows:

**Sec. 907.6.6 Monitoring.** Fire alarm systems required by this chapter or by the International Fire Code shall be monitored by an approved U.L. listed central supervising station in accordance with NFPA 72.

**Exception:** Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings.

#### **15.04.300 Amendments to the Uniform Plumbing Code.**

The following local amendments to the Uniform Plumbing Code adopted in PMC [15.04.020](#) are hereby adopted and incorporated into the Uniform Plumbing Code:

A. Title. Section 101.1 of the Uniform Plumbing Code entitled “Title – Title” is amended to read as follows:

**Sec. 101.1 Title.** These provisions shall be known as the Plumbing Code of the City of Poulsbo, and shall be cited as such and will be referred to herein as “this code.”

B. Washington State Referenced Codes. Section [102.1](#) of the Uniform Plumbing Code entitled "Applicability– Conflicts between codes" is amended by adding subsection 102.1.1 to read as follows:

**Sec. 102.1.1 Washington State Referenced Codes.** Wherever the adopted codes state the International Plumbing Code, it shall mean the Uniform Plumbing Code as adopted by the State of Washington. Wherever the adopted codes state the National Electrical Code or NFPA 70, it shall mean the electrical code as adopted by the State of Washington in accordance with RCW 19.28 and WAC 296-46B. Wherever the adopted codes state the International Energy Conservation Code, it shall mean the Washington State Energy Code as adopted by the State of Washington.

C. Corrections. Section [102.1](#) of the Uniform Plumbing Code entitled "Applicability– Conflicts between codes" is amended by adding subsection 102.1.2 to read as follows:

**102.1.2 Corrections.** Publishing or typographical error corrections as identified in Errata published by the International Association of Plumbing and Mechanical Officials (IAPMO) shall become part of this code as if contained herein.

D. Fees. Section 104.5 of the Uniform Plumbing Code entitled “Permits - Fees” is amended to read as follows:

**Sec. 104.5 Fees.** The fees for permits and inspections under the Uniform Plumbing Code shall be as set forth pursuant to PMC 15.04.040.

**15.04.310 Amendments to the International Property Maintenance Code.**

The following local amendments to the International Property Maintenance Code adopted in PMC15.04.020 are hereby adopted and incorporated into the International Property Maintenance Code:

A. Title. Section 101.1 of the International Property Maintenance Code entitled “General – Title” is amended to read as follows:

**Sec. 101.1 Title.** These provisions shall be known as the Property Maintenance Code of the City of Poulsbo, and shall be cited as such and will be referred to herein as “this code.”

B. Application of other codes. Section 102.3 of the International Property Maintenance Code entitled “Applicability - Application of other codes” is amended to read as follows:

**Sec. 102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, Washington State Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, Uniform Plumbing Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of Poulsbo Zoning Code.

C. Referenced codes and standards. Section 102.7 of the International Property Maintenance Code entitled "Applicability - Referenced codes and standards" is amended to read as follows:

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that have been adopted pursuant to PMC 15.04.020 and are considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2. Wherever the adopted codes state the International Plumbing Code, it shall mean the Uniform Plumbing Code as adopted by the State of Washington. Wherever the adopted codes state the National Electrical Code or NFPA 70, it shall mean the electrical code as adopted by the State of Washington in accordance with RCW 19.28 and WAC 296-46B. Wherever the adopted codes state the International Energy Conservation Code, it shall mean the Washington State Energy Code as adopted by the State of Washington.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

D. Corrections. Section 102.7 of the International Property Maintenance Code, entitled

"Applicability - Referenced codes and standards" is amended by adding subsection 102.7.1 to read as follows:

**Sec. 102.7.1 Corrections.** Publishing or typographical error corrections as identified in Errata published by the International Code Council shall become part of this code as if contained herein.

E. Fees. Section 103.5 of the International Property Maintenance Code entitled "Department of property maintenance inspection - Fees" is amended to read as follows:

**Sec. 103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set forth pursuant to PMC 15.04.040.

F. Failure to comply. Section 112.4 of the International Property Maintenance Code entitled "Stop work order - Failure to comply" is amended to read as follows:

**Sec. 112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to enforcement actions pursuant to the penalties identified in PMC Chapter 15.04.

G. Weeds. Section 302.4 of the International Property Maintenance Code entitled "Exterior property areas - Weeds" is not adopted by the City of Poulsbo.

H. Address identification. Section 304.3 of the International Property Maintenance Code entitled "Exterior structure – Premises identification" is amended to read as follows:

**Sec. 304.3 Address identification.** New and existing buildings shall be provided with approved address identification as regulated in PMC 12.24.

I. Insect screens. Section 304.14 of the International Property Maintenance Code entitled "Exterior structure - Insect screens" is not adopted by the City of Poulsbo.

J. Heat supply. Section 602.3 of the International Property Maintenance Code entitled "Heat supply" is amended to read as follows:

**Sec. 602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from January 1 to December 31 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

**Exception:** When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required

provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the Washington State Energy Code.

K. Occupiable work spaces. Section 602.4 of the International Property Maintenance Code entitled “Occupiable work spaces” is amended to read as follows:

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from January 1 to December 31 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

**Exceptions:**

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.



## Chapter 15.05

### OUTDOOR LIGHTING REGULATIONS

#### Sections:

- 15.05.010 Declaration of necessity.
- 15.05.020 Purpose and intent.
- 15.05.030 Definitions.
- 15.05.040 General requirements.
- 15.05.050 Exemptions.
- 15.05.060 Temporary variances.
- 15.05.070 Administration and enforcement generally.
- 15.05.080 Inspections.
- 15.05.090 Notice of violation.
- 15.05.100 Enforcement.

#### **15.05.010 Declaration of necessity.**

The city council finds and declares that the sky is an important aspect of our environment and that it is a necessary public purpose to regulate the use of outdoor light fixtures in the city of Poulsbo to minimize light pollution. (Ord. 88-36 § 1 (part), 1988)

#### **15.05.020 Purpose and intent.**

It is the purpose and intent of this chapter to minimize light pollution for the enjoyment of the citizens of Poulsbo, the preservation of the “small town” atmosphere, the preservation of the suitability of Raab Park as a future observatory site and the conservation of energy by:

- A. Requiring the use of shielded outdoor light fixtures wherever possible;
- B. Requiring that certain outdoor light fixtures be turned off between midnight and sunrise; and
- C. Encouraging the use of low pressure sodium outdoor light fixtures, using the minimum amount of light necessary to meet lighting criteria and using fixtures with good optical control to distribute light in the most efficient manner during the site plan or building permit review process. (Ord. 88-36 § 1 (part), 1988)

#### **15.05.030 Definitions.**

As used in this chapter, the following terms shall have the meanings set forth below:

- A. “Automatic timing device” means a device which automatically turns on and off outdoor light fixtures or circuits. Photo controls are not considered automatic timing devices for purposes of this chapter.
- B. “Outdoor lighting” means all light fixtures which are permanently or temporarily installed for the purpose of illuminating outdoor areas.

C. “Shielding” means a technique or method which causes light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the fixture.

D. “Sign, illuminated” means any sign as defined in the city sign code which is illuminated by internal or external light source(s). (Ord. 88-36 § 1 (part), 1988)

#### **15.05.040 General requirements.**

A. Shielding. All outdoor fixtures, except illuminated signs, installed after June 1, 1988, shall be shielded from above in such a manner that the edge of the shield shall be level with or below the center of the light source so that no direct light is emitted above the horizontal plane established at the bottom of the lowest point on the light source. Light-directing refractors shall be considered to be light sources.

B. Lighting Replacement. All replacement of existing lighting fixtures shall meet the requirements of this section. Replacing a light bulb shall not be considered fixture replacement. Replacement shall include all situations in which the lighting fixture is physically removed and replaced with a new fixture and shall not include maintenance or repair work performed on an existing fixture. (Ord. 88-36 § 1 (part), 1988)

#### **15.05.050 Exemptions.**

The following shall be exempt from the provisions of this chapter:

A. Holiday lighting;

B. External illumination to highlight architectural features of buildings or structures, provided, that after construction of the Raab Park Observatory, lighting shall be turned off by an automatic timing device between midnight and sunrise, except that the building may be illuminated while the premises are open to the public;

C. All outdoor, illuminated signs or use of a searchlight for advertising purposes, provided, that after construction of the Raab Park Observatory, the illuminated signs or searchlights shall be turned off by an automatic timing device between midnight and sunrise, except that on premises signs may be illuminated while the business facility on the premises is open to the public;

D. Incandescent lighting fixtures in which the aggregate total wattage of all bulbs does not exceed three hundred watts. (Ord. 88-36 § 1 (part), 1988)

#### **15.05.060 Temporary variances.**

A. Any person may submit a written request to the board of adjustment for a temporary variance from the requirements of this chapter. The request for the variance shall contain the following information in addition to the information contained in an application for variance from the city zoning code:

1. The type and use of outdoor light fixture involved;
2. The specific exemption requested;
3. The total wattage of all lamp(s);

4. The proposed location and physical size of the outdoor light; and
5. The time(s) of use.

B. In addition to the data specified in subsection A of this section, the board of adjustment may request any additional information which would enable the board to make a reasonable evaluation of the request for variance.

C. The board may grant a temporary variance for a period of time not to exceed that specified by the board of adjustment, provided that the board finds that the variance meet the terms of Section 2.28.050 of this code. In making its determination, the board shall consider the impact of the variance on the Raab Park Observatory facility as a property improvement which benefits the general public welfare and is located in the affected vicinity of the variance. (Ord. 88-36 § 1 (part), 1988)

#### **15.05.070 Administration and enforcement generally.**

The building inspector or his designee is charged with the responsibility of administering and enforcing the provisions of this chapter. (Ord. 91-33 § 1, 1991: Ord. 88-36 § 1 (part), 1988)

#### **15.05.080 Inspections.**

The building inspector or his designee shall inspect properties as necessary to determine whether the provisions of this chapter are being complied with and, whenever there is reasonable cause to believe that a violation has occurred upon any property, may enter upon such premises at all reasonable times to inspect the same or to perform any other duty imposed upon the building inspector by this chapter. The building inspector or his designee shall present proper credentials to the owner or other person in charge of the premises before demanding entry. If such entry is refused or if the owner or tenant or person in charge of the premises cannot be located, the building inspector or his designee shall have recourse to every remedy provided by law to secure entry, including, but not limited to, application for a search warrant. In making such application, the building inspector or his designee shall be assisted by the police department. (Ord. 2002-23 § 1, 2002: Ord. 91-33 § 2, 1991: Ord. 88-36 § 1 (part), 1988)

#### **15.05.090 Notice of violation.**

Whenever the building inspector or his designee determines that a violation of this chapter has occurred, the building inspector or his designee may issue a notice of infraction in accordance with Chapter 1.16. (Ord. 2013-05 § 5, 2013: Ord. 91-33 § 3, 1991: Ord. 88-36 § 1 (part), 1988)

#### **15.05.100 Enforcement.**

A. Violation. It is unlawful for any person, firm or corporation to violate any provision of this chapter.

B. Penalty for First Offense. Any person who shall commit a violation of this chapter, where such violation constitutes a first offense, shall have committed a civil infraction and, upon a finding by the Poulsbo municipal court that such infraction has been committed, shall pay a monetary penalty to the city of Poulsbo in an amount not to exceed two hundred fifty dollars.

C. Penalty for Second or Subsequent Offense. Any person who violates or fails to comply with any of the provisions of this chapter, where such a person has been adjudged by the Poulsbo

municipal court to have committed a previous violation of such provisions shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, plus two hundred fifty dollars per day, for each day during which the violation continued in effect. In addition, each day or portion thereof during which any violation of this chapter is committed or permitted shall constitute a separate offense.

D. Additional Remedies. In addition to any other remedy provided by this chapter, the city may initiate injunction or abatement proceedings or any other appropriate action in the courts against any person who violates or fails to comply with any provisions of this chapter to prevent, enjoin, abate or terminate violations of this chapter or to restore a condition which existed prior to the violation. The violator shall pay the costs of such action including reasonable attorney's fees. (Ord. 88-36 § 1 (part), 1988)

## Chapter 15.06

### MANUFACTURED HOME INSTALLATIONS

#### Sections:

- 15.06.010 Definitions.
- 15.06.020 Installation permit required.
- 15.06.030 Application for permit—Contents.
- 15.06.040 Labor and Industries approval.
- 15.06.050 Occupancy permit required—Inspections.
- 15.06.060 Fees.

#### **15.06.010 Definitions.**

As used in this chapter, the following terms shall have the definitions set forth below:

A. Mobile or Manufactured Home. “Mobile or manufactured home” means a structure, transportable in one or more sections, which is thirty-two body-feet or more in length and is eight body-feet or more in width, and which is built on a permanent chassis, and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical system contained therein. The term mobile or manufactured home does not include a commercial coach, recreational vehicle, motor home, or modular home. A mobile home was manufactured prior to June 15, 1976. A manufactured home is manufactured after June 15, 1976, and has a certification label showing the home section is built in accordance with HUD's Manufactured Home Construction and Safety Standards. (Ord. 85-20 § 1 (part), 1985)

#### **15.06.020 Installation permit required.**

No mobile or manufactured home shall be placed on any lot or in any mobile or manufactured home park within the city unless the owner has been issued and has in full force and effect a valid installation permit from the city to so place the mobile or manufactured home. (Ord. 85-20 § 1 (part), 1985)

#### **15.06.030 Application for permit—Contents.**

No permit shall be issued for the installation of any mobile or manufactured home on any lot or site in the city except upon written application to the city building official. Such application shall be signed by the owner of the mobile or manufactured home and shall be in such form as the building official shall prescribe. The application shall be accompanied by the nonrefundable permit fee established by Section 3.12.020(F), and shall contain, at a minimum, the following information:

- A. The name, address, and telephone number of the owner of the mobile manufactured home for which the permit is sought;
- B. The make, model, and serial or vehicle identification number of the mobile or manufactured home for which the permit is sought;

C. The dimensions of the mobile or manufactured home, including the length, wheel base, if any, and width;

D. The address and space number where the mobile or manufactured home is sought to be located; and

E. Such other information as the city building official may reasonably require. (Ord. 2003-16 § 35 (part), 2003; Ord. 85-20 § 1 (part), 1985)

#### **15.06.040 Labor and Industries approval.**

No installation permit may be granted for any mobile or manufactured home in the city of Poulsbo unless the mobile or manufactured home is of a type approved by and bearing the insignia of the Washington State Department of Labor and Industries. (Ord. 85-20 § 1 (part), 1985)

#### **15.06.050 Occupancy permit required—Inspections.**

Prior to the occupancy of any mobile or manufactured home installed pursuant to this chapter, a certificate of occupancy must be obtained by the owner from the city building official. No person shall occupy a mobile or manufactured home until a valid certificate of occupancy is issued. A certificate of occupancy may only be issued by the building official if the official finds that the mobile or manufactured home and the installation thereof comply with all city standards relating to the same and that the mobile or manufactured home is safe and suitable for human habitation. (Ord. 85-20 § 1 (part), 1985)

#### **15.06.060 Fees.**

The fee for each permit for single-wide mobile or manufactured homes and for double-wide homes required by this chapter shall be as set forth in Section 3.12.020(F). (Ord. 2003-16 § 35 (part), 2003; Ord. 85-20 § 1 (part), 1985)

**Chapter 15.07****MOVING BUILDINGS****Sections:**

- 15.07.010 Permit required.
- 15.07.020 Application—Contents.
- 15.07.030 Review of application.
- 15.07.040 Building official to issue permit—Criteria for issuance.
- 15.07.050 Term of permit.
- 15.07.060 Bond required.
- 15.07.070 Insurance required.
- 15.07.080 Routing of traffic.
- 15.07.090 Clearance for fire equipment.
- 15.07.100 Cleanup.
- 15.07.110 Inspections.
- 15.07.120 Revocation or suspension of permit.
- 15.07.130 Violation—Penalties.

**15.07.010 Permit required.**

No person shall move any existing building from a site located inside or outside the city limits to a site located within the city of Poulsbo through, over, along or across any public street or right-of-way unless such person shall have first obtained a permit to do so from the building official. (Ord. 85-28 § 3 (part), 1985)

**15.07.020 Application—Contents.**

A. Any person desiring to apply for a permit to move any building through, over, along or across any street or public right-of-way in the city of Poulsbo shall do so by filing a written application therefor with the city building official. Such application shall be signed by the person who intends to move the building. The application shall be in such form as the building official may reasonably require and shall include, at a minimum, the following information:

1. The name, address and telephone number of the applicant;
2. The location from which the building or structure for which the permit is applied will be moved;
3. The location to which the building or structure will be moved;
4. The dimensions of the building or structure;
5. The proposed route along which such building will be moved;
6. The date and hour on which the move is proposed to be commenced and an estimate of the time necessary for completion;

7. A detailed description of the method by which the building is proposed to be moved, including the length, width and gross weight limits of the vehicle proposed to be used to accomplish the move and the method of securing the building or structure to the vehicle; and

8. Such other and further information as may be required by the building official.

B. A nonrefundable application fee as set forth in Section 3.12.020(G) shall accompany each application for the issuance of a permit under this chapter. Said application fee shall be in addition to all other fees for permits or charges relative to any proposed building move. (Ord. 2003-16 § 36 (part), 2003; Ord. 85-28 § 3 (part), 1985)

#### **15.07.030 Review of application.**

Upon receipt of a completed permit application, the building official shall refer the same to the chief of police, the city public works director and the Fire District No. 18 fire marshal for their investigation and review concerning compliance of the proposed building move with the criteria for issuance set forth in Section 15.07.040. The chief of police, the public works director and the fire marshal shall forward the results of their investigation and review to the building official. (Ord. 2006-12 § 1, 2006; Ord. 2005-17 § 1 (part), 2005; Ord. 85-28 § 3 (part), 1985)

#### **15.07.040 Building official to issue permit—Criteria for issuance.**

A. All permits issued under this chapter shall be issued by the building official of the city. Upon receipt of the comments of the chief of police, the public works director and the fire chief on the application, the building official shall proceed to consider whether or not the permit should be issued. A permit may be issued to the applicant only if the following criteria and conditions for issuance are met:

1. The proposed building or structure move will not create a likelihood of endangering persons or properties during or after the move;
2. The proposed building or structure move will not create unreasonable interference with normal vehicular or pedestrian traffic flow on the public streets or rights-of-way through, over, along or across which the move will be made and will not unreasonably interfere with normal access to any property adjoining such public streets or rights-of-way;
3. The building or structure sought to be moved must meet the requirements as set forth by the state of Washington, and/or the International Building Code (whichever is most restrictive), and has been approved for construction by the building official for the new, proposed location;
4. The applicant has agreed in writing to indemnify, defend and hold the city harmless from any and all claims, losses or liability for bodily injury or property damage that may arise out of or in connection with the applicant's permitted building or structure move;
5. The applicant has provided a surety bond to the city in accordance with the provisions of this chapter; and
6. The applicant has and will have in full force and effect throughout the duration of the move, comprehensive general liability insurance for personal injury and property damage as required by this chapter.



B. If any of the conditions or criteria specified in subsection A of this section are not met, the building official may either deny the permit or approve the permit with such conditions as the building official determines are necessary to meet the criteria and conditions. (Ord. 2016-10 § 3, 2016; Ord. 2005-17 § 1 (part), 2005; Ord. 85-28 § 3 (part), 1985)

**15.07.050 Term of permit.**

All permits to move buildings issued pursuant to the provisions of this chapter shall be valid for a single date certain, which date shall be established by the building official as the date on which the move is to be commenced and completed. This date shall be clearly noted on the permit. (Ord. 85-28 § 3 (part), 1985)

**15.07.060 Bond required.**

Before a permit may be issued under the provisions of this chapter, the applicant shall deposit with the building official a surety bond in an amount to be determined by the building official to be sufficient to ensure completion of the move and fulfillment of all conditions of the move provided for in this chapter. The bond shall be a form approved by the city attorney. (Ord. 85-28 § 3 (part), 1985)

**15.07.070 Insurance required.**

Before a permit may be issued under the provisions of this chapter, the applicant shall secure comprehensive general liability insurance for personal injury and property damage in an amount determined by the building official which shall remain in full force and effect throughout the duration of the move. The policy of insurance shall name the city of Poulsbo as an additional named insured and shall include a provision prohibiting cancellation of the policy except upon thirty days' prior written notice to the city. Proof that the applicant has such insurance must be furnished to the building official prior to issuance of the permit. (Ord. 85-28 § 3 (part), 1985)

**15.07.080 Routing of traffic.**

The permittee shall take such measures as are deemed necessary by the building official, the public works director and the city police chief to assure that during the performance of the building or structure move, pre-move vehicular and pedestrian traffic conditions and flow are maintained as nearly as practicable. No street or public right-of-way may be closed by the permittee without the express permission of the public works director. The permittee shall route and control traffic, including its own vehicles, as directed by the city police department. Where flagmen are deemed necessary by the building official or the public works director, they shall be furnished by the permittee at the permittee's expense. (Ord. 2005-17 § 1 (part), 2005; Ord. 85-28 § 3 (part), 1985)

**15.07.090 Clearance for fire equipment.**

The move shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants and so as not to obstruct fire lanes or necessary access for fire apparatus to locations along the route of the move. (Ord. 85-28 § 3 (part), 1985)

**15.07.100 Cleanup.**

As the move progresses, all streets, public rights-of-way and private property adjacent to the same shall be thoroughly cleaned of all rubbish and other debris resulting from such move. All cleanup shall be accomplished at the expense of the permittee and shall be completed to the

satisfaction of the public works director. (Ord. 2005-17 § 1 (part), 2005; Ord. 85-28 § 3 (part), 1985)

**15.07.110 Inspections.**

The building official may make such inspections as he deems reasonably necessary in the enforcement of this chapter. When such inspections are made, the permittee shall reimburse the city for the cost of such inspections. (Ord. 85-28 § 3 (part), 1985)

**15.07.120 Revocation or suspension of permit.**

All permits issued pursuant to this chapter shall be temporary, shall vest no permanent rights in the applicant and may, at any time, be suspended or revoked by the building official whenever a permittee, or any officer, employee or partner thereof:

- A. Has violated any federal, state or city statute, law, regulation or ordinance in connection with the move; or
- B. Has violated any other conditions of the permit; or
- C. Has made any material false statement or representation in connection with obtaining the permit; or
- D. Has conducted the move or permitted the move to become, for any reason, dangerous to persons or property. (Ord. 85-28 § 3 (part), 1985)

**15.07.130 Violation—Penalties.**

Any person who violates any of the provisions of this chapter shall have committed a civil infraction and shall, upon a finding by the Poulsbo municipal court that the infraction has been committed, pay a civil monetary penalty to the city in any sum not to exceed two hundred fifty dollars. In addition, each and every day during which any portion of which any violation of any provision of this chapter is committed, continued or permitted by any person constitutes a separate infraction. (Ord. 85-28 § 3 (part), 1985)

## **Chapter 15.08**

### **OUTDOOR SOUND SYSTEMS**

#### Sections:

- 15.08.010 Declaration of purpose and necessity.
- 15.08.020 Definitions.
- 15.08.030 Outdoor sound system use prohibited.
- 15.08.040 Exemptions.
- 15.08.050 Amortization and removal of existing public systems.

#### **15.08.010 Declaration of purpose and necessity.**

The city council finds and declares that the quiet enjoyment of individual properties is an important aspect of the environment of Poulsbo. Proliferation of outdoor speakers at public businesses has over time increased to the degree that the council finds that outdoor sound systems are negatively impacting both the residential and commercial environment of the city. The city council further finds that despite repeated warnings and requests for cooperation, business owners have failed to voluntarily limit the volume utilized in such systems to prevent the disturbance of adjacent properties. The council further finds that many reasonable alternatives to the use of outdoor sound systems in commercial enterprises such as pagers and other individual devices to alert salesmen are readily available on the market at a reasonable price. Therefore, this chapter has been enacted in order to prohibit outdoor sound systems and establishing an amortization period for existing systems. (Ord. 92-20 § 2 (part), 1992)

#### **15.08.020 Definitions.**

The following definition shall be applied in this chapter:

“Outdoor sound system” includes electronic systems designed and intended for the amplification of the human voice, music or other sound or noise including but not limited to outside public address systems, voice amplification and any other form of loud speaker. (Ord. 92-20 § 2 (part), 1992)

#### **15.08.030 Outdoor sound system use prohibited.**

Except as provided in Section 15.08.040, no person shall install, maintain or operate an outdoor sound system on or from any property. (Ord. 92-20 § 2 (part), 1992)

#### **15.08.040 Exemptions.**

The following uses or activities shall be exempt from the provisions of this chapter:

- A. Private outdoor sound systems accessory to a residential use in a residential zone of the city, provided, however, that said residential outdoor sound systems shall not be operated at a volume audible beyond the boundaries of the property on which they are operated.
- B. Mobile sound systems installed in vehicles and automobiles operated on public rights-of-way. This exemption shall not apply to vehicles while stopping, standing or otherwise at rest on public or private property.

- C. Outdoor sound systems operated in conjunction with a duly licensed public event.
- D. Intercoms. An intercom is a two-way communication system with a microphone and loudspeaker at each station for localized use. This exemption includes intercoms used by banks and fast food restaurants to communicate with customers and security devices used in apartment buildings to screen visitors. Intercoms shall comply with the limitations imposed by Section 9.70.060(B)(7) which prohibits the loudspeaker portion of the intercom from being audible off of the lot on which it is located. (Ord. 93-10 § 1, 1993; Ord. 92-20 § 2 (part), 1992)

**15.08.050 Amortization and removal of existing public systems.**

Any outdoor sound system in existence at the date the ordinance codified in this chapter becomes effective may be maintained and operated until December 31, 1992. The city council finds that reasonably priced alternatives to the use of outdoor sound systems exist and that an amortization period in excess of ninety days will provide users existing systems with a reasonable opportunity to obtain other alternative methods of communication with sales staff and others and complete reasonable economic use of existing facilities. Nothing in this chapter should be interpreted to authorize the use of a sound system at a level which would be audible off the property in violation of the provision of Section 9.70.060(B)(7) of this code. (Ord. 92-20 § 2 (part), 1992)

**Chapter 15.24****FLOODPLAIN MANAGEMENT**

## Sections:

## Article I. General Provisions

- 15.24.010 Purpose.
- 15.24.020 Definitions.
- 15.24.030 Lands to which provisions apply.
- 15.24.040 Flood hazard areas established.
- 15.24.050 Compliance generally.
- 15.24.060 Effect on conflicting ordinances, easements, covenants and deed restrictions.
- 15.24.070 Interpretation.
- 15.24.080 Liability denied.

