

ORDINANCE 2016 - 08

 ORIGINAL

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, REPEALING SMC 15.02 AND ADOPTING NEW CHAPTER 15.02 OF THE SUNNYSIDE MUNICIPAL CODE PERTAINING TO BUILDING, FIRE, MECHANICAL, PLUMBING, ENERGY, VENTILATION AND INDOOR AIR QUALITY, PROPERTY MAINTENANCE, AND RESIDENTIAL CODES, AND ADOPTING NEW CURRENT CODES

WHEREAS, the Washington State Building Code Council has adopted 2015 Editions of the national model codes, including the 2015 International Building Code, 2015 International Residential Code, 2015 International Mechanical Code, 2015 International Fire Code, 2015 Uniform Plumbing Code, 2015 International Fuel Gas Code, 2015 International Energy Conservation Code; and

WHEREAS, the City Council has previously adopted earlier editions of the national model codes previously approved by the Washington State Building Code Council, all as codified at Chapter 15.02 of the Sunnyside Municipal Code; and

WHEREAS, the new codes described above are the codes adopted and approved for the State of Washington, effective July 1, 2016; and

WHEREAS, the City Council finds and determines that Chapter 15.02 of the Sunnyside Municipal Code should be repealed, and new Chapter 15.02 adopted to enact the new referenced codes, and that such action is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY ORDANED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1. REPEALER: Existing Chapter 15.02 and Section 15.02.010 of the Sunnyside Municipal Code is hereby repealed on the effective date described in Section 4 below.

Section 2. New Chapter 15.02 and new Section 15.02.010 of the Sunnyside Municipal Code is hereby adopted and reads as follows:

15.02.010 Adopted. The City hereby adopts by reference the State Building Code and all of the codes of state-wide application which are adopted by the State Building Code Council, as currently published, and all future changes or additions thereto in order that such changes and additions shall be implemented by the city concurrently with the effective date of the adoption of any addition or amendment of such code by the State Building Code Council, including, but not limited to:

A. The International Building Code (including ICC A117.1 amendments), together with all standards referenced therein, all as amended and codified in the Washington Administrative Code (hereafter "state amendments"). Amend IBC Section 113, Board of Appeals, to read as follows:

113.1 General. The City's Hearing Examiner shall act as the board of appeals under the International Building Code. The Hearing Examiner may adopt rules of procedure for conducting business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Building Official. Copies of all rules and regulations adopted shall be delivered to the Building Official, who shall make them freely accessible to the public.

113.2 Limitations on Authority. The board of appeals shall have no authority relative to interpretation of the administration of this code nor shall the board be empowered to waive requirements of this code.

113.3 Appeals. Decisions of the Hearing Examiner shall be the final City decision on the matter. The Land Use Petition Act, RCW 36.70C, shall govern appeals of hearing examiner decisions as to appellate procedure and deadlines.

B. The International Residential Code , all as amended by state amendments. Amend IRC Section R112, Board of Appeals, to read as follows:

R112.1 General. The City's Hearing Examiner shall act as the board of appeals under the International Residential Code. The Hearing Examiner may adopt rules of procedure for conducting business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Building Official. Copies of all rules and regulations adopted shall be delivered to the Building Official, who shall make them freely accessible to the public.

R112.2 Limitations on authority. The board of appeals shall have no authority relative to interpretation of the administration of this code nor shall the board be empowered to waive requirements of this code.

R112.3 Appeals. Decisions of the Hearing Examiner shall be the final City decision on the matter. The Land Use Petition Act, RCW 36.70C, shall govern appeals of hearing examiner decisions as to appellate procedure and deadlines.

C. The International Mechanical Code (including 2012 IFGC, 2009 NFPA 54 and 2004 NFPA 58), all as amended by state amendments. Amend IMC Section 109, Means of Appeal, to read as follows:

109.1 General. The City's Hearing Examiner shall act as the board of appeals under the International Mechanical Code. The Hearing Examiner may adopt rules of procedure for conducting business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Building Official. Copies of all rules and regulations adopted shall be delivered to the Building Official, who shall make them freely accessible to the public.

109.2 Limitations on authority. The board of appeals shall have no authority relative to interpretation of the administration of this code nor shall the board be empowered to waive requirements of this code.

109.3 Appeals. Decisions of the Hearing Examiner shall be the final City decision on the matter. The Land Use Petition Act, RCW 36.70C, shall govern appeals of hearing examiner decisions as to appellate procedure and deadlines.

D. The Uniform Plumbing Code (including Appendices A, B, and I), all as amended by state amendments. Add the following as UPC Section 104, Board of Appeals:

104.1 General. The City's Hearing Examiner shall act as the board of appeals under the Uniform Plumbing Code. The Hearing Examiner may adopt rules of procedure for conducting business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Building Official. Copies of all rules and regulations adopted shall be delivered to the Building Official, who shall make them freely accessible to the public.

104.2 Limitations on authority. The board of appeals shall have no authority relative to interpretation of the administration of this code nor shall the board be empowered to waive requirements of this code.

104.3 Appeals. Decisions of the Hearing Examiner shall be the final City decision on the matter. The Land Use Petition Act, RCW 36.70C, shall govern appeals of hearing examiner decisions as to appellate procedure and deadlines.

E. The International Energy Conservation Code, all as amended by state amendments.

F. The International Fire Code, together with Sections 503.1.1, 503.2, 503.3 and 503.4, and Appendices B, C, D, and E and all standards referenced therein, as amended by state amendments. Also section 109.4 penalties, violators can be cited as a civil infraction up to 250 dollar fine or a misdemeanor for repeated or willful violations. Amend Section 108 of the International Fire Code, Board of Appeals, to read as follows:

108.1 General. The City's hearing examiner shall act as the board of appeals under the International Fire Code. The hearing examiner may adopt rules of procedure for conducting business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. Copies of all rules and regulations adopted shall be delivered to the building official, who shall make them freely accessible to the public.

108.2 Limitations on Authority. The board of appeals shall have no authority relative to interpretation of the administration of this code nor shall the board be empowered to waive requirements of this code.

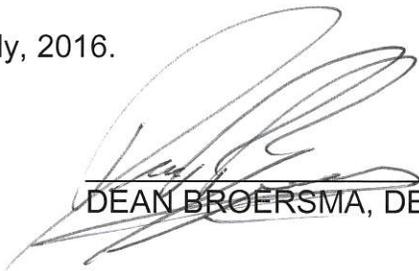
108.3 Appeals. Decisions of the hearing examiner shall be the final City decision on the matter. The Land Use Petition Act, RCW 36.70C, shall govern appeals of hearing examiner decisions as to appellate procedure and deadlines.

It is provided, however, that any duties, obligations or responsibilities for the enforcement of any and all codes, standards and amendments thereto, referenced and adopted above, shall be owed to the public at large and not to any individual member or members of the public.

Section 3. Except as amended herein, Title 15 of the Sunnyside Municipal Code shall remain unchanged.

Section 4. This Ordinance shall be effective five days after passage, approval and publication as required by law, and new Chapter 15.02 and Section 15.02.010 adopted pursuant to Section 2 herein shall be effective as and from July 1, 2016, and the repeal of existing Chapter 15.02 and Section 15.02.010 pursuant to Section 1 herein shall be effective on July 1, 2016.

PASSED this 11th day of July, 2016.



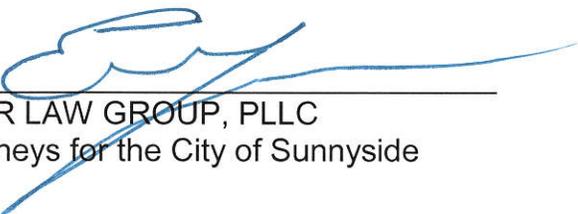
DEAN BROERSMA, DEPUTY MAYOR

ATTEST:



DEBORAH ESTRADA, CMC, CITY CLERK

APPROVED AS TO FORM:



KERR LAW GROUP, PLLC
Attorneys for the City of Sunnyside