CITY OF AUBURN WASHINGTON

PLANNING COMMISSION MEETING

May 17, 2016
AGENDA

I. CALL TO ORDER – 7:00 p.m., Council Chambers

A. ROLL CALL/ESTABLISHMENT OF QUORUM
B. PLEDGE OF ALLEGIANCE

II. APROVAL OF MINUTES

A. May 3, 2016

III. PUBLIC COMMENT
Comment from the audience on any item not listed on the agenda for discussion or public hearing.

IV. PUBLIC HEARING

A. ACC Title 15 Revisions, Building Code Update* (Krum)
Summary: The Washington State Building Code Council will be adopting updated building code and related standards as well as updating associated amendments, effective July 1, 2016. This is a regular update that occurs every three (3) years in response to code updates published by the International Code Council.

B. Proposed Amendments Related to the Keeping of Animals* (Gouk)
Summary: Combining two sections of Auburn City Code related to the keeping of animals, along with minor amendments to make the code more clear and concise.

V. OTHER BUSINESS
There are no other business items schedules.

VI. COMMUNITY DEVELOPMENT REPORT
Update on Community Development activities.

VII. ADJOURNMENT

The City of Auburn Planning Commission is an eight member advisory body that provides recommendations to the Auburn City Council on the preparation of and amendments to land use plans and related codes such as zoning. Planning Commissioners are appointed by the Mayor and confirmed by the City Council.

Actions taken by the Planning Commission are not final decisions; they are in the form of recommendations to the City Council who must ultimately make the final decision.

DRAFT

PLANNING COMMISSION

May 3, 2016

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA.

A. ROLL CALL/ESTABLISHMENT OF QUORUM

Planning Commission Members present were: Chair Judi Roland, Vice-Chair Copple, Commissioner Mason, Commissioner Lee, and Commissioner Smith.

Staff present included: City Attorney Dan Heid, Assistant Director of Community Development Jeff Tate, Planning Services Manager Jeff Dixon, Development Services Manager Jason Krum, Senior Planner Thaniel Gouk, Inspector Kelly Kosko, Valley Regional Fire Authority (VRFA) Deputy Fire Marshal Karen Stewart, and Administrative Assistant Tina Kriss.

Members of the public present: Shirley Chittenden

b. PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. March 8, 2016

Commissioner Copple moved and Commissioner Lee seconded to approve the minutes from the March 8, 2016 meeting as written.

MOTION CARRIED UNANIMOUSLY 5-0

III. PUBLIC COMMENT

There were no public comments on any item not listed on the agenda for discussion or public hearing.

IV. PUBLIC HEARING

No items were brought forward for public hearing.

V. OTHER BUSINESS

A. **ACC Title 15 Revisions, Building Code Update**

Development Services Manager Jason Krum provided background information in reference to the proposed ACC Title 15 building code update. The Washington State Building Code Council will be adopting updated building code and related standards as well as updating associated amendments, effective July 1, 2016. These updates occur every three (3) years in response to code updates published by the International Code Council. In response to the updates at the state level, the city also updates its codes to incorporate the latest code revisions. The City also may have some ability to modify to fit local circumstnaces.

Staff reviewed the proposed revisions of Title 15 of the Auburn City Code (ACC) Title 15 with the Commission. The vast majority of the changes to ACC Title 15 are housekeeping items with a few substantive changes, staff reviewed the substantive changes.

The Commission and staff discussed Chapter 12, K. International Swimming Pool and Spa Code and item M. International Green Construction Code. A discussion was held regarding Chapter 15.36A.025, Section 105.6A. regarding mobile food vehicles.

Commissioner Smith asked if he could have more information regarding Chapter 15.06.010 M. International Green Construction Code. Commissioner Smith explained that without a better understanding the current code and the proposed changes it would be difficult to recommend updates. Assistant Director Tate explained that this code section is not required but is optional code section for a contractor to implement and that staff will transmit to the Commission the language that is in the International Green Construction Code that speaks to it being an optional path for construction in addition to providing other information regarding the code.

The Commission had no further questions. Staff stated this item will be returning before the Commission for a public hearing May 17, 2016.

B. **Proposed Amendments Related to the Keeping of Animals**
Senior Planner Thaniel Gouk provided the staff report on the proposed amendments related to the Keeping of Animals in follow up to the discussions with staff at the February 2, 2016 and March 8, 2016 planning commission meetings.

Staff reviewed the updates with the Commission, explaining that the purpose was to improve ease of use and clarify the code by combining the two existing sections of code into one and also includes some additional items that Staff has encountered in the past such as requests for keeping honey bees.

The Commission and staff discussed the definition of pigeons and asked that pigeons be specifically listed under the definition at 18.04.325, “Domestic Fowl”.

The Commission and staff discussed the definition of medium sized domestic animals and the specifics of size and weight of 24 inches and 150 pounds. The Commission thought it would be beneficial to add language “or similar size” to the definitions of 18.04. Sections 4, 5, and 6 in order to include other animals that might not be specifically listed.

A discussion was held regarding miniature horses and animals, specifically what category they would fall under for height and weight. The Commission asked staff to consider drafting language that would include miniature animals under the definition of medium domestic animals. Staff will research the size and weight details of miniature animals and return to the Commission with updated language.

A discussion was held regarding ACC 18.31.220 “Permitted Animals”, and specifically, Section A. 2. “Small domestic animals”. The allowable number noted is four (4); the Commission raised concerns that if a household has fish, gerbils, cats, dogs, and birds it would be over the limit of small domestic animals (4) based on the currently proposed definition—and questioned if that was the intent of the code . The Commission and staff discussed the intent of the code and the Commission recommended that staff add language that would clarify the intent, adding language that would exclude fish and other types of small domestic animals which were not intended to be considered within this definition such as, fish, birds, and gerbils, hamsters. Staff confirmed they would work to draft language for this definition and return with a proposal for updated language to clarify the intent of the code.

The Commission and staff discussed set backs for coops and runs relating to domestic fowl and City Attorney Heid provided examples of draft amortization language to address pre-existing nonconforming uses. The Commission recommended providing a period of time for violators to become compliant should the city or Code Enforcement staff find a citizen out of compliance after the effective date of the amended code, even beyond the 30 days past from the effective date of the adoption of the ordinance. City Attorney Heid confirmed that he will work with staff to draft language that would provide amortization language for the ordinance. The intent is to generally provide this opportunity for any individual to bring his or her conduct or activity into conformity with the amended code within 30 days.

The Commission and staff discussed code violations on excessive domestic animals and the types of complaints for the past five (5) years. Staff confirmed that they will bring back to the Commission information on the available historical records on code violations regarding exceedance of the number limits for domestic animals.

A discussion was held regarding the practical difficulties in enforcing noise limits with reference to various animals. The difficulty is in both witnessing the actual occurrence of the violation and the imprecision in calibrated equipment to measure the actual noise levels to enforce noise limits. Staff explained that providing space separation through the setbacks proposed within these regulations would assist to mitigate noise issues

VI. COMMUNITY DEVELOPMENT REPORT

Assistant Director Tate reported that Chair Roland, Director Snyder and he conducted interviews for the vacant Planning Commission positions. After conducting the interviews, recommendations were passed forward to Mayor Backus, the recommendations were accepted. On May 16, 2016 the Mayor will be bringing forward recommendations to appoint additional Planning Commission members at the May 16, 2016 regular City Council meeting. He indicated that there were three highly desirable candidates and they are recommending appointment of three members to bring the Planning Commission to eight members as allowed by code.

Assistant Director Tate provided a brief video on the City’s Downtown Façade Improvement Program which began in 2015 and will be continuing through 2016.

On January 4, 2016 the City adopted a one-year moratorium on retail marijuana establishments because of the uncertainty regarding the State licensing, administrative procedures and rules regarding retail establishments. Due to additional challenges the City was working through with the Washington State Liquor and Cannabis Board, the City adopted Ordinance No. 6595 prohibiting production, processing and retail outlets and sales of marijuana in all zones of the City, and terminating the moratorium implemented pursuant to Resolution No. 5194. The City is concerned about the regulatory instability at the state level and will be continuing to work through these issues as they proceed forward in determining the city's regulatory process moving forward.

Recently the City issued the permit for "The Estates at Hillside Gardens", it is a 125-unit senior housing community off Howard Road SE. There are grading activities proceeding for The Promenade project, a 294-unit mixed use project on SE 312th ST on Lea Hill.

Another mixed use project is "The Reserve" project west of Lowes Hardware, containing 297 senior units and 295 multi-family units with 11,000 square feet of commercial, continues to progress and get closer to having all city approvals.

Multicare Auburn Medical Center is continuing to make significant investments in downtown; they are currently working on a 12 million dollar emergency room renovation project at the existing Multicare facility and also recently acquired five parcels west from their site.

Also, a new micro-brewery restaurant is working through the process to open a new location on Main Street East.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 9:20 p.m.

CITY OF AUBURN WASHINGTON

MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
Ron Copple, Vice-Chair, Planning Commission
Planning Commission Members

FROM: Jason Krum, Development Services Manager

DATE: April 25, 2016

RE: Building Code Update (ACC Title 15)

The Washington State Building Code Council will be adopting updated building code and related standards as well as updating associated amendments, effective July 1, 2016. This is a regular update that occurs every three (3) years in response to code updates published by the International Code Council.

Attached for your reference are marked up revisions of Title 15 of the Auburn City Code Title 15l; text underlined represents additions and words stricken represents deletions. The following revisions and amendments to are proposed for consistency with the State adoption, current City amendments, and proposed City amendments.

While it may appear as though there are a significant number of changes proposed in Title 15, the vast majority are minor and/or housekeeping items. City staff will facilitate a discussion to highlight those proposed changes that are substanative versus those that reflect minor updates and housekeeping items.

Title 15

BUILDINGS AND CONSTRUCTION[1]

Chapters:

15.04 General Provisions
15.06 International Codes
15.07 Construction Administrative Code
15.08 ***Repealed***
15.08A Building Code
15.12 ***Repealed***
15.16 ~~Dangerous Buildings Code~~*Repealed*
15.28 Electrical Code
15.32 Sign Code
15.36 ***Repealed***
15.36A Fire Code
15.38 ***Repealed***
15.38A Fire Protection Requirements
15.40 ~~Smoke Detectors~~*Repealed*
15.48 Moving Buildings
15.52 Building Numbering
15.56 Security Alarm Systems
15.64 Swimming Pools
15.68 Flood Hazard Areas
15.72 ***Repealed***
15.74 Land Clearing, Filling and Grading
15.76 Historic Preservation

[1] For public works construction specifications, see Ch. 12.04 ACC.

Chapter 15.04

GENERAL PROVISIONS

Sections:

15.04.010 Purpose.
15.04.030 Administration and enforcement.
15.04.040 Forms and notices.
15.04.050 *Repealed.*
15.04.060 Constitutionality or invalidity.
15.04.070 Conflicting ordinances.
15.04.080 Violation – Penalty.
15.04.090 Enforcement.

15.04.010 Purpose.
In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for promotion of the safeguarding of life or limb, health, property and public welfare. (Ord. 2856 § 2, 1974; 1957 code § 2.01.010.)

15.04.030 Administration and enforcement.
The Washington State Building Code Act provides for the administration and enforcement of this title by the city within its corporate limits. (Ord. 2856 § 2, 1974; 1957 code § 2.01.040.)

15.04.040 Forms and notices.
All forms and notices required for the administration of the State Building Code Act shall be furnished by the city. (Ord. 2856 § 2, 1974; 1957 code § 2.01.050.)

15.04.050 Administrative officials.
Repealed by Ord. 5874. (Ord. 2856 § 2, 1974; 1957 code § 2.01.060.)

15.04.060 Constitutionality or invalidity.
If any section, subsection, clause or phrase of this title is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portion of this title, and each section, subsection, sentence, clause or phrase of this title would have been prepared, proposed, adopted and approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases were declared invalid or unconstitutional. (Ord. 3288 § 4, 1978.)

15.04.070 Conflicting ordinances.
All ordinances or parts of ordinances in conflict with this title are repealed, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this title. (Ord. 3288 § 5, 1978.)

15.04.080 Violation – Penalty.
Unless another ~~penally~~penalty is expressly provided by law, any violation of this chapter shall be enforced pursuant to the provisions of Chapter 1.25 ACC. (Ord. 4502 § 14, 1991; Ord. 3609 § 4, 1981.)

15.04.090 Enforcement.
Pursuant to ACC 15.07.030 and 15.07.040 the building official is authorized to enforce the provisions of this title.

Recognizing the authority and responsibility vested in the director under the codes adopted by this title, the building official is authorized to promulgate such rules, policies and/or procedures as deemed necessary to carry out the intent of this title and provide for the efficient operation of the permit process as it may be administered by the building official and staff. In so doing, the building official may, from time to time, and notwithstanding other provisions of this title:

A. Record with the county auditor's office notices of building permit and/or land use compliance related activity regarding a specific site, which, after reasonable efforts in working with a property owner, is not brought into conformance with the provisions of this title, or notices and orders as called for under the dangerous buildings code; and/or

B. Call upon the Auburn police chief to assist in the enforcement of this title. The chief or his designee is authorized to issue criminal citations for violations of this title when criminal sanctions are appropriate under the Auburn City Code. (Ord. 5874 § 2, 2004.)

Chapter 15.06

INTERNATIONAL CODES[1]

Sections:

15.06.010 International codes adopted.
15.06.020 Conflicts between codes.
15.06.030 *Repealed.*
15.06.040 Penalties and enforcement.
15.06.050 Documents to be filed and available for public inspection.

15.06.010 International codes adopted.

There is adopted by reference, upon the effective date of the ordinance codified in this chapter and upon filing with the city clerk one copy thereof, the following described chapters of the Washington Administrative Code, International Codes and standards, and Uniform Plumbing Code and standards together with appendix chapters, amendments, deletions and additions as set forth in this section or in the appropriate chapters in this code.

A. International Building Code adopted. The ~~2012~~2015– ~~E~~edition of the International Building Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-50 WAC, ~~as published by the International Code Council,~~ is adopted by reference with amendments, deletions and additions thereto as provided in Chapter 15.08A ACC, Building Code.

B. International Residential Code ~~Adopted~~adopted. The ~~2012~~2015– e~~E~~dition of the International Residential Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-51 WAC, ~~as published by the International Code Council,~~is adopted by reference, including Chapter 11, "Energy Efficiency," ~~and~~ Chapters 25 through ~~42~~33, "Plumbing," and Chapters 34 through 43, "Electrical,~~,~~" ~~is adopted with the following amendments:~~

~~1. Appendix Chapter G, "Swimming Pools, Spas and Hot Tubs," is hereby adopted.~~

~~2. [Reserved.]~~

C. International Mechanical Code ~~Adopted~~adopted. The ~~2012~~2015– ~~Edition~~ edition of the International Mechanical Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC~~, as published by the International Code Council~~, is adopted by reference.

D. International Fire Code ~~Adopted~~adopted. The ~~2012~~2015– ~~E~~edition of the International Fire Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-54A WAC, ~~as published by the International Code Council~~is adopted by reference with amendments, deletions and additions thereto as provided in ACC Chapter 15.36A ~~ACC,~~ Fire Code.

E. National Fuel Gas Code (NFPA 54) ~~Adopted~~adopted. The ~~2012~~2015– ~~E~~edition of ANSI Z223.1/ NFPA 54 National Fuel Gas Code, as published by NFPA, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, ~~as published by NFPA,~~ is adopted by reference.

F. Liquefied Petroleum Gas Code (NFPA 58) ~~Adopted~~adopted. The ~~2012~~ 2015 ~~E~~edition of the Liquefied Petroleum Gas Code, as published by NFPA, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, ~~as published by NFPA,~~ is adopted by reference.

G. International Fuel Gas Code ~~Adopted~~adopted. The ~~2012~~ 2015 ~~E~~edition of the International Fuel Gas Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, ~~as published by the International Code Council,~~ is adopted by reference.

H. Uniform Plumbing Code ~~Adopted~~adopted. The ~~2012~~ 2015 e~~E~~dition of the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, as adopted and hereafter amended by the State Building Code Council in Chapter 51-56 WAC, ~~as published by the International Code Council,~~ is adopted by

reference, including Chapter 12, "Fuel Piping," Chapter 1~~5~~4, "Firestop Protection," Appendix A, "Recommended Rules for Sizing the Water Supply System," Appendix B, "Explanatory Notes on Combination Waste and Vent Systems," Appendix C, "Alternate Plumbing Systems," Appendix I, "Installation Standards," and those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel-fired appliances as found in Chapter 5 and those portions of the code addressing building sewers~~, is adopted with the following amendments:~~

~~1. Appendix Chapter A, "Recommended Rules for Sizing the Water Supply System"; and~~

~~2. Appendix Chapter B, "Explanatory Notes on Combination Waste and Vent Systems"; and~~

~~3. Appendix Chapter I, "Installation Standards"; and~~

~~4. Appendix Chapter H, "Grease Interceptors"; and~~

~~5. Appendix Chapter L, "Alternate Plumbing Systems," excluding Sections L5 through L7 and "Lawn Sprinkler Head" from Table 6-4 of Appendix L, are hereby adopted.~~

I. International Energy Conservation Code adopted. The 2015 edition of the International Energy Conservation Code, as published by the International Code Council, as amended by the State Buidling Code Council in Chapters 51-11C and 51-11R. The most current Washington State Energy Code as established under Chapter 19.27A RCW (most recently amended in 2012). The Washington State Energy Code, as adopted and hereafter amended by the State Building Code Council in Chapters 51-11C and 51-11R WAC, is adopted.

J. International Property ~~Management~~ Maintenance Code ~~Adopted~~adopted. The 2015~~2012~~ ~~E~~edition of the International Property ~~Management~~ Maintenance Code, as published by the International Code Council, excluding Chapter 1, Section 111, "Means of Appeal," is ~~hereby~~ adopted by reference. (Ord. 6469 § 1, 2013; Ord. 6310 § 1, 2010; Ord. 6104 § 1, 2007; Ord. 5874 § 3, 2004; Ord. 5184 § 2, 1998; Ord. 4754 § 2, 1995; Ord. 4566 § 5 (Exh. A), 1992.)

K. International Swimming Pool and Spa Code adopted. The 2015 edition of the International Property Management Code, as published by the International Code Council, excluding Chapter 4, "Public Swimming Pools," Chapter 5, "Public Spas and Public Exercise Spas," and Chapter 6, "Aquatic Recreation Facilities," is adopted by reference.

L. International Existing Building Code adopted. The 2015 edition of the International Existing Building Code, as published by the International Code Council, and hereafter amended by the State Building Code Council in Chapter 51-50-480101, is adopted.

M. International Green Construction Code adopted. The 2015 edition of the International Green Construction Code, as published by the International Code Council is adopted by reference, as an optional reference for developers who choose to utilize elements of the code for guidance.

15.06.020 Conflicts between codes.
In case of conflict between codes enumerated in ACC 15.06.010(A) through (JM~~)~~, the first named code shall govern over those following; except where, in any specific case, different sections of these codes specify different materials, methods of construction or other requirements, the most restrictive shall govern; and where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. In the case of a conflict between the International Green Construction Code and the City of Auburn Design Standards, Surface Water Management Manual, or Construction Standards, the City of Auburn Standards shall govern. (Ord. 6469 § 1, 2013; Ord. 5874 § 3, 2004; Ord. 5184 § 2, 1998; Ord. 4754 § 2, 1995; Ord. 4566 § 5 (Exh. A), 1992.)

15.06.030 Exceptions.
Repealed by Ord. 5874. (Ord. 5184 § 2, 1998; Ord. 4754 § 2, 1995; Ord. 4566 § 5 (Exh. A), 1992.)

15.06.040 Penalties and enforcement.
A. Unless specifically directed or assigned otherwise, violations of or failures to comply with any of the codes adopted by this chapter shall be prosecutable in the court of limited jurisdiction authorized to hear cases of the city.

B. Unless a different city penalty is specifically provided for a violation of or failure to comply with any of the codes adopted by this chapter, violations of and failures to comply with the requirements of the codes adopted by this chapter shall constitute offenses of the same description, class and category of offense as are indicated in the adopted code. The penalty for any such offense identified or identifiable as a misdemeanor for which no penalty is specifically provided shall be punishable by imprisonment in the appropriate city or county jail for a period of up to 90 days and a fine of up to $1,000, or by both such fine and imprisonment. The penalty for any such offense identified or identifiable as a gross misdemeanor for which no penalty is specifically provided shall be punishable by imprisonment in the appropriate city or county jail for a period of up to one year and a fine of up to $5,000, or by both such fine and imprisonment. The penalty for any such offense identified or identifiable as an infraction for which no penalty is specifically provided shall be punishable in accordance with ACC 1.25.050.

C. The penalty provisions hereof are in addition to other enforcement and remedy provisions of the codes adopted by this chapter and of the chapters of this title. (Ord. 6469 § 1, 2013; Ord. 6429 § 13, 2012; Ord. 5874 § 3, 2004; Ord. 5683 § 38, 2002.)

15.06.050 Documents to be filed and available for public inspection.
The codes, appendices, and standards set forth in this chapter shall be filed with the city clerk and a copy made available for use and examination by the public, pursuant to RCW 35A.12.140. (Ord. 6469 § 1, 2013; Ord. 5874 § 3, 2004.)

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[1] For statutory provisions authorizing code cities to adopt construction codes by reference, see RCW 35A.12.160.

Chapter 15.07

CONSTRUCTION ADMINISTRATIVE CODE

Sections:

15.07.010 General.
15.07.020 Applicability.
15.07.030 Enforcement agency.
15.07.040 *Repealed*.
15.07.050 Permits.
15.07.060 Use of consultants.
15.07.070 *Repealed*.
15.07.080 Fees.
15.07.090 Inspections.
15.07.100 Certificate of occupancy.
15.07.110 Maintenance.
15.07.120 *Repealed*.
15.07.130 Appeals – Hearing examiner.
15.07.140 *Repealed*.
15.07.150 *Repealed*.
15.07.160 Unsafe structures and equipment – Evacuation.

15.07.010 General.

A. Title. These regulations shall be known as the Construction Administrative Code of the city of Auburn.

B. Scope. The provisions of this code shall apply to the administration of the technical codes as adopted by the state of Washington and as listed:

1. a. ~~2012~~ 2015 International Building Code – Chapter 51-50 WAC;

b. ~~2012~~ 2015 International Residential Code – Chapter 51-51 WAC;

c. ~~2012~~ 2015 International Mechanical Code – Chapter 51-52 WAC;

d. 2015 International Fire Code – Chapter 51-54A WAC;

~~d~~e. ~~2012~~ 2015 National Fuel Gas Code (NFPA 54) – Chapter 51-52 WAC;

~~e~~f. ~~2012~~ 2015 Liquefied Petroleum Gas Code (NFPA 58) – Chapter 51-52 WAC;

~~f~~g. ~~2012~~ 2015 International Fuel Gas Code – Chapter 51-52 WAC;

~~g~~h. ~~2012 International Fire Code – Chapter 51-54A WAC;~~2015 Uniform Plumbing Code – Chapter 51-56 WAC;

~~h~~i. ~~2012 Uniform Plumbing Code – Chapter 51-56 WAC;~~2015 International Energy Conservation Code – Chapters 51-11C and 51-11R WAC;

~~i~~j. 2015 International Property Maintenance Code; ~~2012 National Electrical Code (NEC) – Chapters 19.28 RCW and 296-46B WAC.~~

k. 2015 International Swimming Pool and Spa Code;

~~j~~l. ~~The most current Washington State Energy Code as established under Chapter 19.27A RCW (most recently amended in 2012). The Washington State Energy Code, as adopted and hereafter amended by the~~

~~State Building Code Council in Chapters 51-11C and 51-11R WAC, is adopted.~~ 2015 International Existing Building Code;

~~k~~m. ~~2012 International Green Construction Code. The mandatory measures of this code will be used if the applicant opts to use green construction technology.~~ 2015 International Green Construction Code;

2. Exceptions. The provisions of this code shall not apply to work located primarily in a public way, public utility towers and poles and hydraulic flood control structures.