## Article II. Permits and Administration

- 15.24.090 Flood protection permit.
- 15.24.100 Administration by city engineer.
- 15.24.110 City engineer's duties.
- 15.24.120 Collection and use of other base flood data.
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- 15.24.140 Alteration of watercourses.
- 15.24.150 Interpretation of FIRM boundaries.

## Article III. Construction, Dwelling and Storage Standards

- 15.24.160 Applicable to flood hazard areas generally.
- 15.24.170 Anchoring.
- 15.24.180 Construction materials and methods.
- 15.24.190 Utilities.
- 15.24.200 Subdivisions.
- 15.24.210 Review.
- 15.24.220 Elevation—Generally.
- 15.24.230 Elevation—Residential construction.
- 15.24.240 Elevation—Nonresidential construction.
- 15.24.250 Manufactured homes.
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- 15.24.270 City council to hear and decide.
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- 15.24.360 Violations—Penalty.
- 15.24.370 Severability.

## **Article I. General Provisions**

### **15.24.010 Purpose.**

This chapter is to:

- A. Promote the public health, safety and general welfare;
- B. Reduce the loss of life and property damages associated with flooding;
- C. Minimize public expenditures for flood control projects and rescue and relief operations; and
- D. Assure continued availability of flood insurance. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 1, 1979)

### **15.24.020 Definitions.**

Unless specified in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

- A. “Appeal” means the request for the review of the city engineer’s interpretation of any provision of this chapter or a request for a variance.
- B. “Area of shallow flooding” means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate. Velocity flow in such zones may be evident. AO is characterized as sheet flow and AH indicates ponding.
- C. “Area of special flood hazard” means the land in the floodplain within the community subject to a one percent or greater chance of flooding in any given year. Designation of these areas on maps always includes the letters A or V.
- D. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year and is also referred to as the one-hundred-year flood. Designation of these areas on maps always includes the letters A or V.
- E. “Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

F. “Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

G. “Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

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

I. “Elevation certificate” means the official form (FEMA Form 086-0-33) used to track development, provide elevation information necessary to ensure compliance with the community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.

J. “Elevated building” means for insurance purposes, a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

K. “Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

L. “Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

M. “Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of service waters from any source.

N. “Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

O. “Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood-floodway map and the water surface elevation of the base flood.

P. “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Q. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built as to render the structure in violation of the applicable nonelevation design requirements of Section 15.24.230.

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

S. “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

T. “New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter.

U. “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

V. “Recreational vehicle” means a vehicle:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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



construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

X. “Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

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

Z. “Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which exceeds or equals fifty percent of the market value of the construction either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historical Places or the State Inventory of Historical Places.

AA. “Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner which would otherwise be prohibited by this chapter.

BB. “Water dependent” means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 2005-27 §§ 1, 2, 2005; Ord. 87-20 § 1, 1987: Ord. 79-24 § 2, 1979)

#### **15.24.030 Lands to which provisions apply.**

This chapter applies to all areas of special flood hazards within the jurisdiction of the city of Poulsbo. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 3.1, 1979)

#### **15.24.040 Flood hazard areas established.**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Kitsap County and Incorporated Areas,” dated February 3, 2017, and any revisions thereto, with accompanying flood insurance rate maps and any revisions thereto, are adopted by reference and declared to be

a part of this section as if set out fully in this section. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 2010-21 § 1, 2010: Ord. 2005-27 § 3, 2005: Ord. 81-30, 1981: Ord. 79-24 § 3.2, 1979)

**15.24.050 Compliance generally.**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with all terms of this chapter and other applicable regulations. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 3.3, 1979)

**15.24.060 Effect on conflicting ordinances, easements, covenants and deed restrictions.**

This chapter is not intended to repeal, abrogate or impair any existing easement, covenant or deed restriction. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent requirements shall prevail. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 3.4, 1979)

**15.24.070 Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

- A. Construed as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed not to limit nor repeal any other powers granted under state statute or city ordinance. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 3.5, 1979)

**15.24.080 Liability denied.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Large floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the area of special flood hazard or uses permitted within such areas will be free from such flooding or flood damage. This chapter shall not create liability on the part of the city of Poulsbo, any officer or employee thereof or the Federal Insurance Administration, for any flood damage that results from reliance on this chapter or an administrative decision lawfully made under this chapter. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 3.6, 1979)

**Article II. Permits and Administration**

**15.24.090 Flood protection permit.**

A. Before issuance of any building permit, and before construction or development begins within any area of specific flood hazard established in Section 15.24.040, all provisions of this chapter shall be complied with by the person or persons or corporations obtaining the building permit or undertaking the construction or development. This requirement of compliance with the provisions of this chapter applies to all structures, including manufactured and mobile homes, set forth in Section 15.24.020, and for all other development including fill or other activities, also set forth in Section 15.24.020. Applications for a building permit within any area of specific flood hazard as established in Section 15.24.040 shall, in addition to meeting the requirements of Chapter 15.04, contain the following information:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures as determined by a Washington State registered land surveyor or Washington State licensed civil engineer;
2. Elevation in relation to mean sea level to which any structure has been floodproofed as determined by a Washington State registered land surveyor or Washington State licensed civil engineer;
3. Certification by a registered professional engineer or architect that the floodproofing method for any nonresidential structure meets the floodproofing criteria in Section 15.24.240;
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. In the event that any person, persons or corporations undertake any development including fill or other activity which falls within Section 15.24.020, but for which no building permit would otherwise be required but for this chapter, the requirements of this chapter must be met, and the city engineer shall, upon compliance by such person, persons or corporations with all of the requirements of this chapter, issue a certificate to such person, persons or corporations to that effect. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 4.1, 1979)

#### **15.24.100 Administration by city engineer.**

Whenever any building permit application is filed for any structure to be located in an area of special flood hazard, the planning department shall forward the same to the city engineer for review. The city engineer is appointed to administer and implement this chapter by granting or denying building permit applications in accordance with its provisions and all other provisions of the building code of the city. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 87-20 § 2, 1987: Ord. 79-24 § 4.2, 1979)

#### **15.24.110 City engineer's duties.**

Duties of the city engineer include, but are not limited to:

- A. Review of all building permits to determine that the permit requirements of this chapter have been met;
- B. Review of development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
- C. Review of all building permits to determine if the proposed development is located in the floodway. If a development is located in a floodway, the engineer shall ensure that the encroachment provisions of Section 15.24.260(A) are met. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 2005-27 § 4, 2005; Ord. 87-20 § 3, 1987: Ord. 79-24 § 4.3, 1979)

#### **15.24.120 Collection and use of other base flood data.**

When base flood elevation data has not been provided in accordance with Section 15.24.040, the city engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from federal, state or other sources, in order to administer and determine

compliance with Sections 15.24.170 through 15.24.260. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 87-20 § 4, 1987: Ord. 79-24 § 4.3-2, 1979)

#### **15.24.130 Gathering of information.**

A. Where base flood elevation data is provided through the flood insurance study or required as provided in Section 15.24.120, the city engineer shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

B. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required the city engineer shall:

1. Obtain and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
2. Maintain the floodproofing certifications required in Section 15.24.090(A)(3).

C. The city engineer shall maintain for public inspection all records pertaining to the provisions of this chapter. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 87-20 § 5, 1987: Ord. 79-24 § 4.3-3, 1979)

#### **15.24.140 Alteration of watercourses.**

The city engineer shall:

A. Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

B. Require that maintenance is provided within the altered or relocated portion of the watercourses so that the flood-carrying capacity is not diminished. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 4.3-4, 1979)

#### **15.24.150 Interpretation of FIRM boundaries.**

The city engineer shall make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazard. The person contesting the location of the boundaries shall be given a reasonable opportunity to appeal the interpretation, as provided in Section 15.24.270. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 89-30 § 1, 1989: Ord. 79-24 § 4.3-5, 1979)

### **Article III. Construction, Dwelling and Storage Standards**

#### **15.24.160 Applicable to flood hazard areas generally.**

In all areas of special flood hazard the standards set out in Sections 15.24.170 through 15.24.260 are required. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 5.1, 1979)

#### **15.24.170 Anchoring.**

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.

B. All manufactured homes must be anchored to resist flotation, collapse or lateral movement by providing over-the-top or frame ties to ground anchors, or as otherwise provided in FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 87-20 § 6, 1987: Ord. 79-24 § 5.1-1, 1979)

#### **15.24.180 Construction materials and methods.**

A. All new construction and substantial improvement shall be constructed of materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvement shall be constructed using methods and practices that minimize flood damage.

C. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 87-20 § 7, 1987: Ord. 79-24 § 5.1-2, 1979)

#### **15.24.190 Utilities.**

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

B. New and replacement sanitary sewers shall be designed to minimize or eliminate the infiltration of floodwaters into the system and discharge from the system into the floodwaters.

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Water wells shall be located on high ground that is not in the floodway. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 2005-27 § 5, 2005: Ord. 79-24 § 5.1-3, 1979)

#### **15.24.200 Subdivisions.**

A. All subdivision proposals shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

D. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 87-20 § 8, 1987: Ord. 79-24 § 5.1-4, 1979)

#### **15.24.210 Review.**

Whenever elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test for reasonableness is the judgment of the city engineer and includes use of historical data, high watermarks, photographs of past

flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 87-20 § 9, 1987: Ord. 79-24 § 5.1-5, 1979)

**15.24.220 Elevation—Generally.**

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 15.24.040, Flood hazard areas established, the provisions set out in Section 15.24.230 apply. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 5.2, 1979)

**15.24.230 Elevation—Residential construction.**

A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at one foot or more above base flood elevation.

B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 89-38 § 2, 1989: Ord. 87-20 § 10, 1987: Ord. 79-24 § 5.2-1, 1979)

**15.24.240 Elevation—Nonresidential construction.**

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

- A. Be floodproofed so that below one foot above the base flood level of the structure is watertight with walls substantially impermeable to the passage of water; and
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the city engineer as set forth in Section 15.24.130(B); and
- D. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor set forth in Section 15.24.230(B); and

E. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated as at the base flood level). (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 89-38 § 3, 1989: Ord. 87-20 § 11, 1987: Ord. 79-24 § 5.2-2, 1979)

#### **15.24.250 Manufactured homes.**

All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation and all such homes shall be securely anchored to an adequately anchored foundation system in accord with the provisions of Section 15.24.170. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 2005-27 § 6, 2005: Ord. 89-38 § 4, 1989: Ord. 87-20 § 12, 1987: Ord. 79-24 § 5.2-3, 1979)

#### **15.24.255 Recreational vehicles.**

Recreational vehicles placed on sites are required to either:

- A. Be on the site for fewer than one hundred eighty consecutive days; or
- B. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- C. Meet the requirements of Section 15.24.250. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 2005-27 § 7, 2005)

#### **15.24.260 Floodways.**

Located within the areas of special flood hazard established by Section 15.24.040 are areas designated as floodways. Such floodways are extremely hazardous areas due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, and the following requirements apply:

- A. Encroachments, including fill, new construction, substantial improvements and other developments, are prohibited unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that encroachment will not result in any increase in the flood levels during the occurrence of the base flood discharge;
- B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
  - 1. Repairs, reconstruction, or improvements to a structure which do not increase the ground flood area, and
  - 2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either:
    - a. Before the repair, reconstruction, or improvement is started, or

b. If the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the fifty percent,

3. If certification is provided as set forth in subsection A of this section, new construction and substantial improvements are allowed; provided, that they comply with all applicable provisions of this chapter. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 2005-27 § 8, 2005; Ord. 89-38 § 5, 1989: Ord. 87-20 § 13, 1987: Ord. 79-24 § 5.3, 1979)

#### **Article IV. Variances, Appeals and Violations**

##### **15.24.270 City council to hear and decide.**

The city council shall decide appeals and requests for variances from the requirements of this chapter. The city council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the city engineer in the enforcement or administration of this chapter. All appeals must be brought by filing a written notice of appeal with the city council within fourteen days of the engineer's decision. Any appeal not brought within this time period is barred. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 87-20 § 14, 1987: Ord. 79-24 § 4.4, 1979)

##### **15.24.280 Factors to be considered.**

In passing upon applications for variances from the requirements of this chapter, the city council shall consider all technical evaluations, all relevant factors and standards specified in other sections of this chapter, and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location, where applicable;
- F. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles;



J. The expected heights, velocity, duration, rate of rise, and sediment transport from the floodwaters and effects of wave action, if applicable, expected at the site; and

K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 87-20 § 15, 1987: Ord. 79-24 § 4.4-1(1), 1979)

#### **15.24.285 General considerations for variances.**

A. Variances from the elevation standards set forth in this chapter will generally be limited to new construction and substantial improvements which are to be erected on a lot of one-half acre or less in size contiguous and surrounded by lots with existing structures constructed below the base flood level; provided, that the requirements of Section 15.24.280 are met.

B. Variances shall pertain to a physical piece of property. Variances are not personal in nature and do not pertain to the structure, its inhabitants, its economic or financial circumstances. Variances shall primarily address small lots in densely populated residential neighborhoods.

C. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except those of subsection A of this section, and otherwise complies with Sections 15.24.170 through 15.24.180. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 87-20 § 16, 1987)

#### **15.24.290 Conditions.**

Upon consideration of the factors in Section 15.24.280 and the purpose of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 4.4-1(2), 1979)

#### **15.24.300 City engineer to maintain records.**

The city engineer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 4.4-1(3), 1979)

#### **15.24.310 Variances—Historic structures.**

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historical Places or the State Inventory of Historical Places, without regard to the provisions set forth in Sections 15.24.320 through 15.24.350. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 4.4-2(1), 1979)

#### **15.24.320 Variances—Designated floodways.**

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 4.4-2(2), 1979)

**15.24.330 Variances—Minimum relief.**

Variances shall only be issued upon the determination that the variance is the minimum necessary, considering the flood hazard to afford relief. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 4.4-2(3), 1979)

**15.24.340 Variances—Issuance standards.**

Variances shall only be issued upon:

- A. Showing of a good and sufficient cause;
- B. Determination that failure to grant the variance would result in exceptional hardship to the applicants; and
- C. A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 4.4-2(4), 1979)

**15.24.350 Variances—Notice of effect and risk.**

Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 79-24 § 4.4-2(5), 1979)

**15.24.355 Appeals.**

Any appeal from the decision of the city council on any variance shall be made by filing an appropriate action in Kitsap County Superior Court within ten days after final action is taken by the council. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 87-20 § 17, 1987)

**15.24.360 Violations—Penalty.**

- A. Any person, firm or corporation violating any of the provisions or failing to comply with any of the requirements of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any amount not to exceed five thousand dollars or by imprisonment for a term not to exceed one year, or both such fine and imprisonment.
- B. Every person, firm or corporation is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by any such person, firm or corporation, and is punishable accordingly.
- C. In addition to the penalties in subsections A and B of this section, the city may, in its discretion, commence a civil action to compel compliance with the provision of this chapter in either the Poulsbo municipal court or the Kitsap County superior court. In addition, any violation or failure to comply with any provision of this chapter shall constitute a public nuisance and all remedies given by law for the prevention and abatement of nuisances shall apply thereto. (Ord. 2017-05 § 2 (Att. A (part)), 2017: Ord. 87-20 § 18, 1987: Ord. 79-24 § 6, 1979)

**15.24.370 Severability.**

If any section, clause, sentence or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter. (Ord. 2017-05 § 2 (Att. A (part)), 2017)

## **Chapter 15.28**

### **RIGHT-OF-WAY USE PERMITS**

#### Sections:

- 15.28.010 Required.
- 15.28.020 Application—Contents.
- 15.28.030 Application—Review.
- 15.28.040 Conditions.
- 15.28.050 Term.
- 15.28.060 Revocation.
- 15.28.070 Appeals.
- 15.28.080 Violation—Penalty.

#### **15.28.010 Required.**

No person shall use any public right-of-way, street or sidewalk unless such person has first obtained a right-of-way use permit from the city of Poulsbo. As used in this chapter, the term “use” means to construct, place or erect any structure or other manmade device or artifice on or over the public right-of-way. (Ord. 85-18 § 2, 1985)

#### **15.28.020 Application—Contents.**

A. Any person desiring to apply for a right-of-way use permit shall do so by filing a written application therefor with the city planning department. The application shall be in such form as the planning director may require and shall include, at a minimum, the following information:

1. The name, address and telephone number of the applicant;
2. Evidence that the applicant is either the owner of or entitled to possession of the property adjacent to the public right-of-way sought to be used;
3. A full and complete description of the use sought to be made of the public property by the applicant and the duration of such use;
4. The location and dimensions of the proposed use or structure to be constructed, together with a statement as to the dimensions of the remaining unobstructed right-of-way; and
5. Such other and further information as the planning director may require to determine whether the application and proposed use meet all of the requirements for permit issuance established by this chapter.

B. All applications shall be accompanied by a nonrefundable application fee as set forth in Section 3.12.020(H). (Ord. 2003-16 § 39, 2003; Ord. 88-29 § 1 (part), 1988; Ord. 85-18 § 3, 1985)

**15.28.030 Application—Review.**

All applications for right-of-way use permits shall be reviewed by a technical committee composed of the planning director and the city engineer, or their designees, together with such other city department heads as the planning director and the city engineer, in their discretion, deem appropriate to the particular application. The technical committee shall have the responsibility for issuing all right-of-way use permits. The technical committee may issue the permit to an applicant if all of the following criteria and conditions are met:

- A. The proposed use has aesthetic value and/or is a public amenity intended for the use and the benefit of the general public. Uses which meet this criteria include, but are not limited to, flower or planter boxes, hanging flower baskets, and park benches.
- B. The proposed use does not expand the interior of the building adjacent to the public right-of-way.
- C. The proposed use will not protrude into or over any portion of a public right-of-way open to vehicle or pedestrian travel in such manner as to create a likelihood of endangering the use of such right-of-way by vehicles or pedestrians. In addition, in the event the requested permit involves encroachment or partial obstruction of a sidewalk or other walkway open to the public, a minimum of five feet of unobstructed sidewalk or other walkway shall be maintained at all times.
- D. The applicant shall agree to indemnify, defend and hold the city harmless from any and all claims for bodily injury or property damage that may arise out of or in connection with the applicant's permitted use.
- E. The technical committee may require the applicant to secure and maintain in force throughout the duration of the permit comprehensive general liability insurance for personal injury and property damage if the technical committee determines that such insurance is appropriate based upon the nature of the use and the risk involved. If such insurance is required, the amount of the insurance shall be approved by the finance director. The insurance shall name the city as an additional named insured and shall include a provision prohibiting cancellation of the policy except upon thirty days prior written notice to the city.
- F. Such other conditions as the technical committee deems necessary to reasonably ensure that the requested use does not in any way create a likelihood of endangering those who are lawfully using the public right-of-way. (Ord. 88-29 § 1 (part), 1988; Ord. 85-18 § 4, 1985)

**15.28.040 Conditions.**

All conditions of approval of any right-of-way use permit shall be subscribed on or attached to the permit. (Ord. 85-18 § 5, 1985)

**15.28.050 Term.**

The term of the right-of-way use permit shall be determined by the technical committee. Permits issued under this chapter may be renewed by following the same procedure as set forth for the initial issuance of a permit. (Ord. 88-29 § 1 (part), 1988; Ord. 85-18 § 6, 1985)

**15.28.060 Revocation.**

A. All permits issued pursuant to this chapter shall be temporary, shall vest no permanent rights in the applicant, and may be revoked by the technical committee upon a determination by the committee that any of the following has occurred:

1. There has been a violation of any of the terms or conditions of the permit; or
2. The use becomes for any reason dangerous, or any structure or obstruction permitted becomes insecure or unsafe.

B. If any use or occupancy for which the permit has been revoked is not immediately discontinued upon the date of revocation, the planning director or his designee may remove any structure or obstruction or cause to be made such repairs upon the structure or obstruction as may be necessary to render the use secure and safe, the cost and expense of which shall be assessed as a personal obligation of the permittee, including all professional fees associated with enforcement of the collection of the same, and shall also be a personal obligation of the permittee. (Ord. 85-18 § 7, 1985)

**15.28.070 Appeals.**

A. Any decision of the technical committee with respect to the issuance or refusal to issue a permit or the revocation or suspension of a permit may be appealed to the city council by filing a notice of the intent to appeal such decision with the city clerk within ten days of the date of issuance of the decision being appealed.

B. If an appeal from any decision of the technical committee is taken, the city council shall, at its next regular meeting following the filing of the appeal, set a date on which the appeal will be heard. The appeal shall be de novo. The city council may affirm, reverse or modify the decision of the technical committee. All decisions of the city council on any appeal shall be final.

C. Any person desiring to appeal a decision of the city council must do so by filing an appropriate request for review in the Kitsap County superior court within fourteen days of the council decision. (Ord. 85-18 § 8, 1985)

**15.28.080 Violation—Penalty.**

In addition to any other penalties provided in this chapter, any person who violates any of the provisions of this chapter, including, but not limited to, constructing, placing or erecting any structure or any other manmade device or artifice on or over the public right-of-way without first obtaining a right-of-way use permit, shall have committed a civil infraction and, upon a determination by the Poulsbo municipal court that such infraction has been committed, shall pay a civil monetary penalty to the city in a sum not to exceed two hundred fifty dollars. In addition, each and every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by any such person constitutes a separate infraction. The planning director or his designee may remove any structure or obstruction constructed, placed or erected on the public right-of-way without benefit of a right-of-way use permit, the cost and expense of which shall be assessed as a personal obligation of the person constructing, erecting or placing such structure or obstruction. (Ord. 85-18 § 9, 1985)

## Chapter 15.30

### LATECOMER AGREEMENTS FOR STREET AND UTILITY IMPROVEMENTS

#### Sections:

- 15.30.010 Purpose.
- 15.30.020 Definitions.
- 15.30.030 Minimum project size.
- 15.30.040 Contents of application.
- 15.30.050 Duration of agreement.
- 15.30.060 City engineer's determination—City council.
- 15.30.070 Determination of benefitted area boundaries and assessments.
- 15.30.080 Notice to affected property owners—Hearing, final determination by city council.
- 15.30.090 Latecomer agreement must be recorded.
- 15.30.100 Written agreement—Payment of city costs in excess of application fee.
- 15.30.110 Construction and acceptance of improvements—Recording of final assessment.
- 15.30.120 Collection of assessments—No liability for failure to collect.
- 15.30.130 Disposition of undeliverable reimbursement funds.

#### **15.30.010 Purpose.**

The purpose of this chapter is to prescribe rules and regulations for exercise of the authority to enter into street and utility latecomer agreements granted to the city by Chapters 35.72 and 35.91 RCW. (Ord. 2018-21 § 2 (Att. A (part)), 2018: Ord. Ord. 95-4 § 1 (part), 1995)

#### **15.30.020 Definitions.**

As used in this chapter, the terms listed below shall be defined as follows:

A. "Cost of construction" means those costs incurred specifically for improvements eligible to the latecomer for design, acquisition of right-of-way and/or easements, construction, materials and installation required in order to create an improvement which complies with city standards. Until such time as Chapter 35.72 or 35.91 RCW is amended to expressly authorize inclusion of interest charges or other financing costs, such expenses shall not be included in the calculation of construction costs. In the event of a disagreement between the city and the applicant concerning the cost of the improvement, the city engineer's determination shall be final.

B. "Latecomer agreement" means a written contract between the city and one or more property owners providing for construction of water or sewer facilities and/or construction or improvement of street projects and for partial reimbursement to the party causing such improvements to be made of a portion of the costs of such improvements by owners of property benefitted by the improvements, as more specifically described in Chapters 35.72 and 35.91 RCW.

C. "Street project" shall have the meaning specified in RCW 35.72.020(1) as it now reads, or as hereafter amended.

D. “Water or sewer facilities” shall have the meaning specified in RCW 35.91.015 as it now reads, or as hereafter amended. (Ord. 2018-21 § 2 (Att. A (part)), 2018: Ord. 2007-50 § 3, 2007; Ord. 95-4 § 1 (part), 1995)

**15.30.030 Minimum project size.**

A. In order to be eligible for a latecomer agreement, the estimated cost of the improvement must not be less than five thousand dollars. The cost of the improvement shall be determined by the city engineer, based upon a construction contract for the project, bids, engineering or architectural estimates, receipts or other information deemed by the city engineer to be a reliable basis for determining cost.

B. Latecomer agreements may be applied for before and/or after construction of the street project or water or sewer facility is complete. Applicants that submit applications after utility project or facility construction bear the risk that the city council may reject or modify the terms of the latecomer agreement. (Ord. 2018-21 § 2 (Att. A (part)), 2018: Ord. 95-4 § 1 (part), 1995)

**15.30.040 Contents of application.**

The application fee for a latecomer agreement shall be as set forth in Section 3.12.020(I). An application shall be considered complete upon submission of a fee to the city and the written application on a form approved by the city that is accompanied by:

A. Preliminary or, in the case of completed street projects or water or sewer facilities, final utility and/or street design drawings;

B. For applications submitted before the street project or water or sewer facility is completed, itemized estimates of construction costs prepared and signed by a licensed civil engineer or in the form of a bid submitted by a qualified contractor (if more than one bid has been obtained, all bids must be submitted to the city engineer);

C. For applications submitted after construction of a street project or water or sewer facility is completed, receipts and itemized construction costs must be submitted to establish the costs directly associated with construction of the street project or water or sewer facility. Itemized construction costs shall include only eligible items and shall be clearly separated from other costs incurred during construction;

D. Scaled and clearly reproducible vicinity drawing, stamped by a civil engineer or land surveyor licensed in the state of Washington depicting the improvements, their location, the proposed benefit area including dimensions and county assessor’s numbers for each tax parcel, and size of parcels;

E. An assessment roll containing the county assessor’s tax parcel numbers, owners of record, mailing addresses for owners of record, legal descriptions and the proposed latecomer assessment for each parcel;

F. Evaluations for determining benefits and such other information as the city engineer determines is necessary to properly review the application; and



G. A deposit for mailing costs and recording fees in an amount determined by the city engineer. Any unused funds shall be refunded to the applicant. (Ord. 2018-21 § 2 (Att. A (part)), 2018: Ord. 2003-16 § 40 (part), 2003: Ord. 95-4 § 1 (part), 1995)

**15.30.050 Duration of agreement.**

A. No latecomer agreement shall provide for reimbursement for a period of longer than fifteen years from the date of final acceptance of the street, road, and highway project by the city or as specified in RCW 35.72.020.

