

Chapter 15.04 CONSTRUCTION CODES ADOPTED

15.04.010 Purpose.

The purpose of this chapter shall be as set forth in the codes and regulations adopted herein. Notwithstanding anything in the ordinance codified in this chapter or adopted codes to the contrary, this chapter and the adopted codes shall be administered for the benefit of the health, safety and welfare of the general public and shall not be construed to establish any duties to protect or benefit any particular person or class of persons.

(Ord. No. 400, § 1, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 1, adopted July 5, 2010 repealed the former § 15.04.010, and enacted a new § 15.04.010 as set out herein. The former § 15.04.010 pertained to Uniform Codes adopted and derived from Ord. 302, 1999; Ord. 300 (part), 1999; Ord. 264, 1995; Ord. 208, 1991; Ord. 191 (part), 1990; Ord. 171, 1987; Ord. 145, 1984; Ord. 52 § 1, 1956.

15.04.015 State Building Code adopted.

- A. The city of Millwood adopts by reference the State Building Code set forth in Chapters 19.27 and 19.27A RCW, as may be subsequently amended by the state of Washington and ~~or Spokane County~~ City of Spokane Valley or current contracted building plan review and inspection authority as established through interlocal agreement, together with all amendments and additions provided in MMC Title 15, as the minimum regulations of the city governing buildings, ~~and~~ structures, equipment, and activities, and shall have the same force and effect as if fully set forth herein. Use of the word "minimum" throughout this chapter and the codes adopted herein is not intended to imply that additional requirements may be applied absent approved standards or regulations requiring such, which include the following and by this reference shall have the same force and effect as if fully set forth herein. The adopted code includes:
1. The International Building Code as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IBC, as modified by WAC 51-50 or successor.
 2. The International Residential Code, as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IRC, as modified by WAC 51-51 or successor.
 3. The International Mechanical Code and the International Fuel Gas Code, NFPA 58 and NFPA 54, as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IMC, as modified by WAC 51-52 or successor.
 - a. ~~The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code (WAC 51-52-0101).~~
 - b. ~~The standards for liquefied petroleum gas installations shall be the 2001 Editions of NPA 58 (Liquefied Petroleum Gas Code) and the 2002 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code) (WAC 51-52-0101).~~

4. The International Fire Code, as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IFC, as modified by WAC 51-54A or successor.
5. The Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials, including Washington State Amendments, hereinafter referred to as the UPC, as modified WAC 51-56 and 51-57 or successor.
6. International Energy Conservation Code, as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IECC, The Washington State Energy Code, as modified by WAC 51-11C and 51-11R or successor.

- B. The fees for building permits, mechanical permits, plumbing permits, other construction related permits, change of use permits, and investigation fees shall be set by resolution of the council of the city of Millwood and/or per Interlocal Agreement for building review and inspection, as applicable.

(Ord. No. 400, § 2, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 2, adopted July 5, 2010 repealed the former § 15.04.015, and enacted a new § 15.04.015 as set out herein. The former § 15.04.015 pertained to state Building Code adopted and derived from Ord. 359, 2007; Ord. 342, 2004; Ord. 300 (part), 1999.

15.04.016 Other codes and standards.

In addition to the codes listed in section 15.04.015, and except as modified by this chapter, the following codes and standards are adopted and shall have the same force and effect as if fully set forth herein:

- ~~{A.}~~ The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings as published by the International Conference of Building Officials, as amended.
- ~~{B.}~~ Chapters 296-150C, 296-150F and 296-150M of the Washington Administrative Code, as amended. In addition, the Manufactured Housing Inspection Manual as published by the Washington Manufactured Housing Association is to be used as a supplement to and reference for the aforementioned administrative code.
- ~~{C.}~~ Chapter 51-16-030 WAC, Exemptions for indigent housing, as amended.
- ~~{D.}~~ Chapter 51-19 WAC, Washington State Historic Building Code, as amended.
- ~~{E.}~~ The 2018 Edition of the International Property Maintenance Code, current adopted edition, as published by the International Code Council, Inc., except Sections 106, 111, 302.3, 302.4, 302.8, 304.2, 304.8, 304.13 through 304.19, 305.3, 305.6, 308, 309.2 through 309.5, 404.1, 506.3, 507, and 606 are not adopted. The adopted International Property Maintenance Code is further hereby amended as provided in Section 15.04.020(K). The adopted International Property Maintenance Code is in addition and supplemental to any and all other adopted codes and regulations, and applies to any and all existing structures and premises; equipment, facilities and fixtures; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators, and occupants; and occupancy of existing premises and structures; and such other matters as contained therein.~~2012 Edition of the International Property Maintenance Code as published by the International Code Council, Inc., as amended, except Sections 106 (Violations), 107 (Notices and Orders), and 111 (Means of Appeal).~~

In case of conflict by and among the Millwood City Code and the codes and standards adopted by this chapter, the building official shall make a determination as to which code shall govern. Codes referred to

throughout the codes adopted by this chapter, such as but not limited to the International Existing Building Code, may be used as reference/guidelines but are not in effect unless specifically adopted in this chapter or applicable provisions of the Washington Administrative Code.

(Ord. No. 400, § 3, 7-5-2010; Ord. No. 472, § 1, 5-12-2015)

15.04.020 Amendments—Administration and enforcement.

The following amendments to the State Building Code set forth in Chapters 19.27 and 19.27A RCW are adopted and apply within this jurisdiction:

- A. The city of Millwood shall be the "[NAME OF JURISDICTION]" as applicable in all the codes adopted in Section 15.04.020.
- B. The Building Code adopted in this chapter by reference shall be interpreted, administered, and enforced by the building official of the city, or his/her authorized assistants and deputies.
 - 1. Building official means the City Planning Director / City Planner or his/her designee who is responsible for the administration of Chapter 15.04 of the Millwood Municipal Code (Construction Code).
 - 2. When an interlocal agreement is adopted for Millwood building review and inspections, the Millwood building official shall coordinate with the building official of the jurisdiction identified in the interlocal agreement and may defer to his/her expertise. The building official shall be appointed by the mayor to serve during the mayor's term of office, or until his successor is appointed and qualified, and he shall receive such salary as determined by the city council.
- C. The building official of the city shall be deemed the "building official" as defined in Section 202 of the International Building Code and Section R202 of the International Residential Code.
- D. The building official of the city shall be deemed the "code official" as defined in Section 202 of the International Mechanical Code, Section 202 of the International Fuel Gas Code and Section 202 of the International Property Maintenance Code.
- E. The fire chief of the Spokane Valley Fire Department shall be deemed the "fire code official" as identified in Section 202 of the International Fire Code.
- F. International Building Code:
 - 1. Amend Section 105, Permits, as follows:
 - a. Section 105.2, Work exempt from permit, Building: 1. to read as follows:

One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses provided the floor area does not exceed 200 square feet (11.15 m2), and the accessory structure is not occupied as a living space / dwelling unit. Site plan review, as outlined in Section 17.44.050, is still required through City of Millwood for accessory structures between 121 square feet and 200 square feet.
 - b. Section 105.2, Work exempt from permit, Building: Item 6. to read as follows:

Item 6. Decks, sidewalks and driveways not more than 30 inches (762 mm) above the lowest adjacent ground level within six feet horizontally of the edge of the deck, sidewalk or driveway and where a guardrail is not required by other sections of this code, and not over any basement or story below and are not part of an accessible route.
 - 2. Amend Section 1613, Earthquake loads, as follows:

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- a. Add a sentence to subsection 1613.1, Scope, as follows:

The minimum seismic design category shall be C.

Scope:

- a. ~~Section 101.2 is amended to exclude work located primarily in the public way, public utility towers and poles, mechanical equipment not specifically regulated in this code and hydraulic flood control structures from the scope of the code.~~
- b. ~~Section 101.2, Exception 2, pertaining to the existing building code, is deleted.~~
- c. ~~Section 3109 is deleted; swimming pool enclosures shall comply with Chapter 3.11 of this title.~~
2. ~~Appendices. Appendix Chapters C and I as amended herein, are adopted as part of this title.~~
3. ~~Referenced Codes. IBC sections 101.4.1—Electrical, 101.4.4—Plumbing, 101.4.5—Property Maintenance, and 101.4.7—Energy are deleted.~~
4. ~~Building permit requirements:~~
- a. ~~Exemptions. Building Permits:~~
- i. ~~Section 105.2, Building: Item 1 is amended to substitute "200" for the square feet of building exempt from permit requirements.~~
- ii. ~~Section 105.2, Building: Item 6 is amended to read "platforms, decks, walks and driveways not more than 30" (762 mm) above grade and not over any basement or story below and which are not part of an accessible route."~~
- iii. ~~Section 105.2, Building: Item 9 is amended to read "prefabricated swimming pools accessory to a Group R-3 occupancy (IBC), detached one- and two- family dwellings and multiple single-family dwellings regulated by the IRC which do not exceed 5000 gallons (18925L) and are installed entirely above ground."~~
- b. ~~Section 105.2 is amended to delete the Electrical, Gas, Mechanical, and Plumbing subsections.~~

G. International Residential Code:

1. Replace Table R301.2(1), Climatic and Geographic Design Criteria with the criteria identified in Section 15.04.025.
2. Amend Section R310.2.5, Emergency escape and rescue openings, as follows:
R310.2.5 Replacement of emergency escape and rescue openings except for replacement of glazing only in such windows shall be of the size required by this section.
3. Amend Section R322, Flood-resistant construction, as follows:
- a. Modify R322.1, General, to add municipal code reference and read as follows:
All development in whole or in part within a designated floodplain shall comply with Chapter 15.20 and Title 18 and be designed and constructed in accordance with the provisions contained in this section.
- b. Add a sentence to subsection R322.1.4, Establishing the design flood elevation, such that the section reads as follows:
The design flood elevation is equal to base flood elevation plus one (1) foot. The design flood elevation shall be used to define areas prone to flooding, and shall describe, at a

minimum, the base flood elevation at the depth of peak elevation of flooding (including wave height) which has a 1 percent (100-year flood) or greater chance of being equaled or exceeded in any given year.

- c. Delete item 1 in subsection R322.2.1, Elevation requirements, as amended by Washington State, and replace with a new item 1 to read as follows:

Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above base flood elevation plus one foot.

- d. Delete item 3 in subsection R322.2.1, Elevation requirements, as amended by Washington State, and replace with a new item 3 to read as follows:

Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus one foot.

- e. Add a second paragraph to Section R322.3.9, Construction documents, to read as follows:

The documents shall include a verification of foundation elevation prior to footing inspection approval and a verification of lowest floor elevation to be base flood elevation plus one foot prior to framing inspection approval.

~~Appendices. Appendix Chapter G, as modified by Chapter 3.11 of this title, is adopted as part of this title.~~

~~2. — Permits.~~

- ~~a. — R105.2, work exempt from permit, is replaced by IBC section 105.2, as amended by Section 3.03.030(a) of this title.~~

- ~~b. — Those provisions of R105.2 pertaining to electrical and plumbing permits are deleted.~~

H. International Mechanical Code and the International Fuel Gas Code. Reserved.:

~~1. — Appendices. Reserved.~~

~~2. — Mechanical permit and inspection requirements:~~

- ~~a. — Permits. Permits for mechanical installations in projects which also require building permits shall not be issued prior to issuance of the building permit. The building official may develop procedures other than those specified in the IMC to facilitate the issuance of permits.~~

~~3. — Licensing requirements.~~

- ~~a. — General. In addition to the licensing requirements of the state of Washington, anyone performing gas fitting work, installation of gas piping, venting, gas-fired appliances or repairing gas-fired appliances is required to have in their possession a current gas fitters license as issued by the city of Spokane applicable to the scope of work being performed.~~

- ~~b. — Authority to Verify. The building official may request that individual(s) performing gas-fitting work provide evidence of a current license. When valid license cannot be produced the work may be stopped until such time as a licensed gas fitter can be verified. Further, any work performed by individuals not possessing a valid license may be required to be dismantled or otherwise corrected by licensed individuals.~~

~~4. — Recognized standards. Where no applicable standards or requirements are set forth in the IMC as adopted by this title or contained within other applicable laws, codes, regulations or bylaws, compliance with applicable standards of the Standard for Installation of Gas Appliances and Gas Pipe, Gas Conversion Burners, and Equipment in excess of four hundred thousand BTUs or other~~

~~nationally recognized standards as are approved by the building official shall be deemed prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the power of the building official to determine compliance with codes or standards for those activities or installations within the building official's jurisdiction or responsibility.~~

I. ~~International Fire Code. Reserved.~~

~~1. 1. Adopt Appendix B, Fire Flow Requirements for Buildings.~~

~~2. Adopt Appendix C, Fire Hydrant Locations and Distribution.~~

~~3. Adopt Appendix D, Fire Apparatus Access Roads; amend Section D101.1, to read as follows:~~

~~D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code including the provisions of Section 503 Fire Apparatus Access Roads.~~

J. ~~Uniform Plumbing Code. Reserved.~~

~~1. General. Pursuant to the WAC 51-56-003, Chapters 12 and 15 of the UPC are deleted. In addition, those requirements of the UPC relating to venting and combustion air of fuel fired appliances as found in UPC chapter 5 and those portions of the UPC addressing building sewers are not adopted.~~

~~2. Appendices. Appendix D is adopted and made a part of this title. The figure to be used in sizing drains in Appendix D shall be not less than two inches of rainfall/hour.~~

~~3. Plumbing permit and inspection requirements Permits for plumbing installations in projects requiring building permits shall not be issued prior to the building permit. The building official may develop procedures other than those specified in the UPC to facilitate the issuance of plumbing permits.~~

K. ~~The 2018 International Property Maintenance Code.~~

~~1. Amend Section 202, General definitions, by adding the following definitions:~~

~~a. Blighted property. A property, dwelling, building, or structure which constitutes blight on the surrounding neighborhood. "Blight on the surrounding neighborhood" is any property, dwelling, building, or structure that meets any two of the following factors:~~

~~i. A dwelling, building, or structure exists on the property that has not been lawfully occupied for a period of one year or more;~~

~~ii. The property, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the Mayor or designee;~~

~~iii. The property, dwelling, building, or structure is or has been associated with illegal drug activity during the previous twelve months.~~

~~b. Drug properties and structures. Any building, structure and/or associated property, identified by the Chief of Police, wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public.~~

~~2. Amend Section 202, General definitions, by deleting the following definitions:~~

~~a. Garbage;~~

~~b. Housekeeping unit;~~

~~c. Inoperable motor vehicle.~~

3. Amend Section 108, Unsafe structures and equipment, as follows:

a. Add a new subsection 108.8, Blighted properties, to read as follows:

In conformance with RCW 35.80A.010, the City may acquire by condemnation, in accordance with the notice requirements and other procedures for condemnation provided in Title 8 RCW, any property, dwelling, building, or structure which constitutes a blight on the surrounding neighborhood.

Prior to such condemnation, the City Council shall adopt a resolution declaring that the acquisition of the real property described therein is necessary to eliminate neighborhood blight. Condemnation of property, dwellings, buildings, and structures for the purposes described in this chapter is declared to be for a public use.

b. Add a new subsection 108.9, Drug properties and structures, to read as follows:

Drug properties and/or structures are declared to be unsafe properties or structures and are a classification of property subject to the special procedures set forth in Section 108.8. The Building Official is authorized to abate such unsafe buildings, structures, and/or associated properties in accordance with the procedures set forth in this code and Washington statute, chapter 64.44 RCW, with the following additional actions:

i. Due to public safety hazard in drug production facilities, all public and private utilities shall be disconnected.

ii. Building(s) and structures shall be inspected to determine compliance with all City ordinances and codes

iii. Building(s) and any entry gates to the property shall be secured against entry in the manner set forth in this code.

iv. Reconnection of utilities or occupancy of the building(s), structures or property shall not be allowed until all violations have been addressed, all dangerous conditions abated and a notice of release for re-occupancy has been received from the health department and sheriff's office.

v. If dangerous conditions cannot be abated, occupancy shall be prohibited and the structure and/or property may be subject to condemnation pursuant to RCW 35.80A.010, Condemnation of blighted property.

4. Replace the code reference, International Plumbing Code, in Sections 502.5 and 505.1 with the following:

The State adoption of the Uniform Plumbing Code.

5. Delete the text of Section 602.2, Residential occupancies, and replace with the following:

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

6. Delete the text of Section 602.3, Heat supply, and replace with the following:

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 supply heat to occupants thereof shall provide heat to maintain a temperature of 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms.

7. Replace paragraph one of Section 602.4, Occupiable work spaces, with the following:

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of 65° F (18° C) during the period the spaces are occupied.

8. Replace the code reference, ICC Electrical Code, in Section 604.2, Service, with the following:

The State adoption of the National Electrical Code.

9. Also refer to Chapter 15.16 for Dangerous Buildings.

(Ord. No. 400, § 4, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 4, adopted July 5, 2010 repealed the former § 15.04.020, and enacted a new § 15.04.020 as set out herein. The former § 15.04.020 pertained to building official defined—appointment—compensation and derived from Ord. 52 § 5, 1956.

15.04.025 Design loads.

A. In addition to the criteria set forth in the codes adopted by this title, buildings and structures shall be constructed in accordance with the criteria set forth in the following table:

Ground Snow Load *	39 lbs/ft ² (a) <u>*Roof Snow Load: min. 30 lbs/ft²</u>
Wind <u>Design - Ultimate Design</u> Speed (mph) *	85-110 mph <u>*Nominal Design Speed: 85</u>
<u>Topographic effects</u>	<u>No</u>
<u>Special wind region</u>	<u>No</u>
<u>Windborne debris region</u>	<u>No</u>
Seismic Design Category	ISO-33 °C
<u>Subject to damage from:</u>	
Weathering	Severe
Frost Line Depth	24 inches
Termites	Slight to moderate
Decay	None to slight
Winter Design Temp	10°F
Ice Shield-Barrier Underlayment Required	Yes
Flood Hazards	1. 1612.3 IBC, FIRM Maps a) 53063C0558D b) 53063C0559D c) 53063C0566D d) 53063C0567D
Air Freeze Index	1232
Mean Annual Temp.	47.2°F
<u>Manual J Design Criteria (may be based on site-specific data in accordance with the WA State Energy Code)</u>	
<u>Elevation</u>	<u>2001</u>
<u>Latitude</u>	<u>47°N</u>
<u>Winter heating</u>	<u>7°F</u>
<u>Summer cooling</u>	<u>89°F</u>
<u>Altitude correction factor</u>	<u>0.94</u>
<u>Indoor design temperature</u>	<u>72°F</u>
<u>Design temperature cooling</u>	<u>75°F</u>
<u>Heating temperature difference</u>	<u>65°F</u>

<u>Cooling temperature difference</u>	<u>14°F</u>
<u>Wind velocity heating</u>	<u>15 MPH</u>
<u>Wind velocity cooling</u>	<u>7.5 MPH</u>
<u>Coincident wet bulb</u>	<u>61</u>
<u>Daily range</u>	<u>High</u>
<u>Winter humidity</u>	<u>30%</u>
<u>Summer humidity</u>	<u>50%</u>

- B. Snow Loads. The basic minimum roof snow load for the city is established as thirty (30) pounds per square foot except as otherwise provided for in this chapter. The building official in all cases shall determine snow loads where the minimum figure hereby established appears inadequate. Such determinations shall be based on analysis of local climate and topography and the "Snow Load Analysis for Washington" as published by the Structural Engineers Association of Washington.
- C. Flood Damage Protection. Flood loads and flood resistant construction requirements contained within the codes adopted herein shall be used in conjunction with the requirements of the city's flood hazard ordinance. In case of conflict, the requirements of the flood hazard ordinance shall prevail.

(Ord. No. 400, § 5, 7-5-2010)

15.04.030 Permit required to do work.

- A. No person, firm or corporation shall erect, construct, enlarge, alter, move, improve, remove, convert or demolish any building, structure, mechanical system or plumbing system regulated by this chapter, in the city or cause the same to be done, without first obtaining a separate building permit for each such building, structure or system installation from the building official.
- B. Application. For the purpose of this chapter and the provisions of RCW 19.27.095(2), the requirements for a fully completed application for a building permit are delineated in Section 105.3 of the IBC.

(Ord. No. 400, § 6, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 6, adopted July 5, 2010 repealed the former § 15.04.030, and enacted a new § 15.04.030 as set out herein. The former § 15.04.030 pertained to permit required to do work and derived from Ord. 113, 1981; Ord. 52 § 2, 1956.

15.04.040 Application for permit to do work.

To obtain a permit, the applicant shall file an application therefor in writing on a form furnished for that purpose by the building official. Each application for a permit shall be accompanied by two sets of plans and specifications, provided, however, that the building official may waive the requirement that plans and specifications be submitted with the application for a permit under certain conditions as determined by the building official and in the case of small and unimportant work.

- A. Projects subject to regulation under MMC Title 15 vest to the state code edition under which a complete application was accepted.
 - 1. Time Limitation of Application. Applications are valid for one year. One or more extensions of time may be granted for a term of not more than 180 days but shall not exceed the time remaining in the code cycle to which the application is vested. Any request for extension shall be made in writing. All permit applications regulated by MMC Title 15 shall be deemed to be

abandoned and become null and void if a permit is not issued within the time limits described herein.

a. Applications that have expired subject to MMC 15.04.040 have no vested right to review under the state code or Millwood Municipal Code in effect at the time of original complete application.

b. For review to continue on a project for which the application has expired, a new permit application must be submitted and a new fee paid. The application is subject to the processes and requirements of the Millwood Municipal Code as constituted at the time of the new application. The scope of application submittal requirements and review process shall be determined by the building official or designee.

2. Expiration of Permits. Every permit issued subject to MMC 15.04.040 shall expire and become invalid unless the work authorized by such permit is commenced within two years of issuance. One or more extensions of time may be granted for a term not more than 180 days but shall not exceed the time remaining in the first full code cycle after the code cycle to which the permit is vested. Any such extension shall be requested in writing.

A permit issued subject to MMC 15.04.040 shall expire and become invalid if the work authorized by the permit is not completed within two years after the first required inspection has been made.

a. Permits that have expired subject to MMC 15.04.040 have no vested right to review under the Millwood Municipal Code in effect at the time of original complete application acceptance.

b. When a permit expires and the work authorized by the expired permit is not completed, the remaining work may continue only after a new permit application for the remaining work has been submitted, approved, and new fees paid. The scope of permit review and fee amount shall be determined by the building official or designee. The fees shall be set to cover actual City costs for services or services per an interlocal agreement.

c. Compliance Actions. If a permit issued to resolve a code violation expires subject to MMC 15.04.040, the property owner may be subject to the immediate imposition of penalties and remedies authorized by the Millwood Municipal Code.

B. Permit Ownership. Ownership of a permit issued pursuant to MMC Title 15 inures to the property owner. If the permit applicant is not the property owner, the applicant shall be held to be an agent of, and acting on behalf of, the property owner.

C. Work Commencing Before Permit Issuance. Any person who commences any work on a building structure, electrical, gas, mechanical or plumbing system, before obtaining necessary permits, shall be subject to an investigation fee in accordance with Section 15.04.015(B) of this chapter.

The investigation fee shall be equal to and additional to the permit fee that would have been required had a permit been issued and is owed whether or not a permit is subsequently issued. Payment of the investigation fee does not vest illegal work or establish any right to a permit.

D. Permits shall be processed in accordance with Chapter 14.12 with the classification and review process as defined in Section 14.12.025, Applications / Project Classification Types and Review Process.

(Ord. 52 § 3, 1956)

(Supp. No. 21)

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15.04.050 Fee for permit to do work.

A fee for each building permit shall be paid to the building official in accordance with Section 15.04.015(B) of this chapter.

(Ord. No. 400, § 7, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 7, adopted July 5, 2010 repealed the former § 15.04.050, and enacted a new § 15.04.050 as set out herein. The former § 15.04.050 pertained to fee for permit to do work and derived from Ord. 52 § 4, 1956.

15.04.060 Amendments to Building Code.

Any and all amendments and additions to the Building Code adopted in this chapter by reference, when the same are printed and filed with the city clerk-treasurer shall be considered and accepted as amendments to this chapter, without the necessity of further adoption of such amendments or additions, and shall have the full force of ordinances enacted by the city council of the city.

(Ord. 52 § 8, 1956)

15.04.070 Appeals from decisions of building official.

~~The city council of the city shall sit as a board of adjustment and shall pass upon any appeals from the decisions of the building official rendered in connection with the enforcement of this chapter. Said board of adjustment may grant variances with or without conditions being imposed if such variances comply with the spirit and intent of this chapter, and said board of adjustment may grant temporary permits. The appeal of any decision, order or determination of the building official shall be made in conformance with MMC 14.12.140. If a final decision is made by another entity on behalf of the City of Millwood based on an Interlocal Agreement or services contract that is in effect, an appeal would follow that entity's decision appeal process.~~

(Ord. 52 § 10, 1956)

15.04.080 Zoning title controls.

In the event of any conflict between this chapter and Title 17 of this code, entitled the zoning ordinance of the city of Millwood, relative to yard and other open spaces, and to the size, height, area, location and use of buildings, the provisions of Title 17 shall be controlling.