3. Definitions. For the purpose of this chapter, certain terms, phrases, words and their derivatives shall have the meanings set forth in this subsection. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third International Dictionary of the English Language, Unabridged latest edition, shall be considered as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine; provided, that any reference to "fire department" in this title or the codes adopted hereunder shall be understood to include the Valley Regional Fire Authority. (Ord. 6469 § 2, 2013; Ord. 6310 § 2, 2010; Ord. 6104 § 2, 2007; Ord. 5874 § 4(101), 2004.)

15.07.020 Applicability.
A. General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern except that the hierarchy of the codes named in Chapter 19.27 RCW shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

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

C. Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

D. Referenced Codes and Standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

E. Partial Invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions. (Ord. 6469 § 2, 2013; Ord. 6310 § 3, 2010; Ord. 6104 § 3, 2007; Ord. 5874 § 4(102), 2004.)

15.07.030 Enforcement agency.
The community development and public works~~planning and development~~ department~~, building division~~ –is hereby designated as the agency responsible for enforcement of building codes, and the official in charge thereof shall be known as the building~~-~~ official, and Section 103 of Chapter 1 of the 2012 International Building Code is hereby amended consistent therewith. (Ord. 6469 § 2, 2013; Ord. 5874 § 4(103), 2004.)

15.07.040 Duties and powers of code officials.
Repealed by Ord. 6310. (Ord. 5874 § 4(104), 2004.)

15.07.050 Permits.
A. Application for Permit. Applicants shall file an application in writing on a form furnished by the building department for that purpose. Applications determined by the building official to be in compliance with this section shall be deemed as complete. Such application shall:

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~~ with the tax parcel number assigned pursuant to RCW 84.40.160, and the street address, when available.~~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, and construction type ~~-~~for which the proposed work is intended.

4. Be accompanied by construction documents and other information as required in this code.

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.

~~8. In addition to information in subsections (A)(1) through (7) of this section, applications for permits governing construction projects costing $5,000 or more shall also contain the following information:~~

~~a. The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor;~~

~~b~~8~~.~~ Include ~~T~~the property owner's name, address, and phone number;

9. Include

~~c. T~~the prime contractor's business name, address, phone number, current state contractor registration number and city business license.~~; and~~

~~d. Either:~~

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

~~ii. 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;~~

B. ~~e.~~ The information required on the building permit application ~~by subsection (A)(8)(a) through (10d)~~ of this section shall be set forth on the building permit document which is issued to the owner, and on the inspection record card which shall be posted at the construction site;

~~f~~1. The information required by ~~subsection (A)(8) through (10) of~~ this section and information supplied by the applicant after the permit is issued, ~~under subsection (A)(8)(g) of this section~~ shall be kept on record in the office where building permits are issued and made available to any person on request~~. If a copy is requested, a reasonable charge may be made;~~ in a manner consistent with public disclosure requirements of the State.

~~g~~2. If any of the information required by ~~subsection (A)(8) through (10) of~~ this section is not available at the time the application is submitted, the applicant shall note what information is not available. The unavailability of that information shall not cause the application to be deemed incomplete for the purposes of vesting under this section. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information. (Ord. 6469 § 2, 2013; Ord. 6310 § 4, 2010; Ord. 6266 § 1, 2009; Ord. 6104 § 4, 2007; Ord. 5874 § 4(105), 2004.)

15.07.060 Use of consultants.

Whenever review of a building permit application requires retention ~~by this jurisdiction~~ for professional consulting services, the applicant shall reimburse this jurisdiction the cost of such professional consulting services. This fee shall be in addition to the normal plan review and building permit fees. ~~This jurisdiction~~The city may require the applicant to deposit an amount with this jurisdiction estimated in the discretion of the building official to be sufficient to cover anticipated costs to retaining professional consultant services and to ensure reimbursement for such costs. (Ord. 6469 § 2, 2013; Ord. 6310 § 5, 2010; Ord. 5874 § 4(106), 2004.)

15.07.070 Temporary structures and uses.
Repealed by Ord. 6310. (Ord. 5874 § 4(107), 2004.)

15.07.080 Fees.
A. Work Performed Without a Permit. An investigation fee, in addition to the permit fee, may be collected. The investigation fee shall be equal to either the amount of the permit fee required by this code or the cost of the labor to perform the investigation. 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.

B. Plan Review Fees.

1. When submittal documents are required by ACC 15.07.050, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The building official and/or the fire code official may have the option to charge a deposit in lieu of the full plan review fee, if the full amount is not known at the time. Any plan review deposit shall be applied toward the total plan review fee owed. The actual permit fees and related plan review fee shall be determined upon completion of the plan review and the balance owing shall be paid at the time of permit issuance. The plan review fee shall be a separate fee from the permit fees specified in this section and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in IBC Section 107.3.4.2, an additional plan review fee shall be charged at the rate shown in the fee code established by the jurisdiction.

2. ~~Registered Plan Program~~Stock Plan Program. When plans are submitted under the ~~jurisdiction's "registered plan program~~stock plan program," a plan review fee shall be paid at the time of application for ~~a~~ each ~~registered~~ stock plan. The building official may have the option to charge a partial deposit, in lieu of the full plan review fee. All portions of fees paid as a deposit amount shall be applied to the total plan review fees owed. The applicant shall be required to pay the balance of amount owed for the plan review. Valuations used to compute the permit fees shall include all options submitted with a registered plan. When a registered plan consists of a number of plan options that can produce any number of similar but different buildings, the building official may charge plan review fees based on each different building configuration. Plan review fees shall be paid for at the time of application for a building permit. ~~The building official may have the option to charge a partial deposit, in lieu of the full plan review fee. All portions of fees paid as a deposit amount shall be applied to the total plan review fees owed. The applicant shall be required to pay the balance of the amount owed for the plan review.~~ The plan review fees specified in this subsection are separate fees from the permit fees specified in the fee code, and are in addition to the permit fees.

~~B. Performance Bonds. Prior to the issuance of a demolition permit, the applicant or agent shall post a cash bond with the building department in the amount of $300.00, which sum shall be refundable upon inspection and final approval. However, if a permanent bond is on file with the finance director, the applicant or agent shall post a cash bond in the amount of $200.00.~~

C. Refunds.

1. Before Permit Issuance. 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 canceled 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 application.

2. After Permit Issuance. The building official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. When no work has been done under a permit issued in accordance with this code, ~~T~~the building official may authorize refunding of not more than ~~80 percent of the permit fee paid~~ the full amount of the permit fee paid, less the current rate of the Additional Re-submittal Fee adopted by the City of Auburn Fee Schedule; ~~when no work has been done under a permit issued in accordance with this code~~ except that no refunds will be processed for permits 360 days from date of expiration where no work has been done. (Ord. 6469 § 2, 2013; Ord. 6310 § 6, 2010; Ord. 6104 § 5, 2007; Ord. 5874 § (108), 2004.)

15.07.090 Inspections.
The city will conduct inspections as prescribed in the latest adopted copy of the International Building Code with the exceptions as noted below:

A. IMC/UPC/GAS/NEC Rough-In Inspection. Rough-in mechanical, gas piping, plumbing and electrical shall be inspected when the rough-in work is complete and under test. No connections to primary utilities shall be made until the rough-in work is inspected and approved.

~~B. Flashing and Exterior Weather Barrier Inspection. Flashing and exterior weather barrier inspections shall be made after all materials have been installed, but prior to any of the work being covered.~~

~~C~~B. Energy Efficiency Inspection – Envelope.

1. Wall Insulation Inspection. To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

2. Glazing Inspection. To be made after glazing materials are installed in the building.

3. Exterior Roofing Insulation. To be made after the installation of the roof insulation, but before concealment.

4. Slab/Floor Insulation. To be made after the installation of the slab/floor insulation, but before concealment.

~~D~~C. Special Inspections. In addition to the inspections specified above, the building official is authorized to make or require special inspections above the requirements as stated in Chapter 17 of the 2015 International Building Code for any type of work related to the technical codes by an approved agency at no cost to the jurisdiction. (Ord. 6469 § 2, 2013; Ord. 6310 § 7, 2010; Ord. 6104 § 6, 2007; Ord. 5874 § 4(109), 2004.)

15.07.100 Certificate of occupancy.
A. 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 of the building or structure shall be made until the building official has issued a certificate of occupancy as provided for in this section. 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 this jurisdiction.

B. Exception. Certificates of occupancy are not required for work exempt from permits under Section 105.2 of the 2015 International Building Code and 2015 International Residential Code or for R-3 and U occupancies.

C. The building official is authorized under ACC 12.66.080 to evaluate the condition of public improvements that service and/or are adjacent to the lot upon which the building has been constructed. If the building activity has damaged adjacent public sidewalks, landscaping, streets or utilities the building official is authorized to withhold final inspection approval until the facilities are corrected. The building official with the city engineer approval may accept a guarantee of repair under special circumstances as determined by the city.

D. Section 111 of Chapter 1 of the ~~2012~~ 2015 International Building Code and International Residential Code is hereby amended consistent therewith. (Ord. 6469 § 2, 2013; Ord. 6310 § 8, 2010; Ord. 5874 § 4(110), 2004.)

15.07.110 Maintenance.
A. Maintenance of Safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards. Such device, equipment, system, condition, arrangement, level of protection, or any other feature shall be maintained in accordance with IFC Sections 107.1 through 107.6. (Ord. 6469 § 2, 2013; Ord. 5874 § 4(111), 2004.)

15.07.120 Service utilities.
Repealed by Ord. 6310. (Ord. 5874 § 4(112), 2004.)

15.07.130 Appeals – Hearing examiner.

In order to hear and decide appeals of orders, decisions or determinations made by the building official or fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of the city of Auburn's appointed hearing examiner.

A. Appeal to Hearing Examiner.

1. Appointment and Term. 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, except as provided in Chapter 70.92 RCW, a hearing examiner shall be appointed by the mayor as provided elsewhere in this code.

2. Duties. The examiner shall conduct an appeal hearing as provided herein, enter findings of fact and conclusions of law based upon those facts and a decision which is final action subject to appeal as provided herein.

3. Conflict of Interest. The examiner shall not conduct or participate in any hearing or decision in which the examiner has a direct or indirect personal interest which might exert such influence upon the examiner that might interfere with his decision-making process. Any actual or potential conflict of interest shall be disclosed by the hearing examiner to the parties immediately upon discovery of such conflict. Participants in the hearing process have the right, insofar as possible, to have the examiner free from personal interest or pre-hearing contacts on issues considered by him/her. It is recognized that there is a countervailing public right to free access to public officials on any matter. If such personal or pre-hearing interest contact impairs the examiner's ability to act on the matter, the hearing examiner shall state and shall abstain therefrom to the end that the proceeding is fair and has the appearance of fairness, unless all parties agree in writing to have the matter heard by said examiner. If all parties do not agree and the hearing examiner must abstain, the mayor shall be notified and the mayor shall appoint a hearing examiner pro tem to sit in the hearing examiner's stead.

4. Freedom from Improper Influence. No council member, city official, or any other person shall attempt to interfere with or improperly influence the examiner or examiner pro tempore in the performance of his/her designated duties.

5. Duties of the Examiner – Applications and Decisions. For cases and actions as prescribed by ordinance, the examiner shall receive and examine available information, conduct public hearings, prepare a record thereof, and enter findings of fact, conclusions based upon those facts, and a decision. As provided herein, such decision is final action subject to appeal as provided herein.

6. Application of Appeal and Filing Fee – Form of Appeal. Any person receiving a decision or determination made by the building official relative to the application and interpretation of this code may appeal such determination or decision under this code by paying the filing fee as set forth in the city of Auburn fee schedule and filing at the office of the building official a written application of appeal containing:

a. A heading in the words: "Before the Hearing Examiner of the City of Auburn."

b. A caption reading: "Appeal of Building Official or Fire Code Official Decision or Determination," giving the names of all appellants participating in the appeal.

c. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the determination or decision.

d. A brief statement in ordinary and concise language of the specific action protested, together with any material facts claimed to support the contentions of the appellant.

e. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested action should be reversed, modified or otherwise set aside.

f. The signatures of all parties named as appellants and their official mailing addresses.

g. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

7. Processing Application of Appeal. Upon receipt of any application of appeal filed pursuant to this section together with the filing fee in the amount as set forth in the city of Auburn fee schedule, the building official or fire code official shall, within two working days of receipt of an application, determine whether the application is complete. If complete, the application shall be accepted. If not complete, the building official or fire code official shall request that the applicant provide additional information as necessary to complete the application. The applicant shall be advised of the date of acceptance of the application.

8. Scheduling and Noticing Appeal for Hearing. As soon as practicable after acceptance of the written application of appeal, the examiner shall fix a date, time and place for the hearing of the appeal. Such date shall be not less than 10 days nor more than 90 days from the date the application of appeal was filed with the building official or fire code 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 examiner 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 his address shown on the appeal.

9. Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with provisions of this section shall constitute a waiver of any right to an administrative hearing and adjudication of the building official's or fire code official's decisions or determinations.

10. Scope of Hearing on Appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

11. Hearing Procedures.

a. Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the examiner.

b. Reporting. The proceedings at the hearing shall also be reported by a phonographic reporter if requested by any party thereto. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the examiner, but shall in no event be greater than the cost involved.

c. Continuances. The examiner may grant continuances for good cause shown.

d. Oaths – Certification. In any proceedings under this section, the examiner has the power to administer oaths and affirmations and to certify to official acts.

e. Reasonable Dispatch. The examiner shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

f. Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information: "You are hereby notified that a hearing will be held before (name of hearing examiner) at _____ on the ___ day of _____, 20__ at the hour of ____, upon the notice and order served upon you. You may be present at the hearing. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with (name of hearing examiner)."

g. Subpoenas.

i. The examiner may issue subpoenas for the attendance of witnesses or the production of other evidence at a hearing upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in

detail to the issues involved; and states that the witness has the desired things in his possession or under his control. A subpoena need not be issued when the affidavit is defective in any particular.

ii. Penalties. Any person who refuses without lawful excuse to attend any hearing or to produce material evidence in his possession or under his control as required by any subpoena served upon such person as provided for herein shall be guilty of a misdemeanor punishable as provided in ACC 1.24.010.

h. Conduct of Hearing.

i. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

ii. Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

iii. Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

iv. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

v. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

vi. Rights of Parties. Each party shall have these rights among others:

(A) To call and examine witnesses on any matter relevant to the issues of the hearing;

(B) To introduce documentary and physical evidence;

(C) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

(D) To impeach any witness regardless of which party first called him to testify;

(E) To rebut the evidence against him;

(F) To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

vii. Official Notice.

(A) What May Be Noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or official records of departments and ordinances of the city.

(B) Parties to Be Notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

(C) Opportunity to Refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the official noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the hearing examiner.

(D) Inspection of the Premises. The hearing examiner may inspect any building or premises involved in the appeal during the course of the hearing; provided, that (1) notice of such inspection shall be given to the parties before the inspection is made, (2) the parties are given an opportunity to be present during the inspection, and (3) or the hearing examiner shall state for the record upon completion of the

inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the hearing examiner.

viii. Limitation of Testimony. The examiner has the right to limit the time a witness may testify.

12. Form and Effective Date of Decision. The decision shall be in writing and shall contain findings of fact, conclusions of law, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested. The effective date of the decision shall be as stated therein.

13. Rights Granted – Right to Appeal. Nothing in this section shall be construed as granting any right of judicial review which does not previously exist in law. The decision of the examiner or examiner pro tem shall be final and exclusive. A writ of review must be sought in the superior court of King or Pierce County, if at all, by an aggrieved party or person.

14. Limitations of Authority. The examiner shall have no authority relative to interpretation of the administrative provisions of this code or the technical codes nor shall the examiner be empowered to waive requirements of this code or the technical codes. (Ord. 6469 § 2, 2013; Ord. 6104 § 7, 2007; Ord. 5874 § 4, 2004.)

15.07.140 Violations.
Repealed by Ord. 6310. (Ord. 5874 § 4(114), 2004.)

15.07.150 Stop work order.
Repealed by Ord. 6310. (Ord. 5874 § 4(115), 2004.)

15.07.160 Unsafe structures and equipment – Evacuation.
The fire code official or the building official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the fire code official or the building official in charge of the incident. (Ord. 6469 § 2, 2013; Ord. 6310 § 9, 2010; Ord. 6104 § 8, 2007; Ord. 5874 § 4(116), 2004.)

Chapter 15.08

BUILDING CODE

(Repealed by Ord. 5874)

Chapter 15.08A

BUILDING CODE

Sections:

15.08A.011 Adoption of International Building Code.
15.08A.021 Appendices adopted.
15.08A.031 Section 501.2 amended – Premises identification.
15.08A.041 Section 516 added – Recyclable materials and solid waste storage.
15.08A.051 Section 903.1 amended – General.
15.08A.061 *Repealed*.
15.08A.071 Section 3408.1 amended – Conformance.

15.08A.011 Adoption of International Building Code.
The ~~2012~~ 2015 International Building Code, as adopted and hereafter amended by the State Building Code Council, and included in Chapter 51-50 WAC, is adopted as the building code of the city; provided, that the amendments, deletions and additions thereto as provided in this chapter shall govern over the published provisions of the International Building Code. (Ord. 6469 § 3, 2013; Ord. 6310 § 10, 2010; Ord. 6104 § 9, 2007; Ord. 5874 § 6, 2004.)

15.08A.021 Appendices adopted.
~~International Building Code Appendix Chapter A, Employee qualifications, Chapter~~ Appendix E, "Supplementary Accessibility Requirements," Appendix G, "Flood-resistant Construction," Appendix ~~Chapter~~ H, "Signs," ~~Appendix Chapter J, "Grading,"~~ and Appendix ~~Chapter~~ I~~M~~, "~~2012 International Existing Building Code~~Patio Covers," are hereby adopted. (Ord. 6469 § 4, 2013; Ord. 6310 § 11, 2010; Ord. 6104 § 10, 2007; Ord. 5874 § 6, 2004.)

15.08A.031 Section 501.2 amended – ~~Premises~~ Address identification.
International Building Code Section 501.2 is amended to read as follows:

> Premises identification. Approved numbers or addresses shall be provided as required by ACC Chapter 15.52.
>
> (Ord. 5874 § 6, 2004.)

15.08A.041 Section 516 added – Recyclable materials and solid waste storage.
A new Section 516 and Table No. 5-F are added to Chapter 5 of the International Building Code to read as follows:

> A. Recyclable Materials and Solid Waste Storage.
>
> 1. For the purpose of this section, the following definition shall apply: Recycled Materials means those solid wastes that are separated for recycling or reuse, such as papers, metals and glass.
>
> 2. All new buildings shall provide space in accordance with Table No. 5-F for the storage of recycled materials and solid waste; EXCEPTION: Group R, Division 3 and Group U Occupancies.
>
> 3. The storage area shall be designed to meet the needs of the occupancy, efficiency of pick-up, and shall be available to occupants and haulers.
>
> 4. Storage and Handling of Recyclables and Solid Waste shall comply with the 2003 Edition of the International Fire Code, Chapter 3, Section 304.

TABLE NO. 5-F – RECYCLABLE MATERIALS AND SOLID WASTE STORAGE AREA REQUIREMENT

OCCUPANCY	AREA REQUIREMENTS
OFFICE	2 SF Per 1,000 SF of Gross Floor Area
RETAIL	5 SF Per 1,000 SF of Gross Floor Area
WHOLESALE	
WAREHOUSE	
INDUSTRIAL	3 SF Per 1,000 SF of Gross Floor Area
EDUCATIONAL	
INSTITUTIONAL	2 SF Per 1,000 SF of Gross Floor Area
RESIDENTIAL	Min. 12 SF Plus 1.5 SF Per Unit; One Collection Area Per 30 Units located within 200 feet.

(Ord. 5874 § 6, 2004.)

15.08A.051 Section 903.1 amended – General.
International Building Code Section 903.1 is amended to read as follows:

Section 903.1 General. Fire extinguishing systems required in this code shall be installed in accordance with the requirements of this section. See Auburn City Code 15.38A.

Fire hose threads used in connection with fire-extinguishing systems shall be national standard hose thread or as approved by the fire department.

The location of fire department hose connections shall be approved by the fire department.

In buildings used for high-piled combustible storage, fire protection shall be in accordance with the Fire Code.

(Ord. 5874 § 6, 2004.)

15.08A.061 Section 1704.12 amended – Exterior insulation and finish systems.
Repealed by Ord. 6310. (Ord. 5874 § 6, 2004.)

~~**15.08A.071 Section 3408.1 amended – Conformance.**~~
~~International Building Code Section 3408.1 is amended to read as follows:~~
~~Section 3408.1 Conformance. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code, the International Residential Code (WAC 51-51), the International Mechanical Code (WAC 51-52), the International Fire Code (WAC 51-54), the Uniform Plumbing Code and Standards (WAC 51-56 and 51-57), the Washington State Energy Code (WAC 51-11) and the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13) for new buildings or structures.~~
~~Exception: Group R-3 buildings or structures are not required to comply if:~~

~~1. The original occupancy classification is not changed, and~~
~~2. The original building is not substantially remodeled or rehabilitated.~~
~~For the purposes of this section a building shall be considered substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.~~
~~Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.~~

~~Prior to issuance of a permit to move a structure into the jurisdiction, the applicant shall provide a performance bond to the City Treasurer for an amount to be determined by the City Council. Structures moved into the jurisdiction shall be completed within 90 days.~~
~~(Ord. 5874 § 6, 2004.)~~

Chapter 15.12

HOUSING CODE

(Repealed by Ord. 6104)

Chapter 15.16

DANGEROUS BUILDINGS CODE[1]

(Repealed by Ord. ####)

~~Sections:~~
~~15.16.010 Section 401(c) amended – Service of notices and orders.~~
~~15.16.020 Section 801(b) amended – Costs.~~
~~15.16.030 Section 802 – Repair and demolition fund deleted.~~
~~15.16.040 Section 902 amended – Report transmitted to council – Set for hearing.~~
~~15.16.050 Section 905(c) amended – Personal obligation or special assessment.~~
~~15.16.060 Section 908(b) amended – Lien of assessment.~~
~~15.16.070 Section 909 amended – Report to assessor and county treasurer – Addition of assessment to tax roll.~~
~~15.16.080 Section 910 amended – Filing of report with county auditor.~~
~~15.16.090 Section 912 amended – Recovered moneys.~~

~~**15.16.010 Section 401(c) amended – Service of notices and orders.**~~

~~Chapter 4, Section 401(c) of the Uniform Code for the Abatement of Dangerous Buildings is amended and shall read as follows:~~

~~c. Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner, and posted on the property; and one copy thereof shall be served on each of the following if known to the Building Official or disclosed from official public records; the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located.~~

~~If the whereabouts of such persons is unknown and the same cannot be ascertained by the Building Official in the exercise of reasonable diligence and the Building Official shall make an affidavit to that effect, then the serving of such compliant or order upon such person may be made by publishing the same each week, for two consecutive weeks, in the official newspaper of the city of Auburn.~~

~~The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this Section.~~

~~(Ord. 4378 § 2, 1990.)~~

~~**15.16.020 Section 801(b) amended – Costs.**~~

~~Section 801(b) of the Uniform Code for the Abatement of Dangerous Buildings shall be amended to read as follows:~~

~~(b) Costs. The cost of such work shall be paid from such account as deemed appropriate by the Finance Director.~~

~~(Ord. 4378 § 2, 1990.)~~

~~**15.16.030 Section 802 – Repair and demolition fund deleted.**~~

~~Section 802 of the Uniform Code for the Abatement of Dangerous Buildings is deleted. (Ord. 4378 § 2, 1990.)~~

~~**15.16.040 Section 902 amended – Report transmitted to council – Set for hearing.**~~

~~Section 902 of the Uniform Code for the Abatement of Dangerous Buildings shall be amended to read as follows:~~

~~Sec. 902. Upon receipt of said report, the clerk of this jurisdiction shall present it to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date and place for hearing said report and any protests or objections thereto. The clerk of this jurisdiction shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as his name and address appear on the last equalized assessment roll of the county if such so appear, or as known to the clerk and to persons entitled to notice pursuant to Subsection (c) of Section 401. Such notice shall be given at least 10 days prior to the date set for hearing and shall specify the day, hour and place when the legislative body will hear and pass upon the director's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.~~

~~(Ord. 4378 § 2, 1990.)~~

~~**15.16.050 Section 905(c) amended – Personal obligation or special assessment.**~~

~~Section 905, subsection (c) of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended as follows:~~
~~(c) Special Assessment and Lien. If the legislative body of this jurisdiction orders that the charge shall be assessed against the property it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property which shall be of equal rank with state, county and municipal taxes.~~
~~(Ord. 4378 § 2, 1990.)~~

~~15.16.060 Section 908(b) amended – Lien of assessment.~~

~~Section 908, subsection (b) of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:~~
~~(b) Interest. All such assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of twelve percent per annum plus penalties from and after said date as provided for in RCW 84.56.020, as now or hereafter amended for delinquent taxes.~~
~~(Ord. 4378 § 2, 1990.)~~

~~15.16.070 Section 909 amended – Report to assessor and county treasurer – Addition of assessment to tax roll.~~

~~Section 909 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended as follows:~~
~~Sec. 909. After confirmation of the report, certified copies of the assessment and lien shall be given to the assessor and the county treasurer for this jurisdiction, who shall enter the amount of the 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 34.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the municipality.~~
~~(Ord. 4378 § 2, 1990.)~~

~~15.16.080 Section 910 amended – Filing of report with county auditor.~~

~~Section 910 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended as follows:~~
~~Sec. 910. If the county assessor and the county treasurer assess property and collect taxes for this jurisdiction, a certified copy of the assessment shall be filed with the county auditor. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.~~
~~(Ord. 4378 § 2, 1990.)~~

~~15.16.090 Section 912 amended – Recovered moneys.~~

~~Section 912 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended as follows:~~
~~Sec. 912. All money recovered by payment of the charge of assessment or from the sale of the property at foreclosure sale shall be paid to the Finance Director, who shall credit the same to the appropriate account.~~
~~(Ord. 4378 § 2, 1990.)~~

[1] ~~Prior legislation: 1957 code §§ 2.05.010 – 2.05.040; Ords. 2856, 4189.~~

Chapter 15.28

ELECTRICAL CODE[1]

Sections:
15.28.010 Generally.

15.28.010 Generally.

All electrical wiring, equipment and appliances shall be in conformity with the statutes of the state. No additional permits or licenses shall be required other than as required by state law. (Ord. 2856 § 2, 1974; 1957 code § 2.13.010.)

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[1] For statutory provisions on electrical installations, see Ch. 19.28 RCW.

Chapter 15.32

SIGN CODE

Sections:

15.32.010 Additional provisions adopted.
15.32.020 Sign fees, inspections and general requirements.
15.32.030 Sign permit – City's revocation right.
15.32.040 Sign permit – Revocation.
15.32.050 Appeal and appeal procedures.

15.32.010 Additional provisions adopted.
In addition to the provisions of the ~~Uniform Sign Code, 1997~~2015 International Building Code, Appendix H, "Signs,"~~,~~ there is adopted by reference and incorporated in this chapter by this reference Chapter 18.56 ACC entitled Signs. (Ord. 6310 § 12, 2010; Ord. 4777 § 2, 1995; Ord. 4569 § 2 (Exh. A), 1992; Ord. 4368 § 2, 1990; Ord. 4189 § 10, 1986.)

15.32.020 Sign fees, inspections and general requirements.
Sign fees, inspections and general requirements shall be as provided in Chapter 18.56 ACC entitled Signs. (Ord. 4777 § 2, 1995; Ord. 3609 § 15, 1981.)

15.32.030 Sign permit – City's revocation right.
All rights and privileges acquired under the provisions of this chapter, or any amendments hereto, are mere licenses revocable at any time by the city council, and all such permits shall contain this provision. (Ord. 4777 § 2, 1995; Ord. 2856 § 2, 1974; 1957 code § 2.06.030.)

15.32.040 Sign permit – Revocation.
The building ~~inspector~~ official is authorized and empowered to revoke any permit issued by him upon failure of the holder to comply with any provision of this chapter. (Ord. 4777 § 2, 1995; Ord. 2856 § 2, 1974; 1957 code § 2.06.040.)

15.32.050 Appeal and appeal procedures.
The appeal and appeal procedures contained in Chapter 15.08 ACC and any future amendments thereto are adopted by reference and incorporated in this chapter. (Ord. 4777 § 2, 1995; Ord. 4569 § 4 (Exh. B), 1992.)

Chapter 15.36

FIRE CODE

(Repealed by Ord. 5874)

Chapter 15.36A

FIRE CODE

Sections:

15.36A.011 Adoption.
15.36A.021 *Repealed*.
15.36A.025 Section 105.6 Operational Permits.
15.36A.031 Fire service features.
15.36A.041 Sections 903 ~~and 2305~~ amended – ~~Housekeeping and maintenance.~~Automatic Sprinkler Systems.
15.36A.045 Section 3205 amended – Housekeeping and maintenance.
15.36A.051 *Repealed.*
15.36A.061 *Repealed*.
15.36A.063 Appendix D amended – Fire Apparatus Access Roads
15.36A.071 Violation – Penalty.
15.36A.081 Definitions.
15.36A.091 Fire alarm and detection systems.

15.36A.011 Adoption.
The 2015 edition of the International Fire Code~~, 2012 Edition~~, as published by the International Code Council, as adopted and hereafter amended ~~in~~ by the State Building Code Council in Chapter 51-54A WAC~~, effective July 1, 2010, together with amendments, additions, and deletions adopted in this chapter,~~ including ~~Appendix B, "Fire Flow Requirements for Buildings," Appendix C, "Fire Hydrant Locations and Distribution,"~~ Appendix D, "Fire Apparatus Access Roads," ~~and~~ Appendix E, "Hazard Categories~~.~~," and Appendix H, "Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions," is adopted by reference with amendments, additions, and deletions thereto as provided in this chapter. Chapter 15.38A ACC and this chapter shall be controlling within the jurisdiction of the city. The manufacture, storage, handling, sale, and use of fireworks shall be governed by Chapter 70.77 RCW and by Chapter 212-17 WAC and Chapter 8.24 ACC, Fireworks, consistent with Chapter 212-17 WAC. (Ord. 6469 § 5, 2013; Ord. 6310 § 13, 2010; Ord. 6104 § 11, 2007; Ord. 5874 § 10, 2004.)

15.36A.021 Section 108 amended – Appeals.
Repealed by Ord. 6310. (Ord. 5874 § 10, 2004.)

15.36A.025 Section 105.6 Operational Permits

Section 105.6 of the International Fire Code, entitled "Required operational permits," is adopted with the following addition:

A. Commercial kitchens – All commercial kitchens with a type I or type II hood require an operational permit.

15.36A.031 Fire service features.
Chapter 5 of the International Fire Code, entitled "Fire Service Features," is adopted with the following amendments:

A. Fire Apparatus Access Roads – Marking. Section 503 of the International Fire Code, entitled "Fire Apparatus Access Roads," is amended by adding the following subsection:

> Sec. 503.3 Marking. Fire apparatus access roads shall be marked whenever necessary to maintain the unobstructed minimum required width of roadways. Subject to the fire code official's prior written approval, marked fire apparatus access roads, or "fire lanes" as defined in section ~~5~~202.~~1~~ of the code, may be established or relocated at the time of plan review, pre-construction site inspection, and/or post construction site inspection as well as any time during the life of the occupancy. Only those fire apparatus access roads established by the fire

code official can utilize yellow marking paint and the term "fire lane." Fire lanes shall be marked as directed by the fire code official in accordance with ACC 10.36.175.

B. Fire Apparatus Access Roads – Marking. Section 503 of the International Fire Code, entitled "Fire Apparatus Access Roads," is amended by adding the following subsection:

Sec. 503.3.1 Alternate materials and methods. The fire code official may modify, on a case-by-case basis, any of the marking provisions in this subsection 503.3 where practical difficulties exist. Modification requests shall be submitted in writing to the fire code official setting forth a suggested alternative.

C. Fire Protection Water Supplies – Where Required. Section 507 of the International Fire Code, entitled "Fire Protection Water Supplies," is amended by substituting subsection 507.5.1 with the following:

Sec. 507.5.1 Where required. Where a portion of the ~~All~~ buildings or structures hereafter constructed or moved into the city is ~~shall be located so that there is at least 1 hydrant within~~more than 150 feet~~, and no portion of the building or structure is more than 300 feet~~ in vehicular travel from a hydrant, as measured by an approved route, on-site fire hydrants and mains shall be provided where required by the fire code official.~~.~~

D. Clear Space Around Hydrants. Section 507 of the International Fire Code, entitled "Clear Space Around Hydrants," is amended by substituting subsection 507.5.5 with the following:

Sec. 507.5.5 Clear space around hydrants. A 5-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

(Ord. 6310 § 14, 2010; Ord. 5874 § 10, 2004.)

15.36A.041 Sections 903~~ and 2305~~ amended – ~~Housekeeping and maintenance~~Automatic Sprinkler Systems.
A. Automatic Sprinkler Systems – Speculative Use Warehouses. Section 903 of the International Fire Code, entitled "Automatic Sprinkler Systems," is amended by adding the following new subsections 903.2.9.3 and 903.7:

Sec. 903.2.~~9.3~~11.1.4~~.~~ Speculative use warehouses. Where the occupant, tenant, or use of the building or storage commodity has not been determined or it is otherwise a speculative use warehouse or building, the automatic sprinkler system shall be designed and installed in accordance with the following:

1. The design area shall be not less than 2,000 square feet.

2. The density shall be not less than that for class IV non-encapsulated commodities on wood pallets, with no solid, slatted, or wire mesh shelving, and with aisles that are 8 feet or more in width and up to 20 feet in height.

3. Sprinkler piping that is 4 inches and larger in width shall be used and the structural engineer of record shall provide written verification approving of the point and dead loads.

Sec. 903.7. Automatic sprinkler riser rooms. All automatic sprinkler system risers shall be located in a dedicated room with an exterior door, lighting and heat. This requirement shall include any NFPA 13, 13R and 13D systems which serve more than one (1) dwelling unit or unit of occupancies.

EXCEPTION: 13D single family dwellings or Townhomes defined within the IRC.

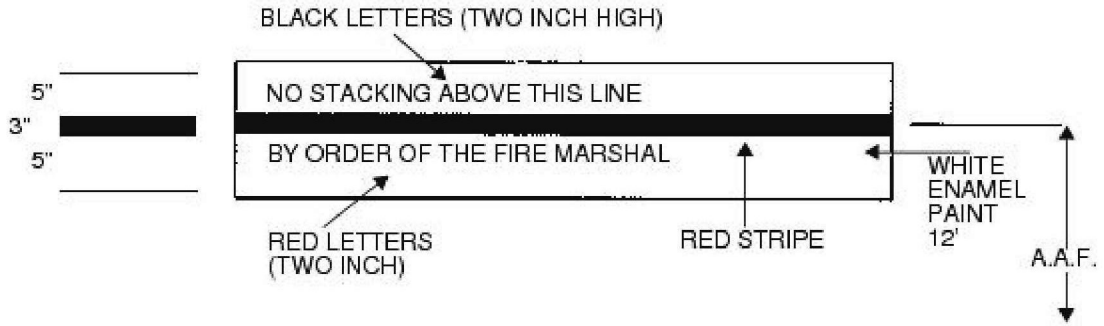
15.36A.045 Section 3205 amended – Housekeeping and maintenance.

B. International Fire Code Section ~~23~~205 is amended to read as follows:

~~23~~205.6.1 – Signage.

Facilities designed in accordance with this section shall include the appropriate signage (as shown below) and shall be properly posted.

Example of approved signage required for use of Section ~~23~~205.6.1, as amended:



~~1~~. This sign must be posted prior to building being ~~fixtured~~ stocked and/or occupied.

2. Mount signs at 50'0" O.C. on all walls starting 25'0" from any exterior corner; also on two sides of each column.

3. Signage required on end of racks, if installed.

4. In accordance with the International Fire Code as amended.

(Ord. 6310 § 15, 2010; Ord. 6104 § 12, 2007; Ord. 5874 § 10, 2004.)

~~**15.36A.051 Chapter 14 amended – Fire safety during construction and demolition.**~~
~~*Repealed by Ord. 6104*. (Ord. 5874 § 10, 2004.)~~
15.36A.061 Appendix B – Fire flow requirements for buildings.
Repealed by Ord. 6310. (Ord. 5874 § 10, 2004.)

15.36A.063 Appendix D amended – Fire Apparatus Access Roads

Appendix D of the International Fire Code, entitled "Fire Apparatus Access Roads," is adopted with the following amendments:

A. In case of conflict between the requirements contained in Appendix D of the 2015 International Fire Code, and the City of Auburn Design Standards, the requirements of the City of Auburn Design Standards shall govern.~~:~~

15.36A.071 Violation – Penalty.
Any person who violates any of the provisions of the fire code or appendices adopted in Chapter 15.38A ACC and/or this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the fire chief or by a court of competent jurisdiction, within the time fixed therein, is severally for each and every such violation and noncompliance respectively guilty of a misdemeanor, punishable by a jail term not to exceed 90 days and/or a fine not to exceed $1,000. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct

or remedy such violations or defects within reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained constitutes a separate offense. (Ord. 5874 § 10, 2004.)

15.36A.081 Definitions.
"Addressable" means the capability of a fire alarm system and associated devices that have discrete identification so that system devices can have their status individually identified within the fire alarm system.

~~"Common use" means interior or exterior circulation paths, rooms, spaces or elements that are not available for public use and are made available for the shared use or two or more people.~~
~~"Employee work area" means all or any portion of a space used only by employees and only for work purposes. Corridors, toilet rooms, kitchenettes, conference rooms and break rooms are not employee work areas.~~
~~"Public use areas" means interior or exterior rooms or spaces that are made available to the general public. (Ord. 6104 § 13, 2007.)~~

15.36A.091 Fire alarm and detection systems.
A. International Fire Code Chapter 9 is amended to read as follows:

907.1.3 Equipment. Equipment systems and their components shall be listed and approved for the purposes for which they were installed. All new systems shall be addressable. Each device shall have its own address and annunciate individual device addresses at a UL Central Station.

907.1.4 Approved Fire Alarm and Detection Systems. In addition to any requirement of 907.2 or 907.3, all occupancies exceeding 5,000 square feet gross floor area shall be required to provide an approved automatic fire detection and alarm system. Fire walls ~~as defined in 15.38A.011(A)~~ shall not be considered to separate a building to enable deletion of the required fire detection system.

EXCEPTIONS:

1. Group "U" Occupancies.

2. Occupancies protected throughout by an approved monitored automatic sprinkler system may delete heat and smoke detectors from the system.

3. One and Two Family residences.

~~907.6.2.3 Visible Alarms. Visible alarm notification shall be provided in accordance with Sections 907.6.2.3.1 through 907.6.2.3.4.~~

~~EXCEPTIONS:~~

~~1. Visible alarm notification shall not be required in non-public accessible storage areas in S1 and S2 occupancies or other approved areas.~~

~~907.6.2.3.1 Public and Common Areas. Visible and audible alarm notification appliances shall be provided in public and common areas as defined in Section 15.36A.081.~~

~~907.6.2.3.2~~ 907.5.2.3.1 Employee Work Areas. Visible and audible alarm notification appliances shall be provided in employee work areas as defined in ACC Section 15.36A.081.

B. For purposes of this chapter, a "fire wall," "fire barrier," or "horizontal assembly" shall not be considered to separate a building so as to avoid the required automatic fire alarm and detection system. A building shall have a minimum distance of five feet from any point of the building to any point of another building and from the property line in order to be considered a separate building. (Ord. 6310 § 16, 2010; Ord. 6104 § 14, 2007.)

Chapter 15.38

FIRE PROTECTION REQUIREMENTS

(Repealed by Ord. 5874)

Chapter 15.38A

FIRE PROTECTION REQUIREMENTS

Sections:

15.38A.011 *Repealed.*
15.38A.021 General.
15.38A.031 Standards.
15.38A.041 Application.
15.38A.051 Automatic sprinkler systems – Speculative use warehouses.

15.38A.011 Definitions.
Repealed by Ord. 6310. (Ord. 5874 § 12, 2004.)

15.38A.021 General.
A. Automatic fire extinguishing systems shall be installed in accordance with this chapter or as approved by both the building official and fire code official.

~~B. Fire hose threads used in connection with automatic fire extinguishing systems shall be national standard hose threads or as approved by the fire code official.~~

~~C~~B. The location of fire department hose connections shall be located within 50 feet of and no closer than five feet of an approved water supply and the connection shall be located on the same side of the fire access roadway as the approved water supply and must be approved by the fire code official.

~~D~~C. Buildings used for high piled combustible storage shall comply with the fire protection requirements of the fire code and Chapter 15.36A ACC.

~~E~~D. For additional provisions on special hazards see the fire code and building code for requirements. (Ord. 6310 § 17, 2010; Ord. 5874 § 12, 2004.)

~~**15.38A.031 Standards.**~~
~~Automatic fire extinguishing systems shall comply with the building and fire code standards. (Ord. 5874 § 12, 2004.)~~

15.38A.041 Application.
An automatic fire extinguishing system shall be installed and maintained in an operable condition as specified in this chapter in the following locations:

A. All new buildings that do not have adequate fire flow or do not have adequate emergency fire vehicle access as required in the fire code and as determined by the fire code official.

B. All new buildings except those classed as Group R, Division 3 and Group U, when:

1. The building has more than 10,000 square feet of floor area, or is higher than 30 feet, or requires more than 2,500 gallons per minute of fire flow. ~~in accordance with International Fire Code Appendix B.~~

C. All new buildings that contain more than 8,000 square feet of Group A occupancies and in:

~~1. All A-2 assembly rooms used primarily for entertaining occupants who are consuming alcoholic or nonalcoholic beverages or dining in unseparated areas where the total floor area is more than 5,000 square feet. For uses to be considered separated, the separation shall not be less than a one-hour occupancy separation as defined in the building code.~~

~~2~~1. All enclosed usable space below or over a stairway in Group A, ~~Divisions~~ 1 through~~, 2, 3, 4 and~~ 5 occupancies.

~~3. All amusement buildings except those that are both less than 1,000 square feet of floor area and have an exit travel distance from any point that is less than 50 feet.~~

~~4. Areas under roof and gridiron, in the tie and fly galleries, and in all places behind the proscenium wall of stages; over and within the permanent platforms that are more than 500 square feet in area; and in dressing rooms, workshops and storerooms accessory to such stages or platforms, with the exceptions noted below.~~

~~Exceptions:~~

~~a. Sprinklers are not required for stages 1,000 square feet (92.9 m^2) or less in area and 50 feet (15,240 mm) or less in height where curtains, scenery or other combustible hangings are not retractable vertically. Combustible hangings shall be limited to a single main curtain, borders, legs and a single backdrop.~~

~~b. Under stage areas less than four feet (1,219 mm) in clear height used exclusively for chair or table storage and lined on the inside with five-eighths-inch (16 mm) Type X gypsum wallboard or an approved equal.~~

D. Additions, Alterations and Repairs. For the purpose of this chapter, any alteration or repair which changes the character of the occupancy or use, and which increases the fire or life safety or structural hazards, shall comply with the requirements of this chapter and:

1. Any additions that increase the floor area of a building shall require that the entire building comply with this chapter; and

2. These determinations shall be made by the building official and the fire code official.

E. For purposes of this chapter, a "fire wall," "fire barrier," or "horizontal assembly" shall ~~not~~ only be considered to separate a building so as to avoid the required automatic fire extinguishing system upon approval of the building official and/or the fire code official. ~~A building shall have a minimum distance of five feet from any point of the building to any point of another building and from the property line in order to be considered a separate building.~~

~~F~~E. Plans. In addition to the requirements in the building and fire codes, all plans for automatic fire extinguishing systems, including sprinkler system underground piping, shall bear the stamp and signature of a Washington State professional engineer who is registered as qualified in fire protection engineering, or registered as a certified sprinkler contractor through the Washington State Fire Marshal's Office, or as approved by the fire code official.

F. When the fire code official determines that fire flows required by the City of Auburn Design Standards cannot be achieved, or determines additional fire flows are required by referencing Appendix B of the 2015 International Fire Code, additional fire suppression or other safety measures may be required.

G. Conflict. In case of conflict between the requirements contained in Chapter 15.08A ACC and this chapter, the requirements of this chapter shall govern and prevail. (Ord. 6310 § 18, 2010; Ord. 5874 § 12, 2004.)

15.38A.051 Automatic sprinkler systems – Speculative use warehouses.
Section 903 of the International Fire Code, entitled "Automatic Sprinkler Systems," is amended by adding the following new subsection 903.2.9.3:

Sec. 903.2.9.3 Speculative use warehouses. Where the occupant, tenant, or use of the building or storage commodity has not been determined or it is otherwise a speculative use warehouse or building, the automatic sprinkler system shall be designed and installed in accordance with the following:

1. The design area shall be not less than 2,000 square feet.

2. The density shall be not less than that for class IV non-encapsulated commodities on wood pallets, with no solid, slatted, or wire mesh shelving, and with aisles that are 8 feet or more in width and up to 20 feet in height.

3. Sprinkler piping that is 4 inches and larger in width shall be used and the structural engineer of record shall provide written verification approving of the point and dead loads.

(Ord. 6310 § 19, 2010; Ord. 5874 § 12, 2004.)

