

CITY OF MEDINA, WASHINGTON
Ordinance No. 1025

AN ORDINANCE OF THE CITY OF MEDINA, WASHINGTON, REGARDING THE MEDINA CONSTRUCTION CODE, AMENDING CHAPTER 16.40 OF THE MEDINA MUNICIPAL CODE BY ADOPTING THE 2021 UPDATES TO THE WASHINGTON STATE BUILDING CODE; AMENDING ADMINISTRATIVE PROVISIONS REGARDING GRADING SAFETY; AMENDING FOR CONSISTENCY WITH THE FIRE CODE; AMENDING FOR CONSISTENCY WITH THE STATE BUILDING CODE; AMENDING SECTIONS 16.40.010, 16.40.020, 16.40.050, 16.40.060, 16.40.070, 16.40.090, 16.40.100, AND 16.40.130; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Washington State Legislature adopted the International Building Code, the International Residential Code, the International Fire Code, the International Mechanical Code, the Uniform Plumbing Code, Washington State Energy Code, International Swimming Pool and Spa Code, International Wildland-Urban Interface Code, and directed that the State Building Code Council adopt these as part of the State Building Code; and

WHEREAS, pursuant to chapter 19.27 RCW, the State Building Code Council adopted the 2021 editions, with amendments, of the International Building, Residential, Fire, Mechanical, Uniform Plumbing, Energy, Swimming Pool and Spa, Wildlife-Urban Interface, collectively referred to as the Washington State Building Code; and

WHEREAS, pursuant to RCW 19.27.031, the State Building Code shall be in effect in all Washington State cities and counties; and

WHEREAS, pursuant to chapter 51-50 WAC, the updated State Building Code goes into effect March 15, 2024; and

WHEREAS, the City Council wishes to incorporate the updated State Building Code into the Medina Municipal Code; and

WHEREAS, the adoption of an ordinance pertaining to building codes is exempt from the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(19)(b);

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DOES ORDAIN AS FOLLOWS

Section 1. Section 16.40.010 Amended. Section 16.40.010 of the Medina Municipal Code is hereby amended to read as follows:

16.40.010 - State Building Code adopted.

All construction activity and construction materials in the city shall be governed by the State Building Code as adopted in Chapter 96, Laws of 1974, as updated by the State Building Code Council to include the ~~2018~~2021 editions of the following codes with amendments:

- A. International Building Code, Chapter 51-51 WAC;

- B. International Residential Code, Chapter 51-51 WAC;
- C. ~~International Fire Code, Chapter 51-54A WAC;~~
- ~~D. International Mechanical Code, Chapter 51-52 WAC;~~
- D. International Fire Code, Chapter 51-54A WAC;
- E. Wildland-Urban Interface Code, Chapter 51-55 WAC;
- ~~E. Uniform Plumbing Code, Chapter 51-56 WAC;~~
- F. G. Washington State Energy Code, Chapter 51-11C WAC;
- G. H. Washington State Energy Code, Chapter 51-11R WAC;
- H. I. International Swimming Pool and Spa Code, WAC 51-51-0328;
- ~~I. Liquefied Petroleum Gas Code, NFPA 58 (Propane);~~
- ~~J. National Fuel Gas Code, NFPA 54 (Natural Gas);~~
- ~~K. National Electrical Code (NFPA 70).~~

All codes referenced in the state legislation are hereby adopted by reference and included as if set forth in their entirety. This adoption shall include all other related codes, standards, and amendments to the referenced codes adopted by the State Building Code Council and enacted by the Washington State Legislature.

Section 2. Section 16.40.020 Amended. Section 16.40.020 of the Medina Municipal Code is hereby amended to read as follows:

16.40.020 - International Building Code—Subsection 101.2 amended.

