

ORDINANCE NO. 2007-17

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the City's building codes and related regulations; amending section 15.04.020 of the Bainbridge Island Municipal Code (BIMC) to adopt the 2006 International Building Code, the 2006 International Residential Code, the 2006 Uniform Plumbing Code, the 2006 International Mechanical Code, 2006 International Fire Code, the 2006 Washington State Energy Code, the 2006 Washington State Ventilation and Indoor Air Quality Code, and the 2006 International Fuel Gas Code; amending BIMC 15.04.021 to amend Table R301.2(1) of the International Residential Code; amending BIMC 15.04.030 regarding violations and enforcement; adding new section BIMC 15.04.130 regarding appeals; and amending BIMC 13.10.065 to adopt the minimum fire flow requirements as stated in Appendix B of the 2006 International Fire Code.

WHEREAS, Washington statutes require all jurisdictions in the state adopt by reference and enforce the same building code throughout Washington; and

WHEREAS, Washington established the 2006 International Codes, promulgated by the International Code Council (ICC), as the basis of the new State Building Code pursuant to SHB 1734 and RCW Chapter 19.27; and

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

Section 1. Section 15.04.020 of the Bainbridge Island Municipal Code is amended to read as follows:

“Section 15.04.020 Codes adopted by reference.

The following codes are adopted by reference subject to the amendments set forth in BIMC 15.04.021 through 15.04.050 and Resolution 99-31:

A. The International Building Code, ~~2003~~ 2006 Edition, published by the International Code Council, and as amended as set forth in Chapter 51-50 WAC of the Washington Administrative Code, and adopted by the State Building Code Council, in addition to the following appendices: Appendix J, “Grading”;

B. The International Residential Code, ~~2003~~ 2006 Edition, published by the International Code Council, and as amended as set forth in Chapter 51-51 WAC of the Washington Administrative Code, and adopted by the State Building Code Council, ~~in addition to the following appendices: Appendix G, “Swimming Pools and Hot Tubs”;~~

C. ~~The 2003 Edition of the~~ Uniform Plumbing Code, 2006 Edition, including Appendix C, as published by the International Association of Plumbing and Mechanical Officials, as amended and adopted by the State Building Code Council, together with Appendix Chapters A, "Recommended Rules for Sizing the Water," Appendix B, "Explanatory Notes on Combination Waste and Vent Systems," Appendix I, "Installation Standards," Appendix H, "Grease Interceptors," and excluding Chapter 1, "Administration";

D. The International Mechanical Code, 2003 2006 Edition, published by the International Code Council, and as amended as set forth in Chapter 51-52 WAC of the Washington Administrative Code, and adopted by the State Building Code Council, except that the standards for handling liquefied petroleum gas installations shall be NFPA 58 "{Storage and Handling of Liquefied Petroleum Gases}" and ANSI Z223.1/NFPA 54 "{National Fuel Gas Code}" and excluding Chapter 1, "Administration";

E. The International Fire Code, 2003 2006 Edition, published by the International Code Council, and as amended as set forth in Chapter 51-54 WAC of the Washington Administrative Code, and adopted by the State Building Code Council, with the addition of the following appendices: Appendix B "{Fire Flow Requirements}" except that Section B105.1 of Appendix B relating to ~~one- One and two family dwellings~~ Two Family Dwellings is replaced by flexible residential fire flow requirements as set forth in BIMC 13.10.065, Appendix C, "{Fire Hydrant Locations and Distribution}", ~~Appendix D, "Fire Apparatus Access Roads,"~~ Appendix E "{Hazard Categories}", Appendix F "{Hazard Ranking}", and Appendix G "{Cryogenic Fluids-Weight and Volume Equivalents}";

F. The 1997 Edition of the ~~Uniform Code for the Abatement of Dangerous Buildings~~, as published by the International Conference of Building Officials;

G. The ~~2003~~ Washington State Energy Code, 2006 Edition, as amended as set forth in Chapter 51-11 WAC of the Washington Administrative Code, and adopted by the State Building Code Council;

H. The ~~2003~~ Washington State Ventilation and Indoor Air Quality Code, 2006 Edition, as amended as set forth in Chapter 51-13 WAC of the Washington Administrative Code, and as adopted by the State Building Code Council;

I. The 1997 Edition of the ~~Uniform Administrative Code~~, as published by the International Conference of Building Officials;

J. The ~~2003~~ International Fuel Gas Code, 2006 Edition, as published by the International Code Council;

~~K. The 1997 Uniform Building Code, Table 1-A only, as published by the International Conference of Building Officials.~~

In case of conflict among codes adopted in subsections A, B, C, D, E, F, G, H, I, and J of this section, the codes adopted in subsections A and B of this section shall govern over those adopted in subsections C, D, E, F, G, H, I, and J of this section."

