

## ORDINANCE 1519

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO BUILDINGS AND CONSTRUCTION; ADOPTING THE 2021 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL FIRE CODE, THE INTERNATIONAL EXISTING BUILDING CODE, THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE AND THE UNIFORM PLUMBING CODE BY REFERENCE; REPEALING CHAPTERS 15.02 AND 15.20, AS WELL AS MAKING CERTAIN CLEAN-UP AMENDMENTS, AMENDING GIG HARBOR MUNICIPAL CODE SECTIONS: 15.06.020, 15.06.060, 15.08.060, 15.10.040, 15.10.060, 15.12.030, 15.14.040, 15.16.050, 15.18.070 AND 15.22.065, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

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**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 in the 2021 editions; and

**WHEREAS**, the city needs to adopt the 2021 editions locally, for enforcement purposes; and

**WHEREAS**, the city may adopt local amendments to the building code, consistent with Chapter 19.27 RCW; and

**WHEREAS**, the city finds that the local amendments contained herein are desirable to protect the public;

**NOW THEREFORE**, the City Council of the City of Gig Harbor, Washington, do ordain as follows:

**Section 1.** Chapter 15.02 Building Code Advisory Board is repealed in its entirety.

**Section 2.** Section 15.06.020 of the Gig Harbor Municipal Code is amended as follows:

**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 title, are hereby adopted by reference:

- A. The International Building Code, 2018 2021 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, 2018 2021 Edition, as published by the International Code Council, Inc., including Appendix Chapter G as amended pursuant to Chapter 51-51 WAC;
- C. The International Mechanical Code, 2018 2021 Edition, as published by the International Code Council, Inc., including Appendix A, as amended pursuant to Chapter 51-52 WAC;
- D. The International Fuel Gas Code, 2018 2021 Edition, as published by the International Code Council, Inc., as amended pursuant to Chapter 51-52 WAC;
- E. The International Fire Code, 2018 2021 Edition, as published by the International Code Council, Inc., including Appendix Chapters B, C, F, I and J, as amended pursuant to Chapter 51-54A WAC;
- F. The Uniform Plumbing Code, 2018 2021 Edition, published by the International Association of Plumbing and Mechanical Officials, as amended pursuant to Chapter 51-56 WAC, including Appendix Chapters A, B, and I;
- G. The International Existing Building Code, 2018 2021 Edition, as published by the International Code Council, Inc., including Appendix Chapter A;
- ~~H. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials;~~
- ~~I. H.~~ The International Energy Conservation Code, Commercial, 2018 2021 Edition, as published by the International Code Council, and as amended pursuant to Chapter 51-11C WAC;
- ~~J. I.~~ The International Energy Conservation Code, Residential, 2018 2021 Edition, as published by the International Code Council, and as amended pursuant to Chapter 51-11R WAC.
- ~~J. The International Wildland-Urban Interface Code, 2021 Edition, as published by the International Code Council, Inc., as amended pursuant to Chapter 51-55 WAC;~~

**Section 3.** Section 15.06.060 of the Gig Harbor Municipal Code is hereby amended as follows:

#### **15.06.060 Definitions.**

The following definitions shall apply when used in this title:

~~Building and Fire Safety Director~~ 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 and fire safety director~~ Building Official/Fire Marshal" of the City of Gig Harbor.

Building and Fire Safety Department Division. Wherever the terms "building department," "authority having jurisdiction," "department of building safety," "department of mechanical inspection," "department of fire prevention," "department of inspection," or other reference to the department responsible for enforcement of the city building code is used in this title, it shall mean the building and fire safety department division of the City of Gig Harbor.

**Section 4.** Section 15.08.060 of the Gig Harbor Municipal Code is hereby amended as follows:

**15.08.060 Amendment to IBC Section 113.1.**

~~113.1 General. The Building Code Advisory Board shall hear and decide those appeals and interpretations described in Chapter 15.02 GHMC.~~

**Section 113 Means of Appeals**

**113.1 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, the hearing examiner system established by GHMC 2.25 shall be utilized.~~

**113.2 Limitations on Authority.**

~~The hearing examiner shall be authorized to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code. Any reference, in the adopted codes, to a board of appeals shall be read as 'hearings examiner.'~~

**113.3 Authority and Limitations.**

~~An application for appeal shall be based on a claim that the true intent of this code has not been correctly interpreted, or the provisions do not fully apply, or an equally good or better form of construction is proposed. The hearings examiner shall have no authority to waive requirements of this code. The examiner is not authorized to interpret or decide on administrative provisions contained in Chapter 1.~~

**113.4 Further Appeal to Superior Court**

~~The decision by the Hearing Examiner under this Title shall be final and conclusive unless within twenty-one (21) days from the date of the decision, a party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of petition or a writ of mandamus, or other applicable relief.~~

**113.5 Fees.**

~~A fee shall be paid for all appeals of administrative determinations to the hearing examiner. The amount of the fee shall be as specified in the city's currently adopted fee schedule.~~

**Section 5.** Subsection R109.1.6, Energy efficiency inspection, of Section 15.10.040 of the Gig Harbor Municipal Code is hereby amended as follows:

**15.10.040 Amendment to IRC Section R109.1.**

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

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R109.1.6 Energy efficiency inspection. Inspections shall be made to determine compliance with the ~~International Energy Conservation Code, Residential, 2018 Edition (Chapter 51-11R WAC)~~ currently adopted Washington State Energy Code; 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.

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**Section 6.** Section 15.10.060 of the Gig Harbor Municipal Code is hereby amended as follows:

**15.10.060 Amendment to IRC Section R112.**

R112.1 General. The Building Code Advisory Board shall hear and decide appeals and make interpretations, all as described in Chapter 15.02 GHMC.

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 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 the 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 an approved state or local historic preservation program.

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 inappropriate.

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 on 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.~~

~~113.1 General. The Building Code Advisory Board shall hear and decide those appeals and interpretations described in Chapter 15.02 GHMC.~~

Section 112 Board of Appeals, is renamed “Means of Appeals” and reads 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, the hearing examiner system established by GHMC 2.25 shall be utilized.

112.2 Limitations on Authority.

The hearing examiner shall be authorized to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code. Any reference, in the adopted codes, to a board of appeals shall be read as ‘hearings examiner.’

112.3 Authority and Limitations.

An application for appeal shall be based on a claim that the true intent of this code has not been correctly interpreted, or the provisions do not fully apply, or an equally good or better form of construction is proposed. The hearings examiner shall have no authority to waive requirements of this code. The examiner is not authorized to interpret or decide on administrative provisions contained in Chapter 1.

112.4 Further Appeal to Superior Court

The decision by the Hearing Examiner under this Title shall be final and conclusive unless within twenty-one (21) days from the date of the decision, a party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of petition or a writ of mandamus, or other applicable relief.

112.5 Fees.

A fee shall be paid for all appeals of administrative determinations to the hearing examiner. The amount of the fee shall be as specified in the city's currently adopted fee schedule.

**Section 6.** Section 15.12.030 of the Gig Harbor Municipal Code is hereby amended as follows:

## **15.12.030 Amendment to IMC Section 109 114.**

~~109.1 General. The Building Code Advisory Board shall hear and decide those appeals and interpretations described in Chapter 15.02 GHMC.~~

### Section 114 Means of Appeals

#### 114.1 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, the hearing examiner system established by GHMC 2.25 shall be utilized.

#### 114.2 Limitations on Authority.

The hearing examiner shall be authorized to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code. Any reference, in the adopted codes, to a board of appeals shall be read as 'hearings examiner.'

#### 114.3 Authority and Limitations.

An application for appeal shall be based on a claim that the true intent of this code has not been correctly interpreted, or the provisions do not fully apply, or an equally good or better form of construction is proposed. The hearings examiner shall have no authority to waive requirements of this code. The examiner is not authorized to interpret or decide on administrative provisions contained in Chapter 1.

#### 114.4 Further Appeal to Superior Court

The decision by the Hearing Examiner under this Title shall be final and conclusive unless within twenty-one (21) days from the date of the decision, a party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of petition or a writ of mandamus, or other applicable relief.

#### 114.5 Fees.

A fee shall be paid for all appeals of administrative determinations to the hearing examiner. The amount of the fee shall be as specified in the city's currently adopted fee schedule.

**Section 7.** Section 15.14.040 of the Gig Harbor Municipal Code is hereby amended as follows:

## **15.14.040 Amendment to IFGC Section 109 113.**

~~109.1 General. The Building Code Advisory Board shall hear and decide those appeals and interpretations described in Chapter 15.02 GHMC.~~

### Section 113 Means of Appeal

#### 113.1 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, the hearing examiner system established by GHMC 2.25 shall be utilized.

113.2 Limitations on Authority.

The hearing examiner shall be authorized to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code. Any reference, in the adopted codes, to a board of appeals shall be read as 'hearings examiner.'

113.3 Authority and Limitations.

An application for appeal shall be based on a claim that the true intent of this code has not been correctly interpreted, or the provisions do not fully apply, or an equally good or better form of construction is proposed. The hearings examiner shall have no authority to waive requirements of this code. The examiner is not authorized to interpret or decide on administrative provisions contained in Chapter 1.

113.4 Further Appeal to Superior Court

The decision by the Hearing Examiner under this Title shall be final and conclusive unless within twenty-one (21) days from the date of the decision, a party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of petition or a writ of mandamus, or other applicable relief.

113.5 Fees.

A fee shall be paid for all appeals of administrative determinations to the hearing examiner. The amount of the fee shall be as specified in the city's currently adopted fee schedule.

**Section 8.** Section 15.16.050 of the Gig Harbor Municipal Code is hereby amended as follows:

**15.16.050 Amendment to IFC Section 108 111**

Section 111 Means of Appeals

108.1 General. The Building Code Advisory Board shall hear and decide these appeals and interpretations described in Chapter 15.02 GHMC.

111.1 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, the hearing examiner system established by GHMC 2.25 shall be utilized.

111.2 Limitations on Authority.

The hearing examiner shall be authorized to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code. Any reference, in the adopted codes, to a board of appeals shall be read as 'hearings examiner.'

111.3 Authority and Limitations.

An application for appeal shall be based on a claim that the true intent of this code has not been correctly interpreted, or the provisions do not fully apply, or an equally good or better form of construction is proposed. The hearings examiner shall have no authority to waive requirements of this code. The examiner is not authorized to interpret or decide on administrative provisions contained in Chapter 1.

111.4 Further Appeal to Superior Court

The decision by the Hearing Examiner under this Title shall be final and conclusive unless within twenty-one (21) days from the date of the decision, a party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of petition or a writ of mandamus, or other applicable relief.

111.5 Fees.

A fee shall be paid for all appeals of administrative determinations to the hearing examiner. The amount of the fee shall be as specified in the city's currently adopted fee schedule.

**Section 9.** Section 15.18.070 of the Gig Harbor Municipal Code is hereby amended as follows:

**15.18.070 Amendment to IEBC Section 112.**

Section 112 Means of Appeals

112.1 General. The Building Code Advisory Board shall hear and decide those appeals and interpretations described in Chapter 15.02 GHMC.

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, the hearing examiner system established by GHMC 2.25 shall be utilized.

112.2 Limitations on Authority.

The hearing examiner shall be authorized to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code. Any reference, in the adopted codes, to a board of appeals shall be read as 'hearings examiner.'

112.3 Authority and Limitations.

An application for appeal shall be based on a claim that the true intent of this code has not been correctly interpreted, or the provisions do not fully apply, or an equally good or better form of construction is proposed. The hearings examiner shall have no authority to waive requirements of this code. The examiner is not authorized to interpret or decide on administrative provisions contained in Chapter 1.

112.4 Further Appeal to Superior Court

The decision by the Hearing Examiner under this Title shall be final and conclusive unless within twenty-one (21) days from the date of the decision, a party makes

application to a court of competent jurisdiction for a writ of certiorari, a writ of petition or a writ of mandamus, or other applicable relief.

112.5 Fees.

A fee shall be paid for all appeals of administrative determinations to the hearing examiner. The amount of the fee shall be as specified in the city's currently adopted fee schedule.

**Section 10.** Chapter 15.20 of the Gig Harbor Municipal Code is repealed in its entirety.

**Section 11.** New Section 15.22.065 amending UPC Section 107.0 is hereby added to the Gig Harbor Municipal Code as follows:

**15.22.065 Amendment to UPC Section 107.0.**

Section 107.0, Board of Appeals, is renamed "Means of Appeals" and reads as follows:

107.1 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, the hearing examiner system established by GHMC 2.25 shall be utilized.

107.2 Limitations on Authority.

The hearing examiner shall be authorized to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code. Any reference, in the adopted codes, to a board of appeals shall be read as 'hearings examiner.'

107.3 Authority and Limitations.

An application for appeal shall be based on a claim that the true intent of this code has not been correctly interpreted, or the provisions do not fully apply, or an equally good or better form of construction is proposed. The hearings examiner shall have no authority to waive requirements of this code. The examiner is not authorized to interpret or decide on administrative provisions contained in Chapter 1.

107.4 Further Appeal to Superior Court

The decision by the Hearing Examiner under this Title shall be final and conclusive unless within twenty-one (21) days from the date of the decision, a party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of petition or a writ of mandamus, or other applicable relief.

107.5 Fees.

A fee shall be paid for all appeals of administrative determinations to the hearing examiner. The amount of the fee shall be as specified in the city's currently adopted fee schedule.

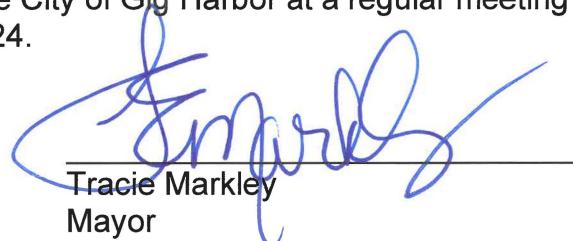
**Section 12. Severability.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this ordinance.

**Section 13. Correction of Errors.** The city clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 14. Copies of Codes Filed with City Clerk.** Pursuant to RCW 35A.12.140, copies of all of the codes adopted by reference in this ordinance have been filed with the City Clerk for use and examination by the public prior to adoption.

**Section 15. Effective Date.** This ordinance shall take effect on March 15, 2024.

**ADOPTED** by the City Council of the City of Gig Harbor at a regular meeting thereof, held this 26th day of February, 2024.



Tracie Markley  
Mayor

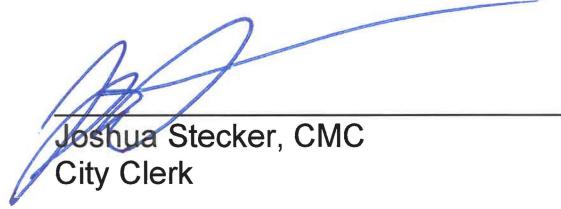
Approved as to form:



Daniel Kenny

Daniel Kenny  
City Attorney

Attest:



Joshua Stecker, CMC  
City Clerk