Chapter 15.40

SMOKE DETECTORS

(Repealed by Ord. ####)

~~Sections:~~
~~15.40.010 Application and scope.~~
~~15.40.020 Definitions.~~
~~15.40.030 Conformance with nationally accepted standards.~~
~~15.40.040 Primary power supply.~~
~~15.40.050 *Repealed*.~~
~~15.40.060 *Repealed*.~~
~~15.40.070 Installation.~~
~~15.40.080 Maintenance.~~
~~15.40.090 Violation—Penalty.~~

~~**15.40.010 Application and scope.**~~

~~All Group R Occupancies sold, leased, let or rented in the city of Auburn shall have installed therein smoke detectors pursuant the provisions of this chapter. (Ord. 4270 § 1, 1988.)~~

~~**15.40.020 Definitions.**~~

~~For the purpose of this chapter, the words set out in this section shall have the following meanings:~~

~~A. "Combination photoelectric/ionization detector" means a smoke detection device containing both an ionization and a photoelectric element.~~

~~B. Factory Built Housing. For the purpose of these rules, "factory built housing" is considered as any structure designed primarily for human occupancy other than a mobile home, the structure of any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site, and which is subject to regulation by the Washington Department of Labor and Industries pursuant to RCW 43.22.450 through 43.22.490.~~

~~C. Group R Occupancies. "Group R occupancies" shall have the following meanings:~~

~~1. Group R, Division 1 of the International Building Code, guest rooms and dwelling units, i.e., hotels, motels, apartments and condominiums;~~

~~2. Group R, Division 3 of the International Building Code, dwelling units, i.e., duplexes, single-family dwellings and lodging houses;~~

~~3. Mobile home dwelling units.~~

~~D. "Ionization detector" means a smoke detector device which activates in response to invisible particles created by combustion. Sensitive to open flame fire.~~

~~E. Mobile Home. For the purpose of these rules, a "mobile home" is considered as a factory-assembled structure or structures assembled with the necessary service connections and made so as to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit without a permanent foundation, and which is subject to regulation by the Washington Department of Labor and Industries pursuant to RCW 43.22.340 through 43.22.434.~~

~~F. "Smoke detection device" means a self-contained alarm for detecting visible or invisible particles of combustion, which consists of an assembly of electrical components including a smoke chamber, alarm sounding appliance, and provision for connection to a power supply source, either by splice leads or a cord and plug arrangement or containing integral batteries. A supplemental heat detector may be included as part of the appliance. Terminals may be included for connection to a remote, audible signaling appliance or accessory. An integral transmitter may also be included to energize a remote audible signaling appliance. The smoke detection device may be of the photoelectric and/or ionization type. (Ord. 6310 § 20, 2010; Ord. 4270 § 2, 1988.)~~

~~**15.40.030 Conformance with nationally accepted standards.**~~

~~All smoke detection devices shall be designed and manufactured in conformance with the requirements of Underwriters Laboratories, Inc. Standard UL 217 and shall be approved or listed for the purposes for which they are intended. (Ord. 6310 § 21, 2010; Ord. 4270 § 3, 1988.)~~

~~**15.40.040 Primary power supply.**~~

~~A. The primary power supply of a smoke detection device shall be a commercial light and power source normally available in the dwelling unit. Connection to a commercial power and light source shall be in the form of permanent wiring to terminals or leads in a separate wiring compartment having provisions for the connection of a conduit, metal clad or nonmetallic sheathed cable, by means of a power supply cord and attachment-plug cap, or by means of a separate power supply.~~

~~B. Wiring shall be permanent and without a disconnecting switch other than those required for over current protection.~~

~~C. Exception. Smoke detectors may be battery operated when installed in existing buildings built prior to January 1, 1981, or in buildings without commercial power, or in buildings which undergo alterations, repairs or additions regulated by subsection D of this section.~~

~~D. When the valuation of an addition or repair to a Group R Occupancy exceeds $1,000, or when one or more sleeping rooms are added or created in existing Group R Occupancies, the entire building shall be provided with smoke detectors located as required for new Group R Occupancies. (Ord. 4270 § 4, 1988.)~~

~~15.40.050 Number of smoke detector devices required.~~

~~*Repealed by Ord. 6310*. (Ord. 4270 § 5, 1988.)~~

~~15.40.060 Location of detection devices.~~

~~*Repealed by Ord. 6310*. (Ord. 4270 § 6, 1988.)~~

~~15.40.070 Installation.~~

~~A. It is the responsibility of the builder or manufacturer of each new building, mobile home or factory built housing to install smoke detection devices within each dwelling unit.~~

~~B. It is the responsibility of the owner of each existing building, mobile home or factory built housing to install smoke detection devices within each dwelling unit occupied by persons other than the owner.~~

~~C. It is the responsibility of the owner of each new or existing building, mobile home or factory built housing, containing dwelling units occupied by persons other than the owner, to inspect and test all smoke detection devices at the time of vacancy and make the necessary repairs or replacements to insure that the smoke detection devices are operational prior to reoccupancy, and to instruct the occupants of the purpose, operation and maintenance of the smoke detection device(s). (Ord. 4270 § 7, 1988.)~~

~~15.40.080 Maintenance.~~

~~It is the responsibility of the occupant of all new or existing dwelling units, owned by other than the occupant, to maintain and test all smoke detection devices installed within the dwelling unit by the owner. Actual costs of maintenance, repair or replacement of smoke detection devices shall be as agreed beforehand by the occupant and owner. However, failure of the owner to abide by the terms of any such agreement does not relieve the occupant of the responsibility to maintain the smoke detection devices in a fully operational condition at all times. Failure to do so can subject the occupant to the penalty provisions stated in ACC 15.40.090. (Ord. 4270 § 8, 1988.)~~

~~15.40.090 Violation – Penalty.~~

~~A violation of any of the provisions of this chapter shall be a civil infraction, punishable in accordance with ACC 1.25.050. (Ord. 5683 § 37, 2002; Ord. 4270 § 9, 1988.)~~

Chapter 15.48

MOVING BUILDINGS

Sections:

15.48.010 Definitions.
15.48.020 Permit – Required.
15.48.030 Permit – Application – Generally.
15.48.040 Permit – Application – Form.
15.48.050 Permit – Application – Contents.
15.48.060 Permit – Application – Assessment certificate accompanying.
15.48.070 Permit – Application – Ownership entitlement certificate accompanying.
15.48.080 Permit – Application – Insurance certificate accompanying.
15.48.090 Permit – Application – Performance bond or deposit accompanying.
15.48.100 Structural and equipment inspections.
15.48.110 Permit – Grounds for refusal.
15.48.120 Permit – Fees, deposits and insurance filed with city clerk.
15.48.130 Designations of streets.
15.48.140 Permittee's duties.
15.48.150 Enforcement agencies.
15.48.160 Permittee's liability extent.
15.48.170 Violation – Penalty.

15.48.010 Definitions.
For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section.

A. "Building" is that which is built or constructed, an edifice or structure of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For the purpose of this section, manufactured or mobile homes are not considered "buildings" with regards to the applicability of Chapter 15.48 ACC.

B. "Building inspector" is the building official, or his designated deputy. (Ord. 4189 § 13, 1986.)

15.48.020 Permit – Required.
No person shall move any building over, along or across any highway, street, alley or lot in the city without first obtaining a permit from the building inspector. (Ord. 2856 § 2, 1974; 1957 code § 2.14.020.)

15.48.030 Permit – Application – Generally.
A person seeking issuance of a permit under this chapter shall file an application for such permit with the building inspector. (Ord. 2856 § 2, 1974; 1957 code § 2.14.030.)

15.48.040 Permit – Application – Form.
The application shall be made in writing, upon forms provided by the planning and development department, and shall be filed with the planning and development department. (Ord. 6310 § 22, 2010; Ord. 2856 § 2, 1974; 1957 code § 2.14.030(A).)

15.48.050 Permit – Application – Contents.
The application shall set forth:

A. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;

B. A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the city;

C. A legal description of the lot to which it is proposed such building be moved, giving lot, block and tract number, if located in the city;

D. The portion of the lot to be occupied by the building when moved;

E. The highways, streets, alleys or lots over, along or across which the building is proposed to be moved;

F. Proposed moving date and hours;

G. Any additional information which the building inspector finds necessary to a fair determination of whether a permit should be issued. (Ord. 2856 § 2, 1974; 1957 code § 2.14.030(B).)

15.48.060 Permit – Application – Assessment certificate accompanying.
The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all city assessments and any other city charges against the same are paid in full. (Ord. 2856 § 2, 1974; 1957 code § 2.14.030(C)(1).)

15.48.070 Permit – Application – Ownership entitlement certificate accompanying.
The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building. (Ord. 2856 § 2, 1974; 1957 code § 2.14.030(C)(2).)

15.48.080 Permit – Application – Insurance certificate accompanying.
The applicant shall file with the planning and development department a certificate stating that the city is included as an additional insured on the applicant's protective public liability insurance, providing for a limit of not less than $50,000 for all damages arising out of bodily injuries to or death of one person in any one accident; $100,000 for two or more persons injured in any one accident, subject to $50,000 for each one; and shall also provide for property damage liability insurance providing for a limit of not less than $50,000 for all damages arising out of injury to or destruction of property in any one accident. (Ord. 6310 § 23, 2010; Ord. 2856 § 2, 1974; 1957 code § 2.14.030(C)(3).)

15.48.090 Permit – Application – Performance bond or deposit accompanying.
The applicant shall also file a performance bond or certified check in 100 percent the amount of the estimated cost of such removal or moving, alteration, repair, change, addition or rebuilding, as ~~estimated~~ reviewed and accepted by the building ~~inspector~~official; and such performance bond shall be conditioned upon the owner, resident or other individual securing such permit faithfully bringing the building or structure so moved and/or altered up to all standards as required by the building code and ordinances of the city, and shall further be conditioned upon the owner-applicant completing such work and complying with the building code and ordinances of the city within six months from the date such permit is granted. (Ord. 3288 § 18, 1978.)

15.48.100 Structural and equipment inspections.
The building inspector shall inspect the building, whether located inside or outside the city limits, and the applicant's equipment to determine whether the standards for issuance of a permit are met. (Ord. 2856 § 2, 1974; 1957 code § 2.14.040 (A).)

15.48.110 Permit – Grounds for refusal.
The building official shall refuse to issue a permit if the official finds that:

A. Any application requirement or any fee or deposit requirement has not been complied with;

B. The building is too large to move without endangering persons or property in the city;

C. The building is in such a state of deterioration, disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;

D. The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;

E. The applicant's equipment is unsafe and persons and property would be endangered by its use;

F. The zoning or other ordinances would be violated by the building in its new location;

G. For any other reason persons or property in the city would be endangered by the moving of the building. (Ord. 6310 § 24, 2010; Ord. 2856 § 2, 1974; 1957 code § 2.14.040(B).)

15.48.120 Permit – Fees, deposits and insurance filed with city clerk.
A. Deposits. The ~~planning and~~community development and public works department shall deposit all fees and deposits and all insurance policies with the city clerk.

B. Return upon Nonissuance. In the event that the planning and development department is unable to issue a permit, the department shall return to the applicant all insurance policies submitted. Permit fees filed with the application shall not be returned. (Ord. 6310 § 25, 2010; Ord. 2856 § 2, 1974; 1957 code § 2.14.040(C).)

15.48.130 Designations of streets.
The community development and public works ~~planning and development~~ department shall ~~procure from the public works department~~determine a list of designated streets over which the building may be moved. The community development and public works ~~planning and development~~ department shall have the list approved by the chief of police and shall reproduce the list upon the permit in writing. In making their determinations, the community development and public works ~~public works~~ department and the chief of police shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets. (Ord. 6310 § 26, 2010; Ord. 2856 § 2, 1974; 1957 code § 2.14.040(D).)

15.48.140 Permittee's duties.
Every permittee under this chapter shall:

A. Move a building only over streets designated for such use in the written permit;

B. Notify the community development and public works ~~planning and development~~ department in writing of a desired change in moving date and hours as proposed in the application;

C. Notify the community development and public works ~~planning and development~~ department in writing of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred;

D. Cause red lights to be displayed during the nighttime on every side of the building, while standing on a street, in such a manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building;

E. Comply with the building code, the fire ~~zone~~code, the zoning ordinance and all other applicable ordinances and laws upon relocating the building in the city;

F. Pay the expense of a traffic officer if ordered by the community development and public works ~~planning and development~~ department to accompany the movement of the building to protect the public from injury;

G. Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition;

H. See that the sewer line is plugged with a concrete stopper and the water shut off. Permittee shall notify the gas and electric service companies to remove their services. (Ord. 6310 § 27, 2010; Ord. 2856 § 2, 1974; 1957 code § 2.14.050.)

15.48.150 Enforcement agencies.
The building official, or the official's designee, pursuant to the provisions of Chapter 1.25 ACC shall enforce and carry out the requirements of this chapter. (Ord. 6310 § 28, 2010; Ord. 4502 § 16, 1991; Ord. 2856 § 2, 1974; 1957 code § 2.14.060(A).)

15.48.160 Permittee's liability extent.
The permittee shall be liable for any expense, damage or costs in excess of their insurance coverage, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts. (Ord. 2856 § 2, 1974; 1957 code § 2.14.060(B).)

15.48.170 Violation – Penalty.
Any violation of this chapter shall be enforced pursuant to the provisions of Chapter 1.25 ACC. (Ord. 4502 § 17, 1991; Ord. 2856 § 2, 1974; 1957 code § 2.14.070.)

Chapter 15.52

BUILDING NUMBERING

Sections:

15.52.010 Definitions.
15.52.020 Responsibility.
15.52.030 Requirements generally.
15.52.040 Numbering new or altered buildings.
15.52.050 Erroneous number – Correction.
15.52.055 Changing a building number – Procedures.
15.52.060 Unnumbered or illegibly numbered buildings.
15.52.070 Numbers on rear entrances.
15.52.080 Record.
15.52.090 Violation – Penalty.

15.52.010 Definitions.
Any term or definition as used in this chapter shall be those as set forth in the International Building Code. (Ord. 6038 § 2, 2006; Ord. 5998 § 2, 2006; Ord. 5874 § 13, 2004; Ord. 2856 § 2, 1974; 1957 code § 2.15.020.)

15.52.020 Responsibility.
To ensure that each building, structure and/or portion thereof has a number designation assigned and to be known as the address in relation to such building, structure and/or portion thereof as to the public or private street upon which the entrance is fronting, it shall be the duty of the city building official to assign and enforce as set forth in this chapter. (Ord. 6038 § 2, 2006; Ord. 5998 § 2, 2006; Ord. 2856 § 2, 1974; 1957 code § 2.15.010.)

15.52.030 Requirements generally.
A. The owner, agent, occupant, lessee or tenant of any building or portion thereof situated within the city limits shall maintain a building number thereon as provided in this chapter.

B. Each figure of the building number shall be a minimum of four inches in height on single-family residential occupancies. Individual suite numbers on commercial occupancies and individual multifamily unit numbers shall be a minimum of two inches in height. Numbers shall be of a color that will contrast with the structure's background color and shall be either illuminated during periods of darkness, or be reflective, so the address numbers are easily seen at night.

C. The building(s) shall have the building address numerals located on the upper 25 percent of the building face fronting the public street or right-of-way. This requirement may be reduced in the downtown area where buildings are located closer to the public way or right-of-way. Numeral size shall be as follows:

Setback from Public Way or Right-of-Way Centerline	**Less than 75 Feet from Public Way or Right-of-Way Centerline**	**Greater than 75 Feet from Public Way or Right-of-Way Centerline**
Multifamily	12" High	18" High
Small Commercial	12" High	18" High
Large Commercial (>20,000 SF of gross floor Area or over 30-ft in height)	18" High	24" High
Monument Sign	8" High	N/A

D. It shall be the duty of the building official to assign the correct building number to all structures within the city at the time of issuance of building permits, or upon the request of any owner, occupant or lessee. The building official shall also assign site addresses to all lots created or modified through a subdivision process as contained within ACC Title 17. The building official is authorized to develop standards and procedures for the assignment of building numbers in a logical and consistent manner throughout the city. The building official shall consult with other affected city departments and responsible authorities in the development and application of such standards. (Ord. 6038 § 2, 2006; Ord. 5998 § 2, 2006; Ord. 5874 § 14, 2004; Ord. 2856 § 2, 1974; 1957 code § 2.15.030.)

15.52.040 Numbering new or altered buildings.
Upon the completion of a building or buildings, or any alteration thereof which changes the entrances, it is unlawful for the owners, agents, occupants, tenants or lessees to assign or place any building number thereon unless it has been officially designated and approved by the building official, by application therefor made at the office of the building official on forms provided by the city. (Ord. 6038 § 2, 2006; Ord. 5998 § 2, 2006; Ord. 2856 § 2, 1974; 1957 code § 2.15.040.)

15.52.050 Erroneous number – Correction.
In the case where a building owner has placed an incorrect number on a building within the city limits, the owner, agent, occupant, tenant or lessee shall, upon notification of the building official, correct the erroneous number within 30 days after the date of notification. (Ord. 6038 § 2, 2006; Ord. 5998 § 2, 2006; Ord. 2856 § 2, 1974; 1957 code § 2.15.050.)

15.52.055 Changing a building number – Procedures.
A. An assigned building number may be changed ~~by action of the city council~~ upon petition for such change by the building owner, by petition by an outside service agency such as the U.S. Postal Service, or by petition of any city department.

B. An assigned building number may be changed by action of the city council upon petition for such change by an outside agency such as the U.S. Postal Service or by petition of any city department.

~~B~~C. Prior to acting on any proposal to change a building number, the city council shall conduct at least one public hearing; provided, that if the building owner is the petitioner, ~~a public hearing shall not be required~~city council action is not necessary..

~~C~~D. Notice shall be provided to all potentially affected building owners, utility providers, the U.S. Postal Service, fire authority, and any other appropriate outside service agencies as determined by the building official, at least 10 calendar days prior to the public hearing. Legal notice shall also be advertised in a newspaper of general circulation at least 10 calendar days prior to the public hearing.

~~D~~E. The building official is authorized to develop procedures for the filing and processing of such petitions. (Ord. 6038 § 2, 2006; Ord. 5998 § 2, 2006.)

15.52.060 Unnumbered or illegibly numbered buildings.
In cases where a building requiring a building number to be affixed thereon pursuant to this chapter remains unnumbered, or where the building number thereon has become lost, destroyed or defaced so as to become illegible, the owner, agent, occupant, tenant or lessee shall cause the building to be numbered in a manner consistent with this chapter within ~~30~~ 14 days after notification therefor by the building official. (Ord. 6038 § 2, 2006; Ord. 5998 § 2, 2006; Ord. 2856 § 2, 1974; 1957 code § 2.15.060.)

15.52.070 Numbers on rear entrances.
On residential, commercial or industrial buildings having rear entrances which open upon an alley (street not included) or private driveway, the numbers assigned for the front or principal entrance may, in addition, be required on the rear entrance, garage or gate, at the discretion of the building official. (Ord. 6038 § 2, 2006; Ord. 5998 § 2, 2006; Ord. 2856 § 2, 1974; 1957 code § 2.15.070.)

15.52.080 Record.
An accurate record of street numbers assigned to buildings within the city limits shall be maintained by an appropriate department of the city, as designated by the mayor. This record shall be kept on a map or maps designated for that purpose. (Ord. 6038 § 2, 2006; Ord. 5998 § 2, 2006; Ord. 2856 § 2, 1974; 1957 code § 2.15.080.)

15.52.090 Violation – Penalty.
Any violation of this chapter shall be enforced pursuant to the provisions of Chapter 1.25 ACC. (Ord. 6038 § 2, 2006; Ord. 5998 § 2, 2006; Ord. 4502 § 18, 1991; Ord. 2856 § 2, 1974; 1957 code § 2.15.090.)

Chapter 15.56

SECURITY ALARM SYSTEMS

Sections:

15.56.010 *Repealed*.
15.56.020 Alarm users registration required.
15.56.030 Fees.
15.56.040 Additional duties of alarm user.
15.56.050 Alarm business duties.
15.56.060 Non-permitted system and uses.
15.56.070 Special registrations.
15.56.080 Administrative hearing.
15.56.090 Violations – Penalties.

15.56.010 Definitions.
Repealed by Ord. 6310. (Ord. 5224 § 1, 1999.)

15.56.020 Alarm users registration required.
A. Beginning January 1, 2000, no person shall operate or use a~~n~~ security alarm system on any premises within the city of Auburn, under that person's control, without first having obtained from the police department a separate registration for each premises protected by an alarm system.

B. The police department may not respond to any alarm system for which a registration has not first been obtained.

C. For the purposes of this section, a person shall be deemed to be an operator or user of an alarm system if:

1. The person controls both the alarm system and the premises upon which it is installed; or

2. The person controls the premises and is the subscriber, client or tenant of the system subscriber; or

3. The person is the system subscriber or alarm user.

D. All persons required to obtain a registration must complete a registration application form that is provided by the police department. Information required to be provided on the registration application form includes, but is not limited to:

1 Subscriber's and/or alarm user's name, address and telephone number(s);

2. Names and telephone numbers of three additional persons who will respond in the event of alarm activation in the absence of the alarm user and said persons will provide access to premises and be able to deactivate alarm, or said persons will provide information on who to contact for access;

3. The name(s) of the alarm installation business and alarm monitoring business responsible for regular maintenance and monitoring;

4. The information required in subsection (D)(3) of this section shall not apply to alarms which are installed by the homeowner/tenant;

5. The information required in subsection (D)(3) of this section shall not apply to: (a) existing alarms; or (b) alarms which are installed in multiple-tenant buildings.

E. Failure to complete the required information will result in automatic denial of the registration.

F. Each registration shall be given a number which shall not be transferable.

G. Completed applications for an alarm user's registration and a fee as set forth in the city of Auburn fee schedule shall be filed with the police department, except that no fee shall be charged for alarms installed prior to enactment of this chapter if a registration application for such existing alarm system is filed prior to January, 2000.

H. A penalty fee as set forth in the fee resolution will be charged, in addition to the fee provided in subsection G of this section, to a user who fails to obtain a registration within 30 days after the system becomes operative, or to a current user who fails to obtain a registration.

I. Registration fees shall be payable to the city of Auburn and deposited into the city's general fund.

J. Any person who owns, operates, or possesses any alarm system within the city of Auburn, which does not conform to the requirements of this chapter, shall disconnect that alarm and render it inoperable or alter it in accordance with this chapter no later than 60 days after enactment of this chapter.

K. The following shall be required to obtain a registration under this article, but shall not be required to pay any fee:

1. Businesses which are nonprofit organizations, including but not limited to religious, civic, charitable, benevolent, nonprofit, cultural, governmental or youth organizations.

L. Alarm user shall notify police department, within 10 days, of any change of information from that contained on the registration application. (Ord. 5819 § 8, 2004; Ord. 5224 § 1, 1999.)

15.56.030 Fees.
A. Fees will be assessed by the city as follows:

Type of Fee	Amount
Registration fee (one-time fee)	Per city fee schedule
Late registration fee penalty	Per city fee schedule
Appeal hearing cancellation fee	Per city fee schedule

B. The city shall notify the alarm user upon their first false alarm, within any calendar year. If payment of the registration fee, late registration fee penalty or the appeal hearing cancellation fee is not received within 30 days of the day the notice of a late fee is mailed, the city may initiate the enforcement of penalties and/or begin the collection process. The city shall inform the alarm user of the right to appeal the validity of the false alarm determination, as provided in ACC 15.56.080. (Ord. 5819 § 9, 2004; Ord. 5716 § 2, 2002; Ord. 5224 § 1, 1999.)

15.56.040 Additional duties of alarm user.
A. The premises shall display the registration decal at or near the main entrance, which shall be clearly visible and readable from the exterior of the premises.

B. The premises shall display the street address at or near the front of the premises and at other places where access is available, such as from an alley or parking lot. The street address shall be clearly visible and readable from the exterior of the premises.

C. If requested to do so by the department, the alarm user or his or her designee shall respond to the premises following activation of an alarm system for which a registration has been issued within a reasonable time, and in any event, within one hour after said notification. (Ord. 5224 § 1, 1999.)

15.56.050 Alarm business duties.
Every alarm system monitoring company engaging in business activities in the city of Auburn shall:

A. Be registered to do business in the city of Auburn.

B. Submit standard user form instructions to the police chief. If the police chief finds the instructions are incomplete, unclear, or inadequate, the police chief may require the alarm business to revise the instructions to comply with subsection D of this section and then to distribute the revised instructions to its alarm users.

C. Provide the police chief information about the nature of its property alarms, burglary alarms, robbery alarms and panic alarms; its method of monitoring; its program for preventing false alarms, and its method of disconnecting audible alarms.

D. Furnish the user with instructions that provide information to enable the user to operate the alarm system at any time. The alarm business shall also inform each alarm user of the requirement to obtain a registration and where it can be obtained.

E. Establish a process for alarm verification. The verification process shall not take more than five minutes, calculated from the time that the alarm signal has been accepted by the alarm business monitoring the system, until a decision is made whether to call for a police dispatch. The means of verification may include one or more of the following:

1. The establishment of voice communication with an authorized person at or near the premises who may indicate whether or not need for immediate police assistance or investigation exists;

2. A feature that permits the alarm system user or a person authorized by the user to send a special signal to the alarm system monitoring company that will cancel an alarm immediately after it has been sent and prevent the monitoring company calling for a police dispatch;

3. The installation of a video system that provides the alarm system monitoring company when the signal is received with the ability to ascertain that activity is occurring which warrants immediate police assistance or investigation;

4. A confirmation that a signal reflects a need for immediate police assistance or investigation either by the alarm system user, or a person at or near the premises before dispatching police; or

5. An alternate system that the police chief determines has, or is likely to have, a high degree of reliability.

F. Coordinate with the department's communication center to develop a process to cancel an alarm dispatch that is consistent with the communication center's standard operating procedures.

G. Provide the department's communication center when requesting an alarm response with the registration number for that premises, and the department need not respond if the registration number is not provided. (Ord. 5224 § 1, 1999.)

15.56.060 Nonpermitted system and uses.

A. No person shall operate or use an alarm system which emits an audible sound where such emission does not automatically cease within 15 minutes. Nothing in this section shall limit the duration of a fire or other evacuation alarm during a bona fide emergency when the sound may assist in saving life or avoiding injury.

