

ORDINANCE NO. 747

An Ordinance of the City Council of the City of Lakewood, Washington, amending Title 15A of the Lakewood Municipal Code (LMC) to reflect the adoption of the 2018 editions of the International Code Council (ICC), a member of the International Code Family and other related codes pursuant to Chapter 19.27 of the Revised Code of Washington (RCW).

WHEREAS, the City previously adopted the ICC Performance Code for Buildings and Facilities and other related codes as codified in LMC Title 15A; which was last fully updated by Ordinance 641 on June 6, 2016; and

WHEREAS, Title 15A LMC must be updated to reflect the changes made to the ICC model codes and related codes pursuant to the State Building Code in RCW Chapter 19.27 RCW, and found in Title 51 of the WAC, and which become effective statewide on February 1, 2021.

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

Section 1. That Title 15A of the Lakewood Municipal Code entitled “Building Code” is hereby amended to read as follows:

TITLE 15

Buildings and Construction

Chapters:

15.05 Adoption of International Codes

Sections:

- 15.05.010 Purpose.
- 15.05.020 Codes adopted by reference.
- 15.05.030 Copy on file.
- 15.05.040 Administrative provisions.
- 15.05.060 Amendments to International Building Code.
- 15.05.070 Amendments to International Residential Code.
- 15.05.080 Amendments to International Fire Code.
- 15.05.090 Amendments to International Property Maintenance Code.
- 15A.25 Electrical Code

15.05.010 Purpose.

The purpose of the codes and regulations adopted in this title is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within

the City of Lakewood. It is not the purpose or intent to create or designate any particular class or group of persons to be especially protected or benefited, nor is it intended to create any special relationship with any individual. [Ord. 641 § 1, 2016.]

Section 2: A revised section, 15.05.020 of the Lakewood Municipal Code, entitled, “Codes Adopted by Reference,” is amended to read as follows:

The following codes, as herein adopted and further amended, shall be collectively known as the Lakewood Building Code.

A. The ~~2015~~2018 Edition of the International Building Code (IBC), including Appendix Chapters E, G, J and ~~I~~J, published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-50 WAC, is hereby adopted by reference and as subsequently amended by this chapter. Chapter 11 and other International Building Code requirements for barrier-free access, including ICC A117.1-2009 and Appendix E, are adopted pursuant to Chapters 70.92 and 19.27 RCW.

B. The ~~2015~~2018 Edition of the International Residential Code (IRC) excluding Sections R103, R104, R105, R106, R107, R108, R109, R110, R111, R112, R113, R114, provided chapters 11 and 25 through 43 are not adopted. ~~excluding Sections R103, R104, R105, R106, R107, R108, R109, R110, R111, R112, R113, R114, but including Appendices F, Q, U, and V and V_Q and V_U, as~~ published by the International Code Council and as adopted and amended by the Washington State Building Code Council in Chapter 51-51 WAC, is hereby adopted by reference and as subsequently amended by this chapter.

C. The ~~2015~~2018 Edition of the International Mechanical Code (IMC) published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-52 WAC including the 2018 International Fuel Gas Code for the installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems as; ~~including the 2015 International Fuel Gas Code, the 2011 Edition of NFPA 58 and the 2012 Edition of ANSI Z223.1/NFPA 54 as amended by the Washington State Building Code Council, are~~ hereby adopted.

The standards for liquefied petroleum gas installations shall be the 2014 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2015 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code). ~~by reference and as subsequently amended by this chapter.~~

D. The ~~2015~~2018 Edition of the International Fire Code (IFC), including Appendix Chapters B, C, D (Sections 105 and 106), E, F and G, published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-54A WAC, is hereby adopted by reference and as subsequently amended by this chapter.

E. The ~~2015~~2018 Edition of the Uniform Plumbing Code, including Appendices A, B and I, published by the International Association of Plumbing and Mechanical Officials and amended by the Washington State Building Code Council in Chapter 51-56 WAC, is hereby adopted by reference and as subsequently amended by this chapter.

F. The ~~2015~~2018 Edition of the International Energy Conservation Code, as amended by the Washington State Building Code Council in Chapters 51-11C and 51-11R WAC and known as the Washington State Energy Code, is hereby adopted.

G. The ~~2015~~2018 Edition of the International Existing Buildings Code, published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-50 WAC, is hereby adopted.

~~H. The 2015 Edition of the International Performance Code, published by the International Code Council, is hereby adopted.~~

~~H.~~ The ~~2015~~2018 Edition of the International Property Maintenance Code, published by the International Code Council, is hereby adopted.

~~J.~~ The current edition of the National Electrical Code, published by the National Fire Protection Association, as adopted in Chapter 296-46B WAC and Chapter 19.28 RCW, except that "Department" shall mean either the State Department of Labor and Industries or Tacoma Public Utilities, depending on geographic service area located within Lakewood's city limits. [Amended during 2018 recodification; Ord. 647 § 1, 2016; Ord. 641 § 2, 2016.]

~~K.~~ The 2018 Edition of the International Swimming Pool and SPA Code, published by the International Code Council, is hereby adopted.

~~L.~~ The Manufactured Home Standards established by the State of Washington governing the installation of manufactured homes (as set forth in WAC Chapter 296-150M), are hereby adopted.

15.05.030 Copy on file.

At least one copy of each of the adopted codes identified in LMC 15.05.020 shall be on file in the Office of the City Clerk. [Ord. 641 § 3, 2016.]

15.05.040 Administrative provisions.

The administrative provisions as specified in Chapter 1 of the International Building Code as adopted and subsequently amended by this title shall be used as the general administrative provisions for the Lakewood Building Code. In case of a conflict of provisions the Building Official shall determine the applicable application. [Ord. 641 § 4, 2016.]

Section 3: A revised section, 15.05.060 of the Lakewood Municipal Code, entitled, "Amendments to International Building Code," is amended to read as follows:

The following sections of the IBC are amended as follows:

A. Section 105.2, Work exempt from permit, item 4, is amended to read as follows:

Retaining walls which are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, provided the wall is set back from any adjacent property lines or structures a distance at least equal to the height of the wall and the material retained by the wall slopes 1:2 (or less) up and away from the wall, unless supporting a surcharge or impounding Class I, II or II-A liquids.

B. Section 105.3.2 Time limitations on applications, 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. Building official may grant two extensions for period not to exceed 90 days each without administrative fees. Additional extension requests will be subject to administrative fees. The requests shall be requested in writing and justifiable cause demonstrated.

C. Section 105.5 Permit Expiration, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Building Official may grant two extensions for period not to exceed 180 days each without administrative fees. Additional extensions requests will be subject to administrative fees. The extension requests shall be requested in writing and justifiable cause demonstrated.

DB. Section 105.8 Ownership of permits, add a new section to read as follows:

The ownership of a City of Lakewood permit shall inure to the property owner. The permit applicant is an agent of the owner, if not the property owner. Where ownership of the property has changed, the new owner shall submit a request to the building department to change the owner's name, or owner's agent on the building permit application.

EC. Section 107.3.4, Design professional in responsible charge, is amended by the addition of the following paragraphs (remainder unaffected):

Design professional is required for ~~the preparation of plans for any building or structure containing five or more residential dwelling units, or doing design work including preparing construction contract documents and administering the construction contract for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy over 4,000 square feet in floor area.~~

Design professional shall provide design and construction documents for alteration, change of use, or repairs to, a project or a project that is contained within a building of over 4,000 square feet in floor area and when the work contemplated affects life safety or structural systems. Life safety is affected if the work contemplated includes but is not limited to alteration of any fire rated construction; alteration of any means of egress including barrier free provisions defined by the building codes; alteration such that the number of occupants in the affected areas would be increased. The combined square footage of simultaneous projects shall not exceed 4,000 square feet. ~~impacts life safety or structure that is contained within a building of over 4,000 square feet in floor area.~~

FD. Section 109.4, Work commencing before permit issuance, is amended to read as follows:

Any person who commences work on a building, structure, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to ~~an investigation~~ a fee equal to the permit fee.

GE. Section 109.6, Refunds, is amended to read as follows:

The building official may authorize a refund of: one hundred percent (100%) of any fee paid erroneously; up to eighty percent (80%) of the permit fee for a permit that is withdrawn, if no work has been done under the permit; and up to eighty percent (80%) of the plan review fee paid when an application is withdrawn prior to any plan review having been done. No refund shall be authorized except on written application filed by the original applicant not later than one hundred eighty days after the date of the fee payment.

H. Section 110.3.10.1 Special Inspection add a new section to read as follows: Building official may require a special inspection for a particular item or system that when necessary to show conformance with the codes.

Section 110.3.11 Final Inspection is amended to read as follows:

The final inspection is to be made after all conditions of SEPA, Hearings Examiner, Design Review, Development Engineering, Stormwater, Tree Ordinance, West Pierce Fire and Rescue district, outside agencies are complied with, in addition to finish grading; and the building is completed and ready for occupancy.

I. Section 111.1 Change of occupancy.

A building or structure shall not be used or occupied, and a change of occupancy of a building or structure or portion thereof shall not 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.

FJ. Section 111.2, Certificate issued, is amended to read:

After the building ~~official~~ inspector inspects the building or structure and finds that it is in compliance with the applicable codes and regulations, the building official shall cause to be issued a Certificate of Occupancy on a form developed by the City to display the information pertinent to identify the facility and code requirements. Certificate of occupancy shall be posted at obvious place on the premises. Certificate of Occupancy may not be removed at any time except by Building Official.

KG. Section 113, Board of Appeals, is renamed "Appeals" and reads as follows:

113.1 Authority and Limitations

The hearing examiner system established by LMC 1.36 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.'

113.2 Limitations on Authority

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.

113.3 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.

LM. Section 114.4, Violation penalties, is amended to read as follows:

Any violation of a provision of the Lakewood Building Code is a misdemeanor, punishable by imprisonment for a term of up to ninety (90) days; by a fine of up to one thousand dollars (\$1,000); or by both.

M. Section 115.1, where the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order. Building owner may appeal the stop work order in accordance with section 113.

Section 115.3, Unlawful continuance, any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be subject to penalties as prescribed in section 114.4.

N. Section 202, Definitions. Add a definition of “Design Professional” and “major improvement” that reads:

Design Professional. A Washington State Licensed Architect governed by the Washington State Board of Registration for Architects, or a Washington State Licensed Engineer governed by the Washington State Board of Registration for Professional Engineers and Land Surveyors.

Major improvement. ~~m~~ M means all improvements to a structure (excluding normal maintenance and repair and life/safety improvements) which within a 72-month period exceeds a cumulative value of 50 percent of the current county assessed value of the structure. The value of improvements shall be as determined by the building official.

OP. Section 901.7, Fire areas, is revised to read as follows:

Where buildings, or portions thereof, are subject to the fire protection provisions of this chapter the use of fire walls, fire barriers or other means to divide fire area in order to not exceed the limits established for requiring a fire protection system in accordance with this chapter are prohibited.

PQ. Section 903.2, Where required, is amended to read as follows:

Approved automatic sprinkler systems shall be provided in all newly constructed buildings where the gross area including basements exceeds 5,000 square feet in fire area.

Approved automatic sprinkler systems shall be provided in ~~and in~~ existing buildings undergoing a Major Improvement, ~~which~~ where the area exceeds 5,000 square feet in ~~fire area~~ fire area and houses A, B, F, M, R-1, R-2 or S occupancies

Additionally, automatic sprinkler systems shall also be provided in any of the other situations described in 903.2., as required under WAC 51-50 and/or as follows:

Exceptions:

1. F-2 and S-2 occupancies of type IA, IB, IIA, IIB, IIA, IIIA or IIIB less than 12,000 square feet in area, unless required by other provisions of the code.
2. B occupancies located on a floor other than level of exit discharge that serves other occupancies are not allowed the use of the 5,000 square foot threshold.

QR. Section 903.2.7, Group M ~~or S-1~~. Section 903.2.7, item 4, is revised to read:

4. A Group M occupancy which exceeds 2,500 square feet used for the display and/or storage of upholstered furniture.

RS. Section 903.2.13. A new Section 903.2.13 is added and reads as follows:

Spray booths and rooms. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system.

TF. Section 903.3.1.1.1, Exempt Locations. Section 903.3.1.1.1 is amended by deletion of items 4, 5 and 6.

TH. Section 912.2, Location. Section 912.2 is amended to read as follows:

With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hoses connected to supply the system will not obstruct access to the building(s) for other fire apparatus. Fire department connections shall not be located closer than 50 feet from the structure or 1 1/2 times the building height, whichever is greater. The location shall be approved by the fire code official.

[Ord. 647 § 2, 2016; Ord. 641 § 5, 2016.]

Section 4: A revised section, 15.05.0700 of the Lakewood Municipal Code, entitled, "Amendments to International Residential Code, is amended to read as follows:

A. Table R302.2(1), Climatic and geographical design criteria, is amended to read as follows:

Ground <u>Roof</u> snow load	25 lbs. per sq. ft.
Wind speed (gusts) <u>(Basic)</u>	85 mph exposure B <u>110 mph Figure R301.2(5)A</u> <u>Exposure Site specific basis per R301.2.1.4</u>
Seismic Design Category	D2 <u>Table R301.2.2.1.1+</u>
Subject to damage from weathering	Moderate
Frost line depth	12 inches
Termite	Slight to moderate
Decay	Slight to moderate
Winter design temperature	22 <u>26</u> degrees Fahrenheit
Ice shield underlayment required	No
Flood hazards	Current FEMA map
Air freezing index	Not applicable
Mean annual temperature	50 degrees Fahrenheit
<u>Manual J Design Criteria</u>	
<u>Elevation</u>	<u>322</u> Feet
<u>Latitude</u>	<u>47</u> Degrees North
<u>Winter Heating</u>	<u>24</u> °F degrees Fahrenheit

<u>Summer cooling</u>	<u>82</u> °F degrees Fahrenheit
<u>Indoor design temperature</u>	<u>65</u> °F degrees Fahrenheit
<u>Design temperature cooling</u>	<u>82</u> °F degrees Fahrenheit

B. ~~Section 107, A~~ppendix V, is amended as follows:

An approved automatic fire sprinkler system shall be installed in new townhouses in accordance with Appendix U per state amendmentQ.

[Ord. 647 § 3, 2016; Ord. 641 § 6, 2016.]

Section 5: A revised section, 15.05.080 of the Lakewood Municipal Code, entitled, “Amendments to International Fire Code,” is amended to read as follows:

A. Section 104.1.1, Coordination with Other Departments. A new Section 104.1.1 is added to read as follows:

When requested and authorized to do so by the fire code official, the chief of police may assign such available police officers and the code compliance supervisor may assign such available code compliance officers as may be necessary to assist the Community and Economic Development Department and/or the fire department in enforcing provisions of this code.

B. Section 104.1.2, Inspection Authority. A new Section 104.1.2 is added to read as follows:

The fire code official and members of the fire prevention division have limited police powers for the purpose of enforcing the International Fire Code. Such powers shall include the ability to issue verbal and written notices of violation, ~~to~~ and determine appropriate timeframes within which violations shall be removed or repaired, ~~to issue infraction and criminal citations for violations of the International Fire Code and all applicable state and local fire regulations, and to enter, as necessary, buildings and premises for the purposes of inspection as necessary to and as described within the International Fire Code.~~ City of Lakewood Code Enforcement or Law Enforcement will issue infractions and criminal citations if necessary.

C. Section 104.1.3, Special Limited Commission. A new Section 104.1.3 is added to read as follows:

The scope of the special limited commission herein shall not grant the fire code official or any member of the fire prevention bureau any power of arrest and this special limited commission shall not grant any member, of the fire prevention division, authority to carry firearms or other weapons while conducting activities related to enforcement of the International Fire Code.

D. Section 105.6.50, Special Operation Permit. A new Section 105.6.50 is added to read as follows:

The fire code official is authorized to require and issue a special operational permit for any operation ~~determined to have the potential for presenting a hazardous condition~~ listed in Section 105.6 of the IFC. The operational permit will provide the ability to track and monitor the situation.

E. Section 105.7.20, Underground supply piping for automatic sprinkler system, is amended to read as follows:

A construction permit is required for the installation of the portion of the underground water supply piping, public or private, supplying a water-based fire protection system. The permit shall apply to all underground piping and appurtenances downstream of the first control valve on the lateral piping or service line from the distribution main to one foot above finished floor of the facility with the fire protection system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

Exception:

1. Underground piping serves a fire protection system installed in accordance with NFPA 13D.

F. Section 108.7.2, Testing and operation, is amended to read as follows:

Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code and references. To ensure all fire and life safety systems are free of deficiencies and current on testing the fire code official may utilize a third party confidence testing coordination and tracking method.

G. Section 110.5, Securing Property. A new Section 110.5 is added to read as follows:

The owner, occupant or other person having under his/her control any property or materials on a property damaged by fire or explosion shall, when ordered by the chief, immediately secure the property against entry or unauthorized access by the public, by boarding up all openings, fencing, barricading or utilizing other appropriate measures.

H. Section ~~113~~106.3, Work commencing before permit issuance, is amended to read as follows:

A person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to double the fees identified for such work, activity or operation as set forth in the adopted City fee schedule.

I. Section ~~113~~106.6, Nonprofit Organizations. A new Section 113.6 is added to read as follows:

Operational permits submitted by non-profit organizations will be charged fifty percent of fees. Non-profit organizations are organizations that have established a non-profit exemption from the Internal Revenue Service.

J. Section ~~113~~106.7, Permit Re-Inspection Fee. A new Section 113.7 is added to read as follows:

All initial fees include two field inspections. Inspections required in excess of two may incur additional fees. Re-inspections fees must be paid prior to scheduling an inspection.

K. Section 202, General Definitions, is amended as follows:

Fire department means West Pierce Fire District which is a municipal corporation in contract to provide services to the City of Lakewood

Fire Chief for the purpose of 104.11 means the Chief of West Pierce Fire District. For all other purposes the Fire Chief means the Fire Code Official.

The term "false alarm" is revised to read as follows:

A fire alarm causing emergency response by the fire department, which was initiated by one of the following:

1. A fire alarm system malfunction.
2. Improper maintenance of a fire alarm or an automatic fire suppression system.
3. Improper use or misuse of a fire alarm system or an automatic fire suppression system.
4. Damage to a fire alarm system or automatic fire suppression system due to carelessness while performing other procedures in the building.
5. The initiation of a fire alarm system during construction, painting, or other procedure in which care should have been taken to protect initiating devices from sending a false signal.

The term “fire apparatus access road” is renamed “emergency vehicle access.”

L. Section ~~320~~49, False Alarms. Add a new section to read:

False alarms causing response by emergency response shall be managed in accordance with ~~320~~49.1 and ~~320~~49.2.

M. ~~320~~49.1 False Alarm Complaints.

False alarm complaints shall be filed with the Fire Prevention Division by either the responding fire companies or by the Fire Communication Center.

N. ~~320~~49.2 Notification and invoicing

Upon receiving and verifying the validity of a false alarm complaint, the fire code official will notify the owner or manager of the premises to take corrective measures to eliminate problems causing the false alarms. The notice will state that ~~future false alarms at the referenced address occurring within twelve months of the original complaint~~ more than four false alarms in a calendar year, will result in an invoice for costs in accordance with the city’s master fee schedule.

O. Section 503, Fire Apparatus Access Roads, as published in the IFC (unamended by WAC), is adopted and is renamed “Emergency Vehicle (EV) Access” and is amended as follows:

P. Section 503.2.1, ~~Width~~, is renamed “503.2.1, Dimensions” ~~is~~ and amended to read as follows:

EV access servicing not more than two dwelling units shall not be less than fifteen (15) feet wide. EV access for all other projects shall not be less than 24 feet with no parking, twenty-eight (28) feet with parking on one side and thirty-two (32) feet with parking on both sides. Unobstructed vertical clearance of not less than 13 feet 6 inches shall be provided. With approval of the City and Fire Marshal a reduced vertical clearance may be approved provided such reduction does not impair EV Access and approved signs are installed and maintained.

Q. Section 503.2.3, Surface, is amended to read as follows:

EV access shall be designed and maintained to support the imposed loads of fire apparatus and shall be paved with asphalt or concrete so as to provide all-weather driving capabilities. Exception: access designated “Emergency Vehicles Only” may be designed by a licensed engineer and can be alternative surfacing, as approved by the City engineer.

R. Section 503.2.4, Turning radiusi, is amended to read as follows:

A minimum outside turning radius of forty-five (45) feet shall be provided for all EV Access.

S. Section 503.2.5, Dead ends, is amended to read as follows:

Dead-end emergency access roads in excess of 150 feet in length shall be provided with an approved area for turning around emergency vehicles. Dead end turn around specifications shall comply with added sections 503.2.5.1 through 503.2.5.5.

T. 503.2.5.1 Commercial.

Commercial/industrial projects may utilize a roundabout or hammerhead design.

U. Reserved.

V. Reserved.

W. 503.2.5.4 Additions or alterations.

Alterations or tenant improvements, on a dead end access road or interior dead end access drive aisle, that increase the number of uses to the site shall construct an EV turnaround.

X. 503.2.5.5 Turn around design.

Hammerhead turnarounds and cul-de-sac design shall comply with the latest edition of the City of Lakewood Engineering Standards Manual.

~~Y. Section 503.2.6, Bridges and elevated surfaces, is not adopted.~~

YZ. 503.2.7 Grade.

The maximum grade (vertical profile grade) of an EV access shall be fifteen (15) percent. All sections of EV accesses with grades over twelve (12) percent shall be paved with 0.17 feet compacted asphalt concrete or its cement concrete equivalent.

ZAA. Section 503.3, Marking, is amended to read as follows:

Approved striping or signs shall be provided and maintained for fire apparatus roads to identify such roads and prohibit the obstruction thereof. Signs and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

1. Striping. Painted lines of red traffic paint shall mark fire apparatus access six (6) inches in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" shall appear in four (4) inches of white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

2. Signs. Signs shall read "NO PARKING FIRE LANE" and shall be twelve (12) inches wide and eighteen (18) inches high. The signs shall have letters and background of contrasting colors, readily legible from a fifty (50) foot distance. Signs shall be permanently affixed to a stationary post and bottom of the sign shall be six feet, six inches (6'6") above finished grade. Signs shall be spaced not more than fifty (50) feet

apart. Signs may be installed on permanent buildings or walls or as approved by the code official.

~~AABB~~. Section 503.6, Security gates, is amended to read as follows:

The installation of security gates across EV access ways shall be approved by the fire code official and meet the requirements in 503.6.1 through 503.6.3.

~~BBC~~. 503.6.1 Residential development access.

Gates which serve ten (10) or more dwelling units shall have an Opticom activation system or an equivalent and compatible system that is approved by the fire chief.

~~CCDD~~. 503.6.2 Knox key access.

Gates shall have rapid-entry key capabilities compatible with the local fire district per IFC, Section 506.

~~DDEE~~. 503.6.3 Automated gate.

All electrically-activated gates shall have default capabilities to the unlocked position.

~~EEFF~~. Section 503.7, Modifications. Add a new Section 503.7, Modifications, to read as follows:

Where site conditions do not allow full compliance, the fire code official may modify emergency vehicle access requirements as necessary to ensure adequate accessibility for emergency responders.

~~FFGG~~. Section 505.1, Address identification, is amended to read as follows:

Building address identification shall comply with added sections 505.1.1 and 505.1.2.

~~GGHH~~. 505.1.1 Commercial.

New and existing commercial buildings shall have approved address numbers, building numbers or approved building identification placed high on the building to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of twelve (12) inches high. Individual unit/suite or space numbers or letters shall be four (4) inches in size and contrasting with the background and visible from the approach side or angle.

~~HHH~~. 505.1.2 Residential.

New and existing residential structures shall have approved address numbers placed in the position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be a minimum of four (4) inches high with a minimum stroke of one half (0.5) inch for buildings that are under fifty (50) feet of the street, six (6) inches high with a minimum stroke of one half (0.5) inch for buildings that are over fifty (50) feet of the street. Where access is by means of a private road or driveway and the building cannot be viewed from a public way, a monument, pole or other sign shall be used to identify the structure.

~~IJJ~~. Section 507.3.1, Residential Fire Flow Limitations. A new section is added to read as follows:

Residential additions that add more than 50% of the original square footage, which fail to meet required fire flow and/or hydrant distances shall be required to install a fire sprinkler system complying with Section 903.3.1.3.

~~JKKK~~. Section 507.5.1, Where required, is amended to read as follows:

Any facility or building hereafter constructed or moved into or within the jurisdiction shall be required to provide a hydrant(s), where required by the fire code official, in accordance with appendix C.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirements shall be 350 feet.
2. For Group R-1 and R-2 occupancies, no point of the building shall exceed a 500-foot hose lay distance using a fire department access route between the hydrant and building.
3. 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 500 feet.

~~KKLL~~. Section 507.5.1.2 is added to read as follows:

507.5.1.2 Hydrant for fire department connection.

A fire hydrant shall be installed no more than 100 feet from any fire department connection.

~~LLMM~~. Section 507.5.7 is added to read as follows:

Section 507.5.7 Hydrant setback.

All fire hydrants shall be installed at least two (2) feet, but not more than nine (9) feet, from the curb face of a paved street or edge of a designated approved fire access roadway.

All fire hydrants placed on private property shall be adequately protected by either curb stops or concrete post or other approved methods. Such stops shall be the responsibility of the landowner on which the fire hydrant is installed.

~~MMNN~~. Section 507.5.9 is added to read as follows:

Section 507.5.9 Hydrant marking.

An approved blue, two (2) sided reflector shall be utilized to identify each hydrant location. The reflector shall be affixed to the centerline of each roadway or fire access lane.

~~NNOO~~. Section 507.5.10 is added to read as follows:

Section 507.5.10 Hydrant distance to building.

Fire hydrants shall not be closer than fifty (50) feet to a structure or one and one half (1 1/2) times the height of the structure, whichever is greater.

~~OOPP~~. Section 901.7, Systems out of service, is renamed "Fire watch personnel required" and amended to read as follows:

The Fire Chief or ~~his or her~~their designee, shall determine when Fire Department personnel must conduct a fire watch due to code requirements, excessive occupant load, the unusual nature of the event, the use of pyrotechnics or fireworks, the existence of a hazardous condition, the inoperability of the fire protection system, or other conditions affecting the safety at the event or ~~at the property~~. The person responsible for the facility shall pay ~~a fee~~ per the fee schedule for associated costs. If more than one person is required for the fire watch, the person responsible for the facility shall pay a fee per the fee schedule. The Fire Chief or designee ~~will~~may notify the responsible person of the period of the fire watch and the resulting fee prior to the event.

~~PPQQ~~. Section 1103.8.1, Where required, is amended with the addition of the following sentence:

The use of listed exceptions shall not apply to Group R-2 occupancies.

~~QQRR~~. LMC 15.05.060(E) through (K) inclusive shall be considered to also amend collocated references in the International Fire Code. [Ord. 648 § 8, 2016; Ord. 641 § 7, 2016.]

Section 6: A revised section, 15.05.090 of the International Property Maintenance Code to read as follows:

A. All references in the IPMC to “code official” are amended to read as “Public Officer.”

~~A. All references in the IPMC to “code official” are amended to read as “public officer.”~~

~~BB~~. Section 101.2, Scope, is amended to read as follows:

101.2 Scope and Purpose

Pursuant to chapter 35.80 of the Revised Code of Washington (RCW), the City Council finds that there are within the City of Lakewood, dwellings which are unfit for human habitation and buildings, structures, and premises or portions thereof which are unfit for other uses due to dilapidation, disrepair, structural defects, unpermitted and substandard construction or modification, filth and other conditions attracting insects or vermin or likely to spread disease, defects increasing the hazards of fire, accidents, or other calamities, or other similar conditions and violations of various building, health, and safety regulations, and/or which are vacant, unsecured, and abandoned or apparently abandoned.

Such dwellings, buildings, structures, and premises are dangerous to occupants, threaten the public health, safety, and welfare, attract and harbor vagrants and criminals, offend public values, lower the value of neighboring properties, contribute to neighborhood or community deterioration, and hamper community and economic development.

When the owners or other persons in possession or control of such properties are unwilling or unable to correct such conditions in a proper and timely manner, it is in the interest of the community for the City to intervene and correct, repair, or remove such buildings, structures, and conditions and to pursue all legal means to recover from such persons and/or properties the costs of doing so, including the costs of staff salaries and benefits, materials, contractors, and all other legally recoverable costs and expenses.

~~CC~~. Section 104.1, General, is amended to read as follows:

104.1 Authority of ~~Public Officer~~Public Officer

The ~~Public Officer~~Public Officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter. These powers shall

include the following in addition to others granted in this Chapter: (a)(i) To determine which dwellings are unfit for human habitation; (ii) to determine which buildings, structures, or premises are unfit for other use; (b) to administer oaths and affirmations, examine witnesses, and receive evidence; and (c) to investigate the dwelling and other property conditions and to enter upon premises for the purpose of making examinations when the ~~Public Officer~~Public officer has reasonable ground for believing they are unfit for human habitation, or for other use, PROVIDED, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted; PROVIDED FURTHER that the ~~Public Officer~~Public Officer may recognize and give appropriate effect to special and extenuating circumstances which, in order to do substantial justice, warrant the exercise of discretion to adjust the timeframes, standards and other provisions of this chapter. Examples of circumstances which may warrant such exercise of discretion include, without limitation, medical illness or disability affecting a property owner's ability to respond to orders or appear at hearings and bona fide insurance coverage disputes which create a definite risk that enforcement of this chapter would unfairly result in a substantial economic loss to the property owner.

~~DD.~~ Section 107, Notices and Orders, is renamed "Section 107, Procedures."

~~EE.~~ Section 107.1, Notice to person responsible, is replaced as follows:

107.1 Inspection and Complaint

If, after a preliminary investigation of any dwelling, building, structure, or premises, the ~~Public Officer~~Public Officer finds that it is dangerous or unfit for human habitation or other use, he shall cause to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the Pierce County Auditor, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building, structure, or premises is unfit for human habitation or other use. If the whereabouts of any of such persons is unknown and the same cannot be ascertained by the ~~Public Officer~~Public Officer in the exercise of reasonable diligence, and the ~~Public Officer~~Public Officer makes an affidavit to that effect, then the serving of such complaint or order upon such persons may be made either by personal service or by mailing a copy of the complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the building involved in the proceedings, and mailing a copy of the complaint and order by first class mail to any address of each such person in the records of the Pierce County Treasurer-Assessor or Auditor. Such complaint shall contain a notice that a hearing will be held before the ~~Public Officer~~Public Officer, at a place therein fixed, not less than ten days nor more than thirty days after the serving of the complaint; and that all parties in interest shall be given the right to file an answer to the complaint, to appear in person, or otherwise, and to give testimony at the time and place in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the ~~Public Officer~~Public Officer. A copy of such complaint shall also be filed with the Pierce County Auditor and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

~~FF.~~ Section 107.2, Method of service, is replaced as follows:

107.2 Findings and Order.

A. If, after the required hearing, the ~~Public Officer~~Public Officer determines that the dwelling is dangerous or unfit for human habitation, or building or structure or premises is unfit for other appropriate use, he/she shall state in writing his/her findings of fact in support of such

determination, and shall issue and cause to be served upon the owners and parties in interest thereof, as provided in this section, and shall post in a conspicuous place on the property, an order that (i) requires the owners and parties in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, structure, or premises to render it fit for human habitation, or for other appropriate use, or to vacate and close the dwelling, building, structure, or premises, if such course of action is deemed proper on the basis of the standards set forth in this section; or (ii) requires the owners and parties in interest, within the time specified in the order, to remove or demolish such dwelling, building, structure, or premises, if this course of action is deemed proper on the basis of those standards. If no appeal is filed, a copy of such order shall be filed with the Pierce County Auditor.

B. In ordering the required course of action to be taken by the owner to abate the unfit or dangerous structure, the ~~Public Officer~~ Public Officer may order the structure or a portion thereof demolished and not repaired under the following circumstances:

- i. The structure is patently illegal with regard to building, zoning, or other regulations;
- ii. The estimated cost to repair the structure or portion thereof is more than 50% of the value of the structure or portion thereof; or,
- iii. The estimated cost to repair the structure or portion thereof is less than 50% of the value and repairing and/or securing the structure from entry would, nevertheless, cause or allow the structure to remain a hazard or public nuisance.

The value of the structure shall be as determined by the Pierce County Assessor-Treasurer. In estimating the cost of repairing the structure, the ~~Public Officer~~ Public Officer may rely upon such cost estimating publication or method the Building Official deems appropriate.

~~GG.~~ Section 110.1, General, is amended by the addition of the following paragraph:

In enforcement of this section, the ~~Public Officer~~ public officer may have the structure demolished, even if the order does not require demolition, if the estimated cost to repair the structure or portion thereof is less than 50% of the current county assessed value of the structure, value and the structure is abandoned or the owner is unresponsive, and repairing and/or securing the structure from entry would, nevertheless, cause or allow the structure to remain a hazard or public nuisance, continue a non-conforming use, or otherwise be an unreasonable use of public funds.

~~HH.~~ Section 111, Means of Appeal, is deleted and replaced as follows:

111 Appeals.

Within thirty days from the date of service upon the owner and posting of the decision issued by the ~~Public Officer~~ Public Officer, the owner or any party in interest may file an appeal with the City Clerk for a hearing before the Hearing Examiner. The rules for hearings before the Hearing Examiner shall be those specified in Chapter 1.36 LMC. In addition to the provisions of Chapter 1.36 LMC, all matters under this Chapter shall be resolved by the Hearing Examiner within sixty days from the date of filing therewith and a transcript of the findings of fact of the Examiner shall be made available to the owner or other party in interest upon demand. The findings and orders of the Hearing Examiner shall be reported in the same manner and shall bear the same legal consequences as if issued by the ~~Public Officer~~ Public Officer.

Absent an injunction issued by a court of competent jurisdiction, the decision of the Hearing Examiner shall be final thirty days after issuance.

I. Section 112.4, Failure to comply, is deleted and replaced as follows:

Any person who shall continue any work 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 liable to a fine of five hundred dollars (\$500.00) per incident.

J. A new section titled 113 Enforcement of Order, is added.

~~K~~K. Section 113.1, Enforcement of order, is added and reads as follows:

If the owners or parties in interest, following exhaustion of his or her rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, structure, or premises, the ~~Public Officer~~Public Officer_ may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated and closed, removed, or demolished.

In the enforcement of this section, the ~~Public Officer~~Public Officer_ is authorized to enter the structure and/or premises for inspection, testing, sampling, or other purposes preparatory to and in the conduct of the repairs, demolition, or other actions, to hire contractors as necessary to perform the work, and to spend public funds to complete the work.

~~L~~L. Section 113.2, Sale or disposal of materials, is added and reads as follows:

Prior to removing or demolishing the dwelling, building, structure, or premises, the ~~Public Officer~~Public Officer_ shall, if reasonably possible, attempt to sell the materials and/or contents of the dwelling, building, structure, or premises, and shall credit the proceeds of such sale against the cost of the removal or demolition and, if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the ~~Public Officer~~Public Officer_, after deducting the costs incident thereto.

~~M~~M. Section 113.3, Recovery of expenses, is added and reads as follows:

The amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the ~~Public Officer~~Public Officer_, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Pursuant to RCW 35.80.030(1)(h), the amount of such costs shall constitute a lien against the property of equal rank with state, county, and municipal taxes.

For purposes of this section, the cost of vacating and closing shall include (i) the amount of relocation assistance payments that a property owner has not repaid to the City of Lakewood or other local government entity that has advanced relocation assistance payments to tenants under RCW 59.18.085; (ii) all penalties and interest that accrue as a result of the failure of the property owner to timely repay the amount of these relocation assistance payments under RCW 59.18.085; and (iii) all other reasonable expenses, including but not limited to, the costs of staff time, materials, incidentals, mailing, publishing, and recording notices. Upon certification to him, by the ~~Public Officer~~Public Officer_, of the assessment amount being due and owing, the County Assessor/Treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020 for delinquent taxes, and when collected to be deposited to the credit of the general fund of the City.

N. Section 202 Definition, add "Public Officer"

"Public Officer" shall mean any officer who is in charge of any department or branch of the government of the municipality or county relating to health, fire, building regulation, or other activities concerning dwellings, buildings, structures, or premises in the municipality or county.

Section 7. Scrivener Corrections. The City Council authorizes the Community & Economic Development Department (CEDD) to make scrivener corrections as they may be found to be needed for codification.

Section 8: Savings Clause: No offense committed and no penalty or forfeiture incurred prior to the effective date of this Ordinance nor any proceeding undertaken to enforce the provisions so repealed shall be affected by such a repeal and the same shall proceed in all respects, as if such provision had not been repealed. Furthermore, any act undertaken pursuant to any provision so repealed is not intended to be lost, impaired or affected by this Ordinance.

Section 9: Severability: If any sections, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of component jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 10: Effective Date: This Ordinance shall be in full force and effect thirty (30) days after publication of the Ordinance Summary, and no later than February 1, 2021.

ADOPTED by the Lakewood City Council on this 7th day of December, 2020.

CITY OF LAKEWOOD



Don Anderson, Mayor

Attest:



Briana Schumacher, City Clerk

Approved as to Form:



Heidi A. Wachter, City Attorney