(Ord. 52 § 9, 1956)

15.04.090 Violation—Penalty.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, or of the Codes and/or Standards adopted by this chapter and by reference made a part of this chapter as fully as if set forth in full in this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not to exceed ~~five hundred one thousand~~ **five hundred one thousand** dollars (~~\$5001000.00~~) or imprisoned in the county jail for a term of not exceeding ninety (90) days or both, for each separate offense. Each day that a violation is permitted to exist shall constitute a separate offense.

In addition, violation of section 15.04.016(E) may be subject to enforcement and punishment in accordance with Chapter 8.14 of the Millwood Municipal Code; provided, that such violation is the result of conditions or defects that endanger the life, health, property or safety of the public or the structure's occupants.

(Ord. 191 (part), 1990; Ord. 52 § 11, 1956; Ord. No. 472, § 3, 5-12-2015)

Chapter 15.16 DANGEROUS BUILDINGS

15.16.010 Findings.

- A. It is found that within the city exist dwellings which are unfit for human habitation, and buildings and structures which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of the residents of the city.
- B. It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended, and that the necessity of the public interest for the enactment of this chapter is declared to be a matter relating to public health, welfare and safety.

(Ord. 255 § 1, 1995)

15.16.020 Purpose and scope.

- A. Purpose. The purpose of the provisions of this chapter is to provide a just, equitable and practicable method of requiring the repair, vacation or demolition of dwellings, buildings or structures which from any cause endanger the life, limb, health, property, safety or welfare of the general public or occupants. Furthermore, it is the policy of the city to encourage the rehabilitation of usable structures and to demolish those that are beyond repair.
- B. Scope. The provisions of this chapter shall apply to all dangerous and unfit dwellings, buildings or structures, as herein defined, which are now in existence or which may hereafter become dangerous or unfit.

(Ord. 263 (part), 1995; Ord. 255 § 2, 1995)

15.16.030 Definitions.

The terms used in this chapter shall have the meaning herein given to them.

"Abandoned" means a building or structure that has not been used, inhabited or maintained for a period greater than one year.

"Boarded-up building" means a building that has had its windows or other doorless entries secured with an extrinsic device and which gives to the building the appearance of nonoccupancy or nonuse for an indefinite period of time. After one year a boarded-up building becomes a dangerous or unfit building or structure as provided in Section 15.16.040.

"Building official" means the fire marshal of the city or the person appointed to the position of building official by the Millwood city council, consistent with MMC 15.04.020(B).

"Dwelling, building or structure" means any structure built for the support, shelter or enclosure of persons, animals or property of any kind.

"Last known address" means the last address as shown on the records of the assessor of Spokane County, Washington, for real tax purposes, and any other address known to the building official.

"Owner" means the owner, mortgagee, lessee, agent and/or other person having an interest in a building, or their personal representatives, as shown by the records of the county auditor of Spokane County, Washington, and the occupant of said building, if any.

"Person" means every natural person, firm, partnership, corporation, association or organization.

(Ord. 263 (part), 1995; Ord. 255 § 3, 1995)

15.16.040 Dangerous or unfit dwellings, buildings or structures defined.

All buildings or structures which have any or all of the following defects shall be deemed dangerous or unfit buildings or structures:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;
- B. Those which, exclusive of the foundation, show thirty-three (33) percent or more of damage or deterioration of the supporting member or members, or fifty (50) percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering;
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe;
- D. Those which have become damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or others;
- E. Those which have become or are so dilapidated or decayed or unsafe or unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein or others;
- F. Those having lighting or sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings;
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of escape;
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or damage property;
- I. Those which have any exterior cantilever wall, or parapet, or appendage attached to or supported by an exterior wall of the building located adjacent to a public way or to a way set apart for exit from a building or passage of pedestrians, if such cantilever, parapet or appendage is not so constructed, anchored, or braced as to remain wholly in its original position in event of an earthquake capable of producing a lateral force equal to gravity;
- J. Those which have an exterior wall located adjacent to a public way or to a way set apart for exit from a building or passage of pedestrians, if such wall is not so constructed, anchored or braced as to remain wholly in its original position in event of an earthquake capable of producing a lateral force equal to gravity;

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- K. Those which have defective or hazardous wiring, including wiring which did not conform with the codes applicable at the time of installation or has not been maintained in good condition or is not being used in a safe manner;
 - L. Those having defective or hazardous plumbing which did not conform with the codes applicable at the time of installation or has not been maintained in good condition or is not free of cross connections or siphonage between fixtures;
 - M. Those having defective or hazardous heating or ventilating equipment including equipment, vents and piping which did not conform with the codes applicable at the time of installation or has not been maintained in good and safe condition;
 - N. Those which have been abandoned or boarded up and vacant for one year or more and there is no approved plan for rehabilitation, sale, demolition or other disposition of the building to take place within a reasonable time as determined by the building official.
 - O. Non-compliance with International Fire Code (IFC), including Washington State amendments for building code requirements, as determined by Spokane Valley Fire District No. 1.

(Ord. 263 (part), 1995; Ord. 255 § 4, 1995)

(Ord. No. 556, § 1, 11-24-2025)

15.16.050 Standards for repair, vacation or demolition.

- A. The following standards shall be followed in substance by the building official and the city council in ordering, at the property owner's expense, the repair, vacation, or demolition of dwellings, buildings or structures that have become dangerous or unfit.
 - 1. If the dangerous or unfit dwelling, building or structure can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, the building official shall order that the repair work commence within such time (not to exceed sixty (60) days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.
 - 2. If the building official has determined that the dwelling, building or structure must be vacated, the order shall require the vacation within a certain time from the date of the order as determined by the building official to be reasonable (not to exceed sixty (60) days from the date of the order). However, vacation of the dwelling, building or structure is only a temporary solution to imminent danger and a dwelling, building or structure may not remain boarded up longer than one year unless an extension of time is part of a plan approved by the building official detailing the future rehabilitation, sale, demolition or other disposition of the dwelling, building or structure.
 - 3. If the dangerous or unfit dwelling, building or structure is greater than fifty (50) percent damaged or decayed or deteriorated in value, or if it cannot be repaired so that it will no longer exist in violation of the terms of this chapter, the building official shall require that the building or structure be vacated within such time as the building official shall determine is reasonable (not to exceed sixty (60) days from the date of the order), and that the demolition be completed within such time as the building official shall determine is reasonable. Value as used herein shall be the valuation placed upon the building or structure for purposes of general taxation.
 - 4. If the dangerous or unfit building or structure is a fire hazard, existing or erected in violation of the terms of this chapter or any other ordinance of the city or the laws of the state of

Washington, the building official shall require that the dwelling, building or structure be vacated within such time as the building official shall determine is reasonable (not to exceed sixty (60) days from the date of the order), and that the repair or demolition be completed within such time as the building official shall determine is reasonable.