B. No person shall use an alarm system to protect more than one business and/or private residence without receiving a separate registration for each business and/or private residence to be protected.

C. No person shall operate or use any alarm system for which the registration has been revoked.

D. No person shall operate or use any alarm system which automatically dials the Auburn police department or Valley Communication Center (911) directly and delivers a prerecorded message.

E. No person shall use an alarm system covering doors and windows that transmits a "panic alarm" notification. (Ord. 5224 § 1, 1999.)

15.56.070 Special registrations.
A. An alarm user required by federal, state, county or municipal law, regulation, rule or ordinance to install, maintain and operate an alarm system shall be subject to the alarm system regulations, provided:

1. A registration shall be designated a special alarm user's registration.

2. A special alarm user's registration for a system that has five false alarms in a registration year shall not be subject to the no response procedure and shall pay the penalty fees and service charges.

B. An alarm user that is a governmental political unit shall be subject to this chapter; but a registration shall be issued without payment of a fee and shall not be subject to service charges or the imposition of any penalty provided herein. (Ord. 5224 § 1, 1999.)

15.56.080 Administrative hearing.
A. An alarm user may appeal the validity of a false alarm determination to the police chief. The appeal shall be in writing and shall be requested within 10 days of the notice of penalty received from the city finance department. Failure to contest the false alarm determination in the required time period results in a conclusive presumption for all purposes that the alarm was false.

B. If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the police chief, by certified mail, at least 10 days prior to the date set for the hearing, which shall not be more than 21 nor less than 10 days after the filing of the request for hearing.

C. The hearing shall be before the police chief. The police chief may appoint another person to be an administrative hearing officer to hear the appeals and to render judgment. The alarm user and the police chief shall have the right to present written and oral evidence. If the police chief determines that the false alarms alleged have occurred in a registration year, the police chief may issue written findings waiving, expunging or entering a false alarm designation on an alarm user's record. If false alarm designations are entered on the alarm user's record, the finance department shall pursue the collection of the penalty fines. If the civil penalty is not found to be proper, then the alarm user shall bear no costs.

D. If a hearing is canceled more than 10 days after its request, then a cancellation fee as set forth in the fee resolution must be paid in addition to the amount of the civil infraction.

E. In accordance with RCW 46.55.240(1)(d), a decision made by an administrative hearing officer may be appealed to the King County district court for final judgment. (Ord. 5224 § 1, 1999.)

15.56.090 Violations – Penalties.
In addition to the penalties and regulations provided herein, who violates any provisions of this chapter shall be found to have committed a Class I civil infraction. (Ord. 5224 § 1, 1999.)

Chapter 15.64

SWIMMING POOLS

(Repealed by Ord. ####)

~~Sections:~~
~~15.64.010 Fence requirements.~~
~~15.64.020 Gate and door requirements.~~

~~**15.64.010 Fence requirements.**~~

~~From and after the effective date of the ordinance codified in this chapter, every permanent private outdoor swimming pool shall be surrounded by a fence or wall not less than 60 inches in height, which shall be constructed as not to have openings, holes or gaps larger than four inches in any dimension except for doors or gates. All fences erected shall conform to the fence regulations as set forth in Chapter 18.31 ACC. (Ord. 3421 § 1, 1979.)~~

~~**15.64.020 Gate and door requirements.**~~

~~All gates or door openings through the fences required in ACC 15.64.010 shall be equipped with a self-closing and self-latching device located upon the inside of the gate or door of sufficient height so that small children cannot reach the latch. All gates and doors shall be kept securely closed at all times when not in use. (Ord. 3421 § 2, 1979.)~~

Chapter 15.68

FLOOD HAZARD AREAS[1]

Sections:

Article I. Purpose
15.68.010 Reserved.
15.68.020 Reserved.
15.68.030 Statement of purpose.
15.68.040 Methods of reducing flood losses.

Article II. Definitions
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Article III. General Provisions
15.68.070 Land to which this chapter applies.
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15.68.090 Penalties for noncompliance.
15.68.100 Abrogation and greater restrictions.
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15.68.130 Establishment of and requirement to obtain floodplain development permit.
15.68.135 Floodplain development permit application.
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15.68.140 Designation of the floodplain administrator.
15.68.141 Duties of the floodplain administrator.
15.68.150 Duties and responsibilities of the public works department.
15.68.151 Duties and responsibilities of the planning and development department.

Article V. Provisions for Flood Hazard Protection
15.68.160 Standards of the public works department.
15.68.161 Standards of the planning and development department.
15.68.170 Additional standards of the planning and development department.
15.68.180 Floodways and community acknowledgement of FEMA map amendments.
15.68.190 Developments within areas of special flood hazard.
15.68.200 Compensatory storage requirements.

Article I. Purpose

15.68.010 Reserved.
(Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(1.1), 1989.)

15.68.020 Reserved.
(Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(1.2), 1989.)

15.68.030 Statement of purpose.
It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life, health, and to protect property;

B. To minimize expenditure of public money and costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard;

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;

I. To qualify the city of Auburn for participation in the National Flood Insurance Program, thereby giving citizens and businesses the opportunity to purchase flood insurance;

J. To maintain the quality of water in rivers, streams, and lakes, and their floodplains so as to protect public water supplies, areas of the public trust, and wildlife habitat protected by the Endangered Species Act;

K. To retain the natural channel, shoreline, and floodplain creation processes and other natural floodplain functions that protect, create, and maintain habitat for threatened and endangered species; and

L. To prevent or minimize loss of hydraulic, geomorphic, and ecological functions of floodplains and stream channels. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(1.3), 1989.)

15.68.040 Methods of reducing flood losses.
In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage;

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas;

F. Identifying the regulatory floodplain, the special flood hazard area, and the protected area and the supporting technical data needed to delineate those areas;

G. Establishing a permit requirement so that all human development that may affect flood hazards, water quality, and habitat is reviewed before it is constructed;

H. Setting minimum protection standards for all development to ensure that the development will not increase the potential for flood damage or adversely affect natural floodplain functions;

I. Setting minimum standards to protect new and substantially improved structures from flood damage; and

J. Specifying additional habitat protection criteria. Some projects do not need a floodplain permit (see ACC 15.68.130(B) and (C)); whereas other projects require a floodplain permit, but do not require the habitat impact assessment required in this chapter (see ACC 15.68.130(D)). For all other development projects, the applicant must

assess their impact on those factors that contribute to increased flood hazard and degradation of habitat. If the assessment concludes that there will be an adverse effect, the permit will be denied, unless the project is redesigned to mitigate the adverse effects. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(1.4), 1989.)

Article II. Definitions

15.68.050 Interpretation of language.

Unless specifically defined in this article, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(2.0), 1989.)

15.68.060 Definitions.

As used in this chapter:

A. "Adversely affect/adverse effect" means effects that are a direct or indirect result of the proposed action or its interrelated or interdependent actions and the effect is not discountable, insignificant or beneficial, where:

1. a. Discountable effects are extremely unlikely to occur; and

b. Insignificant effects relate to the size of the impact and should never reach the scale where a take occurs. Based on best judgment, a person would not be able to meaningfully measure, detect, or evaluate insignificant effects, or expect discountable effects to occur.

2. Beneficial effects are contemporaneous positive effects without any adverse effects. In the event that the overall effect of the proposed action is beneficial, but is also likely to cause some adverse effects, then the proposed action is considered to result in an adverse effect.

B. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." The area subject to the base flood is the special flood hazard area (SFHA), designated on flood insurance rate maps as Zone A, including AE, AO, AH, and A1 – 99.

C. "Base flood elevation" means the elevation of the base flood above the datum of the effective FIRM.

1. The base flood elevation for the SFHAs of the city shall be as delineated on the 100-year flood profiles in the flood insurance study for the city.

2. The base flood elevation for each SFHA delineated as a Zone AH or Zone AO shall be that elevation (or depth) delineated on the flood insurance rate map. Where base flood depths are not available in Zone AO, the base flood elevation shall be considered to be two feet above the highest grade adjacent to the structure.

3. Where base flood elevation data are not provided on the flood insurance study for the city, base flood elevation data available from a federal, state, or other authoritative source shall be used, if available. Where base flood elevation data are not available from other authoritative sources, applicants for approval of new subdivisions and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include such data with their permit applications. This data must be approved by the floodplain administrator.

D. "Basement" means any area of the structure having its floor subgrade (below ground level) on all sides.

E. "Channel migration area" means the area within the lateral extent of likely stream channel movement due to stream bank destabilization and erosion, rapid stream incision, aggradation, avulsions, and shifts in location of stream channels plus 50 feet.

1. The channel migration area shall be the total area occupied by the river channel, the severe channel migration hazard area, and the moderate channel migration hazard area as delineated in the Green River Channel Migration Study published by King County dated December 1993 plus 50 feet.

2. Where more than one channel migration zone has been delineated, the floodplain administrator shall use the delineation that has been adopted for other local regulatory purposes.

F. “Critical facility” means a facility necessary to protect the public health, safety and welfare during a flood. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency operations installations, water and wastewater treatment plants, electric power stations, and installations which produce, use, or store hazardous materials or hazardous waste (other than consumer products containing hazardous substances or hazardous waste intended for household use).

G. “Development” means any manmade change to improved or unimproved real estate in the regulatory floodplain, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials, subdivision of land, removal of more than five percent of the native vegetation on the property, or alteration of natural site characteristics.

H. “Dry floodproofing” means any combination of structural and nonstructural measures that prevent flood waters from entering a structure.

I. “Elevation certificate” means the official form (FEMA Form 81-31) used to provide elevation information necessary to ensure compliance with provisions of this chapter and determine the proper flood insurance premium rate.

J. “Equivalent elevation” means having similar relationship to ordinary high water and to the best available 10-year, 50-year and 100-year water surface profiles.

K. “FEMA” means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

L. “Fish and wildlife habitat conservation area” means lands needed to maintain species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. These areas are designated by the city pursuant to the Washington State Growth Management Act (WAC 365-190-080).

M. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or

2. The unusual and rapid accumulation of runoff of surface waters from any source.

N. “Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

O. “Flood insurance study” means the official report(s) provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, and the water surface elevation of the base flood.

P. “Flood protection elevation (FPE)” means the elevation above the datum of the effective FIRM to which new and substantially improved structures must be protected from flood damage.

Q. “Floodway” means the channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway shall be as delineated on the flood insurance rate map. Where floodway data are not provided on the flood insurance study for the city, floodway data available from a federal, state, or other authoritative source shall be used, if available. Where floodway data is not available from another authoritative source, applicants for approval of new subdivisions and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include such data with their permit applications. This data must be approved by the floodplain administrator. This provision does not apply to applications for permits for small projects on large lots, such as constructing a single-family home.

R. “Historic structure” means a structure that:

1. Is listed on the National Register of Historic Places, the Washington Heritage Register, or the Washington Heritage Barn Register, or has been designated a landmark or been issued a certificate of appropriateness under the city's historic preservation ordinance.

2. Has been certified to contribute to the historical significance of a registered historic district.

S. "Hyporheic zone" means a saturated layer of rock or sediment beneath and/or adjacent to a stream channel that contains some proportion of channel water or that has been altered by channel water infiltration.

T. "Impervious surface" means a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

U. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement) measured at the walking surface of the floor. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor as long as that enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found in ACC 15.68.170(A)(7).

V. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar recreational vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar recreational vehicles.

W. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

X. "Market value" shall mean the current assessed value as established by the most recent tax roll of the county assessor in which the property is located. An applicant may, at applicant's expense, provide an appraisal to determine market value.

Y. "Native vegetation" means plant species that are indigenous to the community's area and that reasonably could be expected to naturally occur on the site.

Z. "Natural floodplain functions" means the contribution that a floodplain makes to support habitat, including, but not limited to, providing flood storage and conveyance, reducing flood velocities, reducing sedimentation, filtering nutrients and impurities from runoff, processing organic wastes, moderating temperature fluctuations, and providing breeding and feeding grounds for aquatic or riparian species.

AA. "New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

BB. "Protected area" means the lands that lie within the boundaries of the floodway, the riparian habitat zone, and the channel migration area. In riverine areas, where a floodway has not been designated in accordance with this chapter, the protected area is comprised of those lands that lie within the boundaries of the riparian habitat zone, the channel migration area, and the SFHA.

CC. "Recreational vehicle" means a vehicle:

1. Built on a single chassis;

2. Four hundred square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

DD. "Regulatory floodplain" means the area of the special flood hazard area and all protected areas within the city of Auburn. It also includes newly designated special flood hazard areas and protected areas that are delineated pursuant to city law.

EE. "Riparian" means of, adjacent to, or living on, the bank of a stream, lake, pond, sound, or other water body.

FF. "Riparian habitat zone" means the water body and adjacent land areas that are likely to support aquatic and riparian habitat as detailed in this chapter. The size and location of the riparian habitat zone is dependent on the type of water body. The riparian habitat zone includes the water body and adjacent lands, measured perpendicularly from ordinary high water on both sides of the water body:

1. Marine and lake shorelines and Type S streams that are designated "shorelines of the state": 250 feet.

2. Type F (fish bearing) streams greater than five feet wide and marine shorelines: 200 feet.

3. Type F streams less than five feet wide and lakes: 150 feet.

4. Type N (nonsalmonid-bearing) perennial and seasonal streams with unstable slopes: 225 feet.

5. All other Type N (nonsalmonid-bearing) perennial and seasonal streams: 150 feet.

In addition, the riparian habitat zone may include additional land areas that the floodplain administrator determines are likely to support aquatic and riparian habitat.

GG. "Special flood hazard area (SFHA)" means the land subject to inundation by the base flood. Special flood hazard areas are identified by the Federal Emergency Management Agency in the scientific and engineering reports entitled "Flood Insurance Study for King County, Washington and Incorporated Areas," dated April 19, 2005, and any revisions thereto, and "Flood Insurance Study for Pierce County, Washington and Unincorporated Areas," dated August 19, 1987, and any revisions thereto, and designated on associated flood insurance rate maps with the letter A, including AE, AO, AH, A1 – 99.

HH. "Start of construction" includes substantial improvement, and means actual start of construction, repair, reconstruction, addition, placement or other improvement that occurred before the permit's expiration date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

II. "Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

JJ. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

KK. "Substantial improvement" or "substantially improved" means any repair, reconstruction, addition, replacement or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of such structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work done.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

LL. “Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

MM. “Water typing” means a system for classifying water bodies according to their size and fish habitat characteristics. The Washington Department of Natural Resources Forest Practices Water Typing Classification System is hereby adopted by reference. The system defines four water types:

1. Type “S” – Shoreline: Streams that are designated “shorelines of the state,” including marine shorelines.

2. Type “F” – Fish: Streams that are known to be used by fish or meet the physical criteria to be potentially used by fish.

3. Type “Np” – Non-fish perennial streams.

4. Type “Ns” – Non-fish seasonal streams.

NN. “Zone” means one or more areas delineated on the FIRM. The following zones may be used on the adopted FIRM. The special flood hazard area is comprised of the A Zone.

1. A: SFHA where no base flood elevation is provided.

2. A#: Numbered A zones (e.g., A7 or A14), SFHA with a base flood elevation.

3. AE: SFHA with a base flood elevation.

4. AO: SFHA subject to inundation by shallow flooding usually resulting from sheet flow on sloping terrain, with average depths between one and three feet. Average flood depths are shown.

5. AH: SFHA subject to inundation by shallow flooding (usually areas of ponding) with average depths between one and three feet. Base flood elevations are shown.

6. B: The area between the SFHA and the 500-year flood of the primary source of flooding. It may also be an area with a local, shallow flooding problem or an area protected by a levee.

7. C: An area of minimal flood hazard, as above the 500-year flood level of the primary source of flooding. B and C zones may have flooding that does not meet the criteria to be mapped as a special flood hazard area, especially ponding and local drainage problems.

8. D: Area of undetermined but possible flood hazard.

9. X: The area outside the mapped SFHA.

10. Shaded X: The same as a Zone B, in subsection (NN)(6) of this section. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(2.1 – 2.17), 1989.)

Article III. General Provisions

15.68.070 Land to which this chapter applies.
This chapter shall apply to the regulatory floodplain within the jurisdiction of the city. (See the city of Auburn regulatory floodplain map on file in the office of the city clerk.) (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(3.1), 1989.)

15.68.080 Reserved.
(Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(3.2), 1989.)

15.68.090 Penalties for noncompliance.
No development shall be undertaken without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be enforced pursuant to the provisions of Chapter 1.25 ACC. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4502 § 20, 1991; Ord. 4357 § 2(3.3), 1989.)

15.68.100 Abrogation and greater restrictions.
This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(3.4), 1989.)

15.68.110 Interpretation.
In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body;

C. Deemed neither to limit nor repeal any other powers granted under state statutes;

D. Maps referred to in this chapter are for reference only, unless specified. If the map does not specifically indicate that it is the primary source of regulation, the text of the applicable code section shall control over any contrary information provided on a map. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2 (3.5), 1989.)

15.68.120 Warning and disclaimer of liability.
The degree of property and habitat protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods and movement of channels outside of mapped channel migration areas can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter does not imply that land outside the regulated areas or development permitted within such areas will be free from flood or erosion damage. This chapter shall not create liability on the part of the city, any officer or employee thereof, for any damage to property or habitat that results from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(3.6), 1989.)

15.68.125 Appeals.
A. The hearing examiner shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The hearing examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the hearing examiner may appeal such decision to the superior court.

D. Upon consideration of the factors of this chapter and the purposes of this chapter, the hearing examiner may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 6295 § 2, 2010.)

Article IV. Administration

15.68.130 Establishment of and requirement to obtain floodplain development permit.

A. A floodplain development permit shall be obtained before construction or development begins within the regulatory floodplain. The permit shall be for all development as defined in this chapter.

B. A development project is not subject to the requirements of this chapter if it is located on land that can be shown to be:

1. Outside the protected area; and

2. Higher than the base flood elevation.

The floodplain administrator shall inform the applicant that the project may still be subject to the flood insurance purchase requirements unless the owner receives a letter of map amendment from FEMA.

C. Nondevelopment Activities. Activities that do not meet the definition of "development" in this chapter are allowed in the regulatory floodplain without the need for a floodplain development permit under this chapter, provided all other federal, state, and local requirements are met. The following are examples of activities not considered development or manmade changes to improved or unimproved real estate:

1. Routine maintenance of landscaping that does not involve grading, excavation, or filling;

2. Removal of noxious weeds and hazard trees and replacement of nonnative vegetation with native vegetation;

3. Normal maintenance of structures, such as re-roofing and replacing siding, as long as such work does not qualify as a substantial improvement;

4. Normal maintenance of above ground public utilities and facilities, such as replacing downed power lines;

5. Normal street and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, but not including expansion of paved areas;

6. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility; and

7. Plowing and other normal farm practices (other than structures or filling) on farms in existence as of the effective date of the ordinance codified in this chapter.

D. Activities Allowed with a Floodplain Permit. The following activities are allowed in the regulatory floodplain without the analysis required in ACC 15.68.160(C) or the habitat impact assessment required under ACC 15.68.135(J), providing all other requirements of this chapter are met, including obtaining a floodplain development permit:

1. Repairs or remodeling of an existing structure; provided, that the repairs or remodeling are not a substantial improvement or a repair of substantial damage; provided further, that no habitat impact assessment shall be required if the repair or remodel does not expand the existing building envelope.

2. Expansion of an existing structure that is no greater than 10 percent beyond its existing footprint; provided, that the repairs or remodeling are not a substantial improvement or a repair of substantial damage. This measurement is counted cumulatively from the effective date of the ordinance codified in this chapter. If the structure is in the floodway, there shall be no change in the dimensions perpendicular to flow.

3. Activities with the sole purpose of creating, restoring or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet federal and state standards, provided the activities do not include structures, grading, fill, or impervious surfaces.

4. Development of open space and recreational facilities, such as parks, trails, and hunting grounds, that do not include structures, grading, fill, impervious surfaces or removal of more than five percent of the native vegetation on that portion of the property in the regulatory floodplain.

E. Other Activities. All other activities not listed in subsection C or D of this section are allowed, as long as they meet all the other requirements of this chapter, including the analysis required in ACC 15.68.160 and the habitat impact assessment and any mitigation required under ACC 15.68.135(K) and (L) and a floodplain development permit is issued. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(4.1), 1989.)

15.68.135 Floodplain development permit application.
Application for a floodplain development permit shall be made on forms furnished by the floodplain administrator and shall include, but not be limited to:

A. One or more site plans, drawn to scale, showing:

1. The nature, location, dimensions, and elevations of the property in question;

2. Names and location of all lakes, water bodies, waterways and drainage facilities within 300 feet of the site;

3. The elevations of the 10-, 50-, 100-, and 500-year floods, where the data are available. Additionally, for property located within the SFHA, base flood elevations shall be included as required in ACC 15.68.060(C)(3);

4. The boundaries of the regulatory floodplain, SFHA, floodway, riparian habitat zone, and channel migration area, delineated in accordance with this chapter;

5. The proposed drainage system including, but not limited to, storm sewers, overland flow paths, detention facilities and roads;

6. Existing and proposed structures, fill, pavement and other impervious surfaces, and sites for storage of materials;

7. All wetlands;

8. Designated fish and wildlife habitat conservation areas; and

9. Existing native vegetation and proposed revegetation (see ACC 15.68.161(D)).

B. If the proposed project involves regrading, excavation, or filling, the site plan shall include proposed post-development terrain at one-foot contour intervals.

C. If the proposed project includes a new structure, substantial improvement, or repairs to a substantially damaged structure that will be elevated, the application shall include the FPE for the building site and the proposed elevations of the following:

1. The top of bottom floor (including basement, crawlspace, or enclosure floor);

2. The top of the next higher floor;

3. The top of the slab of an attached garage;

4. The lowest elevation of machinery or equipment servicing the structure;

5. The lowest adjacent (finished) grade next to structure;

6. The highest adjacent (finished) grade next to structure;

7. The lowest adjacent grade at the lowest elevation of a deck or stairs, including structural support.

D. If the proposed project includes a new structure, substantial improvement, or repairs to a substantially damaged nonresidential structure that will be dry floodproofed, the application shall include the FPE for the building site and the elevation in relation to the datum of the effective FIRM to which the structure will be dry floodproofed and a certification by a registered professional engineer or licensed architect that the dry floodproofing methods meet the floodproofing criteria in this chapter.

E. The application shall include a description of the extent to which a stream, lake, or other water body, including its shoreline, will be altered or relocated as a result of the proposed development.

F. The application shall include documentation that the applicant will apply for all necessary permits required by federal, state, or local law. The application shall include acknowledgment that the applicant understands that the final certificate of occupancy will be issued only if the applicant provides copies of the required federal, state, and local permits or letters stating that a permit is not required.

G. The application shall include acknowledgment by the applicant that representatives of any federal, state or local unit of government with regulatory authority over the project are authorized to enter upon the property to inspect the development.

H. The riparian habitat zone shall be delineated on the site plan by the applicant at the time of application for subdivision approval or floodplain development permit for all development proposals within 300 feet of any stream or shoreline.

I. If the project is located in the regulatory floodplain and includes activities not listed in ACC 15.68.130(C) and (D), the application shall include a habitat impact assessment. If that assessment determines that impacts would result from the project, the application shall also include a habitat mitigation plan.

J. Habitat Impact Assessment. Unless allowed under ACC 15.68.130(C) or (D), an application to develop in the regulatory floodplain shall include an assessment of the impact of the project on water quality and aquatic and riparian habitat. The assessment shall be:

1. A biological evaluation or biological assessment that has received concurrence from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act; or

2. Documentation that the activity fits within a habitat conservation plan approved pursuant to Section 10 of the Endangered Species Act; or

3. Documentation that the activity fits within Section 4(d) of the Endangered Species Act; or

4. An assessment prepared in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010. The assessment shall determine if the project would adversely affect:

a. The primary constituent elements identified when a species is listed as threatened or endangered;

b. Essential fish habitat designated by the National Marine Fisheries Service;

c. Fish and wildlife habitat conservation areas;

d. Vegetation communities and habitat structures;

e. Water quality;

f. Water quantity, including flood and low flow depths, volumes and velocities;

g. The channel's natural planform pattern and migration processes;

h. Spawning substrate, if applicable; and/or

i. Floodplain refugia, if applicable.

