



CO00036904

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 08-140

RELATING TO THE REGULATION OF CONSTRUCTION; AMENDING SCC
30.52A.020 AND 30.53A.362 AND REPEALING SCC 30.53B.025

WHEREAS, the Washington State Legislature adopted construction codes as the State Building Code (SBC) pursuant to chapter 19.27 RCW effective in the State of Washington on July 1, 2007; and

WHEREAS, chapter 19.27 RCW mandates the administration and enforcement of the SBC to local governmental jurisdictions; and

WHEREAS, Snohomish County adopted amendments to subtitle 30.5 SCC pertaining to construction codes in Ordinance Nos. 07-084, 07-085, 07-086, 07-087, 07-088, and 07-089, adopted September 5, 2007, to be consistent with the SBC; and

WHEREAS, three code corrections are needed in subtitle 30.5 SCC to ensure efficient administration of the construction codes; and

WHEREAS, counties and cities have been granted discretionary authority in RCW 19.27.040 to amend the SBC by adopting appendices voluntarily; and

WHEREAS, section 101.2.1 of the 2006 International Building Code (IBC) states that provisions in the appendices shall not apply unless specifically adopted; and

WHEREAS, Appendix C (Group U – Agricultural Buildings) of the 2006 edition of the IBC, relating to allowable height and area standards for agricultural buildings is necessary to regulate farm structures; and

WHEREAS, during adoption of amendments to chapter 30.52A SCC, Appendix C of the IBC (Group U – Agricultural Buildings), relating to agricultural buildings was inadvertently not adopted; and

WHEREAS, a typographical error was identified in chapter 30.53A SCC relating to annual fire inspections and certificates of occupancy in Ordinance No. 07-087 for the “I” group of occupancies; and

WHEREAS, in SCC 30.53A.362, relating to annual fire inspections, the “I” group of occupancies was listed as an “I-4” occupancy, which was unintended; and

1
2 WHEREAS, during the 2007 updates in subtitle 30.5 SCC, code sections
3 related to Board of Appeals provisions were repealed; and
4

5 WHEREAS, Ordinance No. 07-084 added a new appeal process in SCC
6 30.50.040 that applies to all of subtitle 30.5 SCC; and
7

8 WHEREAS, the appeal language in SCC 30.53B.025 is inconsistent with
9 appeal language in SCC 30.50.040; and
10

11 WHEREAS, the Snohomish County Council conducted a public hearing on
12 February 18, 2009, to consider the entire record and hear public testimony on
13 Ordinance No. 08-140 relating to regulation of construction; amending and repealing
14 sections in subtitle 30.5 SCC.
15

16 NOW, THEREFORE, BE IT ORDAINED:
17

18 Section 1. The foregoing recitals are incorporated by this reference as
19 though set forth in full.
20

21 Section 2. The Snohomish County Council makes the following findings of
22 fact:
23

- 24 A. The Washington State Legislature approved adoption of the 2006 editions of
25 the International Building, Residential, Mechanical and Fire codes, and the
26 Uniform Plumbing Code and other state construction codes as the State
27 Building Code (SBC) pursuant to chapter 19.27 RCW. The SBC became
28 effective statewide July 1, 2007.
29
- 30 B. Snohomish County adopted amendments to subtitle 30.5 SCC pertaining to
31 construction codes on September 5, 2007, to be consistent with the SBC.
32
- 33 C. RCW 19.27.040 allows the governing body of each county and city to
34 amend the SBC as it applies within the jurisdiction of the county or city. The
35 minimum performance standards of the codes and the objectives
36 enumerated in RCW 19.27.020 shall not be diminished by any county
37 amendments.
38
- 39 D. Appendix C of the IBC (Group U – Agricultural Buildings) regulates the
40 height and area of farm structures as an alternate to Table 503 (Allowable
41 Height and Building Areas) in Chapter 5 of the IBC.
42
- 43 E. The SBC did not adopt Appendix C (Group U - Agricultural Buildings) of the
44 2006 edition of the IBC. Pursuant to RCW 19.27.040, the county may adopt
45 Appendix C (Group U - Agricultural Buildings) in addition to the SBC.
46

- 1 F. Without adoption of Appendix C of the IBC, the Building Official must use
2 Table 503 (Allowable Height and Building Areas) to apply bulk regulations to
3 Group U – Agricultural Buildings. Contractors and/or property owners must
4 submit requests to the Building Official requesting the use of Appendix C
5 (Group U – Agricultural Buildings) as an alternate to Table 503 (Allowable
6 Height and Building Areas). Section 104.1 of the IBC authorizes the
7 Building Official to adopt procedures in order to clarify the application of
8 code provisions.
9
- 10 G. Adoption of Appendix C of the IBC (Group U – Agricultural Buildings) in
11 Section 4 of this ordinance, relating to agricultural buildings, allows for
12 efficiency in the administration of the permitting of farm structures and
13 improves the permit process for members of the agricultural community.
14
- 15 H. Section 5 of this ordinance corrects an occupancy listing in SCC 30.53A.362
16 (Fire Code) relating to annual fire inspections required to renew certificates
17 of occupancy for buildings or structures. There are a total of four building
18 and structure types in the "I" group of occupancies in the International Fire
19 Code (IFC). The correction would require annual fire inspections for all "I"
20 occupancy buildings and structures, not just the "I-4" occupancy.
21
- 22 I. During the 2007 updates to the construction codes in subtitle 30.5 SCC, the
23 Board of Appeals process was repealed in Ordinance No. 07-084 and
24 replaced with SCC 30.50.040 related to judicial review of land use decisions.
25 SCC 30.50.040 requires judicial appeals to be filed in superior court
26 pursuant to the Land Use Petition Act (LUPA) and is applicable to all of the
27 construction codes in subtitle 30.5 SCC.
28
- 29 J. SCC 30.53B.025 relating to the Board of Appeals process in the Uniform
30 Code for Abatement of Dangerous Buildings is inconsistent with the newer
31 appeal process related to judicial review of land use decisions in SCC
32 30.50.040. The repeal of SCC 30.53B.025 in Section 6 of this ordinance
33 eliminates inconsistencies in appeal procedures.
34