Subsection 101.2 of the ~~2018~~-International Building Code is amended to read as follows:

101.2 Scope. The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: New and reconstructed detached one and two family dwellings not more than three stories in height or 3,000 square feet or less in area, and additions or remodel activity that does not exceed 25 percent of the value of the existing structure may be constructed using the provisions of the International Residential Code (IRC), as amended by the State Building Codes Council. All buildings and additions to buildings constructed under the IRC shall comply with the code provisions in the International Fire Code, the State Energy Code, the State Ventilation and Indoor Air Quality Code, and the Uniform Plumbing Code and Standards.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

Section 3. Section 16.40.050 Amended. Section 16.40.050 of the Medina Municipal Code is hereby amended to read as follows:

16.40.050. Work exempt from permit—Subsections 105.2 and R105.2 amended.

Subsection 105.2 of the 2018 IBC and Subsection R105.2 of the 2018 IRC, which list work of a building nature that is exempt from building permit requirements, are amended to read as follows:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
2. All fences not over 4 feet in height above the existing or finished grade, whichever is lower.
3. New fences or repair to existing fences over 4 feet in height, but less than 6 feet in height above the existing or finished grade, whichever is lower, and not exceeding a fair market value of \$3,000.00. This exemption shall not apply to structures designed or intended to be used for sound attenuation purposes.
4. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
6. Temporary motion picture, television and theater stage sets and scenery limited to being erected not more than 30 days.
7. Temporary, prefabricated or mobile structures to be used on-site during construction and removed upon completion of the project.
8. Swings and other playground equipment accessory to detached one and two family dwellings and not affecting the structural coverage allowance of the lot.
9. Interior and exterior trim, painting, papering, tiling, cabinets, counter tops, carpeting, finished flooring and other similar finish work for which inspection to verify code compliance is not required.
10. Pre-fabricated swimming pools located above grade that contain water not over 24 inches in depth.
11. Ornamental or decorative ponds or pools that contain water not over 24 inches in depth.
12. Non-fixed and moveable fixtures, cases, racks, counters and partitions not over 5 feet, 9 inches, in height.
13. Single-family residential decks not exceeding 200 square feet in area provided the deck:
 - a. Does not exceed 30 inches above the finished grade at any point;
 - b. Is not attached to a dwelling; and

- c. Does not provide access to an exit door required by R311.4.
- 14. Boat moorage covers over open water not exceeding 120 square feet in horizontally projected roof area and which otherwise fully complies with all state and local requirements.
- 15. Re-roofing of a residence provided:
 - a. Replacement roofing materials use the same or similar type of materials as the roofing materials being replaced;
 - b. The work performed does not activate other building or energy code requirements;
 - c. The re-roof work does not reduce the existing ventilation or storm drainage connections and dispersal; and
 - d. If the re-roof work involves asphalt composition overlaying existing asphalt composition, the total layers of roofing does not exceed two.
- 16. Any work not regulated by provisions of this Code or any elements of the State Building Code.

The listings of exemptions for electrical, gas and mechanical shall remain unchanged.

Section 4. Section 16.40.060 Amended. Section 16.40.060 of the Medina Municipal Code is hereby amended to read as follows:

16.40.060. Expiration—Subsections 105.5 and R105.5 amended.

Subsection 105.5 of the ~~2018~~ International Building Code and Subsection R105.5 of the ~~2018~~ International Residential Code are hereby amended to read as follows:

Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, not more than two extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The processing of the extension may be subject to a fee set forth in the adopted fee schedule.

All work authorized by a permit shall be completed and final inspections made within 18 months from the date the permit is issued and all permits shall finally expire by limitation 18 months from the date of issuance. The building official is authorized to grant extensions for a period not to exceed 12 months provided the work authorized by the permit has not been suspended or abandoned for any 180 day period after the time the work has commenced. The extension shall be requested in writing and justifiable causes demonstrated.

If work or inspections are incomplete at the time a building permit expires, the property owner or their authorized agent may renew action on an expired building permit by paying a new permit fee. The permit fee shall be

based upon the building official's determination of percentage of inspections completed and the fee schedule in effect at the time a new permit application is submitted. However, the permit fee shall not be less than 25 percent of the fee calculated using the fee schedule in effect at the time the new permit application is submitted. Any previous fees owed on the expired permit shall be paid before a new permit is issued.

If work or inspections are incomplete at the time a permit, other than a building permit, expires, the property owner or their agent may renew action on the expired permit by paying a new full permit fee based upon the fee schedule in effect at the time.

Section 5. Section 16.40.070 Amended. Section 16.40.070 of the Medina Municipal Code is hereby amended to read as follows:

16.40.070 Work commencing before permit issuance—Subsections 109.4 and R108.6 amended.

Subsection 109.4 of the ~~2018~~-International Building Code and Subsection R108.6 of the ~~2018~~-International Residential Code are amended to read as follows:

Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation and administration fee equal to the amount of the permit fee. This fee is in addition to all other fees that may apply to the project.

Section 6. Section 16.40.090 amended. Section 16.40.090 of the Medina Municipal Code is hereby amended to read as follows:

16.40.090. Other inspections—Subsections ~~110.3.8~~110.3.10 and R109.1.5 amended.

Subsection ~~110.3.8~~110.3.10 of the ~~2018~~-International Building Code and Subsection R109.1.5 of the ~~2018~~-International Residential Code are amended to read as follows:

In addition to regular code specified inspections, special inspections, and structural observations required by this Code, the building official may require visual observation and testing to confirm compliance with approved construction documents for structural systems, mechanical systems, plumbing systems, and energy systems. This inspection requirement shall apply to all projects involving 4,000 square feet or greater of new or additional floor area, or where the building official determines such a requirement is necessary. All costs for inspections under this subsection are the responsibility of the permit holder.

Section 7. Section 16.40.100 amended. Section 16.40.100 of the Medina Municipal Code is hereby amended to read as follows:

16.40.100 Temporary certificate of occupancy – subsections 111.3 and R110.4 amended.

Subsection 111.3 of the ~~2018~~ International Building Code and Subsection R110.4 of the ~~2018~~ International Residential Code are amended to read as follows:

Temporary occupancy. The building official is authorized, but not required, to issue a temporary certificate of occupancy before completion of the entire work covered by the permits issued, provided that such portion or portions shall be occupied safely. A temporary certificate of occupancy may only be issued in association with a valid building permit. A cash financial guarantee shall be required in an amount set at 50 percent of the permit fee, or \$10,000, whichever is the lesser amount.

Section 8. Section 16.40.130 Amended. Section 16.40.100 of the Medina Municipal Code is hereby amended to read as follows:

16.40.130. Sprinkler systems—Section 903.3.1 amended.

Subsection 903.3.1 of the ~~2018~~ International Fire Code is amended to read as follows:

903.3.1 Standards. Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 and other chapters of this Code, as applicable.

In addition, sprinkler systems shall be designed with a buffer to account for water system fluctuations to include a low reservoir condition. Such buffer shall be five percent for static pressures less than 50 p.s.i. and ten percent for static pressures above 50 p.s.i.

Exception: Buffers are not required for systems designed in accordance with Section 903.3.1.3 (NFPA 13 D).

Permit applicants shall independently verify site specific static pressure:

- Prior to initiating sprinkler system;
- Prior to installing any sprinkler piping, including the underground supply; and
- Prior to requesting any cover inspections.

The rest of Subsection 903.3.1 shall remain unchanged.

Section 9. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 10. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 11. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 12. Effective Date. This ordinance shall take effect March 15, 2024.

PASSED BY THE CITY COUNCIL ON THIS 12th DAY OF FEBRUARY, 2024 BY A VOTE OF FOR, AGAINST, AND ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE ON THE 12th DAY OF FEBRUARY, 2024.

Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.

Attest:

Jennifer S. Robertson, City Attorney

Aimee Kellerman, CMC, City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB