

ORDINANCE NO. 983

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO ADOPTION OF THE WASHINGTON STATE BUILDING CODE, ADOPTING THE 2003 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FIRE CODE, THE INTERNATIONAL EXISTING BUILDING CODE AND THE UNIFORM PLUMBING CODE BY REFERENCE, ADOPTING THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS BY REFERENCE, ADOPTING THE WASHINGTON ENERGY CODE, THE WASHINGTON STATE VENTILATION AND INDOOR AIR QUALITY CODE AND HISTORIC BUILDING CODE BY REFERENCE, AS WELL AS CERTAIN AMENDMENTS TO THE CODES, MAKING CHANGES TO THE CITY'S TITLE 15 CODE ENFORCEMENT PROCESS, ELIMINATING HEARING EXAMINER APPEALS AND AMENDING THE PENALTIES FOR VIOLATIONS; REPEALING CHAPTERS 15.06, 15.08, 15.10, 15.12, 15.18, 15.32, 15.36; ADOPTING NEW CHAPTERS 15.06, 15.08, 15.10, 15.12, 15.14, 15.16, 15.18, 15.20, 15.22 AND 15.26 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Washington State Legislature adopted the state building code, to be effective in all counties and cities in Washington (RCW 19.27.031); and

WHEREAS, the state building code is comprised of a number of published codes, which are adopted by reference; and

WHEREAS, the City of Gig Harbor may adopt local amendments, consistent with chapter 19.27 RCW; Now, therefore:

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. Chapter 15.06 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. A new chapter 15.06 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

CITY BUILDING CODE

Sections:

- 15.06.010 Purpose.**
- 15.06.020 State Building Code – Adoption.**
- 15.06.030 Code Conflicts.**
- 15.06.040 Exclusions from Permit Processing.**
- 15.06.050 Submission and Acceptance of Applications.**

15.06.010 Purpose. The purpose of this chapter is to promote the health, safety and welfare of the public has a whole by ensuring that buildings, dwellings, structures and land will be constructed, maintained and used in a manner so as to reduce hazards, increase durability and require consistent patterns of community development; provided that any duties established in this chapter or the codes adopted in this chapter are duties owed to the public as a whole, not to any individual, persons or class of persons.

15.06.020 State Building Code adoption. The following codes, together with the specifically identified appendices and the amendments in the Washington Administrative Code (WAC), and as further amended in this Chapter, are hereby adopted by reference:

- A. The International Building Code, 2003 Edition, as published by the International Code Council, Inc, including Appendix J, and as amended pursuant to chapter 51-50 WAC;
- B. The International Residential Code, 2003 Edition, as published by the International Code Council, Inc., including Appendix Chapter G, as amended pursuant to chapter 51-50 WAC;

- C. The International Mechanical Code, 2003 Edition, as published by the International Code Council, Inc., including Appendix A, as amended pursuant to chapter 51-52 WAC;
- D. The International Fire Code, 2003 Edition, as published by the International Code Council, Inc., including chapter 46 and Appendix Chapters B and C, as amended pursuant to chapter 51-45 WAC;
- E. The Uniform Plumbing Code, 2003 Edition, published by the International Association of Plumbing and Mechanical Officials, as amended pursuant to chapter 51-56 WAC and the Uniform Plumbing Code Standards (Appendices B and H to the Uniform Plumbing Code, as amended pursuant to Chapter 51-57 WAC;
- F. The International Existing Building Code, 2003 Edition, as published by the International Code Council, Inc. including Appendix Chapters A and B;
- G. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials;
- H. The Washington State Energy Code as published by the Washington State Building Code Council, pursuant to chapter 51-11 WAC;
- I. The Washington State Ventilation and Indoor Air Quality Code as published by the Washington State Building Code Council, pursuant to WAC 51-13 WAC; and
- J. The Historic Building Code, as written by the Washington State Building Code Council, pursuant to Chapter 51-19 WAC.

15.06.030. Code Conflicts. In cases of conflict among the codes enumerated in Section 15.06.020 (A), (B), (C) and (D), the first named code shall govern over those following.

15.06.040. Exclusions from project permit processing. Pursuant to RCW 36.70B.140(2), building permits, other construction permits or similar administrative approvals which are categorically exempt from environmental review under the State Environmental Policy Act (Chapter 43.21C RCW) and GHMC Title 18 (SEPA), or permits/approvals for which environmental review has been completed in connection with other project permits under GHMC Title 19, are excluded from the following procedures:

- A. Notice of application (GHMC 19.02.004);
- B. Except as provided above, optional consolidated project permit review processing (GHMC 19.02.002(B));
- C. Joint public hearings (GHMC 19.01.004).

15.06.050. Submission and acceptance of Application. The procedures set forth in GHMC Section 19.02.003 shall apply to building permit applications.

Section 3. Chapter 15.08 of the Gig Harbor Municipal Code is hereby repealed.

Section 4. A new chapter 15.08 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

15.06.060 Definitions. The following definitions shall apply when used in this Title.

Building Official/Fire Marshal. Wherever the terms building official, code official, fire code official, authority having jurisdiction, or other reference to the chief code enforcement official is used in this Title, it shall mean the Building Official/Fire Marshal of the City of Gig Harbor.

15.08 Amendments to the International Building Code

Sections:

- 15.08.010 Amendment to IBC Section 103.**
- 15.08.020 Amendment to IBC Section 105.**
- 15.08.030 Amendment to IBC Section 108.**
- 15.08.040 Amendment to IBC Section 109.**
- 15.08.050 Amendment to IBC Section 110.**
- 15.08.060 Amendment to IBC Section 112.**
- 15.08.070 Amendment to IBC Section 113.**
- 15.08.080 Amendment to IBC Section 114.**

15.08.010. Amendment to IBC Section 103.

Section 103 of the International Building Code is amended as follows:

103.1 Creation of enforcement agency. The Division of Fire and Building Safety is hereby created in the Community Development Department for the purpose of enforcing this code; and the official in charge thereof shall be known as the building official/fire marshal.

103.2 Appointment. The building official/fire marshal shall be appointed by the chief appointing authority of the City of Gig Harbor.

103.3 Deputies. In accordance with the prescribed procedures of the this jurisdiction, City of Gig Harbor and with the concurrence of the appointing authority, the building official/fire marshal shall have the authority to appoint an

~~deputy assistant building official/fire marshal, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official/fire marshal. For the maintenance of existing properties, see the International Property Maintenance Code.~~

15.08.020 Amendment to IBC Section 105. Section 105 of the International Building Code is amended as follows:

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or cause such work to be done, shall first make application to the building official and obtain the required permit. A building permit shall also be required for the installation or structural modification of a sign which will be attached to building or be self supporting with the top of the sign over 36 inches above grade. The issuance of a building permit for the installation or structural modification of a sign does not exempt the applicant from obtaining the necessary sign permit.

* * *

105.2 Work exempt from permit: Exemptions from permit requirements of this code 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. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, play houses and similar uses, provided the floor area does not exceed ~~420~~ 200 square feet (18.58 m²).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks, driveways and platforms not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to detached one and two family dwellings.
12. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2 and Group U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. All interior signs, flags, pennants, streamers, banners, balloons, inflatable signs, the painting of a sign on glazing, the change of a sign plastic face and other nonstructural modifications to a sign which is attached to a building or nonstructural modifications to a self supported sign. This exception does not exempt the applicant from obtaining the necessary sign permit.

Electrical:

~~Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved permanently installed receptacles.~~

~~Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installation of towers and antennas.~~

~~Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.~~

Electrical permits, inspections and approvals shall be under the jurisdiction of the Washington State Department of Labor and Industries, Electrical Section.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require replacement or rearrangement of valves, pipes or fixtures.

105.3. Application for permit.

A. To obtain a permit, the applicant shall first file a written application on a form furnished by the City for that purpose. An application therefore in writing on a form furnished by the department of building safety. Such application shall: A complete building permit application shall consist of the following information:

1. The legal description and tax parcel number(s) and the street address of the property;
2. The property owners name, address, and phone number;
3. A description of the work to be covered by the permit for which application is made;
4. The proposed use and occupancy for which the proposed work is intended;
5. The valuation of the proposed work; and
6. Evidence of potable water and a sewer/septic connection.

1. Identify and describe the work to be covered by the permit for which application is made;
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.3.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

7. All materials and information required by IBC Section 106.

B. For all projects with a valuation in excess of five thousand dollars, the following additional information shall be required in accordance with RCW 19.27.095:

1. The prime contractor's business name, address, phone number, current state contractor registration number; and

2. Either:

a. The name, address and phone number of the office of the lender administering the interim construction financing, if any, or

b. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than 50 percent of the total amount of the construction project;

3. A SEPA Checklist, and any other information required to demonstrate compliance with the State Environmental Policy Act, as adopted by the city under GHMC Title 18;

C. If the information required by IBC section 105.3(B)(1) and (B)(2) above are not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

105.3.1 Action on application. The building official shall review the application according to the procedures in GHMC Section 19.02.003, and shall issue the building permit within the deadline required by GHMC Section 19.05.009. The building official shall examiner or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall deny ~~reject~~ such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore. As soon as practicable.

105.3.2 Time limitation on application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official/fire marshal is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.3.3 Vesting. A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

15.08.030 Amendment to IBC Section 108.

Section 108 of the IBC is amended to read as follows:

108.1 Payment of fees. A permit shall not be valid until the fees adopted by the City in a resolution for this purpose ~~prescribed by law~~ have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

108.2 Schedule of permit fees. On buildings, structures, ~~electrical~~, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the resolution adopted by the City for this purpose ~~schedule established by the applicable governing authority~~ under GHMC Ch. 3.40.

108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include the total value of work, including materials, labor, normal site preparation, architectural and design fees, overhead and profit, for which the permit is being issued, including such work as gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official/fire marshal, the valuation is underestimated on the application, the permit shall be denied, the valuation shall be recalculated, based on the valuation as determined using the Square Foot Construction Costs adopted by the City as Table 1-2 in the fee resolution, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official/fire marshal.

108.4 Work commencing before permit issuance. Any person who commences work on a building, structure, ~~electrical~~, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to an investigation fee established by City resolution, ~~by the building official~~ that shall be in addition to the required permit fees.

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

108.6 Refunds. ~~The building official is authorized to establish a refund policy. The building official/fire marshal may authorize refunding of any fee paid~~

hereunder which was erroneously paid or collected. The building official/fire marshal may also 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.

The building official/fire marshal 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 cancelled before any plan reviewing is done.

The building official/fire marshal shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

15.08.040 Amendment to IBC Section 109.

Section 109 of the IBC is hereby amended to add a new subsection 109.7, which shall read as follows:

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109.7 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when the work for which the inspection is requested is not complete or when corrections noted on previous inspections are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with code requirements, but rather that fees are intended as a means of controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

Reinspection fees may also be assessed when the inspection record card is not available on the work site, the approved plans are not readily available to the inspector, for failure to provide access for the inspection or for deviating from plans requiring the approval of the building official/fire marshal.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with the City's fee resolution.

15.08.050 Amendment to IBC Section 110.

Section 110 of the IBC is hereby amended to read as follows:

110.1 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 therefor as provided herein. 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.

110.2 Certificate issued. After payment of the fee established in the City's fee resolution, and after the building official inspects the building or structure and

finds no violations of the provisions of this code or other laws that are enforced by the ~~department of building safety division of fire and building safety~~, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number (if applicable).
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the ~~permit~~ certificate was issued.
8. The use and occupancy in accordance with the provisions of Chapter 3 of the IBC.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system or fire alarm system is provided, whether the sprinkler system or fire alarm system is required.
12. Any special stipulations and conditions of ~~the building permit~~ issuance of the certificate.

110.3 Temporary Occupancy. Upon payment of a fee as set forth in the City's fee resolution, the building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

110.4 Revocation. The building official/fire marshal is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

110.5 Maintenance of certificate of occupancy. The certificate of occupancy issued under the provisions of this section shall be maintained on the premises at all times. The certificate shall be made available for inspection at the request of the building official/fire marshal upon request.

15.08.060 Amendment to IBC Section 112.1.

Section 112.1 of the IBC is hereby amended to read as follows:

112.1 General. ~~In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and~~

~~interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business. The Building Code Advisory Board shall hear and decide those appeals and interpretations described in chapter 15.02 GHMC.~~

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15.08.070 Amendment to IBC Section 113.

Section 113 of the IBC is repealed. A new section 113 is hereby added to the IBC, which shall read as follows:

113. Enforcement. Enforcement of violations of this code shall proceed as set forth in chapter 15.26 GHMC.

15.08.080 Amendment to IBC Section 114.

Section 114 of the IBC is hereby repealed. A new section 114 is hereby added to the IBC, which shall read as follows:

114. Stop work orders. Enforcement of violations of this code, including the issuance of stop work orders, shall proceed as set forth in chapter 15.26 GHMC.

Section 9. Chapter 15.10 of the Gig Harbor Municipal Code is hereby repealed.

Section 10. A new chapter 15.10 is hereby adopted, which shall read as follows:

Chapter 15.10 Amendments to the International Residential Code (IRC)

Sections:

- 15.10.010 Amendment to IRC Section R103**
- 15.10.020 Amendment to IRC Section R105.2**
- 15.10.030 Amendment to IRC Section R108**
- 15.10.040 Amendment to IRC Section R109.1**
- 15.10.050 Amendment to IRC Section R110.4**
- 15.10.060 Amendment to IRC Section R112.1**
- 15.10.070 Amendment to IRC Section R113**
- 15.10.080 Amendment to IRC Section R114**

15.010.010. Amendment to IRC Section 103. Section 103 of the IRC is hereby amended to read as follows:

R103.1 Creation of enforcement agency. The department of fire and building safety is hereby created and the official in charge thereof shall be known as the building official/fire marshal.

R103.2 Appointment. The building official/fire marshal shall be appointed by the chief appointing authority of the City of Gig Harbor.

R103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction, the City of Gig Harbor and with the concurrence of the appointing authority, the building official/fire marshal shall have the authority to appoint an deputy assistant building official/fire marshal, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official/fire marshal. ~~For the maintenance of existing properties, see the International Property Maintenance Code.~~

15.10.020 Amendment to IRC Section R105.2. Section R105.2 is repealed. A new section R105.2 shall be adopted, which shall read as follows:

105.2 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or cause such work to be done, shall first make application to the building official and obtain the required permit.

* * *

105.2.1 Work exempt from permit: Exemptions from permit requirements of this code 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. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, play houses and similar uses, provided the floor area does not exceed 120 200 square feet (18.58 m²).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks, driveways and platforms not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to detached one and two family dwellings.
12. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2 and Group U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

~~Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved permanently installed receptacles.~~

~~Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installation of towers and antennas.~~

~~Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.~~

Electrical permits, inspections and approvals shall be under the jurisdiction of the Washington State Department of Labor and Industries, Electrical Section.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.

13. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

3. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
4. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require replacement or rearrangement of valves, pipes or fixtures.

105.3. Application for permit.

A. To obtain a permit, the applicant shall first file a written application on a form furnished by the City for that purpose. An application therefore in writing on a form furnished by the department of building safety. Such application shall: A complete building permit application shall consist of the following information:

3. The legal description and tax parcel number(s) and the street address of the property;
4. The property owners name, address, and phone number;
3. A description of the work to be covered by the permit for which application is made;
 4. The proposed use and occupancy for which the proposed work is intended;
 5. The valuation of the proposed work; and
 6. Evidence of potable water and a sewer/septic connection.
 8. Identify and describe the work to be covered by the permit for which application is made;
 9. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
 10. Indicate the use and occupancy for which the proposed work is intended.
 11. Be accompanied by construction documents and other information as required in Section 106.3.
 12. State the valuation of the proposed work.
 13. Be signed by the applicant, or the applicant's authorized agent.
 14. Give such other data and information as required by the building official.

7. All materials and information required by IBC Section 106.

B. For all projects with a valuation in excess of five thousand dollars, the following additional information shall be required in accordance with RCW 19.27.095:

1. The prime contractor's business name, address, phone number, current state contractor registration number; and

2. Either:

a. The name, address and phone number of the office of the lender administering the interim construction financing, if any, or

b. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than 50 percent of the total amount of the construction project;

3. A SEPA Checklist, and any other information required to demonstrate compliance with the State Environmental Policy Act, as adopted by the city under GHMC Title 18;

C. If the information required by IBC section 105.3(B)(1) and (B)(2) above are not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

105.3.2 Action on application. The building official shall review the application according to the procedures in GHMC Section 19.02.003, and shall issue the building permit within the deadline required by GHMC Section 19.05.009. The building official shall examiner or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall deny reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore. As soon as practicable.

105.3.2 Time limitation on application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official/fire marshal is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.3.3 Vesting. A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

15.10.030 Amendment to IRC Section R108. Section R108 of the IRC is repealed. A new section R108 shall be adopted, which shall incorporate GHMC Section 15.08.030 by reference.

15.10.040 Amendment to IRC Section R109.1.

Section R109.1 of the IRC is amended to read as follows:

R109.1 Types of inspections. For onsite construction, from time to time the building official, upon notification from the permit holder or his or her agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code.

R109.1.1 Footing and foundation Inspections. Inspection of the footings and foundation shall be made after poles or piers are set or trenches or casement areas are excavated and any required forms erected and any required reinforcing steel is in place and prior to the placing of concrete. The footing and foundation inspections shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

R109.1.2 Plumbing, mechanical, gas and electrical systems inspection. Rough installation of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection. Exception: Ground source heat pump loop systems tested in accordance with Section M2105.1 shall be permitted to be backfilled prior to inspection.

R109.1.2 Concrete slab or under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items and all floor framing, blocking anchor bolts and ancillary items are in place but before any concrete is placed or floor sheathing installed, including the sub-floor.

R109.1.3 Floodplain inspections. For construction in areas prone to flooding as established table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require the submission of documentation, prepared and sealed by a registered

design professional, of the elevation of the lowest floor, including basement, required in Section R323.

~~R109.1.4 Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.~~

R109.1.4 Roof and wall sheathing. Roof and wall sheathing inspections shall be made prior to the installation of any interior or exterior roof and wall coverings.

R109.1.5 Plumbing, mechanical, and gas system inspection. Rough inspection of plumbing, mechanical, and gas systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

Exception: Ground-source heat pump loop systems tested in accordance with Section M2105.1 shall be permitted to be backfilled prior to inspection.

R109.1.6 Energy efficiency inspection. Inspections shall be made to determine compliance with the WA State Energy, and Ventilation and Indoor Air Quality Codes (51-11 and 51-13 WAC) and shall include but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

R109.1.7 Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping, and bracing are in place and after the plumbing, mechanical, and electrical rough inspections are approved.

R109.1.8 Other inspections. In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building official.

R109.1.8.1 Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wall board is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

R109.1.8.2 Erosion control inspections. Where projects create exposed earth subject to erosion and siltation of adjoining properties or storm water management structures or facilities, a temporary erosion control inspection shall be conducted upon installation of silt fence, matting, straw, or any other

approved temporary erosion control measures and prior to beginning building construction. A final erosion control inspection shall be conducted prior to final approval of the project to verify that site conditions will not result in erosion or siltation of adjoining properties or storm water management structures or facilities. Final erosion control measures shall be maintained indefinitely.

R109.1.8.3 Final inspections. Final inspection shall be made after the permitted work is complete and prior to occupancy.

* * *

R109.5 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when the work for which the inspection is requested is not complete or when corrections noted on previous inspections are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with code requirements, but rather that fees are intended as a means of controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

Reinspection fees may also be assessed when the inspection record card is not available on the work site, the approved plans are not readily available to the inspector, for failure to provide access for the inspection or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with the City's fee resolution.

15.10.050 Amendment to IRC Section R110.4

Section R110.4 of the IRC is amended to read as follows:

R110.4 Temporary Occupancy. Upon payment of a fee as set forth in the City's fee resolution, the building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

15.10.060 Amendment to IRC Section R 112.1.

Section R112.1 of the IRC is amended to read as follows:

R112.1 General. ~~In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board~~

~~shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The Building Code Advisory Board shall hear and decide appeals and make interpretations, all as described in chapter 15.02 GHMC.~~

R112.2 Limitations on Authority. An application for an appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

R112.2 Determination of substantial improvement in areas prone to flooding. When the building official makes a finding required in Section R105.3.1.1, the ~~building official board of appeals~~ shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:

1. Improvements to a building or structure required to correct existing health, sanitary or safety code violations identified by the building official and which are the minimum necessary to assure safe living conditions; and
2. Any alteration of a historic building or structure provided that the alteration will not preclude the continued designation as an historic building or structure. For the purpose of this exclusion, an historic building is:
 - 2.1 Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
 - 2.2 Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
 - 2.3 Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

R112.2.2 Criteria for issuance of a variance for areas prone to flooding. A variance shall only be issued upon:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration and topography of the site render the elevation standards in Section R323 in appropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.

3. A determination that granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

~~112.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.~~

~~112.4 Administration. The building official shall take immediate action in accordance with the decision of the board.~~

15.10.070 Amendment to IRC Section R113.

Section R113 is repealed. A new section R113 is hereby added to the IRC, which shall read as follows:

R113 Enforcement. Enforcement of violations of this code shall proceed as set forth in chapter 15.26 GHMC.

15.10.080 Amendment to IRC Section R114.

Section R114 is repealed. A new section R114 is hereby added to the IRC, which shall read as follows:

R114. Stop work orders. Enforcement of this code, including the issuance of stop work orders, shall proceed as set forth in chapter 15.26 GHMC.

Section 11. Chapter 15.10 of the Gig Harbor Municipal Code is hereby repealed.

Section 12. A new chapter 15.12 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

Chapter 15.12 INTERNATIONAL MECHANICAL CODE (IMC)

Sections:

- 15.12.010 Amendment to IMC Section 103**
- 15.12.020 Amendment to IMC Section 108**

- 15.12.030 Amendment to IMC Section 109.1**
- 15.12.040 Amendment to IMC Section 109.2**
- 15.12.050 Amendment to IMC Section 109.3**
- 15.12.060 Amendment to IMC Section 109.4**
- 15.12.070 Amendment to IMC Section 109.5**
- 15.12.080 Amendment to IMC Section 109.6**
- 15.12.090 Amendment to IMC Section 109.7**
- 15.12.100 Amendment to IMC Section 202**

15.12.010 Amendment to IMC Section 103.

Section 103 of the IMC is amended to read as follows:

103.1 Creation of enforcement agency. The Division of Fire and Building Safety is hereby created in the Community Development Department for the purpose of enforcing this code and the official in charge thereof shall be known as the building official/fire marshal.

103.2 Appointment. The building official/fire marshal shall be appointed by the chief appointing authority of the City of Gig Harbor.

103.3 Deputies. In accordance with the prescribed procedures of the City of Gig Harbor and with the concurrence of the appointing authority, the building official/fire marshal shall have the authority to appoint an deputy assistant building official/fire marshal, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official/fire marshal. For the maintenance of existing properties, see the International Property Maintenance Code.

103.4 Liability. The building official/fire marshal, assistants and other officers and employees charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or omission in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official/fire marshal or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department, acting in good faith and without malice, shall be free from liability for acts performed under any of the provisions of this code or by reason of any act or omission in the performance of official duties in connection therewith.

15.12.020 Amendment to IMC Section 108.

Section 108 of the IMC is amended to read as follows:

108.1 ~~Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a mechanical system, or cause same to be done, in conflict with or in violation of any of the provisions of this code. Enforcement of violations of this code shall proceed as set forth in chapter 15.26 GHMC.~~

108.2 ~~Notice of violation. The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of mechanical work in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.~~

108.3 ~~Prosecution of violation. If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.~~

108.4 ~~Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a _____ punishable by a fine of not more than _____ amount dollars or by imprisonment not exceeding _____ or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

108.5 ~~Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to legal enforcement action 105.2 Stop Work Orders. Stop work orders shall issue as set forth in chapter 15.26, Enforcement.~~

~~108.6 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the mechanical system on or about any premises.~~

~~108.7~~ 108.3 Unsafe mechanical systems. A mechanical system that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared as an unsafe mechanical system. Use of a mechanical system regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe equipment and appliances are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

~~108.7.1~~ 108.3.1 Authority to ~~condemn-abate~~ mechanical systems. Whenever the code official determines that any mechanical system, or portion thereof, regulated by this code has become hazardous to life, health, property, or has become unsanitary, the code official shall order in writing that such system either be removed or restored to a safe condition. A time limit for compliance shall be specified in the written notice, which shall be in a Notice of Violation, issued pursuant to chapter 15.26 GHMC. A person shall not use or maintain a defective mechanical system after receiving such notice.

When such mechanical system is to be disconnected, written notice as prescribed in ~~Section 108.2~~ chapter 15.26 GHMC shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

~~108.7.2~~ 108.3.2 Authority to order disconnection of energy sources. The code official shall have the authority to order disconnection of energy sources supplied to a building, structure or mechanical system regulated by this code, when it is determined that the mechanical system or any portion thereof has become hazardous or unsafe. Written notice of such order to disconnect service and the causes therefore shall be given within 24 hours to the owner and occupant of the building, structure or premises, provided, however, that in cases of immediate danger to life or property, such disconnection shall be made immediately without such notice. Where energy sources are provided by a public utility, the code official shall immediately notify the serving utility in writing of the issuance of such order to disconnect.

~~108.7.3~~ 108.3.3 Connection after order to disconnect. A person shall not make energy source connections to mechanical systems regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until

the code official authorizes the reconnection and use of such mechanical systems.

When a mechanical system is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.

15.12.030 Amendment to IMC Sec. 109.1

Section 109.1 of the IMC is amended to read as follows:

~~109.1 Application for appeal. A person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served. The Building Code Advisory Board shall hear and decide those appeals and interpretations described in chapter 15.02 GHMC, under the procedures set forth therein.~~

~~109.1.1 Limitations of authority. The board of appeals shall have no authority relative to interpretations of the administration of this code nor shall such board be empowered to waive requirements of this code.~~

15.12.040 Amendment to IMC Section 109.2. Section 109.2 of the IMC is hereby repealed.

15.12.050 Amendment to IMC Section 109.3. Section 109.3 of the IMC is hereby repealed.

15.12.060 Amendment to IMC Section 109.4. Section 109.4 of the IMC is hereby repealed.

15.12.070 Amendment to IMC Section 109.5. Section 109.5 of the IMC is hereby repealed.

15.12.080 Amendment to IMC Section 109.6. Section 109.6 of the IMC is hereby repealed.

15.12.090 Amendment to IMC Section 109.7. Section 109.7 of the IMC is hereby repealed.

15.12.100 Amendment to IMC Section 202.

Section 202 of the IMC is amended to read as follows:

The following definitions and abbreviations are added to those found in Section 202, Chapter 2 of the International Mechanical Code:

ADMINISTRATIVE AUTHORITY is the city of Gig Harbor building official/fire marshal. This definition shall include the city of Gig Harbor building official/fire marshal's duly authorized representative.

Section 13. Chapter 15.12 of the Gig Harbor Municipal Code is hereby repealed.

Section 15. A new chapter 15.14 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

Chapter 15.14 INTERNATIONAL FUEL GAS CODE

Sections:

- 15.14.010 Amendment to IFGC Section 103**
- 15.14.020 Amendment to IFGC Section 106.5**
- 15.14.030 Amendment to IFGC Section 107.2**
- 15.14.040 Amendment to IFGC Section 109**

15.14.010 Amendment to IFGC Section 103.

Section 103 of the IFGC is amended to read as follows:

103.1 General. The Division of Fire and Building Safety is hereby created in the Community Development Department for the purpose of enforcing this code; and the executive official in charge thereof shall be known as the building official/fire marshal.

103.2 Appointment. The building official/fire marshal shall be appointed by the chief appointing authority of the City of Gig Harbor. ~~And the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.~~

103.3 Deputies. In accordance with the prescribed procedures of the City of Gig Harbor and with the concurrence of the appointing authority, the building official/fire marshal shall have the authority to appoint an deputy assistant building official/fire marshal, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official/fire marshal.

103.4 Liability. The building official/fire marshal, assistants and other officers and employees charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or omission in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official/fire marshal or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department, acting in good faith and without malice, shall be free from liability for acts performed under any of the provisions of this code or by reason of any act or omission in the performance of official duties in connection therewith.

15.14.020 Amendment to IFGC Section 106.5.

Section 106.5 of the IFGC is amended to read as follows:

106.5 Fees. A permit shall not be issued until the fees prescribed in Section 106.5.2 have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase of the installation, has been paid.

106.5.1 Work commencing before permit issuance. Any person who commences work on an installation before obtaining the necessary permit shall be subject to 100 percent of the usual permit fee in a fee as set forth in the City's fee resolution, in addition to the permit fees.

106.5.2 Fee schedule. The fees for work shall be as indicated in the following schedule. The fees for work shall be as indicated in the following schedule: the City's fee resolution.

106.5.3 Fee Refunds. The code- building official shall may authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. 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.
3. 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 cancelled before any plan review effort has been expended.

The Building official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

15.14.030 Amendment to IFGC Section 107.2.

Section 107.2 of the IFGC is amended to read as follows:

107.2 Testing. Installations shall be tested as required in this code and in accordance with Sections 107.2.1 through 107.2.3. Tests shall be made by the permit holder and observed by the code official.

* * *

Section 107.2.4 Reinspection Fee. A reinspection fee may be assessed for each inspection or reinspection when the work for which the inspection is requested is not complete or when corrections noted on previous inspections are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with code requirements, but rather that fees are intended as a means of controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

Reinspection fees may also be assessed when the inspection record card is not available on the work site, the approved plans are not readily available to the inspector, for failure to provide access for the inspection or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with the City's fee resolution.

15.14.040 Amendment to IFGC Section 109

Section 109 of the IFGC is amended as follows:

Section 109.1 Application for appeal. A person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

102.2 Membership of the board. The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for five years; one for four years; one for three years; one for two years; and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

109.2.1 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with at least 10 years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering or architectural experience.
3. Registered design professional with fuel gas and plumbing engineering experience; or a fuel gas contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, five of which shall have been in responsible charge of work.

109.2.2 ~~Alternate members~~. The chief appointing authority shall appoint two alternate members who shall be called by the board chair man to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

109.2.3 ~~Chairman~~. The board shall annually select one of its members to serve as chair man.

109.2.4 ~~Disqualification of member~~. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

109.2.5 ~~Secretary~~. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

109.2.6 ~~Compensation of members~~. Compensation of members shall be determined by law.

109.3 ~~Notice of meeting~~. The board shall meet upon notice from the chairman, within 10 days of the filing of an appeal, or at stated periodic meetings.

109.4 ~~Open hearing~~. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

109.4.1 ~~Procedure~~. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

109.5 ~~Postponed hearing~~. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

109.6 ~~Board decision~~. The board shall modify or reverse the decision of the code official by a concurring vote of three members.

109.6.1 ~~Resolution~~. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

109.6.2 ~~Administration~~. The code official shall take immediate action in accordance with the decision of the board.

~~109.7 Court review. Any person, whether or not a previous party to the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.~~

~~The Building Code Advisory Board shall hear and decide those appeals and interpretations described in chapter 15.02 GHMC, under the procedures set forth therein.~~

Section 16. A new chapter 15.16 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**Chapter 15.16
INTERNATIONAL FIRE CODE (IFC)**

Sections:

- 15.16.010 Amendment to IFC Section 102.5**
- 15.16.020 Amendment to IFC Section 103**
- 15.16.030 Amendment to IFC Section 105.1**
- 15.16.040 Amendment to IFC Section 106**
- 15.16.050 Amendment to IFC Section 108**
- 15.16.060 Amendment to IFC Section 109**
- 15.16.070 Amendment to IFC Section 202**
- 15.16.080 Amendment to IFC Section 503.1**
- 15.16.090 Amendment to IFC Section 503.2**
- 15.16.100 Amendment to IFC Section 503.6**
- 15.16.110 Amendment to IFC Section 506.1**
- 15.16.120 Amendment to IFC Section 508.1**
- 15.16.130 Amendment to IFC Section 508.5**
- 15.16.140 Amendment to IFC Section 605.1**
- 15.16.150 Amendment to IFC Section 902.1**
- 15.16.160 Amendment to IFC Section 903.2**
- 15.16.170 Amendment to IFC Section 907.2**

15.16.010 Amendment to IFC Section 102.5.

Section 102.5 of the IFC is amended to read as follows:

~~102.5 Historic Buildings. The construction, alteration, repair, enlargement, restoration, relocation or movement of buildings or structures that are designated as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property shall be in accordance with the provisions of the International Existing Building Code adopted under Ch. 15.16 GHMC and the Washington State Historic Building Code adopted under Section 15.06.030 GHMC.~~

15.16.020 Amendment to IFC Section 103.

Section 103 of the IFC is amended to read as follows:

~~103.1 General. The Division of Fire and Building Safety department of fire prevention is established hereby created in the Community Development Department under the direction of the fire code official, for the purpose of enforcing this code; and the official in charge thereof shall be known as the building official/fire marshal. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.~~

~~103.2 Appointment. The building official/fire marshal fire code official shall be appointed by the chief appointing authority of the City of Gig Harbor. The jurisdiction; and the fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.~~

~~103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction the City of Gig Harbor and with the concurrence of the appointing authority, the building official/fire marshal shall have the authority to appoint an deputy assistant building official/fire marshal, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official/fire marshal.~~

* * *

15.16.030 Amendment to IFC Section 105.1.

Section 105.1 of the IFC is amended to read as follows:

105.1 General. Permits shall be in accordance with Section 105.

105.1.1. Permits required. Permits required by this code shall be obtained from the fire code official. Permit fees shall be paid prior to issuance of a ~~fire code operational or construction permit prescribed under IFC Section 105 as required in accordance with the City's permit fee resolution~~. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

105.1.2 Types of permits. There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:

- 1.1 a prescribed period;
- 1.2 until renewed or revoked.

2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.

105.1.3 Permits for the same location. When more than one permit is required for the same location, the fire code official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

15.16.040 Amendment to IFC Section 106.

Section 106 of the IFC is amended to add a new section 106.4, which shall read as follows:

Section 106.4 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when the work for which the inspection is requested is not complete or when corrections noted on previous inspections are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with code requirements, but rather that fees are intended as a means of controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

Reinspection fees may also be assessed when the inspection record card is not available on the work site, the approved plans are not readily available to the inspector, for failure to provide access for the inspection or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with the City fee resolution.

15.16.050 Amendment to IFC Section 108.

Section 108 of the IFC is repealed and a new Section 108 is hereby added, which shall read as follows:

108 Appeals. The Building Code Advisory Board shall hear and decide those appeals and interpretations described in chapter 15.02 GHMC, under the procedures set forth therein.

15.16.060 Amendment to IFC Section 109.

Section 109 of the IFC is repealed and a new Section 109 is hereby added, which shall read as follows:

109 Enforcement. Enforcement of violations of this code shall proceed as set forth in chapter 15.26 GHMC.

15.16.070 Amendment to IFC Section 202.

Section 202 of the IFC is amended to read as follows:

The following definitions and abbreviations are added to those found in Article 2 of the International Fire Code:

1. "AWWA" means the American Water Works Association.
2. "Dead-end main" means a water main over 50 feet long and not being fed from both ends at the time of installation.
3. "Expanding water system" means an approved, expanding water system which is undertaking new construction (definition follows) to provide water service to additional service connections. Any expanding water system shall install facilities sized to meet the necessary minimum design criteria for area being served. The expanding system shall show by plans submitted by a registered professional engineer how fire flow, if required, is to be provided and the plan shall be approved by the City of Gig Harbor.
4. Fire Code Official. The Building Official/Fire Marshal of the City of Gig Harbor or other designated authority charged with the administration and enforcement of the code or a duly authorized representative.
5. Fire Department is Pierce Co. Fire District No. 5.
6. Primary Fire Department Access Road. Means any road required to provide access to the front or main entry side of a property or structure.
7. "Private hydrant" means a fire hydrant situated and maintained to provide water for firefighting purposes with restrictions as to use. The location may be such that it is not readily accessible for immediate use by the fire department for other than certain private property.
8. "Public hydrant" means a fire hydrant so situated and maintained as to provide water for firefighting purposes without restriction as to use for the purpose. The location is such that it is accessible for immediate use of the fire department for all nearby property.
9. Secondary Fire Department Access Road. Means any on-site access road required to provide access to remote areas of a property or structure.
10. "Substantial alteration" is any alteration, where the total cost of all alterations (including but not limited to electrical, mechanical, plumbing, and structural changes) for a building or facility within any 12-month period amounts to 60 percent or more of the current assessed value established by the Pierce County Assessors Office.
11. "Water authority" and "purveyor" means the city public works department, a water district, or other body legally supplying water in the area and approved by the city.
12. "Yard system" means any extension from a transmission main and/or water main onto a development site.

15.16.080 Amendment to IFC Section 503.1.

Section 503.1 of the IFC is amended to read as follows:

503.1. Where required. Fire apparatus roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building measured by an approved route around the exterior of the building or facility.

In those situations in which emergency vehicles must cross private property from a public right of way, the property owner shall grant an emergency vehicle access easement to the City of Gig Harbor and Pierce Co. Fire District #5 for such purposes. The form of the easement shall be approved by the City Attorney and recorded against the property at the property owners expense.

Exception: The fire code official is authorized to increase the dimension of 150 feet (45720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two group R-3 or Group U occupancies.

15.16.090 Amendment to IFC Section 503.2.

Section 503.2.1 of the IFC is amended to read as follows:

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

Exception. Access roads not exceeding 100 ft. in length and serving not more than a one single family residence or one duplex or group U structure accessory to a single/two family residence may be a minimum of 12 feet in width.

* * *

15.16.095 Amendment to IFC Section 503.3. Where required by the fire code official, approved signs, curb painting or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

15.16.100 Amendment to IFC Section 503.6.

Section 503.6 to the IFC is amended to read as follows:

503.6 Security gates. The installation of security gates across private fire apparatus access roads shall be approved by the fire chief building official/fire marshal and the city engineer. Where security gates are installed on primary fire department access roads, they shall have an approved means of emergency operation. be provided with optical communication controls as the primary means of emergency operation. Optical controls shall default to the open condition in the event of a power failure. Gates installed on secondary fire department access roads shall be provided with optical controls, an approved access key box at the gate, or an approved lock keyed to the fire department access key system. Security gates and the emergency operation shall be maintained operational at all times.

15.16.110 Amendment to IFC Section 506.1

Section 506.1 of the IFC is amended to read as follows:

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes the building official/fire marshal is authorized to require a key box be installed in an approved location. Key boxes shall also be required for buildings containing fire suppression systems or fire alarm systems. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the building official/fire marshal.

506.1.1 Locks. An approved lock shall be installed on gates or similar barriers when required by the fire code official.

15.16.120 Amendment to IFC Section 508.1.

Section 508.1 to the IFC is amended to read as follows:

508.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

508.1.1 Private property easements. When water is provided to private property from facilities located in the public right of way, but such water facilities must

cross private property owned by third parties, the property owner shall obtain, at his/her own expense, easement(s) granting access to the City of Gig Harbor, allowing the city access for installation, repair and maintenance of the fire flow system. The form of the easement shall be approved by the City Attorney and recorded against the property at the property owner's expense.

508.1.2 Certificate of water availability. Prior to approval of plans for new developments, the applicant shall submit a certificate of water availability from the water purveyor, if other than the City of Gig Harbor, certifying the purveyor's ability and intention to provide the required fire flow at the site.

508.1.3 Water system plan approval. Plans and specifications for new, revised or extended water systems providing fire protection water supply shall be approved in writing by the fire code official.

508.1.4 Prior to final approval of a development's water system, two copies of the "as-built" drawings shall be filed with the Gig Harbor Community Development Department.

15.16.130 Amendment to IFC Section 508.5.

Section 508.5 of the IFC is amended to read as follows:

508.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 508.5.1 through 508.5.6.

508.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the building official/fire marshal. Fire hydrant locations shall be marked with a stake, flagging or other approved means by a land surveyor registered by the State of Washington, and the locations approved prior to installation. Fire hydrant systems shall be installed, tested and approved prior to beginning combustible construction.

Exceptions:

1. For group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m)
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

508.5.2 Inspection, testing and maintenance. Newly installed fire hydrants shall be flow tested by an approved testing agency, in the presence of the fire marshal/building official or designee, to verify the systems ability to provide the required fire flow prior to final approval. Fire hydrant systems shall be subject to

periodic tests as required by the building official/fire marshal. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards.

* * *

Section 508.5.7 Type of hydrant. Standard hydrants shall have not less than five inch main valve openings with two, two and one-half inch outlets and one, four and-one-half inch outlet. Hydrants shall comply with City of Gig Harbor public works standards. All four and one-half inch outlets shall be equipped with five inch Storz fittings.

Section 508.5.8 Fire hydrant system installations. Hydrant systems shall be installed in accordance with City of Gig Harbor Public Works Standards and NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances. Hydrants shall stand plumb and be set to finished grade. The bottom of the lowest outlet shall be no less than 18 inches above the finished grade and the bottom of the ground flange shall be no less than 1" above finished grade. The five inch storz fitting shall face the roadway.

Section 508.5.9 Backflow prevention. When required by the fire marshal/building official, private fire hydrant systems shall be separated from the public water system with an approved detector check valve installed in accordance with the manufacturer's installation instructions and City of Gig Harbor Public Works Standards.

15.16.140 Amendment to IFC Section 605.1.

Section 605.1 of the IFC is amended to read as follows:

605.1 Abatement of electrical hazards. Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the ~~code official responsible for enforcement of the ICC Electrical Code. State Department of Labor and Industries, Electrical Section.~~ Electrical wiring, devices, appliances, and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

605.1.1 Electrical permit, inspections and approval required. A final inspection and certificate of occupancy will not be issued by the City of Gig Harbor without receipt of documentation of approval of electrical work by the Washington State Department of Labor and Industries, Electrical Section.

15.16.150 Amendment to IFC Section 902.1.

Section 902.1 of the IFC is amended to read as follows:

902.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein:

* * *

SUBSTANTIAL REMODEL/RENOVATION. A building or structure undergoes substantial remodel/renovation when the value of the construction exceeds sixty percent of the building valuation determined by the most recent Pierce County Assessors Office assessment.

* * *

15.16.160 Amendment to IFC Section 903.2.

Section 903.2.7 of the IFC is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

* * *

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area. Exception: Group R-3 occupancies subject to the requirements of the International Residential Code.

903.2.7.1 Application to existing structures. Automatic sprinklers shall be installed, tested and approved:

1. Whenever an existing building containing a Group R fire area is being substantially remodeled or renovated.
2. Whenever an existing building containing a Group R fire area incurs fire damage requiring repairs meeting the definition of substantial remodel/renovation.
3. In all existing hotels and motels annexed into the City of Gig Harbor within five years of the effective date of the annexation.

* * *

15.16.170 Amendment to Section 907.2 of the IFC.

Section 907.2 of the IFC is amended to read as follows:

907.2 Where required – new buildings and structures. An approved manual, automatic or manual and automatic fire alarm system shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23. Where automatic sprinkler protection installed in accordance with Section 903.3.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required.

An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall comply with Section 907.1.2. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

* * *

907.2.10.1.4 Existing Group R and I-1 Occupancies. Existing Group R and I-1 Occupancies not already provided with smoke alarms shall be provided with approved single and multiple station smoke alarms installed in accordance with Section 907.2.10.1.4.

Exception: Group R-3 occupancies subject to the requirements of the International Residential Code shall be subject to the smoke alarm requirements of that code.

907.2.10.1.4.1 Installation. Approved single or multiple station smoke alarms shall be installed in all existing Group R and Group I-1 occupancies in accordance with Section 907.2.10.

907.2.10.1.4.2 Retrofit Timing. Existing Group R and I-1 occupancies shall have smoke alarms installed in accordance with this code. Within five years of the enactment of this code, Occupancies subject to Section 907.2.10 and annexed into the City of Gig Harbor shall have smoke alarms installed in accordance with this section within five years of the date of annexation.

907.2.10.1.4.1 Permit and inspection required. A permit, inspection, and approval shall be required for the installation of smoke alarms required under this section. Permit fees shall be as established under the City's permit fee resolution.

15.16.110 Addition of a new chapter 46 to the IFC.

The IFC is amended to add a new chapter 46, which shall read as follows:

Chapter 46

MARINAS

Section 4601 Scope. Marina facilities shall be constructed, used, maintained and operated in accordance with this chapter.

Section 4602 Construction Permits, Plans and approvals. Building, plumbing, mechanical, and fire protection system permits for construction of marinas and their fire-protection facilities shall be approved prior to installation. The work shall be subject to final inspection and approval after installation.

Exception: A building permit is not required for installation of floats, however float systems must comply with all requirements of this chapter including Section 4606.5.

Section 4603 Operational Permits. A permit is required to use open-flame devices for maintenance or repair on vessels, floats, piers or wharves.

Section 4604 Definitions. The following words and terms shall, for the purpose of this chapter and as used elsewhere in this code, have the meanings shown herein.

FLOAT is a floating structure normally used as a point of transfer for passengers and goods, or both, for mooring purposes.

MARINA is any portion of the ocean or inland water, either naturally or artificially protected, for the mooring, servicing or safety of vessels and shall include artificially protected works, the public or private lands ashore, and structures or facilities provided within the enclosed body of water and ashore for the mooring or servicing of vessels or the servicing of their crews or passengers.

PIER is a structure built over the water, supported by pillars or piles, and used as a landing place, pleasure pavilion or similar purpose.

VESSEL is watercraft of any type, other than seaplanes on the water, used or capable of being used as a means of transportation. Included in this definition are non-transportation vessels such as houseboats and boathouses.

WHARF is a structure or bulkhead constructed of wood, stone, concrete or similar material built at the shore of a harbor, lake or river for vessels to lie alongside of, and piers or floats to be anchored to.

Section 4605 General Precautions

4605.1 Combustible Debris. Combustible debris and rubbish shall not be deposited or accumulated on land beneath marina structures, piers or wharves.

4605.2 Sources of Ignition. The use of open flame devices for lighting or decoration on the exterior of a vessel, float, pier or wharf shall have the prior approval of the building official/fire marshal.

4605.3 Flammable or Combustible Liquid Spills. Spills of flammable or combustible liquids at or upon the water shall be reported immediately to the fire department or jurisdictional authorities.

4605.4 Rubbish Containers. Containers with tight-fitting or self-closing lids shall be provided for the temporary storage of combustible trash or rubbish.

4605.5 Electrical Equipment. Electrical equipment shall be installed and used in accordance with its listing and Section 605 of the IFC as required for wet, damp and hazardous locations.

4605.7 Slip Identification. Slips and mooring spaces shall be individually identified by an approved numeric or alphabetic designator. Space designators shall be posted at the space. Signs indicating the space designators located on finger piers and floats shall be posted at the base of all piers, finger piers, floats, and finger floats.

Section 4606 FIRE-PROTECTION

4606.1 General. Marinas, piers, wharves, floats with facilities for mooring or servicing five or more vessels, and marine motor vehicle fuel-dispensing stations shall be equipped with fire-protection equipment in accordance with Section 4606.

4606.2 Standpipes. Marinas shall be equipped throughout with standpipe systems in accordance with NFPA 303.

4606.3 Access and Water Supply. Piers and wharves shall be provided with fire apparatus access roads and water-supply systems with on-site fire hydrants whenever any point in the marina exceeds 250 feet from an approved fire department access or water supply or when otherwise required by the fire code official.

4606.4 Portable Fire Extinguishers. One fire extinguisher with a minimum rating of 2A:10 BC shall be provided at each required hose station or standpipe outlet and within 75 feet of all points on the float system. Additional fire extinguishers, suitable for the hazards involved, shall be provided and maintained in accordance with IFC Section 906.

4606.5 Communications. A telephone not requiring a coin to operate or other approved, clearly identified means to notify the fire department shall be provided on the site in a location approved by the building official/fire marshal.

4606.5 Equipment staging areas. Space shall be provided on all float systems for the staging of emergency equipment. Staging areas shall provide a minimum of 4 feet wide by 10 feet long clear area exclusive of walkways and shall be located such that no point on the floats is further than 100 feet walking distance from a staging area.

Section 4607 MARINE MOTOR VEHICLE FUEL-DISPENSING STATIONS

4607.1 Fuel- Dispensing. Marine motor vehicle fuel-dispensing stations shall be in accordance with IFC Chapter 22.

Section 15. A new chapter 15.18 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**Chapter 15.18
INTERNATIONAL EXISTING BUILDING CODE (IEBC)**

Sections:

- 15.18.010 Amendment to IEBC Section 101.5**
- 15.18.020 Amendment to IEBC Section 102.2**
- 15.18.030 Amendment to IEBC Section 103**
- 15.18.040 Amendment to IEBC Section 105.1**
- 15.18.050 Amendment to IEBC Section 105.2**
- 15.18.060 Amendment to IEBC Section 108**
- 15.18.070 Amendment to IEBC Section 112**
- 15.18.080 Amendment to IEBC Section 202**
- 15.18.090 Amendment to IEBC Section 302.2**
- 15.18.100 Amendment to IEBC Section 309.2**
- 15.18.110 Amendment to IEBC Section 408**
- 15.18.120 Amendment to IEBC Section 1201.2**

15.18.010 Amendment to IEBC Section 101.5.

Section 101.5 of the IEBC is amended to read as follows:

~~101.5 Maintenance. Buildings and parts thereof shall be maintained in a safe and sanitary condition. The provisions of the International Property Maintenance Code shall apply to the maintenance of existing buildings and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators, and occupants; and occupancy of existing premises and buildings. All existing devices or safeguards shall be maintained in all existing buildings. The owner or the owner's designated agent shall be responsible for the maintenance of the building. To determine compliance with this subsection, the code official shall have the authority to require a building to be reinspected. Except where specifically permitted by this code, the code shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing buildings.~~

15.18.020 Amendment to IEBC Section 102.2.

~~Section 102.2 of the IEBC is amended to read as follows:~~

~~102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.~~

15.18.030 Amendment to IEBC Section 103.

Section 103 of the IEBC is amended to read as follows:

103.1 Creation of enforcement agency. The Division of Fire and Building Safety is hereby created in the Community Development Department for the purpose of enforcing this code; and the official in charge thereof shall be known as the building official/fire marshal.

103.2 Appointment. The building official/fire marshal shall be appointed by the chief appointing authority of the City of Gig Harbor.

103.3 Deputies. In accordance with the prescribed procedures of the City of Gig Harbor and with the concurrence of the appointing authority, the building official/fire marshal shall have the authority to appoint an deputy assistant building official/fire marshal, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official/fire marshal. ~~For the maintenance of existing properties, see the International Property Maintenance Code.~~

15.18.040 Amendment to IEBC Section 105.1.

Section 105.1 is amended as follows:

105.1 Required Any owner or authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit. A building permit shall also be required for the installation or structural modification of a sign which will be attached to building or be self supporting with the top of the sign over 36 inches above grade. The obtaining of a building permit for the installation or structural modification of a sign does not exempt the applicant from obtaining the necessary sign permit.

15.18.050 Amendment to IEBC Section 105.2.

Section 105.2 of the IEBC is amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code 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. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, play houses and similar uses, provided the floor area does not exceed 120 200 square feet (18.58 m²)

2. Sidewalks, driveways and platforms not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
3. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
4. Shade cloth structures constructed for nursery or agricultural purposes, and not including service systems.
5. Window awnings supported by an exterior wall of Group R-3 or Group U occupancies.
6. Movable cases, counters, and partitions not over 69 inches (1753 mm) in height.
7. All interior signs, flags, pennants, streamers, banners, balloons, inflatable signs, the painting of a sign on glazing, the change of a sign plastic face and other nonstructural modifications to a sign which is attached to a building or nonstructural modifications to a self supported sign. This exception does not exempt the applicant from obtaining the necessary sign permit.

Exemption from the permit requirements of this code 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.

Electrical:

~~Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved permanently installed receptacles.~~

~~Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installation of towers and antennas.~~

~~Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.~~

Electrical permits, inspections and approvals shall be under the jurisdiction of the Washington State Department of Labor and Industries, Electrical Section.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit;
4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of an part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe, provided, however, that if any concealed trap, drainpipe, water soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work, and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

15.18.060 Amendment to IEBC Section 108.

Section 108 of the IEBC is amended to read as follows:

108.1 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.

108.2 Schedule of permit fees. On buildings, structures, ~~electrical~~, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule established ~~by the applicable governing authority~~ in the City permit fee resolution.

108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include the total value of work, including materials, labor, normal site preparation, architectural and design fees, overhead and profit, for which the permit is being issued, such as gas, mechanical, plumbing equipment and permanent systems.

If, in the opinion of the building official, the valuation is underestimated on the application, ~~the permit shall be denied, the valuation shall be based on the valuation as determined using the most current Table 1, Square Foot Construction Costs contained in the Building Valuation Data published by the International Code Council~~, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

108.4 Work commencing before permit issuance. Any person who commences work on a building, structure, ~~electrical~~, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a fee established ~~by the building official in the City's permit fee resolution that shall be in addition to the required permit fees~~.

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

108.6 Refunds. The building official is authorized to establish a refund policy. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official 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.

The building official 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 cancelled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

15.18.070 Amendment to IEBC Section 112.

Section 112 of the IEBC is amended as follows:

112.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business. The Building Code Advisory Board shall hear and decide those appeals and interpretations described in chapter 15.02 GHMC.

15.18.080 Amendment to IEBC Section 202.

Section 202 of the IEBC is amended as follows:

Plumbing Code. The plumbing code adopted by the State of Washington and City of Gig Harbor shall be the referenced plumbing code.

Electrical Code. The electrical code adopted by the State of Washington shall be the referenced electrical code.

The state of Washington Department of Labor and Industries, Electrical Section shall be the electrical jurisdiction Code Official. Where the term "code official" is used in this code it shall mean the Building Official/Fire Marshal of the City of Gig Harbor or his/her authorized representative.

15.18.090 Amendment to IEBC Section 308.2.

Section 308.2 of the IEBC is amended as follows:

308.2 Application. Except as specifically provided for in the Washington State Historic Building Code and Chapter 10 of this code, historic buildings shall comply with applicable provisions of this code for the type of work being performed.

15.18.100 Amendment to IEBC Section 309.2.

Section 309.2 of the IEBC is amended as follows:

309.2 Application. Relocated buildings shall comply with the provisions of Chapter 11 and the building code.

15.18.110 Amendment to IEBC Section 408.

Section 408.1 is amended as follows:

408.1 Material. Existing electrical wiring and equipment undergoing repair shall be allowed to be repaired or replaced with like material as approved by the State of Washington, Department of Labor and Industries, Electrical Section.

15.18.120 Amendment to IEBC Section 1201.2.

Section 1201.2 is amended as follows:

1201.2 Applicability. Structures existing prior to the date of adoption of this code, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform with the requirements of this chapter or the provisions of Chapters 4 through 10. The provisions of Sections 1201.2.1 through 1201.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A,B,E,F,M,R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

Section 18. Chapter 15.18 of the Gig Harbor Municipal Code is hereby repealed.

Section 19. A new Chapter 15.20 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**15.20
UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS
(UCADB)**

Sections:

15.20.010 Amendment to UCADB Section 103

15.20.020 Amendment to UCADB Section 201

15.20.030 Amendment to UCADB Section 205.1

- 15.20.040 Amendment to UCADB Section 301**
- 15.20.050 Amendment to UCADB Section 501**
- 15.20.060 Amendment to UCADB Section 501.2**
- 15.20.070 Amendment to UCADB Section 501.3**
- 15.20.080 Repeal of UCADB Section 601**
- 15.20.090 Repeal of UCADB Section 602**
- 15.20.100 Repeal of UCADB Section 603**
- 15.20.110 Repeal of UCADB Section 604**
- 15.20.120 Repeal of UCADB Section 605**
- 15.20.130 Amendment to UCADB Section 701.1**
- 15.20.140 Amendment to UCADB Section 701.2**

15.20.010. Amendment to UCADB Section 103.

Section 103 of the UCADB is amended as follows:

103. All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of Section 3403 of the International Building Code, and the International Existing Building Code as adopted by the City of Gig Harbor.

15.20.020 Amendment to UCADB Section 201.

201.1 Administration. The building official/fire marshal is hereby authorized to enforce the provisions of this code. The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

201.2 Inspections. The health officer and the building official/fire marshal are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

* * *

15.20.030 Amendment to UCADB Section 205.1

Section 205.1 is amended as follows:

205.1 General. ~~In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for~~

~~conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the building official, who shall make them freely accessible to the public. The Building Code Advisory Board shall hear those appeals and interpretations described in chapter 15.02 GHMC.~~

15.20.040 Amendment to UCADB Section 301.

Section 301 is amended as follows:

BUILDING CODE is the International Building Code promulgated by the International Code Council as adopted by the City of Gig Harbor.

BUILDING OFFICIAL is the building official/fire marshal of the City of Gig Harbor or his/her authorized representative.

DIRECTOR OF PUBLIC WORKS is the community development director of the City of Gig Harbor or his/her authorized representative.

15.20.050. Amendment of UCADB Section 501.

Section 501 is amended as follows:

501.1 Form of appeal. Any person entitled to service under Section 401.3 may appeal from any notice and order ~~or any action~~ of the building official under this code. Every appeal must be accompanied by an appeal fee, as established by the City, be filed with the Building Official, and the by filing at the office of the building official a written appeal shall contain the following:

1. A heading in the words: Before the Hearing Examiner of the City of Gig Harbor. ~~Board of appeals of the . . . of . . .~~
2. A caption reading: "Appeal of . . ." giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

Deadline for filing. The appeal shall be filed within ten (10) working days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make

it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within five (5) ~~40~~ days from the date of the service of the notice and order of the building official.

15.20.060 Amendment of UCADB Section 501.2. Section 501.2 of the UCADB is amended to read as follows:

501.2 Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the building official shall schedule a hearing on the appeal before the Hearing Examiner. ~~Present it at the next regular or special meeting of the board of appeals.~~

15.20.070 Amendment of UCADB Section 501.3. Section 501.3 of the UCADB is amended to read as follows:

501.3 Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the Hearing Examiner ~~board of appeals~~ shall fix a date, time and place for the hearing of the appeal. ~~By the board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the building official.~~ Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board ~~City~~ either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

15.20.090 Repeal of Section 601 of the UCADB. Section 601 of the UCADB is hereby repealed.¹

15.20.100. Repeal of UCADB Section 602.

Section 602 of the UCADB is hereby repealed.

15.20.110. Repeal of UCADB Section 603.

Section 603 of the UCADB is hereby repealed.

15.20.120. Repeal of UCADB Section 604.

Section 604 of the UCADB is hereby repealed.

15.20.130. Repeal of UCADB Section 605.

Section 605 of the UCADB is hereby repealed.

¹ All sections in chapter 6 of the UCADB have been repealed because the Hearing Examiner utilizes the Rules of Procedure that have been adopted by the City Council in Resolution No. 632.

15.20.140. Amendment of UCADB Section 701.1. Section 701.1 of the UCADB is amended to read as follows:

701.1 General. After any order of the building official or the Hearing Examiner ~~board of appeals~~ made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

15.20.150. Amendment of UCADB Section 701.2. Section 701.2 of the UCADB is amended to read as follows:

701.2 Failure to Obey Order. If, after any order of the building official or Hearing Examiner ~~board of appeals~~ made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause such person to be prosecuted under 701.1 or (ii) institute any appropriate action to abate such building as a public nuisance.

Section 19. A new chapter 15.22 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

15.22 UNIFORM PLUMBING CODE (UPC)

Sections:

- 15.22.010 Amendment to UPC Section 102.1**
- 15.22.020 Amendment to UPC Section 102.2**
- 15.22.030 Amendment to UPC Section 102.3**
- 15.22.040 Amendment to UPC Section 103.1**
- 15.22.050 Amendment to UPC Section 103.4**
- 15.22.060 Amendment to UPC Section 103.5**
- 15.22.070 Amendment to UPC Section 203.0**

15.22.010 Amendment to UPC Section 102.1

Section 102.1 of the UPC is amended as follows:

102.0 Organization and Enforcement.

102.1 Authority having Jurisdiction. The Authority having Jurisdiction shall be the City of Gig Harbor. ~~Authority duly appointed to enforce this code.~~

15.22.020 Amendment to UPC Section 102.2

Section 102.2 of the UPC is amended to read as follows:

102.2 Duties and Powers of the Authority having Jurisdiction.

102.2.1 ~~The Authority Having Jurisdiction~~ building official/fire marshal may appoint such assistants, deputies, inspectors, or other employees as are necessary to carry out the functions of the department and this code.

* * *

102.2.3 Stop Orders. ~~Stop Work Orders may be issued by the building official/fire marshal as provided in chapter 15.26 GHMC. Whenever any work is being done contrary to the provisions of this code, the Authority having Jurisdiction may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop work until authorized by the Authority Having Jurisdiction.~~

* * *

102.2.5 Authority to ~~Condemn~~ Abate. Whenever the Authority Having Jurisdiction ascertains that any plumbing system or portion thereof, regulated by this code, has become hazardous to life, health, property, or has become insanitary, the Authority Having Jurisdiction shall order in writing that such plumbing either be removed or placed in a safe or sanitary condition, as appropriate. The order shall issue as provided in chapter 15.26 GHMC, and shall fix a reasonable time for compliance. No persons shall use or maintain defective plumbing after receiving such notice. When such plumbing system is to be disconnected, written notice shall be given. In cases of immediate danger to life or property, such disconnection may be made immediately without such notice.

* * *

15.22.030 Amendment to UPC Section 102.3.

Section 102.3 of the UPC is hereby amended to read as follows:

102.3 Violations and Penalties.

102.3.1 Violations. ~~Enforcement of violations of this code shall proceed as set forth in chapter 15.26 GHMC. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any plumbing or permit the same to be done in violation of this code.~~

102.3.2 Penalties. Any person, firm, or corporation violating any provision of this code shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine and/or imprisonment set forth by the governing laws

~~of the jurisdiction. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense.~~

15.22.040 Amendment to UPC Section 103.1

Section 103.1 is amended as follows:

103.1 Permits.

* * *

103.1.3 Licensing. Except as allowed under state law, all persons performing work on any system regulated by this code shall be licensed in accordance with the licensing requirements of the state Department of Licensing. Proof of current licensing may be required at the time of permit application. As a result of an agreement between the Department of Housing and Urban Development (HUD) and IAPMO, the requirements for licensing have been removed from this section of the UPC. Provision for licensing shall be determined by the Authority Having Jurisdiction.

15.22.050 Amendment to UPC Section 103.4.

Section 103.4. is amended as follows:

103.4.Fees

103.4.1 Permit Fees. Fees shall be assessed in accordance with the provisions of this section and as set forth in the City's fee resolution. ~~The fee schedule Table 1-1. The fees are to be determined and adopted by this jurisdiction.~~

103.4.2 Plan Review Fees. When a plan or other data is required to be submitted by Section 103.2.2, a plan review fee shall be paid at the time of submitting plans and specifications for review.

~~The plan review fees for plumbing work shall be as determined and adopted by this jurisdiction set forth in GHMC 3.40.~~

The plan review fees specified in this subsection are separate fees from the permit fees specified in this section and are in addition to the permit fees.

~~When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate shown in Table 1-1 as set forth in the City's fees resolution.~~

* * *

103.4.4 Investigation Fees: work without a permit.

* * *

103.4.4.2 An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be ~~equal to the amount of the permit fee that would be required by this code if a permit were to be issued. as set forth in GHMC 3.40.~~ The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code, nor from any penalty prescribed by law.

* * *

103.4.5 Fee Refunds.

* * *

103.4.5.2 ~~The Authority Having Jurisdiction may authorize the refunding of not more than a percentage, as determined by this jurisdiction when no work has been done under a permit issued in accordance with this code. The building official 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.~~

103.4.5.3 ~~The Authority Having Jurisdiction may authorize the refunding of not more than a percentage, as determined by this jurisdiction when no work has been done under a permit issued in accordance with this code. The building official 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 cancelled before any plan reviewing is done.~~

The Authority Having Jurisdiction building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

15.22.060 Amendment to UPC Section 103.5.

Section 103.5 is amended as follows:

103.5 Inspections.

* * *

103.5.6 Reinspections. A reinspection fee as set forth in GHMC 3.40 may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when required corrections have not been made.

This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which the

inspection is requested, or for deviating from plans requiring the approval of the Authority Having Jurisdiction.

To obtain reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose and a written request for reinspection and pay the reinspection fee in accordance with Table 1-1 GHMC 3.40.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

* * *

15.22.070 Amendment to UPC Section 203.0.

Section 203.0 of the UPC is amended as follows:

Authority Having Jurisdiction – ~~The organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, installations, or procedures. The Authority Having Jurisdiction shall be a federal, state, local, or other regional department or an individual such as a plumbing official; mechanical official; labor department official, health department official, building official or others having statutory authority, the Authority Having Jurisdiction may be some other responsible party. The building official/fire marshal of the City of Gig Harbor shall be the Authority Having Jurisdiction for the purposes of this code.~~ This definition shall include the Authority Having Jurisdiction's duly authorized representative.

Section 20. Chapter 15.32 of the Gig Harbor Municipal Code is hereby repealed.

Section 21. A new chapter 15.24 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

Chapter 15.24 ENFORCEMENT

Sections:

15.24.010 Violations.

15.24.020 Enforcement.

15.24.030 Investigation and notice of violation.

15.24.040 Time to comply.

15.24.050 Stop work order.

15.24.060 Emergency order.

15.24.070 No Administrative Appeal.

15.24.080 Penalties.

15.24.090 Additional relief.

15.24.010 Violations.

- A. ~~Building Code Violation. Building code violations are described in the Uniform Building Code (UBC) Section 103, as the same now exists or may hereafter be amended.~~
- B. ~~Plumbing Code Violation. Plumbing code violations are described in the Uniform Plumbing Code (UPC) Section 102.3.1, as the same now exists or may hereafter be amended.~~
- C. ~~Mechanical Code Violation. Mechanical code violations are described in the Uniform Mechanical Code (UMC) Section 111, as the same now exists or may hereafter be amended.~~
- D. ~~Fire Code Violation. Fire code violations are described in the Uniform Fire Code (UFC) Article 103.4, as the same now exists or may hereafter be amended.~~
- E. ~~Energy Code Violation. Energy code violations are described in WAC 51-11-0106, as the same now exists or may hereafter be amended.~~
- F. ~~Indoor Air Quality Violation. Indoor air quality code violations are described in WAC 51-13-107, as the same now exists or may hereafter be amended.~~

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by any code adopted in Title 15, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

G.B Additional Violations. In addition to the above, it is a violation of GHMC Title 15 to:

1. Remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter;
2. To misrepresent any material fact in any application, plans or other information submitted to obtain any building or construction authorization;
3. Fail to comply with any of the requirements of GHMC Title 15, including any requirement of the ~~Uniform City's~~ Codes and state codes adopted by reference herein.

15.24.020 Duty to Enforcement.

- A. ~~The~~ It shall be the duty of the building official/fire marshal shall have the ability to enforce this chapter. The building official/fire marshal may call upon the police, fire, planning and community development or other appropriate city departments to assist in enforcement. As used in this chapter, “building official/fire marshal” shall also mean his or her duly authorized representative.
- B. Upon presentation of proper credentials, the building official/fire marshal may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant, in order to perform the duties imposed by GHMC Title 15.

~~C. In lieu of the enforcement procedures set forth in this chapter, the building official may implement the enforcement procedures set forth in any of the Uniform codes adopted by reference in GHMC Title 15.~~

C. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

D. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of GHMC Title 15.

E. No provision of or any term used in this chapter is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

15.24.030 Investigation and notice of violation.

A. Investigation. The building official/fire marshal shall investigate any structure or use which the building official/fire marshal reasonably believes does not comply with the standards and requirements of GHMC Title 15.

B. Notice of Violation. If after investigation, the building official/fire marshal determines that the standards or requirements of GHMC Title 15 have been violated, the building official/fire marshal shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall contain the following information:

1. A separate statement of each standard, code provision or requirement violated;

2. What corrective action, if any, is necessary to comply with the standards, code provision

or requirements;

3. A reasonable time for compliance;

4. A statement that if the violation is not already subject to criminal prosecution, that any

subsequent violations may result in criminal prosecution as provided in GHMC 15.26.018.

C. Service. The notice shall be served on the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the building official/fire marshal makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:

1. Publishing the notice once each week for two consecutive weeks in the city's official newspaper; and

2. Mailing a copy of the notice to each person named on the notice of violation by first class

mail to the last known address ~~if known as shown on the official Pierce County Assessors parcel data~~, or if unknown, to the address of the property involved in the proceedings.

D. Posting. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

E. Other Actions May Be Taken. Nothing in this section shall be deemed to limit or preclude any action or proceeding pursuant to GHMC 15.26.010, 15.26.012, 15.26.018 or 15.26.020.

F. Optional Notice to Others. The building official/fire marshal may mail, or cause to be delivered to all residential and/or nonresidential rental units in the structure or post at a conspicuous place on the property, a notice which informs each recipient or resident about the notice of violation, stop work order or emergency order and the applicable requirements and procedures.

G. Amendment. A notice or order may be amended at any time in order to:

1. Correct clerical errors; or
2. Cite additional authority for a stated violation.

H. Withdrawal. The City may choose to withdraw a notice of violation at any time, without prejudice to the City's ability to re-issue it, if a certificate of compliance has not been obtained for the specific violations.

15.24.040 Time to comply.

A. Determination of Time. When calculating a reasonable time for compliance, the building official shall consider the following criteria:

1. The type and degree of violation cited in the notice;
2. The stated intent, if any, of a responsible party to take steps to comply;
3. The procedural requirements for obtaining a permit to carry out corrective action;
4. The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and
5. Any other circumstances beyond the control of the responsible party.

B. Order Becomes Final UnlessAppealed. ~~Unless an appeal is filed with the building official/fire marshal for hearing before the hearing examiner in accordance with GHMC 15.26.014, the notice of violation shall become the final order of the building official/fire marshal.~~ A copy of the notice shall be filed with the Pierce County auditor. The building official/fire marshal may choose not to file a copy of the notice or order if the notice or order is directed only to a responsible person other than the owner of the property.

15.24.050 Stop work order.

Whenever a continuing violation of this code will materially impair the building official/fire marshal's ability to secure compliance with this code, or when the continuing violation threatens the health or safety of the public, the building official/fire marshal may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. A failure to comply with a stop work order shall constitute a violation of this chapter.

15.24.060 Emergency order.

Whenever any use or activity in violation of GHMC Title 15 threatens the health and safety of the occupants of the premises or any member of the public, the building official/fire marshal may issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an emergency order shall constitute a violation of this chapter. Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance and the building official/fire marshal is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible or both in the manner provided by law.

15.24.070 Review by hearing examiner. No Administrative Appeal of Notices of Violation.

A. Notice of Violation (Criminal Penalties). There is no administrative appeal of a notice of violation issued pursuant to chapter 15.24 GHMC. ~~for a violation of the codes in this title which subject the violator to criminal prosecution.~~

B. Notice of Violation (Civil Penalties). Any person significantly affected by or interested in a

~~notice of violation issued by the building official pursuant to GHMC 15.26.006 for a violation of the codes in this title which subject the violator to civil prosecution may obtain an appeal of the notice by requesting such appeal within 15 calendar days after service of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or city holiday, the period shall run until 5:00 p.m. on the next business day. The request shall be in writing, and upon receipt of the appeal request, the building official/fire marshal shall forward the request to the office of the hearing examiner, pursuant to Chapter 17.10 GHMC.~~

C. At or after the appeal hearing, the hearing examiner may:

- ~~1. Sustain the notice of violation;~~
- ~~2. Withdraw the notice of violation;~~
- ~~3. Continue the review to a date certain for receipt of additional information;~~
- ~~4. Modify the notice of violation, which may include an extension of the compliance date.~~

D. The hearing examiner shall issue a decision within 10 days of the date of the completion of the

~~review and shall cause the same to be mailed by regular first class mail to the person(s) named on~~

~~the notice of violation, mailed to the complainant, if possible, and filed with the department of records and elections of Pierce County.~~

E. The decision of the hearing examiner shall be final, and no further administrative appeal may

~~be filed. In order to appeal the decision of the hearing examiner, a person with standing to appeal must make application for a land use petition under Chapter 36.70C RCW within 21 days of the issuance of the examiner's decision. (Ord.827 § 1, 1999; Ord.705 § 5, 1996; Ord.672 § 12, 1994).~~

15.24.080 Criminal Penalties.

~~A. Any person violating or failing to comply with any of the provisions of GHMC Title 15 and who has had a judgment entered against him or her pursuant to GHMC 15.26.016 or its predecessors within the past five years shall be subject to criminal prosecution and upon conviction of a subsequent violation shall be fined in a sum not exceeding \$5,000 or be imprisoned for a term not exceeding one year or be both fined and imprisoned. Each day of noncompliance with any of the provisions of GHMC Title 15 shall constitute a separate offense.~~

~~B. The above criminal penalty may also be imposed:~~

- ~~1. For any other violation of GHMC Title 15 for which corrective action is not possible; and~~
- ~~2. For any willful, intentional, or bad faith failure or refusal to comply with the standards or requirements of GHMC Title 15.~~

~~C. Uniform Fire Code and Uniform International Plumbing Code Violations. A violation of the Uniform International Fire Code and International Plumbing Code is a misdemeanor, and every person so convicted shall be punished by imprisonment for a maximum term of not more than 90 days, or by a fine in an amount of not more than \$1,000 or both such imprisonment and fine. Each day of noncompliance with any of the provisions of the Uniform International Fire or Uniform Plumbing Code shall constitute a separate offense.~~

A. Civil penalty.

A. In addition to any other sanction or remedial procedure which may be available, any person, firm or corporation violating or failing to comply with any of the provisions of GHMC Title 15 shall be subject to a cumulative civil penalty in the amount of \$50.00 per day for each violation from the date set for compliance until compliance with the order is achieved.

B. The penalty imposed by this section shall be collected by civil action brought in the name of the city. The building official/fire marshal shall notify the city attorney in writing of the name of any person subject to the penalty, and the city attorney shall, with the assistance of the building official/fire marshal, take appropriate action to collect the penalty.

C. The violator may show as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the willful act, or neglect, or abuse of another; or
2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain

access to the subject structure, or other condition or circumstance beyond the control of the defendant.

B. Criminal penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person, firm or corporation who violates any provision of Title 15 shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of up to Five Thousand Dollars and/or imprisonment for a period of up to one year, or both such fine and imprisonment (as provided in RCW 35A.11.020).

C. Criminal penalties for violations of the IMC, UPC and IFC. Any person, firm or corporation who violates any provision of the International Mechanical Code, International Fuel Gas Code, the Uniform Plumbing Code and the International Fire Code, as adopted in Title 15 GHMC, is subject to the criminal penalties as set forth in GHMC Section 15.26.090(B) above.

15.24.090 Additional relief.

The building official/fire marshal may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of GHMC Title 15 when ~~civil or~~ criminal penalties are inadequate to effect compliance.

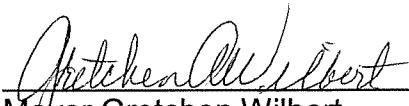
Section 22. Chapter 15.36 of the Gig Harbor Municipal Code is hereby repealed.

Section 23. Codes Adopted by Reference. One copy of all codes adopted by reference in this Ordinance are on file with the Gig Harbor City Clerk for viewing by the public.

Section 24. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 25. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Gig Harbor City Council and approved by the Mayor of
the City of Gig Harbor this 10th day of January, 2005.



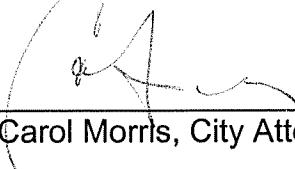
Mayor Gretchen Wilbert

ATTEST/AUTHENTICATED:

By: 

Molly Towslee, City Clerk

APPROVED AS TO FORM:

By: 

Carol Morris, City Attorney

FILED WITH THE CITY CLERK: 12/8/04
PASSED BY THE CITY COUNCIL: 1/10/05
PUBLISHED: 1/19/05
EFFECTIVE DATE: 1/24/05
ORDINANCE NO: 983