B. No latecomer agreement shall provide for reimbursement for a period of longer than twenty years from the date of final acceptance of the water or sewer facility by the city or as specified in RCW 35.91.020. (Ord. 2018-21 § 2 (Att. A (part)), 2018: Ord. 2007-50 § 1, 2007: Ord. 95-4 § 1 (part), 1995)

**15.30.060 City engineer's determination—City council.**

A. The city engineer shall review all applications and shall approve the application only if the following requirements are met:

1. The project satisfies the minimum size requirement of Section 15.30.030;
2. The proposed improvements fall within the description of “street projects” and/or “water or sewer facilities” as those terms are described in Chapters 35.72 and 35.91 RCW; and
3. In the case of street projects, the construction of the improvements is required by city ordinances as a prerequisite to development of property owned by the applicant.

B. In the event all of the above criteria are not satisfied, the city engineer may condition approval as necessary in order for the application to conform to such criteria, or shall deny the application. The final decision of the city engineer shall be in writing. The applicant may obtain a review of the city engineer's decision by filing a request therefor with the city clerk no later than ten days after mailing of a copy of the city engineer's determination to the applicant at the address listed on the application.

C. In reviewing a city engineer's determination, the city council shall apply the criteria set forth in this chapter and Chapters 35.72 and 35.91 RCW as now or hereafter amended. The council may adopt, reject or modify the engineer's determination. (Ord. 2018-21 § 2 (Att. A (part)), 2018: Ord. 95-4 § 1 (part), 1995)

**15.30.070 Determination of benefitted area boundaries and assessments.**

In the case of all applications which are approved, the city engineer shall define an assessment reimbursement area based upon a determination of which parcels, in the case of a utility improvement, did not contribute to the original cost of the water or sewer facility and who may subsequently tap into or use the same, including not only those who may connect directly thereto, but also those who may connect to laterals or branches connecting thereto. In the case of street projects, the assessment reimbursement area shall be based upon a determination of which parcels of property adjacent to the improvements would have been required to construct similar street improvements as a condition of development had it not been for the construction which is

the subject of the latecomer agreement. The amount of the assessment shall be established so that each property will be assessed a share of the costs of the improvements, which is proportional to the benefits which accrue to the property. (Ord. 2018-21 § 2 (Att. A (part)), 2018: Ord. 95-4 § 1 (part), 1995)

**15.30.080 Notice to affected property owners—Hearing, final determination by city council.**

A. The preliminary determination of area boundaries and assessments, along with a description of the property owner's rights and options, shall be forwarded by certified mail to the property owners of record within the proposed assessment area shown on the records of the Kitsap County assessor.

B. If any property owner requests a hearing in writing within twenty days of the mailing of the preliminary determination, a hearing shall be held before the city council, notice of which shall be given to all affected property owners by mail not less than ten days prior to the hearing.

C. In the event a hearing is conducted as provided in this section, after considering public testimony, the city council shall make a final determination of the reimbursement area boundaries and assessments based upon the criteria set forth in this chapter and as specified in Chapters 35.72 and 35.91 RCW as now or hereafter amended. The council may adopt, reject or modify the engineer's determination. (Ord. 2018-21 § 2 (Att. A (part)), 2018: Ord. 95-4 § 1 (part), 1995)

**15.30.090 Latecomer agreement must be recorded.**

In order to become effective, a latecomer agreement must be recorded with the office of the Kitsap County auditor no later than thirty days after the latecomer agreement is signed by all parties. (Ord. 2018-21 § 2 (Att. A (part)), 2018: Ord. 95-4 § 1 (part), 1995)

**15.30.100 Written agreement—Payment of city costs in excess of application fee.**

A. Upon approval of the application and the determination of the estimated costs, benefitted area and assessments by the city engineer, the finance director shall prepare a latecomer agreement. The agreement, application and supporting documents, together with the city engineer's determination of costs, benefitted area and assessments, shall be presented to the city council with a request that the city council approve the latecomer agreement and authorize the mayor to sign the agreement on behalf of the city. The city council may approve, reject or modify the latecomer agreement. Upon approval by the city council, the finance director shall acquire the signatures of all other parties and record the agreement as required by Section 15.30.090.

B. In the event that costs incurred by the city for engineering or other professional consultant services required in processing the application exceed the amount of the application fee, the city's finance director shall so advise the city council and council approval shall be conditioned upon receipt of payment by the applicant of an amount sufficient to compensate the city for its costs in excess of the application fee as set forth in Section 3.12.010(D). (Ord. 2018-21 § 2 (Att. A (part)), 2018: Ord. 2003-16 § 40 (part), 2003; Ord. 95-4 § 1 (part), 1995)

**15.30.110 Construction and acceptance of improvements—Recording of final assessment.**

A. When an application is made prior to construction of the street project or water or sewer facility and the reimbursement agreement has been signed by all parties and all necessary permits and approvals have been obtained, the applicant shall construct improvements and, upon completion, request final inspection and acceptance of the improvements by the city, subject to any required obligation to repair defects. When deemed appropriate by the finance director, a bill of sale, easement and any other documents needed to convey the improvements to the city and to ensure right of access for maintenance and replacement shall be provided, along with documentation of the actual costs of the improvement and a certification by the applicant verifying the actual costs and that all of such costs have been paid.

B. In the event that actual costs are less than the costs determined by the city engineer in calculating the assessments by ten percent or more, the city engineer shall recalculate the assessments, reducing them accordingly, and shall cause a revised list of assessments to be recorded with the county auditor. (Ord. 2018-21 § 2 (Att. A (part)), 2018: Ord. 95-4 § 1 (part), 1995)

**15.30.120 Collection of assessments—No liability for failure to collect.**

A. Subsequent to the recording of a latecomer agreement, the city shall:

1. In the case of a street project agreement, collect payment at time the developer would have been required to install similar improvements in order to develop the property. To the city, this means latecomer payment shall be collected:

- a. Prior to recording final plat for subdivisions;
- b. Prior to issuing certificate of occupancy for commercial or multifamily developments;
- c. As otherwise specified in the agreement.

2. In the case of a water or sewer facility agreement, collect payment before the city authorizes connection to the utility. The city shall collect payment prior to issuing first applicable permit which authorizes connection to the utility. To the city, this means latecomer payment shall be collected:

- a. Prior to issuance of clearing and grading permits in the case of subdivisions and site plans;
- b. Prior to issuance of public property construction permit if clearing and grading permit is not required;
- c. Prior to issuance of building or plumbing permit.

B. Upon receipt of any reimbursement funds, the city shall deduct an administrative fee of two hundred fifty dollars, and remit the balance of such funds to the party entitled to the funds pursuant to the agreement. In the event that, through error, the city fails to collect a required reimbursement fee prior to issuance of development approval or connection to a sewer or water

facility, the city shall make diligent efforts to collect such fee, but shall under no circumstances be obligated to make payment to the party entitled to reimbursement, or in any other way be liable to such party, unless such reimbursement fee has actually been paid to the city. (Ord. 2018-21 § 2 (Att. A (part)), 2018: Ord. 95-4 § 1 (part), 1995)

**15.30.130 Disposition of undeliverable reimbursement funds.**

Every two years from the date a latecomer agreement is executed, a property owner entitled to reimbursement under the latecomer agreement shall provide the city with information regarding the current contract name, address, and telephone number of the person, company, or partnership that originally entered into the contract. If the property owner fails to comply with the notification requirements of this section within sixty days of the specified time, then the city may collect any reimbursement funds owed to the property owner under the contract. Such funds must be deposited in the capital fund of the city. (Ord. 2018-21 § 2 (Att. A (part)), 2018: Ord. 2007-50 § 2, 2007: Ord. 95-4 § 1 (part), 1995)

## **Chapter 15.32**

### **REGULATION OF CONSTRUCTION HOURS**

#### Sections:

- 15.32.010 Construction hours regulated.
- 15.32.020 Public nuisance.
- 15.32.030 Penalties.

#### **15.32.010 Construction hours regulated.**

No construction activity shall be permitted within one thousand feet of any residence between the hours of seven p.m. to seven a.m., Monday through Friday, and seven p.m. to eight a.m. weekends, and federal, state or city observed holidays. The city council may grant exemptions from the prohibition set forth in this section for:

- A. Public works projects and other projects within the public rights-of-way for which the city council determines that the public benefit of night-time construction outweighs the short-term impacts of such construction; and/or
- B. Large scale commercial projects may also apply for an exemption which the city council may grant if it finds that the benefits of reducing the overall construction schedule and/or the additional benefits to the city from sales and use tax revenue from the project outweigh the short-term inconvenience to neighboring residents. (Ord. 2005-16 § 1, 2005: Ord. 98-19 § 1, 1998: Ord. 90-29 § 1 (part), 1990)

#### **15.32.020 Public nuisance.**

All construction activities undertaken in violation of the prohibitions set forth in Section 15.32.010 are declared to be a public nuisance. (Ord. 90-29 § 1 (part), 1990)

#### **15.32.030 Penalties.**

It is unlawful for any person, firm or corporation to violate or fail to comply with any of the provisions of this chapter. Any person, firm or corporation who shall commit any violation of this chapter shall have committed a civil infraction and, upon a finding by the municipal court such infraction has been committed, shall pay a monetary penalty to the city in an amount not to exceed one hundred dollars per offense. Each day or portion thereof during which any violation of this chapter is committed shall constitute a separate offense. (Ord. 90-29 § 1 (part), 1990)

## **Chapter 15.35**

### **TREE CUTTING AND CLEARING**

**Sections:**

- 15.35.010 Purpose.
- 15.35.020 Applicability and authority.
- 15.35.030 Interpretation.
- 15.35.040 Definitions.
- 15.35.050 Permit required.
- 15.35.060 Activities requiring tree cutting and/or clearing permit.
- 15.35.070 Activities exempt from tree cutting or clearing permit.
- 15.35.080 Application submittal requirements.
- 15.35.090 Class IV general forest practices.
- 15.35.100 Trees in critical areas and shoreline.
- 15.35.110 Trees and vegetation in open space tracts, tree retention tracts and other protective areas.
- 15.35.120 Dead, dying or dangerous trees.
- 15.35.130 Performance standards.
- 15.35.140 Tree cutting and clearing limits.
- 15.35.150 Best pruning practices.
- 15.35.160 Financial guarantees.
- 15.35.170 Enforcement and violations.
- 15.35.180 Permit expiration and extension.

#### **15.35.010 Purpose.**

The purpose of this chapter is to:

- A. Regulate the cutting of trees in order to help preserve the wooded character of the city of Poulsbo and to protect its urban forest.
- B. Promote, protect and preserve the public interest by regulating land alteration, particularly the clearing of land in the city.
- C. Enhance the city's physical aesthetic character by managing the removal of vegetation, trees and groundcover.
- D. Recognize there will be circumstances, such as land development, disease or danger of falling, that may require the removal of trees and groundcover. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

#### **15.35.020 Applicability and authority.**

- A. This chapter sets forth rules and regulations for tree removal, pruning, cutting and clearing; establishes the procedures for issuance of permits; provides for approval of plans, inspections, enforcement and penalties.

B. The planning director is responsible for the interpretation and administration of this chapter. When required or determined necessary, the planning director shall consult with the city contract arborist. All costs associated with review by the city arborist shall be the responsibility of the property owner or applicant.

C. The planning director or designee has the authority to take actions appropriate to enforce the requirements of the chapter and shall proceed under the provisions of Section 15.35.170 and Chapter 1.16. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

#### **15.35.030 Interpretation.**

This chapter shall be liberally interpreted and construed to secure the public health, safety, morals, and welfare, to implement the city of Poulsbo comprehensive plan, and to comply with all applicable requirements of Washington State law, and the rule of strict construction shall have no application. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

#### **15.35.040 Definitions.**

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases shall have the following meanings:

“Applicant” means the individual, partnership, association or corporation applying for a permit to do the work under this chapter, and includes property owners, employees, agents, consultants, contractors and successors in interest.

“Blazing” means minor nonvehicular cutting or removal of vegetation, including trees, shrubs or groundcover, sufficient for line-of-site surveying and foot access trails to the extent that the site is not otherwise significantly disturbed.

“City arborist” means the city of Poulsbo designated contract arborist. When required or determined necessary, the planning director shall consult with the city arborist. All costs associated with review by the city arborist shall be the responsibility of the applicant of the tree cutting or clearing permit.

“Class IV forest practice activity” means a timber harvest, thinning or other activity as established by the Washington State Department of Natural Resources Forest Practices Regulations (Chapter 76.09 RCW), whereby a property owner is allowed to harvest a limited amount of timber from their property within the city limits, while still maintaining the right to convert the property to a use inconsistent with growing timber.

“Clearing” means any tree cutting, clearing or removal of vegetation in any manner exceeding the extent of blazing as defined above.

“Cutting” means the felling or removal of a tree, or any procedure in which the natural result will lead to the death or substantial destruction of a tree. Such acts include but are not limited to the severe cutting back of limbs, and damage inflicted upon the root system of the tree. Cutting does not include normal pruning within the bounds of accepted arboricultural practices.

“Dead, Dying and Dangerous Trees.” See Section 15.35.120.

“Development” means land-disturbing activity or the addition or replacement of impervious surface. Development also includes buildings, structures, parking and loading areas, landscaping, pavement.

“Diameter at breast hight (DBH)” means a tree’s diameter in inches at four and one-half feet above the ground. On multi-stemmed or -trunk trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at four and one-half feet above the ground.

“DNR” means Washington State Department of Natural Resources.

“Drip Line.” The drip line of a tree is located by the vertical projection of a line at the tips of the outermost branches.

“Fully developed” means: (1) any individual lot or parcel, which may not be further subdivided or developed, that is presently occupied by one or more buildings over one hundred twenty square feet in floor area in usable condition; (2) any street or utility right-of-way that has been constructed to at least minimum city standards; (3) park lands that are currently managed and maintained for public use which include landscaped areas, trails or recreational facilities.

“Groundcover” means any plant matter less than three feet in height occurring above the soil layer.

“High Grading.” In forestry, high grading is a selective type of timber harvesting that removes the highest grade of timber (i.e., the most merchantable stems) in an area of forest. The stunted, slow growing or poorly formed trees that are left as residuals will, if ecological conditions permit, reseed the space that has been created. Over time the practice of high grading can therefore give rise to forest stands containing stems of less value in terms of timber quality.

“Land-disturbing activity” means any activity resulting in a movement of earth, or a change in the existing soil cover, both vegetative and nonvegetative, or the existing topography. Land-disturbing activities include, but are not limited to, tree removal, grading, filling, excavation, or addition of new or the replacement of impervious surface. Vegetative maintenance practices are not considered land-disturbing activities.

“Land use review” means an approval procedure for a specific use or development required under Title 16, 17 or 18.

“Limbing” means removal of branches and leaving at least two-thirds of the existing tree branch structure. Limbing does not include topping of trees.

“Owner” means the owner of record for real property as shown on the tax rolls of Kitsap County, or a person purchasing a piece of property under contract.

“Partially developed land” means any individual lot or parcel, which may be further subdivided, that is presently occupied by one or more buildings over one hundred twenty square feet in usable condition.

“Permittee” means the person or entity to whom a permit is issued for tree cutting or clearing purposes.



“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state or local government entities.

“Planning director” means the city of Poulsbo planning and economic development department director or authorized designee.

“Pruning” means cutting back of limbs larger than one and one-half inches in diameter. Pruning shall conform to the International Society of Arboriculture standards, or other standards approved by the Department of Natural Resources (DNR) and/or the Department of Ecology (DOE), to maintain trees within environmentally critical areas and shoreline areas in a healthy and safe condition.

“Review authority” means the person or body responsible for interpreting and/or directing a land use permit or activity, and as set forth in Title 19, Project Permit Application Procedures.

“Routine landscape maintenance” means lawn mowing, composting, gardening, tree limbing and groundcover maintenance that does not include tree removal and is undertaken by a person in connection with the normal maintenance and repair of the property.

“SEPA” means State Environmental Policy Act (see Chapter 16.04).

“Site” means the defined portion of any lot(s) or parcel(s) of land or contiguous combination thereof, where tree cutting or clearing is performed or permitted.

“Thinning” means the removal of trees less than eighteen inches DBH where removal will improve the growth of remaining trees or removal of diseased trees that might otherwise die.

“Topping” means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

“Tree” means a living woody plant characterized by one main stem or trunk and many branches and having a diameter of six inches or more measured at DBH or is generally referred to in the nursery and landscape industry as a tree.

“Undeveloped land” means: (1) any lot or parcel not presently occupied by one or more buildings over one hundred twenty square feet in usable condition; (2) any street or utility right-of-way which is not currently opened and constructed to minimum city standards.

“Vegetation” means plant matter, including trees, shrubs and groundcover.

“Vegetation removal” means the act of removing vegetation by digging up, cutting down or any act which is likely to cause vegetation to die within a period of five years, including but not limited to damage inflicted to the root system by machinery, storage of materials, or soil compaction, change to the ground level in the area of the root system; damage inflicted on vegetation permitting infection or infestation, excessive pruning or any other action which is deemed harmful to vegetation. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

**15.35.050 Permit required.**

A. Except as otherwise specifically provided for in this chapter, a tree cutting and clearing permit shall be obtained from the city before commencing any activity for which a permit is required. Tree cutting and clearing permits shall be issued by the planning director or authorized designee.

B. Speculative tree clearing is prohibited. A land use development permit (such as site plan, preliminary plat, short plat, planned unit development, conditional use) must be approved before a tree cutting and clearing permit will be issued, except as otherwise specifically allowed by this chapter.

C. Issued tree cutting and clearing permits shall be posted on the construction site at all times when work is underway. To ensure that the actual work in the field conforms with the approved permit, permitted activities shall be inspected by the city during tree removal.

D. In general, tree cutting and clearing permits shall expire one year from the date of issuance; provided, that the specific time limit shall be identified in the permit's conditions of approval. The planning director may impose a time limit which the proposed site work must be completed based upon weather and/or environmental concerns. The planning director is authorized to grant extensions as set forth in the permit's conditions of approval.

E. When a tree cutting and clearing permit and a grading permit (Chapter 15.40) are both required, the city may choose to combine the reviews under one permitting process. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

**15.35.060 Activities requiring tree cutting and/or clearing permit.**

A. Any removal or cutting on developed, partially developed, or undeveloped lots when the total area to be disturbed is seven thousand one square feet or more (see Stormwater Management Manual for Western Washington) per calendar year.

B. Full site tree clearing, allowed only when a land use development permit has been obtained; except for any tree retention or vegetation protection required by the land use development permit.

C. Tree cutting and clearing in order to develop property with substantial permanent improvements, such as streets, utilities, buildings, parking, driveways, etc. Allowed only when a land use development permit has been obtained.

D. Selective thinning limited to once a calendar year and subject to the following provisions:

1. Submittal of the tree thinning plan.
2. The selective thinning shall be the minimum necessary. The city arborist shall review the proposed tree thinning plan.
3. The thinning of the trees shall not have a significant impact on the soil stability and structure, flow of surface waters, water quality, health of adjacent trees and understory plants, and existing windbreaks. Depending on the proposed disturbance of soil, erosion control measures may be required.

4. The thinning plan shall comply with the requirements of Chapter 16.20, Critical Areas, regarding protection of critical areas and buffers, if applicable.
- E. Any proposed tree removal that is not specifically exempt (Section 15.35.070) from a tree cutting and clearing permit. The planning director may consult with the city arborist if determined necessary.
- F. Class IV general forest practice permittees for conversion, thinning or maintenance. (No harvesting is allowed without a land use development permit approval.) (See Section 15.35.090.)
- G. Tree removal in open space tracts, tree retention tracts, critical areas and buffers and other protective areas. See Sections 15.35.100 and 15.35.110.
- H. Removal of street trees within the city right-of-way shall be as set forth in Chapter 16.24. In addition, when street tree installation was required as a land use permit condition of approval, it shall be replanted, when feasible. The planning director may consult with the city arborist to determine the appropriate replacement plan. Guidelines on street tree maintenance, removal and replacement are available from the planning and economic development department.
- I. Removal and replacement of trees within an approved and required landscape area shall be as set forth in Chapter 18.130, as established through the approved land use permit drawings or conditions of approval, and/or as otherwise approved by the planning director. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

**15.35.070 Activities exempt from tree cutting or clearing permit.**

An exemption from a tree cutting or clearing permit does not necessarily exempt a property owner from complying with other requirements. These may include policies, criteria, and standards contained in this chapter, plat requirements, HOA rules, or other applicable local, state, or federal regulations or permit requirements. The following are exempt from a tree cutting or clearing permit:

- A. Normal and routine maintenance of existing landscaping, such as lawn mowing, rototilling, composting, gardening and pruning of vegetation.
- B. Any removal or cutting on developed, partially developed, or undeveloped lots when the total area to be disturbed is seven thousand square feet or less (see Stormwater Management Manual for Western Washington) per calendar year.
- C. The installation and maintenance of fire hydrants, water meters, and pumping stations by the city or its contractors.
- D. All nonconversion forest practice on property equal to or greater than twenty acres; and has provided a statement to the city and DNR that the forest landowner does not intend to convert the use to a nonforest operation for a period of at least ten years. All applicable state forest practice permit requirements remain, as set forth under Chapter 76.09 RCW. (Class IV general forest practice requires a tree cutting and clearing permit; see Section 15.35.090 for Class IV general forest practice.)

- E. Minimal blazing for line-of-site surveying and foot access and limited clearing and grading as required to perform geotechnical exploration to characterize geologic formations and soils.
- F. The removal of plants designated as noxious weeds by government agencies.
- G. Trees that are damaged during a weather event, such as windstorm.
- H. Removal of trees in emergency situations involving immediate danger to life or property or substantial fire hazards. If the removal is seven thousand one square feet or more of disturbed area, or is located within an open space tract, tree retention tract, required landscaping, designated critical area or shoreline (including buffers) and other protective areas, the city shall be notified within seven days of the removal and shall be provided additional information, as to verify the emergency. An after-the-fact permit may be required.
- I. Removal of dead, dying or dangerous trees per Section 15.35.120.
- J. Removal of trees on city-owned property for installation of utilities and public facilities and maintenance of city property. (Ord. 2020-10 § 2 (Exh. A § 1), 2020: Ord. 2019-12 § 2 (Exh. A (part)), 2019)

**15.35.080 Application submittal requirements.**

An application for a tree cutting and clearing permit shall contain the following:

- A. A completed tree cutting and clearing permit application form and all identified submittal requirements.
- B. The required application fees.
- C. A description of the work to be covered by the permit.
- D. Each completed application shall be accompanied by the required number of plans, at a scale as prescribed by the planning director, and include:
  - 1. Date and north arrow;
  - 2. Prominent physical features of the property including, but not limited to, topography, critical areas and watercourses;
  - 3. General location, type, range of size, and condition of all trees including the species, size and accurate location of all healthy trees having a trunk diameter of at least six inches or more measured at diameter at breast height (DBH);
  - 4. Identification of all trees and groundcover proposed to be removed;
  - 5. Any existing improvements on the property including but not limited to structures, driveways, ponds, and utilities;
  - 6. Temporary erosion and sedimentation control plan, including sequence for tree removal and other land-disturbing activities, schedule for installation and removal of all temporary

erosion and sediment control measures, including vegetative measures, and outline of the methods to be used in clearing vegetation and disposing of the cleared vegetative matter;

7. Identification of tree protection provisions for areas not subject to the tree cutting and clearing permit.

E. Statement by the applicant that the subject property proposed for land clearing is not and has not been subject to a notice of conversion to a no forestry use for six years prior to the permit application. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

#### **15.35.090 Class IV general forest practices.**

A. This chapter is intended to allow the city of Poulsbo to assume jurisdiction for approval of general forest practices, approvals occurring in the city of Poulsbo, as authorized under the Washington State Forest Practices Act, Chapter 76.09 RCW.

B. Lands within the city limits and Poulsbo urban growth area (UGA) are not considered appropriate for long term timber production and harvesting, which takes a full forty-year cycle. Forest management activities shall be consistent with the city's comprehensive land use plan and implementing regulations for the UGA. Forest practice applications shall meet the requirements specified in subsections C and D of this section.

C. Conversion of properties within the UGA can reasonably be expected, therefore, significant land clearing of such properties shall only take place at the time of a valid land use application. Tree tracts, open spaces and buffers can then be properly coordinated with the actual development plans. Conversion of the land to nontimber production shall occur when the city has approved a land use development permit for the site. Significant (seven thousand one square feet or more of clearing and/or disturbance) clearing or harvesting is not allowed until conversion occurs.

D. For Class IV general forest practices, maintenance and thinning of existing timber stands is allowed to promote the overall health and growth of the stand until the area is converted. A tree cutting and clearing permit shall be required for any maintenance and thinning and shall be reviewed by the city arborist. High grading or top-down thinning shall not be permitted. The remaining trees should be healthy, long-term trees from the dominant and co-dominant crown classes. The stand shall be marked prior to the selective thinning operation, indicating which trees will be removed and retained. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

#### **15.35.100 Trees in critical areas and shoreline.**

Consultation with the planning and economic development department is required for any tree cutting, tree topping, tree trimming, pruning, thinning and/or vegetation clearing within a critical area, critical area buffer, shoreline and shoreline buffer. A critical areas or shoreline permit may be required for such activities under certain circumstances. Consultation requirements and special critical area permits are provided for in Chapters 16.08, Shoreline Master Program, and 16.20, Critical Areas. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

**15.35.110 Trees and vegetation in open space tracts, tree retention tracts and other protective areas.**

A. Trees located in open space tracts, tree retention tracts, or other protected areas may only be removed if the tree is dead, dying, or dangerous and poses potential hazard to persons or property. See Section 15.35.120 for provisions to remove dead, dying or dangerous trees.

B. Replanting is required. Replacement trees shall conform to the original planting installation or as approved by the planning director.

1. Tree replacement shall be determined according to the diameter at breast height (DBH) of the tree removed, upon consultation with the city arborist.
2. The location of the replacement tree(s) shall be on the property where the tree was removed, unless approved otherwise by the planning director upon consultation with the city arborist.
3. If any replacement tree dies within three years of the planting, the tree shall be replaced in accordance with this chapter. (Ord. 2020-10 § 2 (Exh. A § 2), 2020: Ord. 2019-12 § 2 (Exh. A (part)), 2019)

**15.35.120 Dead, dying or dangerous trees.**

A. For purposes of this section:

1. “Dead” means the tree is lifeless.
2. “Dying” means the tree is in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent the spread of the infestation or disease to other trees.
3. “Dangerous” means the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

B. Removal of dead, dying or dangerous trees is allowed. If the removal is seven thousand one square feet or more of disturbed area, or is located within a designated critical area (including buffers) and other protective areas, a tree cutting and clearing permit shall be required.

C. When removal of dead, dying or dangerous trees is allowed per subsection B of this section, a qualified arborist or landscape architect shall provide written verification which states the removal is essential for the protection of life, limb or property. The planning director may consult with the city arborist to assist in the review of the submitted written verification when deemed necessary.

D. The planning director, upon consultation with the city arborist, may determine that dead or dying trees be retained in critical area, critical area buffer, tree retention tract, open space tract or other protected areas, in order to provide for wildlife habitat and natural processes, unless the tree presents a potential hazard to person or properties. (Ord. 2020-10 § 2 (Exh. A § 3), 2020: Ord. 2019-12 § 2 (Exh. A (part)), 2019)

**15.35.130 Performance standards.**

The following shall apply to all tree removal activities within the city. Tree removal activities that are exempt from the requirement to obtain a tree cutting and clearing permit (Section 15.35.070) must still comply with the performance standards listed below:

- A. Clearing, cutting or removal of trees shall not occur on any lot or parcel without the consent of the property owner.
- B. Clearing, cutting or removal of trees shall not result in any damage to abutting lots or parcels, public property or water resources, including but not limited to trunk, bark, limb or leaf damage, damage to roads, trails or utilities, water or soil contamination, alteration of drainage courses, transport and disposition of dirt, mud or sediment or the creation of a fire hazard or other unsafe condition.
- C. All public rights-of-way including easements for roads and utilities shall be kept clear of silt, dirt, mud and debris and immediately cleaned and/or restored to their original condition prior to impact. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

**15.35.140 Tree cutting and clearing limits.**

- A. Tree removal boundaries shall be marked by flagging, stakes, paint spots, a continuous ribbon or other readily visible means around the perimeter. Property lines and corners shall be clearly identified if tree removal is to occur in close proximity to property boundaries.
- B. Open space tracts, tree retention tracts, protected critical areas and buffers, and other areas which prohibit tree removal shall be protected from potentially damaging activities. The applicant and/or authorized contractor shall:
  - 1. Protection areas shall be clearly shown on all applicable site development, preliminary plats, and construction drawings. Protection areas may only be modified or temporarily relocated with prior written approval of the planning director.
  - 2. Install a visible protective fencing along the outer edge and completely surrounding the protected area (drip line/critical root zone) of all protected trees, groups of trees, or vegetation.
  - 3. Maintain the protective barriers in place until the city authorizes their removal or a final certificate of occupancy is issued, whichever occurs first.
  - 4. Ensure that any landscaping done in the protected area(s) subsequent to the removal of barriers shall be accomplished with light machinery or hand labor.

- C. Additional protection during construction consistent with requirements of Section 18.180.070, may be required by the planning director. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

**15.35.150 Best pruning practices.**

When a tree cutting and/or clearing permit is required per Section 15.35.050 or for trees within an open space tract, tree retention tract, required landscaping, designated critical area (including buffers) and other protective areas the following standards shall apply:

A. Tree pruning shall not exceed more than twenty-five percent of a tree's total leaf area. Tree pruning best practices shall conform to the International Society of Arboriculture standards or other accepted standards.

B. Tree topping is prohibited, except under the following circumstances:

1. Branches interfering with utility lines;
2. Significant canopy dieback has occurred;
3. Storm damage or prior incorrect pruning requires correction;
4. As authorized by the planning director, upon consultation with the city arborist. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

**15.35.160 Financial guarantees.**

The planning director may require that the applicant furnish a performance bond or other acceptable financial guarantee to the city, to secure the applicant's obligation, after the approved tree removal has been accomplished, to complete any required restoration and replacing in accordance with the conditions of the permit. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

**15.35.170 Enforcement and violations.**

A. The planning director is authorized with the enforcement of the provisions of this chapter, and to designate city employees as authorized representatives to investigate suspected violations and to issue stop work notices, correction notices and/or notices of infraction.

B. Removal of a tree (or its stump) that is subject to a tree cutting and clearing permit, without obtaining a tree removal permit prior to its removal, constitutes a violation of this chapter.

Mitigation is required if a tree is cut in violation of this chapter.

1. Tree replacement shall be determined according to the diameter at breast height (DBH) of the tree removed. The planning director may consult with the city arborist to determine the appropriate replacement plan.
2. The location of the replacement trees shall be on the property where the tree was removed, unless approved otherwise by the planning director upon consultation with the city arborist.
3. If any replacement tree dies within three years of the planting, the property owner shall replace the tree. No replacement tree shall be cut without a permit under this chapter.

C. Violations of the provisions of this chapter and/or the tree cutting and clearing permit conditions of approval shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation or to such other condition acceptable to the city.

D. The violation of any provision of this chapter or permit condition, where such violation constitutes a first offense, shall constitute a civil infraction. The planning director may issue a notice of infraction in accordance with Chapter 1.16. Any person who violates or fails to comply



with any of the provisions of this chapter or permit condition, where such person has been adjudged by the Poulsbo municipal court to have committed a previous violation of such provision, shall be guilty of a misdemeanor. Each violation shall constitute a separate offense for each and every day or portion thereof during which the violation is committed, continued or permitted. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

**15.35.180 Permit expiration and extension.**

A tree cutting and clearing permit shall expire one year from the date of issuance. Upon written request demonstrating good cause by the applicant or property owner filed no less than thirty days prior to the date of expiration, the PED director may grant an extension of time up to but not exceeding an additional sixty days. (Ord. 2019-12 § 2 (Exh. A (part)), 2019)

## **Chapter 15.40**

### **GRADING**

#### Sections:

- 15.40.010 Purpose.
- 15.40.020 Applicability and authority.
- 15.40.030 Interpretation.
- 15.40.040 Definitions.
- 15.40.050 Grading permit.
- 15.40.060 Activities requiring grading permit.
- 15.40.070 Activities exempt from grading permit.
- 15.40.080 Application submittal requirements.
- 15.40.090 Financial guarantee.
- 15.40.100 Performance standards.
- 15.40.110 City inspections.
- 15.40.120 Work completion.
- 15.40.130 Enforcement and violations.

#### **15.40.010 Purpose.**

The purpose of this chapter is to:

- A. Promote, protect and preserve the public interest by regulating land alteration, particularly the grading of land in the city;
- B. Ensure prompt construction, restoration, replanting and effective erosion and sedimentation control in properties before, during, and after grading;
- C. Prevent water quality degradation and the sedimentation of streams, wetlands and other water bodies, and preserve natural drainage paths and outfalls;
- D. Minimize the impact of runoff, sedimentation or erosion caused by improper land development and maintenance practices;
- E. Promote safety upon public and private property;
- F. Promote the health, safety and welfare of the public. (Ord. 2019-12 § 3 (Exh. B (part)), 2019)

#### **15.40.020 Applicability and authority.**

- A. This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including cuts, fills and embankments; establishes the procedures for issuance of permits; provides for approval of plans, inspections, enforcement and penalties.

B. The city engineer or designee has the authority to take actions appropriate to implement the provisions of this chapter. The city engineer may further enforce the requirements of this chapter and shall proceed under the provisions of Section 15.40.130 and Chapter 1.16. (Ord. 2019-12 § 3 (Exh. B (part)), 2019)

**15.40.030 Interpretation.**

This chapter shall be liberally interpreted and construed to secure the public health, safety, morals, and welfare, to implement the city of Poulsbo comprehensive plan, and to comply with all applicable requirements of Washington State law, and the rule of strict construction shall have no application. (Ord. 2019-12 § 3 (Exh. B (part)), 2019)

**15.40.040 Definitions.**

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases shall have the following meanings:

“Applicant” means the individual, partnership, association or corporation applying for a permit to do the work under this chapter, and includes property owners, employees, agents, consultants, contractors and successors in interest.

“Approval” means approval by the city engineer for the grading permit.

“Backfilling” means returning a site to its original or approved contours after earth materials were removed.

“Best management practices (BMP)” means activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the city that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to the waters of Washington State.

“City engineer” means the designated Poulsbo city engineer or a duly authorized designee.

“Civil engineer” means a professional engineer licensed by the state of Washington in civil engineering.

“Compaction” means the densification or consolidation of earth materials or fill resulting from the weight of overlying deposits or mechanical means.

“Construction” means the building of something, typically a building or structure but may include underground utilities, surface ponds, etc.

“Cut” means the change of a grade by excavation.

“Development” means land-disturbing activity or the addition or replacement of impervious surface for the purpose of subdividing or preparing land for construction. For the purpose of this chapter, routine maintenance activities are not considered development.

“Earth material” means any rock, soil, or combination thereof.

“Engineer of record” means a licensed engineer who has overall responsibility for the grading portion of the application, and whose stamp is on the application materials.

“Erosion” means the wearing away of the ground surface as a result of mass wasting or of the movement of wind, water, ice or other geological agents.

“Excavation” means the physical, manmade removal of earth material.

“Existing grade” means the current surface contour of a site, including minor adjustments to the surface of the site in preparation for construction, or the surface contour that existed immediately prior to grading done without a permit.

“Existing site” means a site prior to any grading activity or any site prior to the passage of the ordinance codified in this chapter.

“Exploratory excavation” means borings or small pits, hand-dug or excavated by mechanical equipment, for the purpose of determining soil characteristics or location of utilities.

“Fill” means a deposit of earth material placed by artificial means which increases the ground surface elevation.

“Filling” means the activity of depositing fill.

“Finished grade” means the land surface elevation of the site after alterations are completed.

“Geotechnical engineer” means a professional civil engineer licensed by the state of Washington who is qualified by reason of experience and education in the practice of evaluating and predicting the engineering properties of soils and geologic formations or a professional engineering geologist licensed by the state of Washington.

“Grade” means the vertical elevation of the ground surface.

“Grading” means the excavation, filling, in-place ground modification, removal of roots or stumps that includes ground disturbance, stockpiling of earth materials, or any combination thereof, including the establishment of a grade following demolition of a structure.

“Grading permit” means a permit issued by the city engineering department giving permission for land-disturbing activity.

“Impervious surface” means a nonvegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A nonvegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common examples include, but are not limited to, roof tops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, gravel roads, packed earthen materials and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

“Land-disturbing activity” means any activity resulting in a movement of earth, or a change in the existing soil cover, both vegetative and nonvegetative, or the existing topography. Land-disturbing activities include, but are not limited to, tree and stump removal, grading, filling,

excavation, or addition of new or the replacement of impervious surface. Vegetative maintenance practices are not considered land-disturbing activities.

“Owner” means the owner of record for real property as shown on the tax rolls of Kitsap County, or a person purchasing a piece of property under contract.

“Permittee” means the person or entity to whom a permit is issued for grading purposes.

“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local government entities.

“Preloading” means the temporary stockpiling of earth materials over a site for the purpose of consolidating the existing soils.

“Review authority” means the person or body responsible for interpreting and/or directing a land use permit or activity, and as set forth in Title 19, Project Permit Application Procedures.

“Site” means the defined portion of any lot(s) or parcel(s) of land or contiguous combination thereof, where grading is performed or permitted.

“Slide” means the movement of a mass of loosened rocks or earth down a hillside or slope.

“Slope” means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance or as an angle from the horizontal.

“Soil” means a mass of mineral particles, with or without organic constituents, resulting from chemical and mechanical weathering of rock and decomposition of organic matter.

“Terrace” means a relatively level step constructed in the face of a graded slope surface.

“Topsoil” means the weathered surface soil, usually including the organic layer, in which plants have most of their roots. (Ord. 2019-12 § 3 (Exh. B (part)), 2019)

#### **15.40.050 Grading permit.**

A. Except as otherwise specifically provided in this chapter, a grading permit shall be obtained from the city before commencing any activity for which a permit is required as specified in Section 15.40.060. Grading permit approval shall be by the city engineer or authorized designee.

B. Speculative grading is prohibited. A land use development permit must be approved before a grading permit will be issued, except as otherwise specifically allowed by this chapter.

C. Issued grading permits shall be posted on the construction site at all times when work is underway. To ensure that the actual work in the field conforms with the approved plans, permitted activities shall be inspected by the city during construction.

D. All grading permit approval shall be subject to meeting the requirements of the adopted city of Poulsbo stormwater management and erosion control requirements.

E. In general, grading permits shall expire one year from the date of issuance; provided, that the specific time limit shall be identified in the permit's conditions of approval. The city engineer may impose a time limit which the proposed site work must be completed based upon weather and/or environmental concerns. The city engineer is authorized to grant one or more extensions not exceeding ninety days each. The extension shall be requested in writing with justifiable cause demonstrated and shall include a detailed schedule for completion. (Ord. 2019-12 § 3 (Exh. B (part)), 2019)

**15.40.060 Activities requiring grading permit.**

Projects involving earthwork of more than fifty cubic yards of material, or projects which change existing grade by more than four feet, within a twelve-month period, are required to obtain a grading permit unless specifically exempt in Section 15.40.070. The quantity threshold is the total earthwork completed and not a net of cut and fill. (Ord. 2019-12 § 3 (Exh. B (part)), 2019)

**15.40.070 Activities exempt from grading permit.**

The following activities are exempt from needing a grading permit; however, the work must be in compliance with Section 15.40.100 and meet the minimum performance standards outlined in that section.

- A. An excavation below finish grade for basements, footings of a building retaining wall, or other structure or activity authorized by any valid building permit.
- B. Utility trenching within a public right-of-way or upon an easement by a public agency or their designee.
- C. Routine maintenance of existing landscaping such as applying new mulch each year, removing weeds, or other similar activities.
- D. Emergency situations involving immediate danger to life or property, substantial fire hazards or other public safety hazards, provided verbal authorization by the city has been acquired and written authorization communicating the need and verifying the nature of the emergency is provided by the city afterward.
- E. Routine agricultural activities such as plowing, harrowing, disking, ridging, listing, leveling and similar operations to prepare a field or crop.
- F. Grading associated with construction of a single-family home with a valid building permit when the zoning is RL and the site is developed with a single-family residence.
- G. Limited exploratory excavations under the direction of soils engineers, engineering geologists or civil engineer licensed in Washington State.
- H. Excavation and filling of cemetery graves in an approved cemetery.
  - I. In any one year an excavation of less than fifty cubic yards of material which:
    - 1. Is less than one foot in depth; and
    - 2. Does not obstruct a stream or surface water; and

3. Does not create a cut slope greater than five feet in height and steeper than two horizontal to one vertical; and

4. Is adequately protected against erosion.

J. In any one year a fill less than fifty cubic yards of material which:

1. Is less than one foot in depth; and

2. Does not obstruct a stream or surface water; and

3. Is not intended to support structures; and

4. Does not create a fill slope greater than three feet in height and steeper than three horizontal to one vertical; and

5. Is adequately protected against erosion.

K. Except for subsection B of this section for maintenance only, and subsection D of this section, the exemptions set forth in this section shall not apply to activity within critical areas and associated buffers as defined in Chapter 16.20. See Chapter 16.20 for restricted grading activities restricted in critical areas.

L. Activities that are exempted from a grading permit as set forth in this section must still provide BMPs as necessary to protect water quality and provide site stability. Minimum requirements may be obtained by request from the city's engineering department accompanied by an adequate description of proposed work. (Ord. 2019-12 § 3 (Exh. B (part)), 2019)

#### **15.40.080 Application submittal requirements.**

An application for a grading permit shall contain the following:

A. A completed grading permit application form and all identified submittal requirements.

B. The required application fees.

C. A description of work covered by the permit.

D. An estimate of the quantities of work to be done to include area under application, area to be altered, amount of fill, amount of excavation, impervious area, slope of site.

E. A description of any potential hazards, including but not limited to slides, erosion, siltation, flooding.

F. A description of past land use activities at the site.

G. The signature of the permittee or agent who may be required to show proof of authority.

H. Completed environmental checklist in compliance with SEPA, when required. (Note: This requirement may be met with the SEPA checklist/threshold determination for the approved land use permit.)

I. Each completed application shall be accompanied by the required number of plans and specifications. The plans and specifications shall be prepared by a professional engineer licensed in the state of Washington and have his/her stamp affixed. The plans and specifications shall be at a scale as prescribed by the city engineer, and include:

1. Existing topographic information with a contour interval of not less than five feet, including identification of any slopes over thirty percent in gradient. Contour intervals shall extend a minimum of one hundred feet off-site.
2. Proposed topographic information, including dimensions, elevations and finish contours of not greater than five-foot intervals, to be achieved by the proposed grading and related construction.
3. Designation of all critical areas and buffers, tree retention areas, natural vegetation protection areas, or other areas that are not subject to the grading activity.

J. A drainage plan and temporary erosion and sediment control plan that complies with the requirements in Chapter 13.17, Stormwater Management.

K. Any additional studies required by the city engineer such as a soils report, in situ soils testing, hydrology report or geotechnical engineer report.

L. Approved grading permit plans shall not be amended without prior authorization from the city engineer. (Ord. 2019-12 § 3 (Exh. B (part)), 2019)

#### **15.40.090 Financial guarantee.**

A. The requirements of this section shall apply to development subject to the following permits:

1. All grading permits; and
2. Building permits for development that are exempt per Section 15.40.070(F) but are determined by the city engineer to involve soil disturbing activity to an extent that is potentially damaging to the environment or property.

B. As a condition of approving the permits identified in subsection A of this section, the city engineer shall, in addition to any other permit conditions, require the permit applicant to:

1. Make a cash deposit with the city in an amount determined by the city engineer, in accordance with fee schedule adopted by council per Section 3.12.020(A), to be sufficient to guarantee performance of any and all slope stabilization, drainage, and erosion control measures specified in the interim erosion control plan required for grading permit and any analogous requirements for building permits, and if such measures are not performed, to restore the site to such condition as may be necessary to control erosion and prevent slope destabilization and drainage impacts from the grading work. The cash deposit shall be made pursuant to an agreement in a form approved by the city attorney and providing for the automatic forfeiture of the cash deposit upon a determination by the city engineer that the interim erosion control plan has not been complied with and after notice of the intended forfeiture and an opportunity to cure the noncompliance has been provided to the permittee;



provided, however, that such preforfeiture notice and opportunity to cure may be dispensed with in the event that the city engineer determines that the nonperformance has resulted in an emergency condition which endangers life or property, in which case notice shall be provided as soon as practicable.

2. Any cash deposit forfeited under this section shall be used solely for the purpose of performing the work specified in subsection B of this section and reimbursing the city for its costs associated with administering the work and enforcing the secured permit conditions. Any unused portion of the deposit will either be refunded to the permittee or, if the permittee intends to pursue the remainder of the work authorized by the permit, retained to guarantee performance of the remainder. The city engineer may require replenishment of the deposit if the city engineer determines, in his/her discretion, that replenishment is needed in order to provide a sufficient guarantee of performance. (Ord. 2019-12 § 3 (Exh. B (part)), 2019)

#### **15.40.100 Performance standards.**

A. No grading activity shall occur on any site without the written consent of the property owner.

B. All public rights-of-way and easements for roads and utilities shall be kept clear of silt, dirt, mud and debris and immediately cleaned and/or restored to its original condition prior to impact.

C. Grading boundaries shall be marked by flagging, stakes, paint spots, a continuous ribbon or other readily visible means around the perimeter. Property lines and corners shall be clearly identified if grading is to occur in close proximity to property boundaries.

1. Open space tracts, tree retention tracts, protected critical areas and buffers, and other areas not subject to grading shall be protected from potentially damaging activities. The applicant and/or authorized contractor shall:

a. Install visible protective fencing in accordance with Section 18.180.070 and Chapter 16.20.

b. Maintain the protective barriers in place until the city authorizes their removal or a final certificate of occupancy is issued, whichever occurs first.

c. Additional protection during construction consistent with requirements of Section 18.180.070 may be required by the planning director.

2. Areas proposed for infiltration shall be protected during construction and grading activities.

D. Cuts. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than two horizontal to one vertical unless the permittee provides a soils engineering and/or a geotechnical engineering report stating that site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. The report shall be reviewed and approved by the city engineer prior to earth work. The city may require a third-party review of the report, with the costs of review the responsibility of the permittee.

E. Fills.

1. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section.
2. These provisions may be waived by the city engineer for minor fills not intended to support structures.
3. Fill slopes shall not be constructed on natural slopes steeper than two to one unless a geotechnical report has been prepared, reviewed, and approved.
4. On slopes less than five to one and height is less than five feet, the ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill. Fills greater than five feet or on slopes steeper than five to one shall be completed in accordance with the recommendations and methodology outlined by the geotechnical engineer.
5. Organic material shall not be permitted in fills.
6. In general, rocks or similar irreducible material with a maximum dimension greater than twelve inches shall not be used for fill. In limited circumstances the city engineer may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement, and approves the fill stability. All rocks shall be placed so as to assure filling of all voids.
7. Compaction. All fills shall be compacted to a minimum of ninety percent of maximum density or as determined by the geotechnical engineer.
8. Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than two horizontal to one vertical.

F. Terracing. Any terracing proposed as part of the project shall be designed by a geotechnical engineer and be constructed in accordance with the proposed plan and methodology. The terrace design shall account for interceptor drains, terrace widths and locations, and runoff.

G. The city engineer may restrict the timing of grading activities to specific dates when such restrictions are necessary for the public health, safety or protection of the environment.

1. During the dry weather period, between May 1st and September 30th, no soils shall remain unstabilized for longer than seven days.
2. During the wet weather period, between October 1st and April 30th, no soils shall remain unstabilized for longer than two days.
3. On or around September 1st, the city shall meet with project proponents working under an approved and issued grading permit to discuss the wet weather period and site stabilization requirements. Activity under a permit may be suspended or restricted.

H. Grading activities shall maintain appropriate setbacks to all utilities, including existing drain fields and wells.

I. Grading may be phased or may be required to be phased based on the size, complexity, and risk of the project as determined by the city engineer. Individual phases may be conditioned to be completed and stabilized prior to start of work on next phase. (Ord. 2019-12 § 3 (Exh. B (part)), 2019)

**15.40.110 City inspections.**

A. All projects which require a grading permit shall be subject to inspection by the city. The city shall be granted unlimited right of entry to the work site by submittal of the grading application for the purposes of review, making inspections to determine that the requirements of the plans and permits are being complied with, and for the purpose of taking corrective measures of an emergency nature. The cost of such corrective measures shall be borne by the permittee. The city may require inspection and testing by an approved testing agency at any stage of the project.

B. Every contractor or other person performing or directing the performance of any work requiring a grading permit shall have in his/her possession prior to commencement of and during all phases of the work an original or copy of the approved grading permit, and shall further have a duty to be familiar with the terms and conditions of the permit and approved plans.

C. Whenever the city determines that the act or intended act of grading (excavation or fill) has become or will constitute a hazard, endangers property, or adversely affects the safety, use or stability of a public way, drainage channel, stream or surface water, including siltation and sedimentation therein, the city shall immediately suspend the grading activity. The permittee or agent in control of the grading activity, upon receipt of the stop work notice from the city, shall terminate such grading, excavation, embankment or fill. (Ord. 2019-12 § 3 (Exh. B (part)), 2019)

**15.40.120 Work completion.**

A. Upon completion of the rough grading work, and at the final completion of the work the grading permit authorized, the following drawings and reports may be required by the city engineer:

1. As-graded record drawing prepared by a licensed civil engineer. The civil engineer will state that to the best of his/her knowledge the work was done in accordance with the final approved grading plan.
2. A soils-grading report prepared by the soils engineer, including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading. The soils engineer shall render a finding as to the adequacy of the site for the intended use.
3. A geologic grading report prepared by engineering geologist, including a final description of the geology of the site and any information disclosed during the grading. The engineering geologist shall render a finding as to the adequacy of the site for the intended use.

B. The city shall complete a final inspection of the grading operation. Final approval shall not be given until all work and all erosion-control measures have been completed in accordance with the final approved grading plan and any required reports have been submitted.

C. Permanent measures shall be implemented to stabilize the site completely. This includes establishing vegetation on exposed soils, installation of stormwater facilities and controls, and other measures as required under the permit. (Ord. 2019-12 § 3 (Exh. B (part)), 2019)

#### **15.40.130 Enforcement and violations.**

A. The city engineer is authorized with the enforcement of the provisions of this chapter to designate city employees as authorized representatives to investigate suspected violations and to issue stop work notices, correction notices and/or notices of infraction.

1. City staff shall first post and provide written correction notice to on-site contractor as well as site owner/project proponent. The correction notice will include requirements to achieve compliance as well as a time frame for completion. The site shall be inspected to determine if compliance has been achieved or if further action is required.

2. The city engineer may post a stop work order on site and provide copy to site owner/project proponent. All site work shall stop once a stop work order has been posted with the exception of items necessary to achieve compliance and ongoing erosion and sediment maintenance activities. Stop work order fees must be paid in accordance with adopted fee schedule.

B. Violations of the provisions of this chapter and/or the grading permit conditions of approval shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation or to such other condition acceptable to the city.

1. Restoration shall include but not be limited to the replacement of all improperly removed materials and the removal of improper fill and stabilization of slopes.

2. Restoration shall also include installation and maintenance of interim and emergency erosion control measures until such time as the restored groundcover and vegetation reach sufficient maturation to function.

3. No further work shall be allowed until the property is fully restored in compliance with this chapter and requirements of the city engineer.

C. The violation of any provision of this chapter or grading permit condition, where such violation constitutes a first offense, shall constitute a civil infraction. The city engineer may issue a notice of infraction in accordance with Chapter 1.16. Any person who violates or fails to comply with any of the provisions of this chapter or grading permit condition, where such person has been adjudged by the Poulsbo municipal court to have committed a previous violation of such provision, shall be guilty of a misdemeanor. Each violation shall constitute a separate offense for each and every day or portion thereof during which the violation is committed, continued or permitted.

D. Notwithstanding any provision of this chapter, the city engineer may take immediate action to prevent an imminent and substantial danger to the public health, safety or the environment by the violation of any provision of this chapter.

E. In addition to any other remedy provided in this section, the city engineer may, but shall not be obligated to, forfeit any cash deposit made pursuant to Section 15.40.090 and may, but shall not be obligated to, take such steps as are necessary to provide interim erosion control, slope stabilization, and control of drainage as required in any interim erosion control plan upon the failure of the permittee to comply with such plan. (Ord. 2019-12 § 3 (Exh. B (part)), 2019)