

ORDINANCE 2025-04

AN ORDINANCE OF THE CITY OF TOPPENISH, WASHINGTON AMENDING CHAPTER 15.01 OF THE TOPPENISH MUNICIPAL CODE ENTITLED "BUILDING CODES" TO UPDATE AND INCORPORATE THE 2021 VERSION OF THE BUILDING CODES, PROVIDING FOR A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, State law, including specifically Section 19.27.031 of the Revised Code of Washington (RCW), authorizes and directs cities and towns in the State of Washington, to adopt and enforce within their corporate jurisdictions the State Building Code; and

WHEREAS, pursuant to and in accordance with RCW 19.27.031, the City Council has heretofore adopted and included in the Toppenish Municipal Code (TMC) Chapter 15.01 the State Building Codes, and

WHEREAS, with periodic updates, the current version of the State Building Code is the 2021 version thereof; and

WHEREAS, the City Council deems it to be in the best interest of the City to amend Chapter 15.01 TMC to include the 2021 version thereof

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The Toppenish Municipal Code (TMC) Chapter 15.01 Building Codes is hereby amended to read as follows:

Chapter 15.01 BUILDING CODES

Sections:

- 15.01.010 Adoption of referenced codes.
- 15.01.020 International Property Maintenance Code adopted.
- 15.01.030 International Existing Building Code adopted.
- 15.01.040 Coordination required with other officials.
- 15.01.050 Fees.
- 15.01.060 Unlawful acts and violations – Penalties.
- 15.01.070 Board of appeals.

15.01.010 Adoption of referenced codes.

A. The city adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27.074, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures including permits, penalties and an appeals process:

1. The ~~2018~~2021 International Building Code (IBC) published by the International Code Council, Inc., with additions, deletions and exceptions as provided by Chapter 51-50 WAC.

a. Amend Subsections 1 and 5 of the IBC Section 105.2, Work exempt from permit, to read as follows:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses with a floor area not greater than 120 square feet (11 M2) that is located in the floodplain shall require a building permit and be constructed pursuant to TMC 15.30.160(F).

5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925L) and the ratio of height to diameter or width is not greater than 2:1 that are located in the floodplain shall require a building permit and be constructed pursuant to TMC 15.30.160(F).

b. The following appendices are specifically adopted:

Appendix C, Group U Agricultural Buildings;

Appendix E, Supplementary Accessibility Requirements;

Appendix F, Rodent Proofing;

Appendix G, Flood Resistant Construction;

Appendix H, Signs;

Appendix I, Patio Covers;

Appendix J, Grading.

2. The ~~2018~~2021 International Residential Code (IRC), published by the International Code Council, Inc., with additions, deletions and exceptions as provided by Chapter 51-51 WAC; provided, that IRC Chapters 11 and 25 through 43 are not adopted.

a. Amend Subsections 1 and 5 of the IRC Section R105.2, Work exempt from permit to read as follows:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses with a floor area not greater than 200 square feet (18.58 M2) that is located in the floodplain shall require a building permit and be constructed pursuant TMC 15.30.160(F).

5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925L) and the ratio of height to diameter or width is not greater than 2:1 that are located in the floodplain shall require a building permit and be constructed pursuant to TMC 15.30.160(F).

b. The following appendices are specifically adopted:

Appendix E, Manufactured Housing Used as Dwellings;

Appendix F, Radon Control Measures;

Appendix H, Patio Covers;

Appendix J, Existing Buildings and Structures;

Appendix M, Home Daycare – R-3 Occupancy.

3. The ~~2018~~2021 International Mechanical Code (IMC), published by the International Code Council, Inc., with additions, deletions and exceptions as provided by Chapter 51-52 WAC.

4. The ~~2018~~2021 International Fire Code (IFC), published by the International Code Council, Inc., with additions, deletions and exceptions as provided by Chapter 51-54A WAC including those standards of the National Fire Protection Association specifically referenced in the International Fire Code; provided, that notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles; and provided further, that notwithstanding provisions to the contrary in the International Fire Code in Sections 302, 307 and 105.6.31 thereof, open burning and recreational fires shall be prohibited. “Open burning” is defined as the kindling or maintaining of a fire on any public street, alley, road, or other public or private ground. “Recreational fire” is defined as an outdoor fire burning materials where the fuel being burned is not contained in a barbecue grill for cooking purposes. It is further provided that the provisions of Section 3405 of the 2021 International Fire Code is not adopted,

and the following language related to the storage of tires is adopted in its stead: Unless the provisions of Chapter 34 of the Washington State Fire Code are met, all outdoor tire storage shall be such that tires are stored vertically on the tread side, and on approved, noncombustible, tire storage racks with a depth of not more than one tire diameter of the largest tire stored. Where such racks are utilized, the separation distance from lot lines and structures to tires, and from tire to tire in successive aisles created by said storage may be reduced to three feet where all tire storage is maintained at a maximum height of six feet as measured to the top of the tires. Where rack storage of tires is higher than six feet and maximum ten feet in height, all tire storage shall require a minimum of ten feet from property lines and structures, and shall be approved. Laced and barrel stacking of tires shall not be permitted. Any intermodal containers utilized for the storage of tires shall be approved. It is further provided that ~~The the~~ following appendices to the 2021 International Fire Code are specifically adopted:

Appendix B, Fire Flow Requirements for Buildings;

Appendix C, Fire Hydrant Locations and Distribution;

Appendix D, Fire Apparatus Access Roads.

5. The ~~2018~~2021 Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials; with additions, deletions and exceptions as provided by Chapter 51-56 WAC which state that Chapters 12 and 14 are not adopted; also not adopted are those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel-fired appliances as found in Chapter 5 and those portions of the code addressing building sewers.

6. Chapters 51-11C and 51-11R WAC, the Washington State Energy Code.

B. In the case of conflict among the codes enumerated in subsection A of this section, the first-named code shall govern over those following. (Ord. 2021-02 § 1, 2021; Ord. 2020-10 § 1, 2020).

15.01.020 International Property Maintenance Code adopted.

The city adopts the ~~2018~~2021 International Property Maintenance Code (IPMC) as published by the International Code Council, Inc., except that the IPMC is hereby amended to add the following sections to IPMC Chapter 3, General Requirements:

A. Section 310 Drug Properties and Structures. It is hereby declared that any building, structure and/or associated property, identified by the City of Toppenish 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, such building, structure and/or associated property is not only a dangerous property as defined by the City of Toppenish but is also a classification of property calling for the special procedures set forth in this section. The Code Official is authorized to abate such dangerous buildings, structures, and/or associated properties in accordance with the dangerous building procedures set forth in this code and Chapter 64.44 RCW, with the following modifications:

310.1 Due to public safety hazard in drug production facilities, the utilities shall be disconnected;

310.2 Building(s) and structure(s) shall be inspected to determine compliance with all City ordinances and codes;

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

310.4 No reconnection of utilities or occupancy of the building(s), structure(s) or property shall be allowed until all violations have been successfully addressed, all dangerous conditions abated and a notice of release for re-occupancy has been received from the health department, Code Official and Chief of Police; and

310.5 If dangerous conditions cannot be abated, occupancy shall be prohibited. Resolution of said property shall be in conformance with RCW 35.80A, condemnation of blighted property.

B. Section 311 Blighted Property. In conformance with Chapter 35.80A RCW, the City of Toppenish 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. A “blight on the surrounding neighborhood” is any property, dwelling, building, or structure that meets any two of the following factors:

311.1 If a dwelling, building, or structure exists on the property, the dwelling, building, or structure has not been lawfully occupied for a period of one year or more;

311.2 The property, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the City Manager or designee; or

311.3 The property, dwelling, building, or structure is or has been associated with illegal drug activity during the previous twelve months. Before such condemnation, the City of Toppenish 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 public use. (Ord. 2020-10 § 1, 2020).

15.01.030 International Existing Building Code adopted.

The city adopts the ~~2018~~2021 International Existing Building Code (IEBC) as published by the International Code Council, Inc. (Ord. 2020-10 § 1, 2020).

15.01.040 Coordination required with other officials.

The building official in the enforcement and administration of this title shall coordinate with the following enumerated agencies before the issuance of any permit under this title. Where a permit of the type set forth below is required by the enumerated agency, the issuance of such permit shall be a condition precedent to the issuance of the permit under this title. Agencies and permits that are required to be coordinated under this section are:

Yakima County health district – On-site sewage disposal systems;

Toppenish hearing examiner – Conditional use permits, special property use permits, variances;

Toppenish administrator – Preliminary plats, short plats and binding site plans;

Toppenish shoreline administrator – Shorelines substantial development permit, final plat approval;

Toppenish director of public works – Road access permits; connection to public water and sewer, stormwater control;

Toppenish fire marshal – Fire flow and hydrant requirements, fire code requirements;

Toppenish SEPA responsible official – Requirements of the State Environmental Policy Act (SEPA);

State of Washington Department of Labor and Industries – National Electrical Code, manufactured homes and commercial coaches.

Nothing within this section shall otherwise interfere with or limit the discretionary authority of the building official to confer with other departments and jurisdictions before the issuance of any permit required under this title pursuant to applicable sections of the various uniform codes adopted by reference in this chapter. (Ord. 2020-10 § 1, 2020).

15.01.050 Fees.

The fees to be charged by the city for permits, plan reviews or services that are applied for under the International Building, Fire, Residential, and Mechanical Codes and the Uniform Plumbing Code shall be established by resolution of the city council, as amended from time to time. (Ord. 2020-10 § 1, 2020).

15.01.060 Unlawful acts and violations – Penalties.

A. It is unlawful for any person, entity, firm or corporation to erect, construct, alter, repair, move, remove, convert, demolish, equip, use, occupy or maintain any building, structure or other construction or cause to permit the same to be done, in violation of this chapter.

B. Any person, entity, firm or corporation who violates any provisions of this chapter or who erects, constructs, alters, repairs, moves, removes, converts, demolishes, equips, uses, occupies or maintains any building or structure that is in violation of approved construction documents, directives of the building and/or code officials, or a permit or certificate issued under the codes adopted pursuant to this chapter shall be subject to the penalties set forth in Chapter 1.24 TMC or as otherwise provided in law. (Ord. 2020-10 § 1, 2020).

15.01.070 Board of appeals.

Pursuant to Chapter 2.50 TMC the hearing examiner shall act as the board of appeals for the codes adopted under this chapter. (Ord. 2020-10 § 1, 2020).

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

Section 3. Effective date. This Ordinance shall be effective five (5) days after publication as required by law.

PASSED by the Toppenish City Council at its regular meeting held on the ____ day of _____, 2025.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney