

ORDINANCE NO. 1581

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to buildings and construction; replacing Title 14 DMMC; and repealing the previously codified provisions of Title 14 DMMC and underlying Ordinances.

WHEREAS, Title 14 DMMC, entitled "Buildings and Construction," contains many Ordinances pertaining to the regulations of buildings and construction within the City, and

WHEREAS, numerous amendments to Title 14 DMMC since 2007 have adversely affected the Title's organization, and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety, and general welfare to establish comprehensive, uniform, and current provisions for the City's Buildings and Construction Code; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Title 14 DMMC and all underlying ordinances are hereby repealed and replaced with the following:

**TITLE 14
BUILDINGS AND CONSTRUCTION**

**Chapter 14.01
Adoption, Administration, and Enforcement**

Sections:

- 14.01.010 Title.
- 14.01.020 Application.
- 14.01.030 Purpose.
- 14.01.040 Authority.
- 14.01.050 Adoption by reference.
- 14.01.060 Definitions.
- 14.01.070 Rules of construction.
- 14.01.080 Application of references.
- 14.01.090 Fees.
- 14.01.100 Hours of construction.
- 14.01.110 Liability.
- 14.01.120 Violations and penalties.

14.01.130 Severability.
14.01.140 Appeals.

Sec. 1. 14.01.010. Title. Title 14 shall be entitled "Buildings and Construction." This chapter shall be entitled "Adoption, Administration, and Enforcement."

Sec. 2. 14.01.020. Application. This chapter shall apply to all chapters contained in Title 14 DMMC. Except as otherwise provided herein, this Title shall apply to all:

(1) New construction and additions; and

(2) The entire building when all additions, alterations, remodels, or repairs to existing structures in which the area of the additions, alterations, or repairs exceeds more than 50 percent of the habitable area of the existing structure. In the case of a series of additions, alterations, or repair projects, this Title shall become effective at the point where in any three-year period the cumulative area of additions, alterations, or repairs exceeds 50 percent of the area of the structure at the time such additions, alterations, or repairs are commenced and shall apply to the entire building.

Land use review procedures provided in chapter 18.20 DMMC (Land Use Review Procedures) shall apply in addition to the provisions within this Title.

Sec. 3. 14.01.030. Purpose. The purpose of this Title and the technical codes adopted is to regulate buildings and construction within the City and to promote the public health, safety, and general welfare and to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

Sec. 4. 14.01.040 Authority.

(1) General authority. These provisions are adopted pursuant to the authority set forth in chapters 19.27 and Title 35A RCW and other applicable laws.

(2) Building Division established. There is established for the City the Building Division of the Planning, Building and Public Works Department that shall be under the supervision and control of the City Manager or the City Manager's designee.

(3) Building Official designated. The Building Official, as defined in the International Building Code (hereinafter "IBC"), the International Residential Code (hereinafter "IRC"), and the International Mechanical Code (hereinafter "IMC"), shall be appointed by the City Manager or the City Manager's designee.

(4) Administration and enforcement. The Building Official is hereby authorized and directed to enforce the provisions of the IBC. The Building Official shall have the authority to render interpretations of the IBC and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the IBC and IRC. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the IBC and IRC. Except as otherwise provided in this Title, the provisions of this Title shall be administered and enforced by the Building Official of the City.

(5) Fire Chief and Fire Marshal designated.

(a) The Chief of South King Fire and Rescue shall be deemed to be the "Chief" or "Chief of the Fire Department" or "Fire Code Official" for the purposes of enforcing and administering all provisions of the Fire Code, under the direction of the Building Official.

(b) The Fire Marshal of South King County Fire and Rescue shall be deemed to be the "Fire Marshal" for the

purposes of this Title, under the direction of the Building Official.

Sec. 6. 14.01.050. Adoption by reference. The following codes, standards, rules, and regulations, as amended, added to, or excepted in this Title, are adopted by reference pursuant to chapter 19.27 RCW and RCW 35.21.180 as presently constituted or as may be subsequently amended, added to, or excepted as though fully set forth in this Title:

- (1) Chapter 51-11C WAC - International Energy Conservation Code (IECC), Commercial;
- (2) Chapter 51-11R WAC - International Energy Conservation Code (IECC), Residential;
- (3) Chapter 51-50 WAC - International Building Code (IBC);
- (4) Chapter 51-51 WAC - International Residential Code (IRC);
- (5) Chapter 51-52 WAC - International Mechanical Code;
- (6) Chapter 51-54A WAC - the the International Fire Code (IFC), including the Appendices B, C, E, F and I;
- (7) Chapter 51-56 WAC - Uniform Plumbing Code;
- (8) The Washington Cities Electrical Code as published and printed by the Washington Association of Building Officials.

Not less than one copy of each such code, standards, rules, and regulations, in the form in which it was adopted, and suitably marked to indicate amendments, additions, deletions and exceptions as provided in this Title, shall be filed in the Building Official's office and be available for use and examination by the public.

Sec. 7. 14.01.060. Definitions - Use of words and phrases. As used in this Title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings. Words not

defined shall have the meanings set forth in the most recent version of the Merriam-Webster Dictionary.

"Action" means a specific response complying fully with a specific request by the jurisdiction.

"Building service equipment" means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.

"Complete response" means an adequate response to all requests from City staff in sufficient detail to allow the application to be processed.

"Existing building" means a building erected prior to the adoption of this code, or one for which a legal building permit has been issued and approved.

"Mobile home" or "manufactured home" as defined by RCW 46.04.302 means a structure, designed and constructed to be transportable in one or more sections, is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein.

"Modular home" as defined by RCW 46.04.303 means a factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and is mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home.

"Noise reduction coefficient" (NRC) is the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.

"Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.

"Sound transmission class (STC)" is a single number rating for describing sound transmission loss of a wall, partition, window, or door.

"Used mobile home" means a mobile home, which has been previously sold at retail and has been subjected to tax under chapter 82.08 RCW, or which has been previously used and has been subjected to tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

"Technical codes" are the codes, appendices and referenced code standards adopted by the jurisdiction.

"Valuation" or "value," means the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, the architectural and engineering design costs and permanent systems as determined by the Building Official as applied to a building or building service equipment, means and shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs. It shall also include the contractor's overhead and profit.

Sec. 5. 14.01.070 Rules of construction. The following rules of construction shall apply unless inconsistent with the obvious meaning in the context of the provision.

(1) Tense. Words used in the present tense shall include the future tense.

(2) Number. Words used in the singular shall include the plural, and words used in the plural shall include the singular.

(3) Headings. In the event that there is any conflict or inconsistency between the heading of a chapter, section, or

paragraph of this code, and the content thereof, the said heading shall not affect the scope, meaning, or intent of the content.

(4) Citations. Citations to state or federal laws shall mean that law as presently constituted or as it may be subsequently amended in the future.

Sec. 8. 14.01.080. Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section, or provision of this Title.

Sec. 9. 14.01.090. Fees. Except as otherwise provided in this Title, the fee for any permit issued by the City under the authority of this Title shall be established by the City Manager or the City Manager's designee.

Sec. 10. 14.01.100. Hours of construction. Except as otherwise provided in this Title, the activities regulated by this Title shall be limited to the following hours:

Monday through Friday: 7:00 a.m. to 7:00 p.m.

Saturday, Sunday and Holidays: 8:00 a.m. to 5:00 p.m.

Sec. 11. 14.01.110. Liability. This Title shall not be construed to relieve or lessen the responsibility of a person owning, building, altering, constructing, or moving a building or structure as defined in this Title; nor shall the City or an agent thereof be held as assuming such liability by reason of inspection authorized in this Title or a certificate of inspection issued by the City or any of its agencies.

Sec. 12. 14.01.120. Violation and penalties.

(1) Violation. No person shall violate or fail to comply with the provisions of this Title.

(2) Civil Infraction. A violation or a failure to comply with the provisions of this Title is a civil infraction and a violator may be penalized as is more specifically set forth in chapter 1.24 Civil Infractions.

(3) Civil Violation and Penalty. A violation or a failure to comply with the provisions of this Title is further a civil violation and may be penalized and or abated as is set forth in chapter 1.28 Civil Violations and Penalties.

(4) Criminal Penalty. In addition to or as an alternative to any other penalty provided in this Title or by law, a person convicted of a violation of this Title is guilty of a gross misdemeanor. Upon conviction a person may also be ordered to abate, discontinue or correct a violation of this Title.

(5) Superior Court - Civil Action. In addition to or an alternative to any other penalty provided in this Title or by law, a violation or a failure to comply with the provisions of this Title may be enforced by a civil action filed in King County Superior Court in any manner allowed by law.

Sec. 13. 14.01.130. Severability. The provisions of this Title are severable. If any section, sentence, clause or phrase of this code is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of the code.

Sec. 14. 14.01.140. Appeals.

(1) Except as otherwise provided in this Title, a person aggrieved by the decision of a City employee made pursuant to this Title shall be entitled to a review of such decision by filing an appeal to the Hearing Examiner pursuant to DMMC 18.20.150 and 18.20.160 and chapter 18.240 DMMC.

(2) The Hearing Examiner shall have no authority to waive requirements of this Title.

(3) All references to "board of appeals" in any codes, standards, rules, and regulations adopted in this Title shall hereafter mean the Hearing Examiner.

Chapter 14.02
Interpretation of Title 14 DMMC

Sections:

- 14.02.010 Title.
- 14.02.020 Application.
- 14.02.030 Purpose.
- 14.02.040 Authority.
- 14.02.050 Interpretation.
- 14.02.060 Provisions not affected by headings.

Sec. 15. 14.02.010. Title. This chapter shall be entitled "Interpretation of Title 14 DMMC."

Sec. 16. 14.02.020. Application. This chapter shall apply to the interpretation of Title 14 DMMC.

Sec. 17. 14.02.030. Purpose. The purpose of this chapter is to provide for the interpretation of the code provisions in Title 14 DMMC.

Sec. 18. 14.02.040. Authority. This chapter is adopted pursuant to the provisions of DMMC 14.010.040 and other applicable laws.

Sec. 19. 14.02.050. Interpretation.

(1) Interpretation of Title 14 shall be responsibility of the Building Official.

(2) Interpretations of Title 14 may be initiated by the submittal of a written request to the City Manager or the City Manager's designee.

(3) Requests for interpretations of code shall be processed as a Type I land use action.

(4) The City Manager or the City Manager's designee shall periodically submit to the City Council a summary of the interpretations requested and the corresponding interpretations made by the Building Official. As needed, the summary shall include recommendations regarding the need for textual code amendments that would clarify DMMC provisions.

Sec. 20. 14.02.060. Provisions not affected by headings. Chapter and section headings contained in this title shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section hereof.

**Chapter 14.05
Building Code, Additional Requirements and Amendments**

Sections:

- 14.05.010 Title.
- 14.05.020 Application, Authority.
- 14.05.030 Purpose.
- 14.05.040 Conflicts.
- 14.05.050 Amendments adopted.
- 14.05.060 Applications for building permit - Other filings required.
- 14.05.070 Optional method of obtaining prior approvals - Agreement regarding vested rights.
- 14.05.080 Assurance device for building permit - requirements.
- 14.05.090 Manufactured housing.
- 14.05.100 Modular housing.
- 14.05.110 Amendments to the IBC.
- 14.05.120 International Property Maintenance Code (IPMC) amended.
- 14.05.130 Five-story wood frame buildings.
- 14.05.140 Purpose.
- 14.05.150 Construction.
- 14.05.160 Occupancy.
- 14.05.170 Stair enclosures.
- 14.05.180 Fire detection and protection.
- 14.05.190 Height.
- 14.05.200 Basic allowable floor area.
- 14.05.210 Fire department access.
- 14.05.220 Construction inspection.

Sec. 21. 14.05.010. Title. This chapter shall be entitled "Building Code, Additional Requirements and Amendments."

Sec. 22. 14.05.020. Application, Authority. See DMMC 14.01.020, 14.01.040.

Sec. 23. 14.05.030. Purpose. The purpose of this chapter is to set forth provisions that are supplemental to or amend the International Building Code (IBC) as adopted by DMMC 14.01.060.

Sec. 24. 14.05.040. Conflicts. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern except that the hierarchy of the codes established in RCW 19.27.031 shall govern.

Sec. 25. 14.05.050. Amendments adopted. The amendments, additions, and exceptions to the International Building Code ("IBC") are adopted and shall be applicable within the City.

Sec. 26. 14.05.060. Applications for building permit - Other filings required.

(1) At the time of filing a building permit application, the applicant shall submit all required information together with any application form and applicable fees, for any of the following:

- (a) Design review;
- (b) Shorelines substantial development permit;
- (c) Land clearing, grading, or filling permit;
- (d) Development exceptions for environmentally critical areas;
- (e) Environmental review (SEPA).

(2) No building permit application shall be accepted without the required information, completed application and applicable fees.

(3) When the Planning, Building and Public Works Director makes a determination that certain improvements

including, but not limited to, curbs, gutters, sidewalks, driveways across sidewalks, piped storm drainage, retaining walls, street illumination, landscaping, slope protection, and underground utilities are required at some future date by existing ordinance(s), no building permit application shall be approved by the Building Official for any proposed project unless the building permit application is accompanied by a properly executed local improvement district (LID) covenant that has been recorded at the King County Department of Records.

(4) The filing of a complete building permit application for a proposed construction project in compliance with applicable state law, ordinances, and regulations of the City, shall establish a vested right. For a building permit to be issued, the proposed project must comply with the State Environmental Policy Act. For the purpose of the IBC and the IRC, a "complete building permit application" means an application which contains all information required to be submitted by any applicable provisions of this Code.

Sec. 27. 14.05.070. Optional method of obtaining prior approvals - Agreement regarding vested rights.

(1) An applicant may apply for a design review approval, a shorelines substantial development permit, environmental review (SEPA), and/or a land clearing, grading, or filling permit prior to filing an application for a building permit, upon the following terms and conditions:

(a) The filing of an application for any of the approvals referred to in this section prior to the filing of a valid and complete application for a building permit shall not establish or create a vested right to proceed with construction of any proposed project in accordance with the ordinances and regulations existing at the time of the filing of such application, or at any time thereafter prior to the filing of a valid and complete building permit application.

(b) An applicant who elects to take advantage of the provisions of this section shall, at the time of making application for the approvals referred to in this subsection, execute an agreement with the City that the acceptance and processing of such application shall in no way establish or

create a vested right to proceed with construction of any proposed project in accordance with the codes, ordinances, or regulations existing at the time of filing of such application, or at any time thereafter prior to the filing of a valid and complete building permit application.

(c) The provisions of this section do not apply to grading or filling done in preparation for the construction of a single home.

(2) An applicant who elects to take advantage of the provisions of this section may at any time elect to file a complete building permit application, notwithstanding that the approval applied for under subsection (1) of this section has not previously been obtained.

Sec. 28. 14.05.080. Assurance device for building permit - requirements. Before issuing any building permit the City shall require the applicant to execute and file with the City a cash bond or cash. The cash bond shall be in a form approved by the City Manager or the City Manager's designee in such reasonable sum and with such securities as the Building Official may specify. The applicant will pay any and all damages that may be recovered against the City by any person on account of injury to persons or property occasioned by or in any manner resulting from the issuance of the permit or by reason of any act or thing done pursuant thereto, or from the occupancy or disturbance of any street or sidewalk in the City and also to save, keep, and defend the City free from all such damages and costs as may be incurred in defending any such claim, and/or further conditioned that the applicant shall pay to the City the cost of repairing any and all damage which may be done by the applicant or his/her agents to the streets, utilities, or property of the City during or pursuant to the work covered by such permit.

Sec. 29. 14.05.090. Manufactured housing. All manufactured homes, which are newly installed in residentially zoned areas outside of mobile home parks, shall comply with the following requirements:

(1) Shall be newly constructed and shall not meet the definition of a used mobile home.

(2) Shall have a permanent perimeter foundation of either concrete, concrete masonry units or other approved concrete product.

(3) Shall meet the same design standard as the surrounding neighborhood for new construction.

(4) Shall be thermally equivalent to the International Energy Conservation Code (IECC).

(5) Shall be designed to support the local snow load of 25 pounds per square foot of ground snow load.

Sec. 30. 14.05.100. Modular housing. All modular homes, which are newly installed in residentially zoned areas outside of mobile home parks, shall comply with the following requirements:

(1) Shall be constructed in accordance with the International Residential Code. Factory-built homes are required to have a gold seal.

(2) Shall have a permanent perimeter foundation of either concrete, concrete masonry units or other approved concrete product.

(3) Shall meet the design standards of Title 18 DMMC for new construction.

(4) Shall meet the requirements of the International Energy Conservation Code.

(5) Shall be designed to support the local snow load of 25 pounds per square foot of ground snow load.

Sec. 31. 14.05.110. Amendments to the IBC. The following sections of the IBC as adopted by this Title shall be amended as follows:

(1) Expiration of permit. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or

abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(2) Action on application and time limit of application. Applications for which no permit is issued within 180 days following the date of application filing shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall reapply and pay a new plan review fee.

The Building Official shall extend the life of an application if any of the following conditions exist:

(a) Compliance with a declaration of significance under the State Environmental Policy Act provisions is in progress; or

(b) Any other City review is in progress, provided City staff determine that the review is proceeding to a timely final City decision; or

(c) Litigation against the City is in progress, the outcome of which may affect the validity of any permit issued pursuant to such application.

(3) Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy as provided herein with the exception of Group U Occupancies.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of

other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

(4) Special construction - Marquee, is amended to read as follows:

A marquee is a permanent roofed structure attached to and supported by the building, providing protection from the weather elements, but does not include a projecting roof. For the purposes of this chapter, a freestanding permanent roof-like structure providing protection from the weather elements, such as a service station gas pump island, shall also be considered a marquee.

Sec. 32. 14.05.120. International Property Maintenance Code (IPMC) amended. All references to the International Property Maintenance Code (IPMC) in this chapter shall refer to the current edition of the IPMC as adopted by the IBC.

The IPMC is hereby amended, added to, and excepted as follows:

(1) References to an appeal of an administrative action regarding this chapter shall be in accordance with the City of Des Moines Hearing Examiner Code, chapter 18.94 DMMC, or with procedures set forth in chapter 1.24 DMMC for civil infractions or chapter 1.28 DMMC for civil violations and penalties.

(2) The following sections of the IPMC, or the corresponding section of any updated or amended version of the IPMC, are removed in their entirety and not adopted:

111	Means of Appeal
302.2	Grading and Drainage
302.5	Rodent harborage
302.8	Motor vehicles
302.9	Defacement of property
304.2	Protective treatment
304.13.2	Openable windows

304.14	Insect screens
304.15	Exterior Doors
304.17	Guards for basement windows
304.18	Building security
305.3	Interior surfaces
305.6	Interior doors
307	Rubbish and Garbage
308	Extermination
404.4.1	Room area
404.5	Overcrowding
404.6	Efficiency unit
604.2	Electrical appliance service

(3) The IPMC shall read as follows:

The fees for activities and services performed by the Department in carrying out its responsibilities under this Code shall be set by the City Manager.

(4) The IPMC shall read as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12") inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers and gardens.

(5) The IPMC shall read as follows:

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, roofs, decks and fences, of commercial properties and multi-family residences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows,

doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(6) The IPMC shall read as follows:

All overhang extensions, including but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

Sec. 23. 14.05.130. Five-story wood frame buildings.

The following sections, DMMC 14.05.140 through DMMC 14.05.220, shall be applicable to the following zoning classifications:

Pacific Ridge Commercial, Pacific Ridge Residential, and Business Park Zones.

Sec. 34. 14.05.140. Purpose - Five-story wood frame buildings. The purpose of these provisions is to authorize the construction of five-story wood frame buildings as an approved alternate design and construction method under the IBC, and to set forth the criteria and standards which must be met before a building permit may be issued for a five-story wood frame building within the zoning classifications set forth in DMMC 14.05.130 above.

Sec. 35. 14.05.150. Construction - Five-story wood frame buildings.

(1) IBC requirements. Five-story wood frame buildings must comply with all requirements of the IBC, except as modified or supplemented by this chapter. In the event of a conflict between the IBC and the provisions of this chapter, the provisions of this chapter shall control. References in this chapter to building construction "types" (e.g., Type I or Type V) shall have the same meaning as set forth in the IBC.

(2) Lowest story construction requirements. The lowest story in a five-story wood frame building shall be constructed of Type V-A fire-resistive construction, except that all structural frame and load-bearing elements must consist of approved, two-hour fire-resistive construction.

(3) Upper four stories. The upper four stories of a five-story wood frame building shall be constructed of at least Type V-A fire-resistive construction.

(4) Use of Type V above Type I-A construction. Where Type V wood frame stories are constructed over Type I-A construction, the Type V stories shall be separated from the Type I stories as provided in the IBC.

Sec. 36. 14.05.160. Occupancy.

(1) Occupancy of five-story wood frame buildings shall be allowed as provided in the IBC, except that B, M, and R-1 occupancies shall be allowed on any floor.

(2) Occupancy shall have the same meaning as set forth in the IBC.

Sec. 37. 14.05.170. Stair enclosures. Where five-story buildings are designed and constructed, all stair enclosures shall be of two-hour fire-resistive construction as set forth in the IBC. One-and-one-half-hour opening protection shall be provided as set forth in the IBC.

Sec. 38. 14.05.180. Fire detection and protection.

(1) Five-story wood frame buildings shall be protected throughout by an automatic fire sprinkler system complying with the IBC and the IFC. Use of the automatic fire sprinkler system shall be in addition to, not in lieu of, one-hour fire-resistive construction. Automatic fire sprinklers may not be used to increase the number of stories; no more than five stories of wood frame construction may be permitted.

(2) All stair enclosures and elevator shafts shall be pressurized as set forth in the IBC. In addition, a class I standpipe system as required by the IBC shall be installed.

(3) A standby power-generator set shall be provided on the premises in accordance with the IBC and the Washington Cities Electrical Code. The standby system shall have a capacity and rating sufficient to supply all equipment required to be operational at the same time, including but not limited to stair enclosures, elevator shaft pressurization, and elevators.

Sec. 39. 14.05.190. Height. The maximum height of five-story buildings designed and constructed shall be 75 feet. The height shall be measured as provided in the IBC.

Sec. 40. 14.05.200. Basic allowable floor area. The basic allowable area of floors of five-story wood frame buildings shall be as allowed in the IBC. For the purpose of this chapter only, the total allowable area, as calculated subject to the IBC, may be increased by 25 percent.

Sec. 41. 14.05.210. Fire Department access. Site design for any five-story wood framed building shall include access sufficient for Fire Department vehicles, as determined by the Fire Chief and Building Official. Fire Department vehicle access shall be documented on site and building plans.

Sec. 42. 14.05.220. Construction inspection. The following shall be required for buildings designed and constructed pursuant to this chapter:

(1) Structural observation provided by the engineer of record for structural frame elements as set forth in the IBC; and

(2) Special inspections as required by the IBC.

Chapter 14.10
Fire Code, Additional Requirements and Amendments

Sections:

- 14.10.010 Title.
- 14.10.020 Application, Authority.
- 14.10.030 Purpose.
- 14.10.040 Amendments adopted.

14.10.050 Automated alarm system.

14.10.060 Sprinkler installation.

Sec. 43. 14.10.010. Title. This chapter shall be entitled "Fire Code, Additional Requirements and Amendments."

Sec. 44. 14.10.020. Application, authority. See DMMC 14.01.020 and 14.01.040.

Sec. 45. 14.10.030. Purpose. The purpose of this chapter is to set forth those provisions that are supplemental to or that amend the International Fire Code (hereinafter "IFC") as adopted by DMMC 14.01.050.

Sec. 46. 14.10.040. Amendments adopted. The amendments, additions and exceptions to the IFC, as adopted by this chapter, are adopted and shall be applicable within the City.

Sec. 47. 14.10.050. Automated alarm system. In addition to the Fire Alarm and Detection System requirements specified in the IFC, all new buildings and structures exceeding 3,000 square feet gross floor area shall be required to provide an approved automatic fire alarm system. Building additions which increase the gross square footage of the building by more than 3,000 gross square feet shall be required to provide an approved automatic fire alarm system serving the addition. Fire walls as noted in the IBC shall not be considered to provide a separate building under this section or to enable deletion of the required fire alarm system.

Exceptions: Group U or R and Division 3 occupancies.

Sec. 48. 14.10.060. Sprinkler installation. Fire sprinkler systems shall be installed:

In addition to the Automatic Sprinkler System requirements specified in the IBC and the IFC, the following new buildings and structures, and existing buildings with new additional square footage, are required to be protected by an approved automatic sprinkler system.

(1) All occupancies without the basic fire flow requirements of the IFC and appendix.

Exception: Group U occupancies.

(2) All occupancies without approved Fire Department access as defined in the IFC. Exception: Group U occupancies, and additions to single unit R3 structures, are not required to be sprinklered, provided the new fire flow meets the requirements of the IFC and appendix B, and the access is not unduly compromised, as approved by the Fire Code Official.

(3) In all occupancies, other than group R3, U, and open parking structures, where the total floor area included within the surrounding exterior walls on all floor levels, including basements, exceeds 5,000 square feet. Fire walls, as noted in the IBC, shall not be considered to be a separate building to enable deletion of the required fire sprinkler system.

Exception: Additions to existing buildings, that through alternate materials or methods, do not increase the hazards of the building, as agreed and approved by the Building Official and the Fire Code Official.

(4) In all occupancies where the building is classified as an overwater structure.

Chapter 14.15

Electrical Code, Additional Requirements and Amendments

Sections:

- 14.15.010 Title
- 14.15.020 Application, authority
- 14.15.030 Purpose
- 14.15.040 Amendments adopted

Sec. 49. 14.15.010. Title. This chapter shall be entitled "Electrical Code, Additional Requirements and Amendments."

Sec. 50. 14.15.020. Application, authority. See DMMC 14.01.020 and 14.01.040.

Sec. 51. 14.15.030. Purpose. The purpose of this chapter is to identify those provisions that are supplemental to or that amend the Washington Cities Electrical Code (WCEC) as adopted by DMMC 14.01.050.

Sec. 52. 14.15.040. Amendments adopted. The amendments, additions and exceptions to the WCEC are adopted and shall be applicable within the City.

Section 85.13(N) of the WCEC, is amended as follows:

(N) Fees.

(1) Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(2) Schedule of permit fees. A fee for each permit shall be paid as required, in accordance with the schedule as established by the City.

(3) Work commencing before permit issuance. Except where authorized for emergencies by Section 85.13(B) exception, any person who commences any work before obtaining the necessary permits shall be subject to an additional fee established by the City, which shall be in addition to the required permit fees.

(4) Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with, or concurrently with, the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(5) Refunds. The City may authorize refunding of not more than 80 percent of the permit

fee paid when no work has been done under a permit issued in accordance with this code provided the request is made in writing and filed by the original permittee not later than 180 days after the date of permit issuance. The City may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done provided the request is made in writing and filed by the original applicant not later than 180 days after the date of application.

(6) Use of consultants. Whenever review of an application requires retention by the City for professional consulting services for other than normal plan review, the applicant shall reimburse the City the cost of such professional consulting services. This fee may be in addition to the normal plan review and permit fees. The City may require the applicant to deposit an amount with the City to be sufficient to cover anticipated costs to retain professional consultant services and to ensure reimbursement for such costs.

Chapter 14.20 Land Filling, Clearing and Grading Code

Sections:

- 14.20.010 Title.
- 14.20.020 Application.
- 14.20.030 Purpose.
- 14.20.040 Authority.
- 14.20.050 Definitions - Use of words and phrases.
- 14.20.060 Permit - Required.
- 14.20.070 Permit - Application.
- 14.20.080 Permit - Plans and specifications.
- 14.20.090 Permit - Review.
- 14.20.100 Decision of code official.
- 14.20.110 Permit - Expiration - Extension.
- 14.20.120 Permit notice to be posted.

- 14.20.130 Project inspection.
- 14.20.140 Suspension or revocation of permits.
- 14.20.150 Operating conditions and standards of performance.
- 14.20.160 Fees.
- 14.20.170 Bonds and escrow.
- 14.20.180 Exemptions.
- 14.20.190 Appeal.

Sec. 53. 14.20.010. Title. This chapter shall be entitled "Land Filling, Clearing and Grading Code."

Sec. 54. 14.20.020. Application. This chapter shall apply to all grading, excavating or fill, or the authorization of each, not expressly excluded by DMMC 14.20.180.

Sec. 55. 14.20.030. Purpose.

(1) These regulations are adopted for the following purposes:

(a) To promote the public health, safety, and general welfare of the citizens;

(b) To preserve and enhance the City's physical and aesthetic character by preventing indiscriminate removal or destruction of trees, soils, or ground cover on undeveloped and partially developed property;

(c) To promote land development practices that result in a minimal disturbance to the City's vegetation and soils;

(d) To minimize surface and subsurface water runoff volumes and to prevent erosion-sedimentation and reduce the risk of slides and other unstable conditions;

(e) To minimize the need for additional storm drainage facilities;

(f) To retain clusters of trees for the abatement of noise and wind protection as well as site stability maintenance;

(g) To acknowledge that trees and ground cover reduce air pollution by producing pure oxygen from carbon dioxide;

(h) To minimize devaluation of property values due to unnecessary destruction of trees and ground cover;

(i) To promote building and site planning practices that are consistent with the City's natural topographical and vegetational features while at the same time recognizing that certain factors such as condition (e.g., disease, danger of falling, etc.), proximity to existing and proposed structures and improvements, interference with utility services, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover;

(j) To ensure prompt development, restoration and replanting, and effective erosion and sedimentation control of property during and after land clearing, grading, or filling through the use of phase development, performance bonds, and other reasonable controls;

(k) To reduce degradation of streams and other water bodies located in and adjacent to the City via scouring, siltation, and water pollution;

(l) To implement the goals and objectives of the State Environmental Policy Act and the water quality standards set forth by the State Department of Ecology; and

(m) To implement and further the City's comprehensive plan.

(2) It is not the intent or purpose of this chapter to prevent the reasonable development of land in the City.

Sec. 56. 14.20.040. Authority. This chapter is created pursuant to the authority set forth in chapters 35.23 and 35A.63 RCW and other applicable laws.

Sec. 57. 14.20.050. Definitions - Use of words and phrases. As used in this chapter, unless the context or subject

matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

"Bench terrace" means an embankment or combination of an embankment and channel constructed across a slope which has a bench-like cross-section and whose purpose is to control erosion by diverting or storing surface water runoff instead of permitting it to flow uninterrupted down the slope.

"Construction site" means a contiguous area owned and operated as one development unit upon which earth-disturbing activities are planned or underway.

"Developer" means a person engaged in constructing any street, utilities, commercial, industrial, or residential structures.

"Drainage" means the removal of excess water from land either by surface or subsurface means.

"Erosion" means the wearing away of the land surface by running water, wind, ice, or other geological agents including such processes as gravitational creep, detachment, and movement of soil or rock fragments by water, wind, ice, or gravity.

"Excavation" or "cut" means the physical manmade removal of earth material.

"Existing grade" means the vertical location of the existing ground surface before excavation or filling.

"Fill" means a deposit of earth or waste materials by artificial means.

"Grading" means any stripping, excavating, and filling, including hydraulic fill, stockpiling, or any combination thereof and includes the land in its excavated or filled condition.

"Ground cover" means land plants growing on the earth's surface and/or their remains and includes trees less than four inches in diameter measured at 24 inches above the ground level.

"Land clearing" means the act of removing or destroying trees, topsoil, or ground cover from any undeveloped or partially developed lot, public lands, or public right-of-way.

"Partially developed lot" means a lot or parcel of land upon which a usable structure is located and which is of sufficient area so as to be capable of subdivision in accordance with the subdivision code.

"Plan" means a proposed method of achieving an end; including, but not limited to, specifications for design, implementation, and maintenance.

"Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

"Sedimentation" means the deposition of sediment.

"Site alteration" means grading, excavating, filling, or other alterations of the earth's surface where material or manmade ground cover is destroyed and which may result in or contribute to erosion and sedimentation.

"Slope" means an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

"Soil" means unconsolidated mineral and organic material on the immediate surface of the earth, overlying bedrock that serves as a natural medium for the growth of land plants.

"Surface runoff" means water flowing over the ground surface.

"Tree" means a living woody plant characterized by one main stem or trunk and many branches, and having a diameter of four inches or more measured at 24 inches above ground level.

"Undeveloped lot" means a lot or parcel of land upon which no usable structure exists.

Sec. 58. 14.20.060. Permit - Required. Except as otherwise exempted by DMMC 14.20.180, no grading, filling, or land clearing within the City shall be performed by any person, corporation, or other legal entity without first having obtained a permit from the code official. A grading permit does not include the construction of retaining walls or other structures.

Sec. 59. 14.20.070. Permit - Application. An application for a land clearing, grading, or filling permit shall be submitted on a form provided by the City.

Sec. 60. 14.20 0.080. Permit - Plans and specifications. Permit applications shall be accompanied by two sets of specifications and plans drawn to the appropriate scale and containing the following information as determined necessary by the code official:

(1) Plan sheet specifications. All plan sheets will contain the following information:

(a) The date, basis, and datum of the contours, which shall be referenced to the City's network of benchmarks, if applicable;

(b) Date, north arrow, and adequate scale (1:10, 1:20, or 1:40) on all maps and plans;

(c) Contours will be at two-foot contour intervals;

(d) Contact information for the applicant and the property owner, and legal description of the property;

(2) Site plan. An accurate plan for the entire site illustrating the existing conditions shall be submitted to the City containing the following information:

(a) Plans shall show the existing grade for the entire site and the adjoining properties within 100 feet;

(b) All property lines with bearings and distances shown;

(c) Existing vegetation on the site designated by its common names, location, type, size and condition of trees and ground cover on site;

(d) The location of all existing drainage facilities, natural and manmade, which transport surface water onto, across, or from the site including: streams and surface waters, artificial channels, drainpipe, or culverts;

(e) The location and estimated capacity of any areas which impound surface water;

(f) Location and estimated discharge of all visible springs in excess of one gallon per minute;

(g) The location of all structures, utilities, and their appurtenances, including structures and utilities on adjacent properties within 20 feet when such information is reasonably available. Said improvement locations shall also be staked on site to enable the City to review improvement locations and their relationship to the site and existing vegetation;

(h) Identification of all areas regulated by the provisions of Title 16 DMMC;

(i) Location and capacity of all drainage facilities and related construction;

(3) Grading/clearing plan. An accurate plan for the entire site illustrating the proposed conditions shall be submitted to the City containing the following information:

(a) Plans shall show the finish grade in relation to the existing grade for the entire site and the adjoining properties within 100 feet in sufficient detail to identify how grade changes will conform to the requirements of this code;

(b) Location and capacity of all drainage facilities and related construction;

(c) Boundaries of all areas to remain in the existing or natural condition;

(d) Location of all vegetation shown on the plan which will remain after completion of the work and the minimum distance to the nearest excavation and/or filling;

(e) Landscape plan;

(f) The placement of excavated material, fill, and other graded material;

(g) Location of building setback lines, and approximate demarcation of land cuts including but not limited to foundations, retaining walls, and driveways;

(4) Temporary erosion and sedimentation control plan.

(a) Sequence for clearing, grading, filling, drainage alteration, and other land-disturbing activities;

(b) On-site soil or earth material storage locations and source of import materials, and location of the site where soils will be disposed;

(c) Schedule for installation and removal of all temporary erosion and sediment control measures, including vegetative measures;

(d) Schedule for construction of final improvements, if any;

(e) Schedule for the installation of required permanent erosion and sediment control devices, if any; and

(f) An outline of the methods to be used in clearing vegetation and in storing and disposing of the cleared vegetative matter.

(5) Other information as deemed necessary by the code official;

(6) Compliance with the State Environmental Policy Act of 1971, including Title 197 WAC and Title 16 DMMC;

(7) Plans shall include a statement signed by a registered professional engineer certifying that all provisions

of this Code and all relevant laws, ordinances, rules, and regulations, together with recommendations contained in any soils engineering, engineering geology, and hydrology reports applicable to the project have been incorporated in the plans and specifications or if not, the exceptions and the reasons for each exception.

Sec. 61. 14.20.090. Permit - Review. Permit applications shall be referred to a technical advisory body for review when deemed advisable by the City Manager or the City Manager's designee.

Sec. 62. 14.20.100. Decision of Code official. The City Manager or the City Manager's designee shall complete the review and make a decision within 120 days from the date a complete application is submitted, unless an extension is authorized by the City.

Sec. 63. 14.20.110. Permit - Expiration - Extension.

(1) Except when specific time limits are set by the City Manager or the City Manager's designee, any permit granted under this chapter shall expire one year from the date of issuance.

(2) The City Manager or the City Manager's designee may set specific limits to the project commencement and/or completion for any reasonable purpose, including but not limited to environmental reasons or for coordination with other permitted site work.

(3) Upon a showing of good cause, a permit may be extended for six months. Approved plans shall not be amended without authorization of the City Manager or the City Manager's designee.

Sec. 64. 14.20.120. Permit notice to be posted. No work shall commence until a permit notice has been posted on the subject site at a conspicuous location. The notice shall remain posted until the project has been completed.

Sec. 65. 14.20.130. Project inspection. All projects which include land clearing, grading, or filling shall be

subject to inspection by the City Manager or the City Manager's designee. The City Manager or the City Manager's designee shall be granted unlimited right of entry to the work site by the applicant for the purposes of making inspections to determine that the requirements of the plans and permits are being complied with and for the purposes of taking corrective measures of an emergency nature. The cost of such corrective measures shall be borne by the applicant. The City Manager or the City Manager's designee may require inspection and testing by an approved testing agency at any stage of the application or project.

Sec. 66. 14.20.140. Suspension or revocation of permits.

(1) A land clearing, grading, or filling permit may be suspended or revoked by the City Manager or the City Manager's designee because of incorrect information supplied or any violation of the provisions of this chapter.

(2) Whenever the City Manager or the City Manager's designee determines that the act or intended act of land clearing, grading, or filling has become or will constitute a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way, drainage channel, stream, or surface water, including siltation and sedimentation therein, the City Manager or the City Manager's designee shall immediately suspend the land clearing, grading, or filling permit.

(3) The permittee or other person or agent in control of the property, upon receipt of notice in writing from the City Manager or the City Manager's designee, shall, within the period specified therein, terminate such land clearing, grading, or filling, or eliminate the same from the development plans, or modify the plans, as may be required so as to eliminate the hazard and be in conformance with the requirements of this code. The permittee shall also be required to take measures to correct damages caused to adjacent and/or downstream or upstream properties, under the direction of the City Manager or the City Manager's designee, or if not accomplished in a reasonable period of time the City shall do so using the security provided

as part of the land clearing, grading, and filling permit under which the work was done.

Sec. 67. 14.20.150. Operating conditions and standards of performance. Permits authorized under this section shall conform to the following provisions unless otherwise recommended or as approved by the City Manager or the City Manager's designee:

(1) Excavations. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than two horizontal to one vertical (50 percent) unless the applicant furnishes a soils report justifying a steeper slope.

(2) Fills. Unless otherwise recommended in the soils report and approved by the City Manager or the City Manager's designee, fills shall conform to the following provisions:

(a) The ground surface shall be prepared to receive fill by removing vegetation, top soil, and any other unsuitable materials (oversized rock, concrete slabs, tree stumps, brush, and old car bodies, etc.) and scarifying the ground to provide a bond with the fill material.

(b) Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305 mm) in any dimension shall be included in fills.

(c) All fill material shall be compacted to 90 percent of maximum density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

(d) The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than two horizontal to one vertical (50 percent) shall be justified by soils reports or engineering data.

(3) Erosion/sedimentation control. All disturbed areas, including faces of cut and fill slopes, shall be prepared and maintained to control erosion/sedimentation in accordance with the specifications of the surface water design manual.

(4) Setbacks. The crests and toes of cut and fill slopes shall be set back from property boundaries by at least 25 feet to prevent damages resulting from surface runoff or erosion-sedimentation from the slopes. The top and the toes of cut and fill slopes shall be set back from structures by at least one-half the height of the slope plus 25 feet for adequacy of foundation support and to prevent damages resulting from surface runoff or erosion-sedimentation of the slopes.

(5) Excavations to water-producing depth. All excavations must be made to a water-producing depth or grade to permit natural drainage. The excavations made to a water-producing depth shall be reclaimed in the following manner:

(a) Depth of the excavation must not be less than two feet measured below the low-water mark.

(b) All banks shall be sloped to the water line no steeper than 2:1.

(c) In no event shall the term "water-producing depth" be construed to allow stagnant or standing water to collect or remain in the excavations.

(6) Bench terrace. Benches at least 10 feet in width shall be back-sloped and shall be established at no more than 10-foot vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of one percent.

(7) Hazardous conditions. Signs warning of hazardous conditions, if such exist, shall be affixed at clearly visible locations.

(8) Fencing. Where required by the City Manager or the City Manager's designee to protect life, limb, and property, fencing shall be installed with lockable gates which must be closed and locked when the site is not being attended. The fence must be no less than five feet in height and the fence material shall have no horizontal opening larger than two inches.

(9) Drainage. Provisions shall be made to prevent surface water or seepage from damaging the cut face of

excavations or the sloping face of a fill and to carry surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse or other means as approved by the City Manager or the City Manager's designee.

(10) Drainage review. All development activities shall make provisions for drainage pursuant to the requirements of the surface water design manual.

(11) All operations, conditions, and standards of performance shall be subject to the limitations as per required permits.

(12) Environmentally critical areas. Any land clearing, grading, or filling activity in an environmentally critical area as defined in Title 16 DMMC is prohibited except for activity conducted in connection with a development exception approved in accordance with the requirements of chapter 18.86 DMMC.

Sec. 68. 14.20.160. Fees. There shall be a fee assessed to compensate the City for the expense of reviewing and processing plans, conducting inspections, providing for outside consulting services, and the like. The fee shall be set by written administrative directive and shall be related to the amount of anticipated service for the particular application. Fees for permits authorized under this section that are reviewed after the proposed site work has started will be assessed at twice the normal rate.

Sec. 69. 14.20.170. Bonds and escrow. The City Manager or the City Manager's designee may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected. In lieu of a surety bond, the applicant may elect to establish a cash escrow account with his bank in an amount deemed by the code official to be sufficient to reimburse the City if it should become necessary for the City to enter the property for the purpose of correcting and/or eliminating conditions relating to soil stability or aesthetic blight. The bond or escrow shall be in an amount of the estimated cost of correcting or eliminating the condition, including but not limited to the cost of restoring soil stability, eliminating drainage or erosion problems, or removal

of blight and restoration and replanting of the property either in accordance with the terms of the permit or to restore the property as nearly as possible to its condition prior to the clearing or filling. The bond or escrow may be increased by the code official in accordance with this chapter.

Sec. 70. 14.20.180. Exemptions. Applicants must receive a written letter of exemption from the City Manager or the City Manager's designee before commencing with the exempted work. Exemption from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(1) A grading or land clearing permit shall not be required for any of the following activities; provided, that the clearing and grading activity shall be subject to the minimum requirements specified in this chapter:

(a) The installation and maintenance of fire hydrants, water meters, and pumping stations, and street furniture by the City or its contractors;

(b) Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards;

(c) Removal of trees or ground cover or dumping of fill on partially developed lots for the purpose of general property and utility maintenance, landscaping, or gardening; provided, that this exemption shall not apply to land clearing, grading, or filling for the purpose of developing the property with substantial permanent improvements such as roads, driveways, utilities, or buildings;

(d) Removal of dead or diseased ground cover or trees;

(e) A grading and filling activity less than a total of 50 cubic yards which does not obstruct a drainage course;

(f) Grading and filling activity to place a building foundation approved under a City building permit and involves less than 120 cubic yards of grading and filling;

(g) Clearing less than 200 square feet;

(h) Cemetery graves;

(i) Refuse disposal sites controlled by other regulations;

(j) Exploratory excavations performed under the direction of a registered design professional. Exploratory excavation is not to begin construction of a building prior to receiving a permit (the sole purpose for preparing a soils report).

(2) Exemption from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the City.

Sec. 71. 14.20.190. Appeal. A person or persons aggrieved by any action of the City Manager or the City Manager's designee under the provisions of this chapter shall be entitled to review of such decision by filing an appeal to the Hearing Examiner pursuant to Title 18 DMMC.

Chapter 14.25 Sewage Disposal Systems Code

Sections:

- 14.25.010 Title.
- 14.25.020 Application.
- 14.25.030 Purpose.
- 14.25.040 Authority
- 14.25.050 County Sewage Code adopted.
- 14.25.060 Amendment adoption.
- 14.25.070 Disposal systems maintenance.
- 14.25.080 Administration and enforcement.

Sec. 72. 14.25.010. Title. This chapter shall be entitled "Sewage Disposal Systems Code."

Sec. 73. 14.25.020. Application. This chapter shall apply to the sewage system in the City.

Sec. 74. 14.25.030. Purpose. The purpose of this chapter is to allow for the King County Board of Health to promulgate standards, rules, and regulations to be administered by the Seattle-King County Department of Public Health in matters relating to the sewage disposal system.

Sec. 75. 14.25.040. Authority. This chapter relies on the authority granted to the King County Board of Health and chapter 70.05 RCW.

Sec. 76. 14.25.050. County Sewage Code adopted. Title 13 (Board of Health Sewage Regulations) of the Code of the King County Board of Health, as presently constituted or as may be subsequently amended, is adopted and shall be applicable within the City, as amended, added to, and excepted in this chapter.

Sec. 77. 14.25.060. Amendment adoption. The following amendments, additions, and exceptions to the board of health sewage regulations, as adopted by this chapter, are amended, added to, or excepted as adopted and shall be applicable within the City.

Sec. 78. 14.25.070. Disposal systems maintenance. Sewage disposal systems shall be maintained in accordance with this chapter and no sewage disposal system shall be used which directly or indirectly discharges upon the surface of the ground or into any waters within the City unless the contents of such system have been subjected to approved purification and bactericidal treatment.

Sec. 79. 14.25.080. Administration and enforcement. The codes, standards, rules, and regulations adopted by this chapter shall be administered by the Seattle-King County Department of Public Health.

Sec. 80. Repealer. Title 14 DMMC as presently constituted and codified is hereby repealed in its entirety along with all underlying ordinances.

Sec. 81. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

Sec. 82. Effective date. This Ordinance shall take effect and be in full force on January 1, 2014.

PASSED BY the City Council of the City of Des Moines this 3rd day of October, 2013 and signed in authentication thereof this 3rd day of October, 2013.


MAYOR

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk

Published: October 8, 2013

Effective Date: January 1, 2014

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1581, Adopted October 3, 2013.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to buildings and construction; replaces Title 14 DMMC; and repeals the previously codified provisions of Title 14 DMMC and underlying Ordinances.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins
City Clerk

Published: October 8, 2013