Section 2. Section 15.04.021 of the Bainbridge Island Municipal Code is amended to read as follows:

“Section 15.04.021 Design Requirements

IRC Table R301.2(1) is amended by filling in the blanks of the table as follows:

Ground Snow Load: ~~20~~25 psf
Wind Speed: 85 mph
Seismic Category: D2
Weathering: Moderate
Frost Line Depth: ~~12~~18 inches
Termite: Slight to Moderate
Decay: Slight to Moderate
Winter Design Temp: 27 degrees F
Ice Shield Underlayment Required: No
Flood Hazards: Per BIMC 15.16
Air Freezing Index: 113
Mean Annual Temp: 53 degrees F”

Section 3: Section 15.04.030 of the Bainbridge Island Municipal Code is amended to read as follows:

“15.04.030 International Building Code — Section 113 and International Residential Code Section R113 amended — Violations — Enforcement and penalty.

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of ~~this~~ the city building code.

B. It is unlawful ~~a violation of this code~~ for any person to remove or deface any sign, notice, complaint or order required by or posted in accordance with ~~this~~ the city building code.

C. It is unlawful ~~a violation of this code~~ to misrepresent any material fact in any application, plans or other information submitted to obtain any permits or authorizations under ~~this~~ the city building code.

D. Civil Infraction. Except as provided in subsection E of this section, conduct made unlawful by the city building code shall constitute a civil infraction and is subject to enforcement and fines as provided in BIMC Chapter 1.26.035, including payment of a fine of not more than five hundred dollars (\$500.00) per violation for each day of noncompliance and payment of court costs. A civil infraction under this section shall be

processed in the manner set forth in BIMC Chapter 1.26. Enforcement of this code and the imposition of penalties for violations of this code shall be as provided for in Chapter 1.26 BIMC.

E. Misdemeanor. Any person who again violates this section within twelve (12) months after receiving a notice of infraction pursuant to subsection A of this section, commits a misdemeanor and any person who is convicted thereof shall be punished as provided in BIMC 1.24.010.A.

F. Civil penalty. In addition to any civil infraction fine, criminal penalty, and or other available, sanction or remedial procedure, any person engaging in conduct made unlawful by the city building code shall be subject to a cumulative civil penalty in the amount of \$1,000 per day for each violation from the date set for compliance until the date of compliance. Any such civil penalty shall be collected in accordance with BIMC 1.26.90.

G. Additional Remedies. In addition to any other remedy provided by this chapter or under the Bainbridge Island Municipal Code, the city may initiate injunction or abatement proceedings or any other appropriate action in courts against any person who violates or fails to comply with any provision of this chapter to prevent, enjoin, abate, and/or terminate violations of this chapter and/or to restore a condition which existed prior to the violation. In any such proceeding, the person violating and/or failing to comply with any provisions of the city building code shall be liable for the costs and reasonable attorney's fees incurred by the city in bringing, maintaining and/or prosecuting such action.

H. In the event and to the extent the language of this section conflicts with language of the codes and/or appendices adopted by reference in BIMC 15.04.020, the language of this section shall prevail over the language it conflicts with in any said code and/or appendix."

Section 4. A new section 15.04.130 is hereby added to Chapter 15.04 of the Bainbridge Island Municipal Code and shall read as follows:

"15.04.130 Appeals.

A. General. Except for civil infractions, misdemeanors and civil penalties imposed pursuant to BIMC 15.04.030, the hearing examiner shall hear and decide appeals of orders, decisions and/or determinations made by the building official and/or director of planning and community development relative to the application and interpretation of the city building code.

B. Limitations on Authority. An application for appeal shall be based on a claim that the true intent of the city building code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the city building code do not fully apply or an equally good

or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of the city building code.

C. In the event and to the extent the language of this section conflicts with language of the codes and/or appendices adopted by reference in BIMC 15.04.020, the language of this section shall prevail over the language it conflicts with in any said code and/or appendix."

Section 5. Section 13.10.065 of the Bainbridge Island Municipal Code is amended to read as follows:

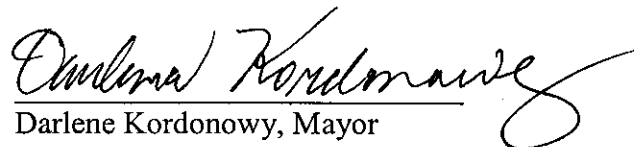
"13.10.065 Fire Flow.

Minimum fire flow requirements shall be as stated in Appendix B of the International Fire Code, ~~2003~~ 2006 Edition, published by the International Code Council, with the exception that requirements in Section B105.1 shall be replaced by flexible residential fire flow requirements as established by the city by resolution."

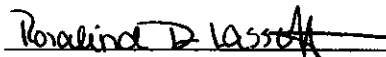
Section 6. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this 11th day of July 2007.

APPROVED BY THE MAYOR this 12th day of July 2007.


Darlene Kordonowy, Mayor

ATTEST/AUTHENTICATE:


Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:	June 19, 2007
PASSED BY THE CITY COUNCIL:	July 11, 2007
PUBLISHED:	July 18, 2007
RE-PUBLISHED:	August 1, 2007
EFFECTIVE DATE:	July 23, 2007
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