35 Section 3. The Snohomish County Council makes the following conclusions:
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- 37 A. The corrections to the construction codes are consistent with the State
38 Building Code Act adopted in chapter 19.27 RCW that became effective
39 July 1, 2007.
40
- 41 B. This ordinance promotes the health, safety and welfare of the occupants
42 or users of buildings and structures and the general public by providing
43 building codes that require minimum performance standards and
44 requirements for construction and construction materials, consistent with
45 nationally accepted standards of engineering, fire and life safety.
46

- 1 C. Adoption of the proposed amendments to subtitle 30.5 SCC will not
2 result in less restrictive performance standards or objectives than those
3 in the SBC.
4
- 5 D. Adoption of Appendix C of the IBC relating to Group U - Agricultural
6 Buildings allows for efficiency in the administration of the permitting of
7 farm structures and improves the permit process for members of the
8 agricultural community and is consistent with Snohomish County
9 Comprehensive Plan Economic Development Policy 2.A.3.
10
- 11 E. This ordinance implements the State Building Code Act, not the Growth
12 Management Act (GMA) and, therefore, does not adopt development
13 regulations under SCC 30.10.080. Pursuant to SCC 30.73.040(2)(c),
14 planning commission review is not required.
15
- 16 F. Pursuant to WAC 197-11-800(20), environmental review under the State
17 Environmental Policy Act (SEPA) is not required.
18
- 19 G. These amendments to the construction codes are in the best interest of
20 Snohomish County citizens.
21

22 Section 4. Snohomish County Code Section 30.52A.020, adopted by
23 Ordinance No. 07-085 on September 5, 2007, is amended to read:
24

25 **30.52A.020 ((Appendix)) Appendices C and E (IBC 101.2.1).**
26

27 ((Appendix)) Appendices C and E to the 2006 edition of the IBC ((is)) are adopted and
28 incorporated and made a part of this chapter by reference.
29

30 Section 5. Snohomish County Code Section 30.53A.362, adopted by
31 Ordinance No. 07-087 on September 5, 2007, is amended to read:
32

33 **30.53A.362 Inspections (IFC 106.2).**
34

35 (1) The fire marshal is authorized to conduct inspections on buildings and
36 premises, including such other hazards or appliances designated by the fire marshal
37 for the purpose of ascertaining and causing to be corrected any conditions which
38 would reasonably tend to cause fire or contribute to its spread, or any violation of the
39 fire code and of any other law or standard affecting fire safety as deemed necessary to
40 determine the extent of compliance with the provisions of the fire code.

41 (2) The fire marshal is authorized to approve inspection reports by approved
42 agencies or individuals. All reports of such inspections shall be prepared and
43 submitted in writing for review and approval. Inspection reports shall be certified by a
44 responsible officer of such approved agency or by the responsible individual.

45 (3) The fire marshal is authorized to engage additional expert opinion as
46 deemed necessary by the director to report upon unusual, detailed or complex
47 technical issues.


1 (4) There shall be a fire inspection annually or as often as deemed necessary by
2 the fire marshal for the purpose of renewing certificates of occupancy for all buildings
3 or structures in groups A, B, E (with more than 6 persons), F, H, ~~((I-4))~~ I, M, R-1, R-2,
4 R-4, S, and U, occupancies. An inspection fee shall be charged in accordance with
5 SCC 30.86.430 for each inspection required.

6
7 Section 6. Snohomish County Code Section 30.53B.025, adopted by
8 Ordinance No. 02-064 on December 9, 2002, is repealed.

9
10 Section 7. Severability and Savings. If any section, sentence, clause or
11 phrase of this ordinance shall be held to be invalid or unconstitutional by a court of
12 competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity
13 or constitutionality of any other section, sentence, clause, or phrase of this ordinance.
14 Provided, however, that if any section, sentence, clause, or phrase of this ordinance is
15 held to be invalid by a court of competent jurisdiction, then the section, sentence,
16 clause, or phrase in effect prior to the effective date of this ordinance, shall be in full
17 force and effect for that individual section, sentence, clause, or phrase as if this
18 ordinance had never been adopted.

19
20
21 PASSED this 18th day of February, 2009.

22
23
24 SNOHOMISH COUNTY COUNCIL
25 Snohomish County, Washington

26
27 
28 _____
29 Chairperson

30 ATTEST:

31 
32 _____
33 Asst. Clerk of the Council

34
35
36 APPROVED
37 () EMERGENCY
38 () VETOED

39
40  2/27/09
41 _____ Date
42 **MARK SOINE**
43 **Deputy Executive**

44 ATTEST:

45 
46 _____

47 Approved as to form:

48  9/8/08
49 _____
50 Deputy Prosecuting Attorney

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