5. If the dwelling, building or structure has been boarded up for one year or longer, the building official may require the owner or party of interest to provide the building official with a plan for rehabilitation, sale, demolition or other disposition of the building for his approval, and that the approved plan be carried out and completed within such time as the building official shall determine is reasonable under all of the circumstances.
- B. The building official may require vacated buildings or structures be boarded up and secured and this boarding be maintained until the building or structure is repaired or demolished, as stated on the building official's order.
- C. The building official may grant an extension of time for compliance with any order upon finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension.
- D. An extension of time may be revoked by the building official if it is shown that the conditions at the time the extension was granted have changed if the building official determines that a party is not performing corrective actions as agreed, or if the extension creates an adverse effect on the public. The date of revocation shall then be considered as the compliance date.

(Ord. 263 (part), 1995; Ord. 255 § 5, 1995)

15.16.060 Enforcement.

- A. Administration. The building official is authorized to enforce the provisions of this chapter.
- B. Inspections. The building official is authorized to make such inspection and take such actions as may be required to enforce the provisions of this chapter.
- C. Right of Entry.
 1. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any dwelling, building or structure any condition which makes such dwelling, building or structure unfit or dangerous as defined in this chapter, the building official or his authorized representative may enter such dwelling, building or structure at all reasonable times to inspect the same or perform any duty imposed upon the building official by this chapter provided that:
 - a. If such dwelling, building or structure be occupied he shall first present proper credentials and demand entry; and
 - b. If such dwelling, building or structure be unoccupied he shall first make a reasonable effort to locate the owner or other persons having charge or control of the dwelling, building or structure and demand entry.
 2. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.
 3. No owner or occupant or any other person having charge, care, or control of any dwelling, building or structure shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the building official or his authorized representative for the

purpose of inspection and examination pursuant to this chapter. Any person violating this subsection shall be guilty of a misdemeanor.

(Ord. 255 § 6, 1995)

15.16.070 Building official— Dangerous or unfit building or structure— Notice of hearing.

If, after a preliminary investigation of any dwelling, building or structure the building official finds that it is dangerous or unfit for human habitation or other use, he shall cause to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the Spokane Auditor's Office, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building or structure is dangerous or unfit for human habitation or other use. If the whereabouts of such persons is unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence, and the building official shall make an affidavit to that effect, then the serving of such complaint upon such persons may be made by publishing the same once each week for two consecutive weeks in a legal newspaper of general circulation in the city. Such complaint shall contain a notice that a hearing will be held before the building official, at a place therein fixed, not less than ten days nor more than thirty (30) days from the date of the first serving of the complaint, or in the event of publication, not less than ten days nor more than thirty (30) days from the date of the first publication and posting, that all parties in interest shall be given the right to file an answer to the complaint, and to appear in person, or otherwise, and to give testimony at the time and place fixed in the complaint. A copy of such complaint for hearing shall also be filed with the auditor of Spokane County, Washington.

(Ord. 255 § 7, 1995)

15.16.080 Building official— Hearing—Evidence— Order.

- A. The hearing provided for in Section 15.16.070 shall be conducted by the building official at the time and place provided for in the complaint, or at such other time or place to which said hearing shall be adjourned or continued. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building official.
- B. If, after hearing, the building official shall determine that such dwelling, building or structure is not unfit or dangerous as defined in this chapter, he shall enter in writing his findings of fact to that effect and shall enter an order dismissing the complaint and shall file a copy of such order with the auditor of Spokane County, Washington.
- C. If, after the hearing, the building official shall determine that such dwelling, building or structure is unfit or dangerous as defined in this chapter, he shall enter in writing his finding of fact to that effect and shall enter an appropriate order in accordance with the standards set out in this chapter, which order shall provide as follows:
 - 1. Requiring the owner or party in interest, within such reasonable time as may be specified in the order, to repair such dwelling, building or structure to render it no longer a dangerous or unfit dwelling, building or structure as defined in this chapter; or
 - 2. Requiring the owner or party in interest, within such reasonable time as may be specified in the order, to remove or demolish such dwelling, building or structure; or
 - 3. Requiring the owner or party in interest of a building that has been boarded up for more than one year to provide the building official with a plan for rehabilitation, sale, demolition or other disposition of the building, to be carried out and completed within such time as the building

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official shall determine is reasonable under all of the circumstances. The building official shall issue a date by which the plan is to be presented to him for his approval.

- D. Any such order issued under the provisions of subsections (C)(1) and (C)(2) of this section may further require the owner or party in interest, or the occupant(s) of the same to vacate and board up such dwelling, building or structure, within such reasonable time as may be set out in such order, should the building official find that such dwelling, building or structure is dangerous or unfit for human habitation. However, it is the intent of this chapter that boarding a dangerous dwelling, building or structure is only a temporary solution to imminent danger and a dwelling, building or structure may not remain boarded up longer than one year unless an extension of time is part of a plan approved by the building official detailing the future rehabilitation, sale, demolition or other disposition of the dwelling, building or structure.

(Ord. 263 (part), 1995; Ord. 255 § 8, 1995)

15.16.090 Order—Service—Effect.

Any order of the building official entered under the provisions of Section 15.16.080 shall become final and conclusive unless within thirty (30) days from the date of service of such order upon the owner, party in interest, and occupant of the premises or within thirty (30) days after the posting of such order and service of the same to be accomplished in the same manner as set out in Section 15.16.070 shall file in writing with the building official a notice of appeal from the findings and order of the building official to the appeals commission.

(Ord. 255 § 9, 1995)

15.16.100 Millwood city council to be appeals commission— Notice of hearing.

- A. The Millwood city council is hereby designated as the appeals commission referred to in RCW 35.80.030 (g) as the municipal agency which shall hear and determine all appeals from any order of the Building Official issued under the provisions of Section 15.16.080(c).
- B. Upon receipt by the building official of a written notice of appeal by an interested party from any such order of the building official, he shall forthwith transmit the same to the clerk of the city, who shall fix a date, time and place for the hearing of such appeal which shall not be less than ten days nor more than forty (40) days after the date of filing of the notice of appeal. Notice of the date, time and place of the hearing on the appeal shall be given by the building official to each owner, party in interest, or occupant who shall have filed a notice of appeal. Such notice shall be given within no less than ten days preceding the appeal hearing and may be served upon each appellant personally or by certified mail to each appellant, return receipt requested, addressed to the appellant at the address given on the notice of appeal, or at the appellant's last known address. All matters submitted to the appeals commission must be resolved by the commission within sixty (60) days from the date of filing therewith.
- C. At the appeal hearing all parties in interest may appear in person, or otherwise, and may present any testimony and exhibits that may be relevant to the issues presented by appeal. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the city council.
- D. After the conclusion of the appeal hearing before the appeals commission, it shall enter its written finding of fact and an order consistent therewith, the same to conform to the standards set out in this chapter. The appeals commission may reverse the order of the building official and dismiss the complaint, or it may modify or affirm the order of the building official, as it finds appropriate under the

standards prescribed in this chapter. Within ten days after the hearing of any appeal, the city council shall:

1. Affirm or reverse the findings or rulings in the inspection report; or
 2. Make some adjustment of the required corrective action or the time for corrective action, imposing such conditions as necessary to assure reasonable safety.
- E. A complete and accurate record shall be made and kept of all appellate proceedings held before the city council. A transcript of such proceedings shall be furnished to any party in interest upon demand and upon payment to the city of the reasonable cost of preparation thereof.

(Ord. 279 (part), 1996; Ord. 263 (part), 1995; Ord. 255 § 10, 1995)

15.16.110 Appeals commission— Effect of order—Filing.

- A. The decisions of the city council on appeal shall be final and binding except for review by the Superior Court of the state of Washington as provided by RCW Chapter 35.80.030. The parties in interest appealing the commission's decision shall file their appeal with the Superior Court within thirty (30) days of the posting and service of the Commission's order. Forthwith upon entry thereof by the city council a copy of all findings of fact and of all orders shall be served upon all parties in interest, in the same manner as provided by Section 15.16.070, and a copy thereof shall be filed with the auditor of Spokane County, Washington.
- B. The findings and orders of the city council shall have and bear the same legal consequences as if issued by the building official.

(Ord. 255 § 11, 1995)

15.16.120 Defect abatement—Action by city—Assessments.

- A. If the owner or party in interest, following exhaustion of his rights to appeal, fails to comply with the final order to repair, vacate, remove or demolish the dwelling, building or structure, the building official may direct or cause such dwelling, building or structure to be repaired, vacated, removed or demolished.
- B. The amount of the cost of such repairs, vacating, removal or demolition shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification to the Spokane County treasurer by the city clerk of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such a manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the current expense fund of the city. The owner shall be personally liable for any deficiency.
- C. If the dwelling, building or structure is removed or demolished by the building official, he shall, if reasonably practicable, sell the materials of such dwelling, building or structure for the highest price offered by any person interested in the same. Proceeds from sale of materials shall be credited against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the building official, after deducting the costs incident thereto. In calling for bids for the removal or demolition of any dwelling, building or structure, the building official may accept net bids for the same, the contractor to retain salvage.

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- D. Nothing herein shall be construed to authorize any contract for removal or demolition without action by the city council, and shall be subject to bid laws if the estimated cost exceeds that amount which the law of the state of Washington requires advertisement for bids and award of contract by the city council.

(Ord. 255 § 12, 1995)

15.16.130 Powers of building official.

The building official is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter. Such powers shall include the following, in addition to others granted herein:

- A. To determine which dwellings within the city are unfit for human habitation, are unsafe or dangerous, or are unfit for other use;
- B. To administer oaths and affirmations, examine witnesses, and receive evidence; and
- C. To investigate all dwellings, buildings and structures within the city and to enter upon premises for the purpose of making examinations when the building official has reasonable grounds to believe they are unsafe, dangerous or unfit for human habitation or other use. Provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

(Ord. 255 § 13, 1995)

15.16.140 Public nuisance defined and prohibited.

- A. The maintenance, use or sufferance to exist on any property within the city of any dwelling, building or structure, condition or use described below is declared to be a public nuisance.
 - 1. Any dwelling, building or structure which is an attractive nuisance to children;
 - 2. Any dwelling, building or structure determined to be an unfit or dangerous building, as defined in this chapter, by final order of the building official or of the city council, which ever shall be applicable, after expiration of time allowed for appeal and to repair, remove, demolish or vacate such dwelling, building or structure as set out in the order of the building official or the city council;
 - 3. Those buildings which have been abandoned, boarded up and vacant for one year or longer and there is no approved plan for rehabilitation, sale, demolition or other disposition of the building.
- B. No person, firm or corporation, being the owner, lessor, occupant or person in possession of or in control of any property within the city, shall keep, maintain, use, suffer or allow to exist on such property, or on any public rights-of-way adjacent to such property, any public nuisance as defined in this chapter.

(Ord. 255 § 14, 1995)

15.16.150 Violation—Misdemeanor.

Any person, firm or corporation who shall violate any provisions of this chapter or who shall fail or neglect to comply with the terms of a final order issued by the building official or the city council or Superior Court, as may be applicable, for the repair, removal, demolition or vacation of any premises within the time provided in such final order, shall be guilty of a misdemeanor.

(Ord. 255 § 15, 1995)

Chapter 15.20 CONSTRUCTION IN FLOOD HAZARD AREAS

15.20.001 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- ~~A1.~~ To protect human life and health;
- ~~B2.~~ To minimize expenditure of public money and costly flood control projects;
- ~~C3.~~ To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- ~~D4.~~ To minimize prolonged business interruptions;
- ~~E5.~~ To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- ~~F6.~~ To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- ~~G7.~~ To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- ~~H8.~~ To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. No. 398, § 1, 6-7-2010)

15.20.005 Definitions.

Unless specifically defined below, 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.

"Appeal" means a request for a review of the interpretation of any provision of this chapter ~~or a request for a variance.~~

"Areas of shallow flooding" means a designated AO, or AH zone on the FIRM. The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"Area of special flood hazard " or "areas of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one hundred-year flood." Designation on maps always includes the letters A or V.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"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.

"City" means the city of Millwood.

"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.

"Development" means any man-made 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.

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

"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.

"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).

"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 surface waters from any source.

"FIRM" means the official map(s) on which the Federal Insurance Administration has delineated both any areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, and the water surface elevation of the base flood.

"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.

"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 so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found in Subsection 15.20.070(a).

"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."

"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.

"New construction" means structures for which the "start of construction" commenced on or after June 15, 2010.

"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.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) 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.

"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 (180) 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 foundations 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.

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

"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 (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure 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:

3. 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

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4. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. No. 398, § 1, 6-7-2010)

15.20.010 Application of flood hazard regulations.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(Ord. No. 398, § 1, 6-7-2010)

15.20.020 Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency's Flood Insurance Study for Spokane County, Washington and Incorporated Areas dated July 6, 2010, and any other revision thereto, with accompanying FIRM, and any other revision thereto, is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the city planning department.

(Ord. No. 398, § 1, 6-7-2010)

15.20.030 Development permit and fee required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard as established in Section 15.20.020. The permit shall be for all structures including mobile homes and for all development including filling, excavating and other activities as set forth in the definitions. A fee ~~of fifty dollars (\$50.00)~~ shall be assessed on all development permits in flood hazard areas.

(Ord. No. 398, § 1, 6-7-2010)

15.20.040 Application for development permit.

Application for a development permit shall be made on forms furnished by the [City Planning Director / city planner](#) and may include but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- ~~A1.~~ Elevation in relation to mean sea level of the lowest floor including basement of all structures;
- ~~B2.~~ Elevation in relation to mean sea level to which any structure has been floodproofed;
- ~~C3.~~ Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection 15.20.070(~~gG~~);
- ~~D4.~~ Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(Ord. No. 398, § 1, 6-7-2010)

15.20.050 Administration by City Planning Director / city planner.

The City Planning Director / city planner or his/her designee is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. Duties of the City Planning Director / city planner shall include but not be limited to:

- A1. Permit Review.
 - 1a. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 - 2b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local government agencies from which prior approval is required;
- B2. When base flood elevation data has not been provided in accordance with Section 15.20.020, the City Planning Director / city planner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 15.20.070;
- C3. Where base flood elevation data is provided through the flood insurance study, FIRM, or as required in subsection (2) of this section, obtain and record the actual elevation of the lowest floor, including basement, of all new or substantially improved structures and whether or not the structure contains a basement;
- D4. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Subsection 15.20.050(2B):
 - 1a. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed,
 - 2b. Maintain the floodproofing certifications required in Subsection 15.20.040(3C);
- E5. Maintain for public inspection all records pertaining to the provisions of this chapter;
- F6. Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
- G7. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished;
- H8. Interpret, where needed, the exact locations of the boundaries of the areas of special flood hazards, such as, where there appears to be a conflict between a mapped boundary and actual conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.20.060.

(Ord. No. 398, § 1, 6-7-2010)

15.20.060 Appeal and Variance procedures.

- A. ~~The city council shall hear and decide appeals and requests for variances from the requirements of this chapter. Those aggrieved by the decision of the city council may appeal such decision to Superior Court of Spokane County according to the provisions of Section 21.60.130. The appeal of any decision by the City Planning Director / city planner shall be made in conformance with MMC 14.12.140.~~
- B. Refer to Section 17.44.065 to apply for a Variance from the requirements of this chapter. Variances shall only be issued upon the following conditions:

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1. A showing of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with local laws or ordinances; and
 4. The variance is the minimum necessary, considering the flood hazard, to afford relief.

(Ord. No. 398, § 1, 6-7-2010)

15.20.070 Standards for flood hazard reduction in areas of special flood hazards.

- A. Anchoring.
 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors.
- B. Construction Materials and Methods.
 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 3. 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 components during conditions of flooding.
- C. Utilities.
 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 4. Water wells shall be located on high ground that is not in the floodway in accordance with WAC 173.160.171, as amended.
- D. Subdivision Proposals.
 1. All subdivision proposals shall be consistent with the need to minimize flood damage.
 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

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4. 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 (50) lots or five acres (whichever is less).
- E. Review of Building Permits. Where elevation data is not available either through the flood insurance study, FIRM, 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 of reasonableness is a local judgment and includes use of historical data, high water marks, 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.
- F. Residential Construction.
1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.
 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be 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:
 - a. 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.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- G. 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:
1. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 3. 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 certifications shall be provided to the official as set forth in Subsection 15.20.040(3C);
 4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Subsection 15.20.050(4D).
 5. 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).
- H. Critical Facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (one hundred-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the five hundred-year flood, whichever is higher. Access to and from the critical facility should also be

protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

- I. Manufactured Homes. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (aA)(2) of this section.

(Ord. No. 398, § 1, 6-7-2010)

15.20.080 Floodways.

Located within areas of special flood hazard established in Section 15.20.020 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
 - 1a. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
 - 2b. Repairs, reconstruction, or improvements to a structure, the cost of which does not exceed fifty (50) percent of the market value of the structure either:
 - a. Before the repair, reconstruction or repair is started; or
 - b. If the structure has been damaged, and is being restored, before the damage occurred.
- C3. Work done on structures to comply with existing health, sanitary, or safety codes, 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 shall not be included in the fifty (50) percent determination.
- D4. Recreational vehicles placed on sites are required to either:
 - 1a. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - 2b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; and
 - 3e. Meet the requirements of Subsection 15.20.070(h) above and the elevation and anchoring requirements for manufactured homes.

(Ord. No. 398, § 1, 6-7-2010)

15.20.090 Compliance and enforcement.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Enforcement of the provisions of this chapter shall be in conformance with chapter 8.14 of the Millwood Municipal Code. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter.

(Ord. No. 398, § 1, 6-7-2010)

15.20.100 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where any provision in this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 398, § 1, 6-7-2010)

15.20.110 Interpretation.

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

- ~~A1.~~ Considered as minimum requirements;
- ~~B2.~~ Liberally construed in favor of the governing body; and,
- ~~C3.~~ Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 398, § 1, 6-7-2010)

15.20.120 Warning and disclaimer of liability.

The degree of flood protection required by the provisions of this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. The provisions of this chapter do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The provisions of this chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on the provisions of this chapter or any administrative decision lawfully made hereunder.

(Ord. No. 398, § 1, 6-7-2010)