K. Habitat Mitigation Plan.

1. If the assessment conducted under subsection J of this section concludes the project is expected to have an adverse effect on water quality and/or aquatic or riparian habitat or habitat functions, the applicant shall provide a plan to mitigate those impacts, in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010.

a. For projects or those portions of a project located within the regulatory floodplain but outside of the protected area, the mitigation plan shall include such avoidance, minimization, restoration, or compensation measures as are appropriate to mitigate the adverse effects of the project.

b. For projects or those portions of a project located within the protected area, the project shall be revised to include such appropriate measures as are needed to ensure that there is no adverse effect due to the project. Minimization measures are not allowed in the protected area, unless they, in combination with other measures, result in no adverse effect.

2. The plan's habitat mitigation activities shall be incorporated into the proposed project. The floodplain development permit shall be based on the redesigned project and its mitigation components.

L. Third-Party Review. For the habitat impact assessment required in subsection J of this section or the habitat mitigation plan required in subsection K of this section, the city may require third-party review when the professional opinions of the applicant's representative and the city's reviewers cannot be reconciled. Third-party review requires the applicant's habitat impact assessment, habitat mitigation plan, and/or additional technical studies to be reviewed by an independent third party, paid for by the applicant but hired by the city. Third-party review shall be conducted by a qualified consultant as defined in the Floodplain Habitat Assessment and Mitigation Regional Guidance, FEMA Region X, 2010. (Ord. 6295 § 2, 2010.)

15.68.136 Floodplain development permit expiration.
If there has been no start of construction, a floodplain development permit shall expire 180 days after the date of issuance. Where the applicant documents a need for an extension beyond this period due to conditions beyond the applicant's control, the floodplain administrator may authorize one or more extensions. (Ord. 6295 § 2, 2010.)

15.68.140 Designation of the floodplain administrator.
The director of the planning and development department, or the director's designee, is hereby appointed to administer and implement this chapter by granting or denying floodplain development permit applications in accordance with its provisions. (Ord. 6295 § 2, 2010.)

15.68.141 Duties of the floodplain administrator.
Duties of the floodplain administrator shall include, but not be limited to:

A. Review all floodplain development permits to determine that the permit requirements of this chapter have been satisfied.

B. Review all floodplain development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required, including those local, state or federal permits that may be required to assure compliance with the Endangered Species Act and/or other appropriate state or federal laws.

C. Review all floodplain development permits to determine if the proposed development is located in the protected area. If located in the protected area, ensure that the applicable provisions of this chapter are met.

D. Ensure that all development activities within the regulatory floodplain of the city meet the requirements of this chapter.

E. Inspect all development projects before, during and after construction to ensure compliance with all provisions of this chapter, including proper elevation of the structure.

F. Maintain for public inspection all records pertaining to the provisions of this chapter.

G. Submit reports as required for the National Flood Insurance Program.

H. Notify FEMA of any proposed amendments to this chapter.

I. Cooperate with state and federal agencies to improve flood and other technical data and notify FEMA of any new data that would revise the FIRM.

J. Make interpretations, where needed, as to the exact location of the boundaries of the regulatory floodplain, the SFHA and the protected area (e.g., where there appears to be a conflict between the mapped SFHA boundary and actual field conditions as determined by the base flood elevation and ground elevations). (Ord. 6295 § 2, 2010.)

15.68.150 Duties and responsibilities of the public works department.
Duties of the public works department regarding flood hazard areas shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of ACC 15.68.160(C) are met.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with ACC 15.68.060(C), the city engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer this chapter.

C. Information to Be Obtained and Maintained.

1. Where base flood elevation data has not otherwise been provided in accordance with this chapter, obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. This information shall be recorded on a current FEMA Elevation Certificate (FEMA Form 81-31), signed and sealed by a professional land surveyor, currently licensed in the state of Washington.

2. For all new or substantially improved floodproofed structures:

a. Verify and record the actual elevation (in relation to mean sea level); and

b. Maintain the floodproofing certifications required in this chapter.

3. Maintain for public inspection all records pertaining to the provisions of this chapter. This information shall be recorded on a current FEMA Floodproofing Certificate (FEMA Form 81-65), by a professional engineer, currently licensed in the state of Washington.

D. Alteration of Watercourses.

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. If the maintenance program does not call for cutting of native vegetation, the system shall be oversized at the time of construction to compensate for said vegetation growth or any other natural factor that may need future maintenance.

E. Interpretation of FIRM Boundaries. Make interpretations where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation.

F. Appeals of determinations made pursuant to this chapter shall be filed with the city's public works director within 20 working days after the final city engineer decision is issued. The public works director shall have 15 working days to review the appeal, determine whether to uphold or modify the city engineer's decision, and notify the applicant of such determination. The decision of the public works director shall be final. The city engineer's and director's decision shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76). (Ord. 6295 § 2, 2010; Ord. 6182 § 4, 2008; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(4.3), 1989.)

15.68.151 Duties and responsibilities of the planning and development department.
Duties of the planning and development department shall include, but not be limited to:

A. Permit Review.

1. Review all building-related development permits to determine that the permit requirements of this chapter have been satisfied including building, addition and alteration permits;

2. Review all building-related development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and

3. Review all building-related projects to determine that the procedures for building projects within a special flood hazard area have been applied.

B. Information to Be Obtained and Maintained.

1. Where base flood elevation data is provided through the flood insurance study or required as in ACC 15.68.150(B), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

2. For all new or substantially improved floodproofed structures:

a. Verify and record the actual elevation (in relation to mean sea level); and

b. Maintain the floodproofing certifications required in this chapter;

3. Maintain for public inspection all building-related records pertaining to the provisions of this chapter. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008.)

Article V. Provisions for Flood Hazard Protection

15.68.160 Standards of the public works department.
A. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. All new streets shall be designed to ensure the lowest finished surface elevation is a minimum of one foot higher than the adjacent 100-year flood elevation.

5. All new development shall be designed and located to minimize the impact on flood flows, flood storage, water quality, and habitat.

a. Stormwater and drainage features shall incorporate low impact development techniques that mimic predevelopment hydrologic conditions, such as stormwater infiltration, rain gardens, grass swales, filter strips, disconnected impervious areas, permeable pavement, and vegetative roof systems.

b. If the proposed project will create new impervious surfaces so that more than 10 percent of the portion of the lot in the regulatory floodplain is covered by impervious surface, the applicant shall demonstrate that there will be no net increase in the rate and volume of the stormwater surface runoff that leaves the site or that the adverse effect is mitigated as required in ACC 15.68.135(J) and (K).

6. The site plan required in this chapter shall account for surface drainage to ensure that:

a. Existing and new buildings on the site will be protected from stormwater runoff; and

b. The project will not divert or increase surface water runoff onto neighboring properties.

7. Utilities. Water wells shall be located outside the floodway and shall be protected to the FPE.

B. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

C. Floodway Standards.

1. In addition to the other requirements of this chapter, a project to develop in the floodway as delineated pursuant to this chapter shall meet the following criteria:

a. The applicant shall provide a certification by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels during the occurrence of the base flood discharge.

b. Construction or reconstruction of residential structures is prohibited within designated floodways, except for the following. The following exceptions must still meet all other requirements in this chapter:

i. Repairs, reconstruction, or improvements to a residential structure which do not increase the ground floor area, providing the cost of which does not exceed 50 percent of the market value of the structure either (A) before the repair or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by a local code enforcement official and which are the minimum necessary to assure safe living conditions, or to an historic structure, may be excluded from the 50 percent calculations;

ii. Repairs, replacement, reconstruction, or improvements to existing farmhouses located in designated floodways and located on designated agricultural lands that do not increase the building's total square footage of encroachment and are consistent with all requirements of WAC 173-158-075;

iii. Repairs, replacement, reconstruction, or improvements to substantially damaged residential dwellings other than farmhouses that do not increase the building's total square footage of encroachment and are consistent with all requirements of WAC 173-158-076; or

iv. Repairs, reconstruction, or improvements to residential structures identified as historic structures that do not increase the building's dimensions.

2. In riverine special flood hazard areas where a floodway has not been delineated pursuant to this chapter, the applicant for a project to develop in the SFHA shall provide a certification by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development and all other past or future similar developments would not cumulatively result in an increase of flood levels during the occurrence of the base flood discharge by more than one foot. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(5.1), 1989.)

15.68.161 Standards of the planning and development department.
In all areas of special flood hazard the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to other anchoring requirements for resisting wind forces. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Review of Building Permits. Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

D. Native Vegetation. The site plan required for development in the regulatory floodplain shall show existing native vegetation.

1. In the riparian habitat zone, native vegetation shall be left undisturbed, except if in connection with an activity allowed in the regulatory floodplain without a permit, and except for activities with the sole purpose of creating, restoring or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet federal and state standards, provided the activities do not include structures, grading, fill, or impervious surfaces.

2. Outside the riparian habitat zone, removal of native vegetation shall not exceed 35 percent of the surface area of the portion of the site in the regulatory floodplain. Native vegetation in the riparian habitat zone portion of the property can be counted toward this requirement.

3. If the proposed project does not meet the criteria of this chapter, a habitat impact assessment shall be conducted pursuant to ACC 15.68.135(J) and, if indicated by that assessment, a habitat mitigation plan shall be prepared and implemented pursuant to ACC 15.68.135(K). (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008.)

15.68.170 Additional standards of the planning and development department.
In all areas of special flood hazard where base flood elevation data is provided as set forth in this chapter, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation. Enclosed crawl space areas no taller than three feet, measured from the lowest ground within the crawl space to the bottom of the structural system directly supporting the floor slab or sheathing above, shall not be considered as a basement.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade;

c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

3. The structure shall be aligned parallel with the direction of flood flows.

4. The structure shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

5. All materials below the FPE shall be resistant to flood damage and firmly anchored to prevent flotation. Materials harmful to aquatic wildlife, such as creosote, are prohibited below the FPE.

6. Electrical, heating, ventilation, duct work, plumbing, and air-conditioning equipment and other service facilities shall be elevated above the FPE. Water, sewage, electrical, and other utility lines below the FPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding.

7. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited; provided, that those areas may be used only for parking, storage, or building access and only if they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or licensed architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

B. Nonresidential Construction. New construction and substantial improvement to any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation. As an alternative to elevation, a new or substantial improvement to a nonresidential structure, and its attendant utility and sanitary facilities, may be dry floodproofed in A zones. The project shall meet the following requirements:

1. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or a registered professional architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in ACC 15.68.150(C)(2);

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section;

5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to one foot above the base flood level will be rated as one foot below that level).

C. Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1 – 30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system.

D. Recreational Vehicles. Recreational vehicles placed on sites are required to either:

1. Be on the site for fewer than 180 consecutive days; or

2. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

3. Meet the requirements of subsection C of this section and the elevation and anchoring requirements for manufactured homes.

E. Hazardous Materials. No new development shall create a threat to public health, public safety, or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other materials that are hazardous, toxic, or a threat to water quality are prohibited from the regulatory floodplain. This prohibition does not apply to small quantities of these materials kept for normal household use or to materials kept in approved containers above the FPE or in a dry floodproofed nonresidential building.

F. Small Structures. A low cost building such as a detached garage, boathouse, pole barn, or storage shed that is no larger than 500 square feet and is not used for human habitation may be exempt from the elevation requirement of this chapter, provided:

1. It is used only for parking or storage;

2. It is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;

3. It is anchored to prevent flotation which may result in damage to other structures;

4. All portions of the structure below the FPE must be constructed of flood-resistant materials;

5. Service utilities such as electrical and heating equipment meet the standards of this chapter;

6. It has openings to allow free flowage of water that meet the criteria of this chapter;

7. The project meets all the other requirements of this chapter.

G. Location of Structures. Structures and other development shall be located to avoid flood damage.

1. If a lot has a buildable site out of the regulatory floodplain, all new structures shall be located in that area.

2. If a lot does not have a buildable site out of the regulatory floodplain, all new structures, pavement, and other development must be sited in the location that has the least impact on habitat by locating the structures as far from the water body as possible or placing the structures on the highest land on the lot.

H. Critical Facilities.

1. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the regulatory floodplain.

2. Construction of new critical facilities shall be permissible if no feasible alternative site is available, provided:

a. Critical facilities shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. If there is no available data on the 500-year flood, the permit applicants shall develop the needed data in accordance with FEMA mapping guidelines.

b. Access to and from the critical facility shall be protected to the elevation of the 500-year flood. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(5.2), 1989.)

15.68.180 Floodways and community acknowledgement of FEMA map amendments.

A. Notwithstanding any other provision of this chapter, the city may permit encroachments within the adopted regulatory floodway upon receipt of approval of the Federal Insurance Administrator and completion of the conditions of this section.

1. Prior to a developer being authorized to encroach upon the adopted regulatory floodway to an extent which will cause base flood elevation increases in excess of those permitted in subsection A of this section, the developer shall provide, for city review and submission to the Federal Insurance Administrator, the following:

a. A request for conditional approval of map change and the appropriate initial fee as specified by Section 72.3 of 44 CFR Chapter I Federal Emergency Management Agency or a request for exemption from fees as specified by Section 72.5 of 44 CFR Chapter I Federal Emergency Management Agency. Sections 72.3 and 72.5 of 44 CFR Chapter I Federal Emergency Management Agency are herein adopted by reference in their entirety including any future amendments thereto;

b. An evaluation of alternatives which would not result in a base flood elevation increase above that permitted under subsection A of this section demonstrating why these alternatives are not feasible;

c. Documentation of individual legal notice to all impacted property owners within and outside of the community, explaining the impact of the proposed action on their property;

d. Written concurrence of the chief executive officer of any other communities impacted by the proposed actions;

e. Written certification that no structures are located in areas which would be impacted by the increased base flood elevation;

f. A request for revision of base flood elevation determination according to the provisions of Section 65.6 of 44 CFR Chapter I Federal Emergency Management Agency. Section 65.6 of 44 CFR Chapter I Federal Emergency Management Agency is herein adopted by reference in its entirety;

g. A request for floodway revision in accordance with the provisions of Section 65.7 of 44 CFR Chapter I Federal Emergency Management Agency. Section 65.7 of 44 CFR Chapter I Federal Emergency Management Agency is herein adopted by reference in its entirety.

B. City Review of Changes to Flood Hazard Data.

1. All requests to revise or change the flood hazard data, including requests for a letter of map revision and a conditional letter of map revision, shall be reviewed by the floodplain administrator.

a. The floodplain administrator shall not sign the community acknowledgement form for any requests based on filling or other development, unless the applicant for the letter documents that such filling or development is in compliance with this chapter.

b. The floodplain administrator shall not approve a request to revise or change a floodway delineation until FEMA has issued a conditional letter of map revision that approves the change.

c. Upon receipt of the Federal Insurance Administrator's conditional approval of map change and prior to the approval of the proposed encroachments, the developer shall compensate the city for all costs incurred by the city which are associated with:

i. The city's adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition;

ii. The city's submittal of evidence to the Federal Insurance Administrator of the city's adoption of said revised floodplain management ordinances;

iii. Within three months of completion of the proposed encroachments, the developer shall be responsible for providing certified record drawings and/or technical or scientific data to the city for submittal to the Federal Insurance Administrator.

2. If an applicant disagrees with the regulatory data prescribed by this chapter, he/she may submit a detailed technical study needed to replace existing data with better data in accordance with FEMA mapping guidelines or Regional Guidance for Hydrologic and Hydraulic Studies FEMA Region X, 2010. If the data in question are shown on the published FIRM, the submittal must also include a request to FEMA for a conditional letter of map revision.

3. All new hydrologic and hydraulic flood studies conducted pursuant to this chapter shall consider future conditions and the cumulative effects from anticipated future land use changes in accordance with Regional Guidance for Hydrologic and Hydraulic Studies, FEMA Region X, 2010. If there is a study in existence on the date this provision becomes effective that meets the rest of this chapter's criteria, it may be used, even if it does not account for future conditions. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(5.3), 1989.)

15.68.190 Developments within areas of special flood hazard.
Notwithstanding any other provision of this chapter, the city may permit developments within special flood hazard areas. Prior to approval for a development which will increase the water surface elevation of the base flood by more than one foot, a developer must comply with the requirements set forth in ACC 15.68.180(A). (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008; Ord. 4820 § 1, 1995; Ord. 4357 § 2(5.4), 1989.)

15.68.200 Compensatory storage requirements.
A. Development proposals shall not reduce the effective flood storage volume at base flood elevation. Where fill, grading or other activities that may displace the effective base flood storage volume are proposed, compensatory storage shall be required. Compensatory storage shall:

1. Provide equivalent volume at equivalent elevations to that being displaced.

2. Hydraulically connect to the source of the flooding.

3. Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs. Allowances may be granted on a case-by-case basis to allow sequential construction if the timing of the work cannot meet wintertime/flood construction schedules.

4. Occur on site or, if approved by the city engineer, at a hydraulically connected off-site location.

5. Provide documentation of a restrictive easement acceptable to the engineering division to ensure continued existence of the compensatory flood storage.

6. The newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.

B. Certification by a registered professional engineer may be required as documentation that the compensatory storage requirement shall be met by the development proposal. (Ord. 6295 § 2, 2010; Ord. 6161 § 1, 2008.)

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[1] Prior legislation: Ords. 4214 and 4220.

Chapter 15.72

DRAINAGE PLANS

(Repealed by Ord. 5855)

Chapter 15.74

LAND CLEARING, FILLING AND GRADING

Sections:

15.74.010 Intent.
15.74.020 Scope.
15.74.030 Definitions.
15.74.040 Permit.
15.74.050 Exemptions.
15.74.060 *Repealed.*

15.74.010 Intent.
The intent of this chapter is to regulate all land disturbing activities on all properties, and ensure reasonable mitigation is provided as necessary to:

A. Prevent creation of public nuisance situations, promote the public health, safety and general welfare of the citizens of Auburn;

B. Preserve, maintain and enhance the city's physical and aesthetic character by controlling the removal of significant trees and ground cover on undeveloped and underdeveloped properties;

C. Encourage building and site planning practices that are consistent with the city's natural topographical and vegetation features in a manner which provides for the reasonable development and enjoyment, to include preservation and enhancement of views, of the property;

D. Preserve the city of Auburn's water courses and drainage patterns; minimize surface and ground water quality degradation; control sedimentation in creeks, streams, rivers, ponds, lakes, wetlands, and other surface water resources;

E. Protect adjacent and downstream properties from the impacts associated with changes to the property being disturbed;

F. Ensure the safety and stability of public facilities;

G. Preclude the disturbance or removal of vegetation in advance of the city's evaluation of a development proposal;

H. Implement the policies of the city's comprehensive plan. (Ord. 6146 § 1, 2007; Ord. 4861 § 1, 1996; Ord. 4775 § 1, 1995; Ord. 4266 § 1, 1988.)

15.74.020 Scope.
This chapter shall regulate all land disturbing activities and the removal of trees, shrubs, and/or ground cover. Land disturbing activities proposed within critical areas and/or land subject to shoreline management jurisdiction shall be subject to Chapters 16.10 and 16.08 ACC, respectively, and the procedural requirements of this chapter. (Ord. 6146 § 1, 2007; Ord. 4861 § 1, 1996; Ord. 4266 § 1, 1988.)

15.74.030 Definitions.
For the purpose of this chapter, the following words shall have the following meanings:

A. "Accelerated erosion" Erosion much more rapid than normal or geologic erosion, primarily as a result of the influence of the activities of man or, in some cases, of the animals or natural catastrophes that expose bare surfaces (e.g., fires).~~means any increase over the rate of natural erosion as a result of a land disturbing activity~~.

B. "Clearing" means the destruction and removal of vegetation by manual, mechanical, or chemical methods ~~any activity which removes or seriously damages ground cover, shrubs, and/or trees including but not limited to root mat removal and/or topsoil removal by mechanical and/or chemical means and which exposes the earth's surface.~~

C. “Filling” means the act of transporting or placing (by any manner or mechanism) fill material from, to, or on any soil surface, natural vegetative covering of soil surface, or fill material (including temporary stockpiling of fill material).

D. “Grading” means any excavating, filling, clearing, or re-contouring of the ground surface or combination thereof.

E. “Ground cover” means small plants such as salal, ferns, mosses, grasses or other types of vegetation which normally cover the ground, including trees less than six inches in diameter measured at 24 inches above ground level, which renders the surface of the soil stable against accelerated erosion.

F. “Impervious surface” means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off in greater quantities or at an increased rate of flow from the flow under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purpose of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

G. “Land disturbing activity” means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity.

H. “Permanent structure” means any buildings which are immovable including homes, garages, barns, storage buildings, or a driveway not wider than 20 feet which is the exclusive route of ingress and egress to an immovable garage or carport.

I. “Pre-loading” means the placement of material with the intent to surcharge and compress subsurface soils for a limited amount of time.

J. “Sedimentation” means the process by which solid particulate matter is transported by water off the site of the land disturbing activity and settles onto land or the bed of a creek, stream, river, wetland, pond, lake, or other water body.

K. “Stockpiling” means the placement of material with the intent to remove at a later time.

L. “Tree” means any self-supporting perennial woody plant characterized by natural growth of one main stem or trunk with a definite crown, and maturing at a height of at least six feet above the ground.

M. “Shrubs” means any living terrestrial plant or vegetation other than a tree or ground cover on land.

N. “Significant tree” means a healthy evergreen tree, six inches or more in diameter measured four feet above grade, or a healthy deciduous tree four inches or more in diameter measured four feet above grade.

O. “Underdeveloped property” means any parcel which under the city’s zoning code may be further subdivided to allow further development, or is not already developed to the fullest zoning potential.

P. “Undeveloped property” means any parcel which has not been altered from its natural state by grading or filling or by construction of private structures or public infrastructure that allows further development. (Ord. 6283 § 13, 2009; Ord. 6146 § 1, 2007; Ord. 4861 § 1, 1996; Ord. 4266 § 1, 1988.)

15.74.040 Permit.

A. Application. Any owner or authorized agent who intends to clear, fill, or grade any property within the city, except those specifically exempted in ACC 15.74.050, shall first make an application to the city and obtain the required permit for the work. Applications shall be prepared by a licensed professional civil engineer and shall

conform to the city's design standards per Chapter 12.04 ACC. The city engineer shall have the authority to accept an application not prepared by a licensed professional engineer if the city engineer determines the scope of the project is such that a detailed set of plans is not required. An application for a clearing, filling, and grading permit shall be applied for and, where possible, processed concurrently with any other necessary permits or approvals. In addition, the city engineer may require off-site improvements prior to issuing any grading, filling or clearing permits when such improvements are required to mitigate the impacts of the proposed improvements.

B. Approval. The city engineer shall have the authority to approve, modify, approve with conditions, or deny the permit in accordance with the intended purposes of ACC 15.74.010. The city engineer shall also have the authority to determine the time frame when the land disturbing activity shall commence, when the project is to be completed, designated haul routes, seasonal and weather restrictions, and hours of operation.

C. Performance Guarantee. When the city engineer determines that steps must be taken to protect other property or the public right-of-way, then the applicant shall provide the city an assignment of funds or an irrevocable letter of credit or other similar security satisfactory to the city engineer, to ensure land disturbing activities are constructed and maintained in conformance with the approved construction drawings, standards, and any environmental requirements and that the impacts of the activities, including hauling impacts, are mitigated. The amount and duration of the financial guarantee will be determined by the city engineer, when required, and it shall be no less than $2,000 per acre. The financial guarantee shall be accompanied by an agreement granting the city and its agents the right to enter the property and perform work to mitigate and/or control impacts from such land disturbing activities utilizing the above-described satisfactory security. The agreement shall also hold the city harmless from all claims and expenses, including attorneys' fees.

D. Fees. Fees shall be assessed in accordance with the city's fee schedule.

E. Term. Work on grading, filling, or land clearing permits must begin within 180 days from the date of issuance of the permit. If work has not begun prior to this date, the permit shall expire and a new permit will be required prior to commencing any grading, filling, or clearing activities, and will be subject to city standards in effect at the time of the new permit. A six-month period of inactivity on the grading, filling or clearing work shall constitute expiration of the permit and a new permit will be required prior to recommencing grading, filling or clearing activities and will be subject to city standards in effect at the time of the new permit unless the applicant can demonstrate justification for the delay to the satisfaction of the city engineer. Work to maintain winterization requirements shall not be considered inactivity.

F. Inspection. Construction or work for which a permit is required shall be subject to inspection by the city engineer, or his/her designee, and such construction or work shall remain accessible for inspection purposes until approved by the city engineer or his/her designee.

G. Revocation of Permits. Failure of the property owner and/or permittee to comply with any or all of the provisions of this chapter or any or all provisions of a land clearing, filling, or grading permit may cause the city engineer to revoke the permit. If the permit is revoked, all operations shall cease until such time that the noncompliance is corrected.

H. Where applicable, the property owner is responsible for obtaining the appropriate permits from the city when the public right-of-way is used to clear, stockpile, or load products and/or debris resulting from any land disturbing activity.

I. Penalties. Any violation of the requirements of this chapter or the conditions of a land clearing, filling, and grading permit shall be enforced pursuant to the provisions of Chapter 1.25 ACC; provided, that the penalty for such violation shall be $500.00, and each day, location and/or incident shall constitute a separate civil infraction. Additionally, each violator (each individual participating in a violation) shall constitute separate violations; provided, that if a violation involves more than 30,000 cubic yards of grading or fill work or more than 15 acres of land clearing, it shall constitute a misdemeanor punishable by up to a $1,000 fine or up to 90 days in jail or both.

Any person who clears or disturbs property without first securing a permit pursuant to this chapter shall be subject to the penalties of this section and may be required to restore the site to the satisfaction of the city engineer. In addition

all activity on the property shall cease until such time that a permit has been issued and there shall be no issuance of any other permit or approval until such time that a land clearing or filling and grading permit has been approved.

J. Appeals. Any person aggrieved by the decision of the city engineer may, within 10 business days of the city engineer's written decision, appeal the decision to the hearing examiner who shall conduct a public hearing pursuant to ACC 18.70.040. (Ord. 6146 § 1, 2007; Ord. 4861 § 1, 1996; Ord. 4266 § 1, 1988.)

15.74.050 Exemptions.
The following are exempt from the requirements of this chapter:

A. Removal of dead or diseased trees, shrubs, or ground cover.

B. Clearing and grading associated with continuous agricultural uses, excluding timber cutting not otherwise exempted.

C. Clearing and grading not to exceed 6,999 square feet of area within individual lots, for the purpose of the construction of a single-family home or duplex, provided a building permit has been issued by the city prior to commencing the clearing and grading activities and construction of the structure starts within 90 days of commencing clearing and grading activities.

D. The removal of up to six trees per lot within any 12-month period, or for lots greater than one acre, up to six trees per acre within any 12-month period, with fractional acres of one-half acre or more considered to be a whole acre.

E. Clearing and grading for the construction and maintenance of public facilities as approved by the city engineer to include water, sanitary sewer, streets, highways, storm drainage and related facilities.

F. Removal of trees, shrubs, and ground cover in emergency situations involving immediate danger to life or property.

G. Routine landscape maintenance and minor repair.

H. Removal of trees and vegetation consistent with an approved surface mining permit.

I. Removal of a tree from property zoned residential that endangers a permanent structure by being closer to the structure than the distance from the base of the tree to its top, regardless of whether the tree is located on the same property as the structure.

J. Upon approval of the city engineer or his/her designee, clearing and grading not to exceed 500 cubic yards consisting of excavations of less than five feet in vertical depth and/or fills less than eight inches of vertical depth. ~~on any portion of a site and involving the deposit or displacement of not more than a total of 500 cubic yards of material during any 24-month period.~~

K. Upon approval of the city engineer or his/her designee, the temporary stockpiling of less than 500 cubic yards, combined, of topsoils, crushed rock, sawdust, mulch, bark, chips, or similar materials on a lot, tract, or parcel of land for a period not to exceed 12 months; provided, that the stockpile has adequate coverage to prevent erosion.

~~L. Upon approval of the city engineer or his/her designee, the broadcasting of less than 500 cubic yards of topsoil, peat, sawdust, mulch, bark, chips, or solid nutrients used for landscaping or soil conditioning on a lot, tract or parcel of land during any 24-month period, provided the finished depth does not increase the grade from the existing grade by more than eight inches.~~

M. Upon approval of the city engineer or his/her designee, the temporary stockpiling of organic or inorganic materials used in an approved construction project, provided the use, location, duration, and extent of the stockpile was disclosed through the environmental or development review process. In no case shall a temporary stockpile remain beyond a 24-month period.

N. The creation of impervious surfaces which have a surface area less than 2,000 square feet.

O. Emergency temporary sandbagging, diking, ditching, filling or similar work during or after periods of extreme weather conditions when done to protect life or property, provided such measures do not adversely impact adjacent properties or public facilities.

An exemption from clearing, filling, and grading permit requirements does not exempt a property owner from the policies, criteria, and standards contained in this chapter or other applicable local, state, or federal regulations or permit requirements.

The property owner is responsible to ensure that clearing of any trees that are within striking distance of a structure or have the potential to cause damage to others is performed by a licensed and bonded contractor. (Ord. 6283 § 14, 2009; Ord. 6146 § 1, 2007; Ord. 4861 § 1, 1996; Ord. 4266 § 1, 1988.)

15.74.060 Administrative provisions.
Repealed by Ord. 6146. (Ord. 4861 § 1, 1996; Ord. 4502 § 21, 1991; Ord. 4266 § 1, 1988.)

Chapter 15.76

HISTORIC PRESERVATION

Sections:

15.76.010 Purpose.
15.76.020 Landmarks and heritage commission.
15.76.030 Incorporation of King County provisions.
15.76.040 Appeal procedure.
15.76.050 Severability.

15.76.010 Purpose.
The purposes of this chapter are to:

A. Designate, preserve, protect, enhance, and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of Auburn's, the county's, state's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic, and other heritage;

B. Foster civic pride in the beauty and accomplishments of the past;

C. Stabilize and improve the economic values and vitality of landmarks;

D. Promote heritage-related tourism;

E. Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures and objects for the education, inspiration and welfare of the people of Auburn;

F. Promote and continue incentives for ownership and utilization of landmarks;

G. Assist, encourage and provide incentive to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;

H. Work cooperatively with other jurisdictions to identify, evaluate and protect historic resources in furtherance of the purposes of this chapter. (Ord. 5212 § 1 (Exh. M), 1999; Ord. 4733 § 2, 1995.)

15.76.020 Landmarks and heritage commission.
A. The King County landmarks and heritage commission established pursuant to King County Code (KCC), Chapter 20.62, is hereby designated and empowered to act as the landmarks commission for the city pursuant to the provisions of this chapter.

B. The special member of the King County landmarks and heritage commission provided for in KCC 20.62.030 shall be appointed by the mayor, subject to confirmation of the city council. Such special member shall be an Auburn resident who has a demonstrated interest in historic preservation. Such appointment shall be made for a three-year term.

In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Such special member may be reappointed, but may not serve more than two consecutive three-year terms. Such special member shall be deemed to have served one full term if such special member resigns at any time after appointment or if such special member serves more than two years of an unexpired term.

The special members of the commission shall serve without compensation.

C. The commission shall not conduct any public hearings required under this chapter with respect to properties located within the city of Auburn until the commission's rules and regulations, including procedures consistent with this chapter, have been filed with the city clerk. (Ord. 5212 § 1 (Exh. M), 1999; Ord. 4733 § 2, 1995.)

15.76.030 Incorporation of King County provisions.
The following sections of Chapter 20.62 KCC, which are attached to the ordinance codified in this chapter, are incorporated by reference the same as though they were set forth herein and made a part of this chapter:

A. KCC 20.62.020 – Definitions, except as follows:

1. Paragraph F is changed to read: "Council" is the Auburn city council.

2. Paragraph P is changed to read: "Manager" is the Auburn building official.

B. KCC 20.62.040 – Designation Criteria, except all references to "King County" are changed to read: "Auburn."

C. KCC 20.62.050 – Nomination Procedure.

D. KCC 20.62.070 – Designation Procedure, except all references to "King County" are changed to read: "Auburn."

E. KCC 20.62.080 – Certificate of Appropriateness Procedures, except the last sentence of paragraph A thereof.

F. KCC 20.62.100 – Evaluation of Economic Impact.

G. KCC 20.62.130 – Penalty for Violation of Section 20.62.080 (Paragraph E, above).

H. KCC 20.62.140 – Special Valuation for Historic Properties. (Ord. 5212 § 1 (Exh. M), 1999; Ord. 4733 § 2, 1995.)

15.76.040 Appeal procedure.
A. Any person aggrieved by a decision of the commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may, within 35 calendar days of mailing notice of such designation or rejection of nomination, or of such issuance or denial or approval of a certificate of appropriateness, appeal such decision in writing to the hearing examiner pursuant to Chapter 2.46 ACC. The written notice of appeal shall be filed with the planning director and shall be accompanied by a statement setting forth the grounds for the appeal, supporting documents, and argument.

B. If, after examination of the written appeal and the record, the examiner determines that:

1. An error in fact may exist in the record, it shall remand the proceeding to the commission for reconsideration or, if the city council determines that:

2. The decision of the commission is based on an error in judgment or conclusion, it may modify or reverse the decision of the commission.

C. The examiner's decision shall be based solely upon the record; provided, that the examiner may at his or her discretion publicly request additional information of the appellant, the commission or the planning director.

D. The examiner shall take final action on any appeal from a decision of the commission by entering written findings of fact and conclusions of law from the record and reasons therefrom which support its action. The examiner may adopt all or portions of the commission's findings and conclusions.

E. The decision of the examiner is final unless an appeal is filed pursuant to ACC 2.46.160. An appeal may also be filed by the King County landmarks and heritage commission to the planning director, who will forward the appeal to the city council.

F. The action of the city council sustaining, reversing, modifying or remanding a decision of the examiner shall be final unless within 20 calendar days from the date of the action an aggrieved person obtains a writ of certiorari from

the superior court of King or Pierce County, state of Washington, for the purpose of review of the action taken. (Ord. 6442 § 10, 2012; Ord. 5212 § 1 (Exh. M), 1999; Ord. 4733 § 2, 1995.)

15.76.050 Severability.
If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 5212 § 1 (Exh. M), 1999; Ord. 4733 § 2, 1995.)

Memorandum

TO: Judi Roland, Chair, Planning Commission
Ron Copple, Vice-Chair, Planning Commission
Planning Commission Members

FROM: Thaniel Gouk, Senior Planner

DATE: May 11, 2016

RE: Public Hearing for Proposed Code Amendments relating to the Keeping of Animals

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Discussions were held by the Planning Commission with regards to the Code provisions for keeping animals on February 2, 2016 and March 8, 2016 meetings, along with a final presentation at the June 3, 2016 meeting. A public hearing is now scheduled to be held on May 17, 2016 where Staff will present the final list of proposed amendments.

Exhibit A includes the proposed changes in strikeout(removals)-underline(additions) format. **Exhibit B** is a copy of the ordinance that includes the proposed amendments.

The proposed amendments are summarized as follows (page numbers relate to **Exhibit A**):

1. Sections 1 & 10 (pages 1 & 6): add new definition and regulations for beekeeping.

2. Sections 2, 3 & 9 (pages 1 & 3/4): add new definitions for chicken coops and runs and update the regulations for keeping domestic fowl.

3. Section 4 (page 2): modify the definition for household pets to “small domestic animals” and to remove small animals such as fish and gerbils from the number of animals allowed at a residence.

4. Section 5 (page 2): create a new definition for “medium domestic animals” to include potbelly pigs, miniature goats, miniature horses and other similar sized animals. Verbiage has been added to further clarify that medium sized animals are those that are larger than small animals but smaller than large animals.

5. Section 6 (page 2): create a new definition for “large domestic animals” to include horses, cows, etc. along with other similar sized animals.

6. Section 9 (pages 3/4/5): this section combines the two existing Code sections pertaining to the keeping of animals. Proposed changes from the previous presentation include:
    a. Offspring of dogs, cats, etc. of less than 6 months of age are not counted,
    b. Removing the licensing requirements for miniature goats and potbelly pigs as City Code does not require them, nor King/Pierce County,

c. Language added for large animal areas such as corrals, arenas, etc. need to meet applicable setbacks.

7. Section 11 (page 6): add section that requires existing areas or structures housing animals to meet the new Code provisions for setbacks within 30 days of notification from the City. The proposed language allows for someone to request an extension from the 30 days. Note that this will be complaint driven, which is typical for the City's Code Enforcement.

8. Section 12 (pages 6/7): revise the residential land use table to have the wording consistent with the proposed amendments.

9. Section 13 (page 7): revise the residential development standards table (which relates to building height, setbacks, lot coverage, etc.) to have wording consistent with the proposed amendments.

The Planning Commission requested that Staff provide a summary of Code Enforcement actions relating to the number of animals (dogs, cats) allowed for a dwelling unit (house, apartment, etc.); Staff will provided the information that is available at the public hearing.

The Planning Commission and Staff have had numerous conversations over the past several months regarding the keeping of chickens and other animals within the City. Staff believes that these amendments presented reflect these conversations and believe the changes will both help citizens better understand the rules, and allow the City's Code Enforcement Officers to better educate citizens as well as enforce the rules. Staff therefore recommends that the Planning Commission recommend approval of the proposed amendments to the City Council.

EXHIBIT A

Existing Code language is in plain Courier font.
New Code language is underlined.
Code language proposed for removal is ~~strikethrough~~.
Code language that has been moved from a different section is **bold** and color coded with a number (e.g. **[2]**)

Section 1 – Add a definition for apiaries (beekeeping). Proposed regulations for beekeeping in Section 10, below.

18.04.115 Apiary
"Apiary" ("apiaries") means a place where honey bees (apis mellifera) are kept; a collection of beehives. Beekeeping is included under this definition.

8.12.020 Nuisances affecting public health and safety.

Acts or omissions, places, conditions and things or uses that injure or endanger the safety, health, welfare, comfort or general well being of the general public or the environment, are declared to be public nuisances. Public nuisances include, but are not limited to, the following:

M. Nests, colonies, hives or apiaries of bees, Africanized honey bees, yellow jacket, hornets or wasps which are not in full compliance with Chapter 15.60 RCW or Chapter 16-602 WAC, or which are not in full compliance with the city's zoning and land use codes or with the city's business licensing and registration codes

Section 2 – Add definitions for structures housing domestic fowl (chickens, etc.).

18.04.237 Chicken coop.
"Chicken coop" means a building for housing and weather protection for domestic fowl. The chicken coop is treated as an accessory structure.

18.04.238 Chicken run.
"Chicken run" or "chicken pen" means an area enclosed by fencing or netting which may or may not be connected to a coop within which domestic fowl can move about freely within a limited portion of the property or site.

Section 3 – Modify "domestic fowl" definition as follows:

18.04.325 Domestic fowl and poultry.
"Domestic fowl and poultry" includes all species of chickens, turkeys, geese, ~~and~~ ducks, pigeons, or other fowl or poultry of similar size and character. Roosters and peafowl are not included in this definition and are not permitted.

Section 4 – Modify "household pets" definition as follows.

18.04.~~495~~823 ~~Household pet~~ Small domestic animal.
~~"Household pet~~ "Small domestic animal" means a domesticated animal of ordinary species that lives, or is commonly known to be capable of living, within the confines of a residence such as dogs, cats, common rabbits, ferrets, or other similar sized animals. Other indoor animals weighing less than ten (10) pounds such as, but not limited to, caged birds, small rodents, fish, and nonvenomous reptiles or amphibians, and not kept for commercial purposes, are not regulated under this title. Any endangered or exotic species are prohibited. ~~Animals considered to be common household pets small domestic animals include but are not necessarily limited to the following: dogs, cats, rabbits, caged indoor birds, small rodents, and fish,~~ ~~**and if weighing less than 10 pounds any nonvenomous reptiles and amphibians**~~ ~~**[1]**~~ ~~miniature goats, potbelly pigs, and domestic fowl. Animals not considered to be common household pets small domestic animals include but are not necessarily limited to the following: domestic fowl, horses, cows, goats, sheep, swine, donkeys, full-size swine, full-size goats, and endangered or exotic species and any similar species.~~

Section 5 – Create a new definition for "medium domestic animals" as follows:

18.04.617 Medium domestic animal.
"Medium domestic animal" means **potbelly pigs,** ~~**and**~~ **miniature goats**, miniature horses, and other similar sized animals that are larger than a small domestic animal and smaller than a large domestic animal ~~**that are smaller than 24 inches at the shoulder and/or not more than 150 pounds in weight**~~ **[2]**.

Section 6 – Create a new definition for large domestic animals using existing language.

18.04.523 Large domestic animal.
"Large domestic animal" means **horses, ponies, donkeys, cows, standard size goats, llamas, oxen,** ~~**and**~~ **standard size pigs**, and other similar sized animals **[3]**.

Section 7 – Revise miniature goat definition.

18.04.622 Miniature goat.
"Miniature goats" include species of goats commonly known as pygmy (Capra hircus hircus pygmy), or Nigerian dwarf (Capra hircus hircus nigerian dwarf) ~~and miniature goats~~.

Section 8 – No changes to potbelly pig definition.

18.04.742 Potbelly pig.
Miniature "potbelly pigs" are that type of swine commonly known as Vietnamese, Chinese, or Asian potbelly pig (Sus scrofa bittatus).

Section 9 – Combine the two sections pertaining to animals into one as follows.

18.31.220 Permitted animals.

The types and allowed~~able~~ number~~s~~ of animals permitted~~ outright~~, ~~provided the minimum lot size is met,~~ are ~~detailed in the following table~~ listed as follows, provided the following requirements are met. The specified minimum lot size~~s~~ per animal are absolute requirements. No variances, waivers, and/or modifications under the Auburn City Code shall ~~may~~ be granted. The keeping of animals that require no lot size or lesser lot size ~~is~~ are allowed to be cumulative, when lot size requirements have been met. For example, on a 12,500 square-foot lot, the keeping of one (1) miniature goat, one (1) potbelly pig, and two (2) dogs could be allowed. Licensing of pets and animal control is governed by ACC Title 6, Animals~~, which incorporates the provisions of King County Code Title 11, Animal Care and Control~~.**[4]**

A. Small domestic animals. Small domestic animals may be kept if the owner complies with the following:

1. Small domestic animals are permitted as an accessory use to a residence or business.

2. Up to **four (4)** small domestic **animals, including foster animals, per dwelling or commercial building regardless of lot size [4]**. Offspring less than 6 months of age are not included in this number.

3. **A pet license is required for each cat or dog** in accordance with Chapter 6.04, Animal Licensing. **[4]**

B. Domestic Fowl. Domestic fowl may be kept ~~as small animals~~ if the owner complies with the following:

1. Domestic fowl are permitted as an accessory use to a single-family residence.

2. Roosters and peafowl are not permitted.

3. Structures, or yard areas including chicken coops, pens, or runs, housing domestic fowl must comply with accessory structure setbacks applicable in the zoning district where the ~~shelter~~ property is ~~to be~~ located.

4. Up to a total of four (4) domestic fowl and poultry can be kept on lots that are at least 6,000 ~~gross~~ square feet in size. On lots that are larger than 6,000 ~~gross~~ square feet, one additional small lot domestic

animal may be kept per additional 2,000 ~~gross~~ square feet~~ as shown in ACC 18.31.230~~. The maximum number of domestic fowl allowed per lot is ten (10); this maximum does not apply to properties zoned RC, Residential Conservancy or R-1, residential one dwelling unit per acre.

5. The keeping conforms to ~~Please reference~~ ACC 8.28.010 regarding noise disturbance, ACC 8.12.020 regarding nuisances affecting public health and safety, and ACC 6.24.020 regarding slaughtering.

C. Miniature Goats. Miniature goats are medium domestic animals and may be kept ~~as small animals if they are licensed as follows~~ if the owner complies with the following:

1. Miniature goats are permitted as an accessory use to a single-family residence.

~~2. **Miniature goats are no greater than 24 inches in height at the shoulder and no more than 150 pounds in weight.** [2]~~

3. Male miniature goats must be neutered.

4. All miniature goats must be dehorned.

5. Nursing offspring of miniature goats~~ licensed according to the provisions of this code~~ may be kept until weaned, but no longer than 12 weeks from birth without meeting the requirements contained herein.

6. The ~~Shelter~~ location of structures housing miniature goats must comply with accessory structure setbacks applicable in the zoning district where the ~~shelter~~ property is ~~to be~~ located.
~~7. Licensing must be done in accordance with ACC Title 6, Animals, which incorporates the provisions of King County Code Title 11, Animal Care and Control.~~

8. Up to two (2) miniature goats are allowed on lots that are at least 12,500 ~~gross~~ square feet in size. On lots that are greater than 12,500 ~~gross~~ square feet, one (1) additional medium size domestic animal may be kept per additional 7,500 ~~gross~~ square feet~~ as shown in ACC 18.31.230~~.

9. The keeping conforms to ~~Please reference~~ ACC 8.28.010 regarding noise disturbance, ACC 8.12.020 regarding nuisances affecting public health and safety, and ACC 6.24.020 regarding slaughtering.

D. Potbelly Pigs. Miniature potbelly pigs are medium domestic animals and may be kept ~~as a small animal; provided, that no swine that is greater than 22 inches in height at the shoulder or more than 150 pounds in weight may be kept in the city~~ if the owner complies with the following:

1. Potbelly pigs are permitted as an accessory use to a single-family residence.

2. **Potbelly pigs are no greater than 24 inches in height at the shoulder and no more than 150 pounds in weight. [2]**

3. Nursing offspring of potbelly ~~licensed according to the provisions of this code~~ may be kept until weaned, but no longer than 12 weeks from birth without meeting the requirements contained herein.

4. The ~~Shelter~~ location of structures housing potbelly pigs must comply with accessory structure setbacks applicable in the zoning district where the ~~shelter~~ property is ~~to be~~ located.

~~5. Licensing must be done in accordance with ACC Title 6, Animals, which incorporates the provisions of King County Code Title 11, Animal Care and Control.~~

6. Two potbelly pigs can be kept on lots that are at least 12,500 ~~gross~~ square feet in size. On lots that are greater than 12,500 ~~gross~~ square feet, one additional medium size domestic animal may be kept per additional 7,500 ~~gross~~ square feet ~~as shown in ACC 18.31.230~~.

7. The keeping conforms to ~~Please reference~~ ACC 8.28.010 regarding noise disturbance, ACC 8.12.020 regarding nuisances affecting public health and safety, and ACC 6.24.020 regarding slaughtering.

E. Large domestic animals. Large domestic animals may be kept if the owner complies with the following:

1. Large domestic animals are allowed as an accessory use to a single-family residence.

2. **Two (2) large domestic animals can be kept on lots that are at least one (1) ~~gross~~ acre in size. [3]**

3. **On lots that are larger than one (1) ~~gross~~ acre, one (1) additional large domestic animal may be kept per additional 21,780 ~~gross~~ square feet. [3]**

4. The location of structures housing large domestic animals and any corral, exercise yard, or arena must comply with the setbacks applicable in the zoning district where the property is located.

5. The keeping conforms to ACC 8.28.010 regarding noise disturbance, ACC 8.12.020 regarding nuisances affecting public health and safety, and ACC 6.24.020 regarding slaughtering.

Section 10 – Add a new section for the keeping of bees.

F. Apiaries (keeping of honey bees(apis mellifera)). Beekeeping may be permitted if the owner complies with the following:

1. Beekeeping is allowed as an accessory use to a single-family residence.

2. All hives are registered with the State Department of Agriculture.

3. No more than two (2) hives, each with only one (1) swarm, shall be kept on lots of less than ten thousand (10,000) square feet.

4. Hives shall not be located within twenty-five (25) feet of any property line with the hive(s) entrance(s) facing away from the nearest property line.

5. The keeping conforms to ACC 8.28.010 regarding noise disturbance and ACC 8.12.020 regarding nuisances affecting public health and safety.

Section 11 – Adding amortization of pre-existing, nonconforming, structures housing animals.

G. Amortization of pre-existing, nonconforming, structures housing animals and runs or pens. An individual who receives written notice from the City that a structure (coop) or yard area (runs or pens) housing animals regulated by this Section, except small domestic animals, that is not in compliance with setback requirements shall have 30 days from the date of notification to bring the property into compliance. If any individual believes that his or her circumstances pose particular difficulty in meeting the 30-day timeframe for conformance with the setback requirements of this Section, the individual may request in writing of the Community Development & Public Works Director [planning director] or designee additional time to bring his or her activity into conformity. The decision of the Community Development & Public Works Director [planning director] or designee to grant or deny the extension is final.

Section 12 – Modify the zoning code residential use table as follows:

Table 18.07.020
Permitted Use Table - Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
A. Residential Uses.							
Keeping ~~household pets~~ of animals[4]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]

2. Please see the supplemental development standards for animals in ACC 18.31.220.

4. Proximity of pasture or livestock roaming area to wells, surface waters, and aquifer recharge zones is regulated by the King or Pierce County board of health, and property owners shall comply with the provisions of the King or Pierce County board of health code.

Section 13 – Modify the zoning code residential development standards table as follows:

Table 18.07.030
Residential Development Standards

	Standard	RC	R-1	R-5	R-7	R-10	R-16	R-20
F	Minimum setbacks (feet)							
3	Setback to any property line for barns, stables, ~~coops,~~ or similar structures for enclosure of large domestic animals. For other animals see the supplemental development standards for animals in ACC 18.31.220.	75	X	X	X	X	X	X
4	Setback to any property line for any corral, exercise yard, or arena for large domestic animals. For other animals see the supplemental development standards for animals in ACC 18.31.220.	35	X	X	X	X	X	X
5	Interior side setback	20	10	5	5	5	5	5
8	Rear setback, detached structure In all zones, 20 ft for structure with vehicular entrance oriented toward street or public alley	15	15	10	5	5	5	5

Section 14 – Delete Section 18.31.230.

~~18.31.230 Table of allowed districts.~~
~~The allowable numbers of animals permitted outright, provided the minimum lot size is met, are detailed in the following table. The specified minimum lot sizes are absolute requirements. No variances, waivers, and/or modifications under the Auburn City Code may be granted. The keeping of animals that require lesser lot size is allowed to be cumulative, when lot~~

~~size requirements have been met. Licensing of pets and animal control is governed by ACC Title 6, Animals, which incorporates the provisions of King County Code Title 11, Animal Care and Control.~~ **[4]**

–	~~RC~~	~~R-1~~	~~R-5~~	~~R-7~~	~~R-10~~	~~R-16~~	~~R-20~~	~~RO~~	~~C-1~~	~~C-2~~	~~C-3~~
~~Goats~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~C*~~	~~C*~~	~~C*~~	~~N~~	~~N~~	~~N~~	~~Y~~
~~Pigs~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~C*~~	~~C*~~	~~C*~~	~~N~~	~~N~~	~~N~~	~~Y~~
~~Chickens~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~C*~~	~~C*~~	~~C*~~	~~N~~	~~N~~	~~N~~	~~Y~~

~~Y = Yes~~
~~N = No~~
~~C = Conditional~~
~~*Permitted as an outright use if more than 50 percent of the property is not covered with impervious surface. If the property is more than 50 percent covered with impervious surface then the applicant must apply for an administrative use permit pursuant to Chapter 18.64 ACC. These applications will not be processed as conditional use permits.~~

~~**Type of Animal**~~	~~**Maximum Number of Animals Permitted Outright**~~
~~Household pets: dogs, cats, rabbits, caged indoor birds, small rodents, and if weighing less than 10 pounds any nonvenomous reptiles and amphibians~~ **[1]**~~.~~	~~4* per dwelling or commercial building regardless of lot size. A pet license is required for each cat or dog~~. **[4]**
~~Domestic fowl.~~	~~4 on lots that are at least 6,000 gross sq. ft. in size. On lots that are larger than 6,000 gross sq. ft., 1 additional small lot domestic animal may be kept per additional 2,000 gross sq. ft.~~
~~Medium size animals: **potbelly pigs, and miniature goats that are smaller than 24 inches at the shoulder and/or not more than 150 pounds in weight**.~~ **[2]**	~~2 on lots that are at least 12,500 gross sq. ft. in size. On lots that are greater than 12,500 gross sq. ft., 1 additional medium lot domestic animal may be kept per additional 7,500 gross sq. ft.~~
~~Large size animals: horses, ponies, donkeys, cows, standard size goats, llamas, oxen, standard size pigs.~~ **[3]**	~~2 on lots that are at least 1 gross acre in size. On lots that are larger than 1 gross acre, 1 additional large lot domestic animal may be kept per additional 21,780 sq. ft.~~ **[3]**

~~*Includes foster animals.~~ **[4]**

ORDINANCE NO. 6 6 0 0

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, CREATING NEW SECTIONS 18.04.115, 18.04.237, 18.04.238, 18.04.523, AND 18.04.617, OF THE CITY CODE , AMENDING SECTIONS 18.04.325, 18.04.622, 18.04.823 (FORMERLY SECTION 18.04.495), 18.07.020, 18.07.030 AND 18.31.220 OF THE CITY CODE AND REPEALING SECTION 18.31.230 OF THE AUBURN CITY CODE, AND PROVIDING FOR THE AMORTIZATION OF SETBACK REQUIREMENTS, RELATING TO ZONING AND LAND USE CODE PROVISIONS FOR ANIMALS

WHEREAS, the current language of the Auburn City Code includes zoning and land use code provisions that address various different animal and pet regulations; and

WHEREAS, with respect to some of those provisions, additions to and modifications of provisions would be valuable for the City to be better able to address issues related to the zoning and land use issues in ways that accommodate the interaction between the City's nuisance codes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. **New Section to City Code.** That a new Section 18.04.115 of the Auburn City Code be, and the same hereby is created to read as follows:

18.04.115 Apiary

"Apiary" ("apiaries") means a place where honey bees (apis mellifera) are kept; a collection of beehives. "Beekeeping" is included under this definition.

Section 2. **New Section to City Code.** That a new Section 18.04.237 of the Auburn City Code be, and the same hereby is created to read as follows:

18.04.237 Chicken coop.

"Chicken coop" means a building for housing and weather protection for domestic fowl. The chicken coop is treated as an accessory structure.

Section 3. **New Section to City Code.** That a new Section 18.04.238 of the Auburn City Code be, and the same hereby is created to read as follows:

18.04.238 Chicken run.

"Chicken run" or "chicken pen" means an area enclosed by fencing or netting which may or may not be connected to a coop within which domestic fowl can move about freely within a limited portion of the property or site.

Section 4. **New Section to City Code.** That a new Section 18.04.523 of the Auburn City Code be, and the same hereby is created to read as follows:

18.04.523 Large domestic animal.

"Large domestic animal" means horses, ponies, donkeys, cows, standard size goats, llamas, oxen, standard size pigs, and other similar sized animals.

Section 5. **New Section to City Code.** That a new Section 18.04.617 of the Auburn City Code be, and the same hereby is created to read as follows:

18.04.617 Medium domestic animal.

"Medium domestic animal" means potbelly pigs, miniature goats, miniature horses, and other similar sized animals that are larger than a small domestic animal and smaller than a large domestic animal.

Section 6. **Amendment to City Code.** That Section 18.04.325 of the Auburn City Code be and the same hereby is amended to read as follows:

18.04.325 Domestic fowl and poultry.

"Domestic fowl and poultry" includes all species of chickens, turkeys, geese, ~~and~~ ducks, pigeons or other fowl or poultry of similar size and character. Roosters and peafowl are not included in this definition and are not permitted. (Ord. 6369 § 5, 2011.)

Section 7. **Amendment to City Code.** That Section 18.04.622 of the Auburn City Code be and the same hereby is amended to read as follows:

18.04.622 Miniature goat.

"Miniature goats" include species of goats commonly known as pygmy (Capra hircus hircus pygmy), or Nigerian dwarf (Capra hircus hircus nigerian dwarf) ~~and miniature goats~~. (Ord. 6369 § 6, 2011.)

Section 8. **Amendment to City Code.** That Section 18.04.823 (formerly 18.04.495) of the Auburn City Code be and the same hereby is amended to read as follows:

18.04.823 ~~Household pet~~ Small domestic animal.

"~~Household pet~~ Small domestic animal" means a domesticated animal of ordinary species that lives, or is commonly known to be capable of living, within the confines of a residence such as dogs, cats, normal-sized rabbits, ferrets, or similar sized animals. Other indoor animals weighing less than 10 pounds, such as, but not limited to, caged birds, small rodents, fish, and non-venomous reptiles or amphibians, and not kept for commercial purposes, are not regulated under this title. Any endangered or exotic species are prohibited. ~~Animals considered to be common household pets include but are not necessarily limited to the following: dogs, cats, rabbits, indoor birds, small rodents, and fish, miniature goats, potbelly pigs, and domestic fowl. Animals not considered to be common household pets include but are not necessarily limited to the following: horses, cows, goats, sheep, swine, donkeys full-size swine, full-size goats and endangered or exotic species and any similar species~~. (Ord. 6369 § 1, 2011; Ord. 6245 § 3, 2009; Ord. 5777 § 1, 2003; Ord. 4229 § 2, 1987. Formerly 18.04.720, and 18.04.495.)

Section 9. **Amendment to City Code.** That Section 18.07.020 of the Auburn City Code be and the same hereby is amended to read as follows:

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
A. Residential Uses.							
Accessory dwelling units	P	P	P	P	X[1]	X[1]	X[1]
Accessory use, residential	P	P	P	P	P	P	P
Adult family home	P	P	P	P	P	P	P
Bed and breakfast	P	P	P	P	P	P	P
Communal residence four or less individuals	P	P	P	P	P	P	P

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Duplexes; provided, that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Development Standards)	X	X	A	P	P	P	X
Foster care homes	P	P	P	P	P	P	P
Group residence facilities (7 or more residents)	X	X	X	X	C	C	C
Group residence facilities (6 or fewer residents)	P	P	P	P	P	P	P
Keeping ~~household pets~~ of animals[4]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]
Multiple-family dwellings	X	X	X	X	A	P	P
Neighborhood recreational buildings and facilities owned and managed by the neighborhood homeowners' association	A[6]	A[6]	A[6]	A[6]	A[6]	P	P
Use as dwelling units of (1) recreational vehicles that are not part of an approved recreational vehicle park, (2) boats, (3) automobiles, and (4) other vehicles	X	X	X	X	X	X	X
Renting of rooms, for lodging purposes only, to accommodate not more than two persons in addition to the family or owner occupied unit[8]	P	P	P	P	P	P	P
Residential care facilities including but not limited to assisted living facilities, convalescent homes, continuing care retirement facilities	P	P	X	X	A	P	P
Single-family detached dwellings, new	P	P	P	P	P	P	X
Supportive housing, subject to the provisions of ACC 18.31.160	X	X	X	X	X	P	P
Swimming pools, tennis courts and similar outdoor recreation uses only accessory to residential or park uses	P	P	P	P	P	P	P
Townhouses (attached)	X	X	X	X	P	P	P

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
B. Commercial Uses.							
Commercial horse riding and bridle trails	A	X	X	X	X	X	X
Commercial retail, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
Daycare, limited to a mini daycare center. Daycare center, preschool or nursery school may also be permitted but must be located on an arterial	X	A	A	A	A	A	A
Home-based daycare as regulated by RCW 35.63.185 and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter 18.60 ACC	P	P	P	P	P	P	P
Mixed-use development[3]	X	X	X	X	P	P	P
Nursing homes	X	X	X	X	C	C	C
Private country clubs and golf courses, excluding driving ranges	X	X	C	C	C	X	X
Privately owned and operated parks and playgrounds and not homeowners' association-owned recreational area	X	A	A	A	A	P	P
Professional offices, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
C. Resource Uses.							
Agricultural enterprise:[7]							
When 50 percent, or more, of the total site area is dedicated to active agricultural production during the growing season, and with 52 or less special events per calendar year	A[7]	X	X	X	X	X	X

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
When less than 50 percent of the total site area is dedicated to active agricultural production during the growing season, or with more than 52 special events per calendar year	C[7]	X	X	X	X	X	X
Agricultural type uses are permitted provided they are incidental and secondary to the single-family use:							
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X
Barns, silos and related structures	P	X	X	X	X	X	X
Commercial greenhouses	P	X	X	X	X	X	X
Pasturing and grazing[4]	P	X	X	X	X	X	X
Public and private stables[4]	P	X	X	X	X	X	X
Roadside stands, for the sale of agricultural products raised on the premises. The stand cannot exceed 300 square feet in area and must meet the applicable setback requirements	P	X	X	X	X	X	X
Fish hatcheries	C	X	X	X	X	X	X
D. Government, Institutional, and Utility Uses.							
Civic, social and fraternal clubs	X	X	X	X	A	A	A
Government facilities	A	A	A	A	A	A	A
Hospitals (except animal hospitals)	X	X	X	X	X	C	C
Municipal parks and playgrounds	A	P	P	P	P	P	P
Museums	X	X	X	X	A	A	A
Religious institutions, less than one acre lot size	A	A	A	A	A	A	A
Religious institutions, one acre or larger lot size	C	C	C	C	C	C	C

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Transmitting towers	C	C	C	C	C	C	C
Type 1-D wireless communication facility (see ACC 18.04.912(J))	P	P	P	P	P	P	P
Utility facilities and substations	C[5]	C[5]	C[5]	C[5]	C[5]	C[5]	C[5]

1. An accessory dwelling unit may be permitted with an existing single-family residence pursuant to ACC 18.31.120.

2. Please see the supplemental development standards for animals in ACC 18.31.220.

3. Individual uses that make up a mixed-use development must be permitted within the zone. If a use making up part of a mixed-use development requires an administrative or conditional use permit, the individual use must apply for and receive the administrative or conditional use approval, as applicable.

4. Proximity of pasture or livestock roaming area to wells, surface waters, and aquifer recharge zones is regulated by the King or Pierce County board of health, and property owners shall comply with the provisions of the King County board of health code.

5. Excludes all public and private utility facilities addressed under ACC 18.02.040(E).

6. Administrative use permit not required when approved as part of a subdivision or binding site plan.

7. Agricultural enterprise uses are subject to supplemental development standards under ACC 18.31.210, Agricultural enterprises development standards.

8. An owner occupant that rents to more than two persons but no more than four persons is required to obtain a city of Auburn rental housing business license and shall meet the standards of the International Property Maintenance Code.

(Ord. 6565 § 2, 2015; Ord. 6560 § 9, 2015; Ord. 6477 § 8, 2013; Ord. 6369 § 2, 2011; Ord. 6363 § 3, 2011; Ord. 6269 § 3, 2009; Ord. 6245 § 5, 2009.)

Section 10. **Amendment to City Code.** That Section 18.07.030 of the Auburn City Code be and the same hereby is amended to read as follows:

Table 18.07.030

Residential Development Standards

	Standard	RC	R-1	R-5	R-7	R-10	R-16	R-20
A	Base density (units per net acre)	0.25	1	5	7	10	16	20
B	Minimum density (units per net acre)[1]	0.25	1	4	5	8	12	15
C	Minimum average lot area per dwelling unit (square feet)	174,240	35,000	8,000	6,000	4,300	2,700	2,175
D	Minimum lot area per dwelling unit (square feet)	174,240	35,000	6,000	4,300	2,000	2,000	2,000
E	Minimum lot width (feet)[2]	125	125	50	40	20 for interior lots; 35 for exterior lots	20 for interior lots; 35 for exterior lots	20 for interior lots; 35 for exterior lots
F	Minimum setbacks (feet)[2,3]							
1	Residence front setback[3]	35	35	10	10	10	10	10

Table 18.07.030

Residential Development Standards (Continued)

	Standard	RC	R-1	R-5	R-7	R-10	R-16	R-20
2	Garage (minimum front setback required from street access)[3]	20	20	20	20	20	20	20 unless alley-loaded then 15 provided there are 20 feet from any garage
3	Setback to any property line for barns, stables, ~~coops,~~ or similar structures for enclosure of large domestic animals For other animals, see supplemental development standards for animals in ACC 18.31.220.	75	X	X	X	X	X	X
4	Setback to any property line for any corral,	35	X	X	X	X	X	X

Table 18.07.030

Residential Development Standards

	Standard	RC	R-1	R-5	R-7	R-10	R-16	R-20
	exercise yard, or arena for large domestic animals For other animals, see supplemental development standards for animals in ACC 18.31.220.							
5	Interior side setback	20	10	5	5	5	5	5
6	Street side setback[3]	35	20	10	10	10	10	10
7	Rear setback[3]	35	35	20	20	20	20	20
8	Rear setback, detached structure In all zones, 20 ft for structure with vehicular entrance oriented toward street or public alley[3]	15	15	10	5	5	5	5
G	Maximum lot coverage (%)	25	35	40	50	60	70	70
H	Maximum impervious area (%)	25	50	65	75	N/A	N/A	N/A
I	Maximum building height (feet)	35	35	35	35	45	45	50
J	Maximum height of accessory buildings and structures	35[4]	35	16	16	16	NA	NA
K	Minimum front setback area landscape strip (feet)	N/A	N/A	5	5	10	10	10
L	Minimum side setback area landscape strip (feet)	N/A	N/A	5	5	10	10	10
M	Minimum landscaped open space (%)	N/A	N/A	N/A	N/A	20	20	20

1. For purposes of calculating minimum density, critical area buffers are not included in net site area. See ACC 18.02.065 for calculation of net acreage for minimum density.

2. All minimum lot widths, setbacks, and landscaping strips are subject to demonstration to the satisfaction of the city engineer that all required utility infrastructure, access requirements, and street elements can be accommodated in accordance with the design and construction standards.

3. In addition to meeting setback requirements, all structures must meet sight distance requirements in accordance with city design and construction standards.

4. Barns and other specialized structures used for agricultural purposes may exceed the height limits.

(Ord. 6245 § 5, 2009.)

Section 11. Amendment to City Code. That Section 18.31.220 of the Auburn City Code be and the same hereby is amended to read as follows:

18.31.220 Permitted animals.[1]

The types and allowed number of animals permitted, provided the following requirements are met, are listed as follows: The specified minimum lot sizes are absolute requirements. No variances, waivers, and/or modifications under the Auburn City Code shall be granted. The keeping of animals that require no lot size or lesser lot size are allowed to be cumulative, when lot size requirements have been met . For example, on a 12,500 square-foot lot, the keeping of one (1) miniature goat, one (1) potbelly pig, and 2 dogs could be allowed. Licensing of pets and animal control is governed by ACC Title 6, Animals.

A. Small ~~Domestic~~ domestic ~~Fowl~~animals. Small ~~Domestic~~ domestic ~~fowl~~ animals may be kept ~~as small animals~~ if the owner complies with the following:

1. Small domestic animals are permitted as an accessory use to a residence or business.

2. p to four (4) small domestic animals, including foster animals, per dwelling or commercial building regardless of lot size. Offspring less than six (6) months of age are not included in this number.

3. A pet license is required for each cat or dog in accordance with chapter 6.04, Animal Licensing.

B. Domestic Fowl. Domestic fowl may be kept as small animals if the owner complies with the following:

1. Domestic fowl and poultry are permitted as an accessory use to a single-family residence.

~~1~~2. Roosters and peafowl are not permitted.

~~2~~3. Structures, or yard areas including chicken coops, pens or runs, housing domestic fowl must comply with accessory structure setbacks applicable in the zoning district where the ~~shelter~~ property is ~~to be~~ located.

~~3~~4. Up to a total of four (4) domestic fowl and poultry can be kept on lots that are at least 6,000 ~~gross~~ square feet in size. On lots that are larger than 6,000 ~~gross~~ square feet, one additional small lot domestic animal may be kept per additional 2,000 ~~gross~~ square feet ~~as shown in ACC 18.31.230~~. The

[1] Code reviser's note: Ordinance 6369 adds these provisions as Section 18.31.210. The section has been renumbered to avoid duplication of numbering.

maximum number of domestic fowl allowed per lot is ten (10); this maximum does not apply to properties zoned RC, Residential Conservancy or R-1, residential one dwelling unit per acre.

4. ~~Please reference~~The keeping conforms to ACC 8.28.010 regarding noise disturbance, ACC 8.12.020 regarding nuisances affecting public health and safety, and ACC 6.24.020 regarding slaughtering.

~~B~~C. Miniature Goats. Miniature goats are medium domestic animals and may be kept ~~as small animals if they are licensed as follows~~ if the owner complies with the following:

1. Miniature goats are permitted as accessory use to a single-family residence.

2. Male miniature goats must be neutered.

~~2~~3. All miniature goats must be dehorned.

~~3~~4. Nursing offspring of miniature goats ~~licensed according to the provisions of this code~~ may be kept until weaned, but no longer than 12 weeks from birth without meeting the requirements contained herein.

~~4~~5. ~~Shelter~~ The location of structures housing miniature goats must comply with accessory structure setbacks applicable in the zoning district where the ~~shelter~~ property is ~~to be~~ located.

~~5~~6. Licensing must be done in accordance with ACC Title 6, Animals, which incorporates the provisions of King County Code Title 11, Animal Care and Control.

~~6~~7. Up to two (2) miniature goats are allowed on lots that are at least 12,500 ~~gross~~ square feet in size. On lots that are greater than 12,500 ~~gross~~ square feet, one additional medium size domestic animal may be kept per additional 7,500 ~~gross~~ square feet ~~as shown in ACC 18.31.230~~.

~~7~~8. ~~Please reference~~The keeping conforms to ACC 8.28.010 regarding noise disturbance, ACC 8.12.020 regarding nuisances affecting public health and safety, and ACC 6.24.020 regarding slaughtering.

~~C~~D. Potbelly Pigs. Miniature potbelly pigs are medium domestic animals and may be kept ~~as a small animal; provided, that no swine that is greater than 22 inches in height at the shoulder or more than 150 pounds in weight may be kept in the city~~in the owner complies with the following~~.~~:

1. Potbelly pigs are permitted as accessory use to a single-family residence.

2. Potbelly pigs are no greater than 24 inches in height at the shoulder and no more than 150 pounds.

3. Nursing offspring of potbelly pigs licensed according to the provisions of this code may be kept until weaned, but no longer than 12 weeks from birth without meeting the requirements contained herein.

~~2~~4. ~~Shelter~~ The location of structures housing potbelly pigs must comply with accessory structure setbacks applicable in the zoning district where the ~~shelter~~ property is ~~to be~~ located.

~~3~~5. Licensing must be done in accordance with ACC Title 6, Animals, which incorporates the provisions of King County Code Title 11, Animal Care and Control.

~~4~~6. Two (2) potbelly pigs can be kept on lots that are at least 12,500 ~~gross~~ square feet in size. On lots that are greater than 12,500 ~~gross~~ square feet, one additional medium size domestic animal may be kept per additional 7,500 ~~gross~~ square feet as shown in ACC 18.31.230.

~~5~~7. ~~Please reference~~ The keeping conforms to ACC 8.28.010 regarding noise, ACC 8.12.020 regarding nuisances affecting public health and safety, and ACC 6.24.020 regarding slaughtering.

E. Apiaries (keeping of honey bees [apis mellifera]), also referred to as beekeeping, may be permitted if the owner complies with the following:

1. Beekeeping is allowed as an accessory use to a single-family residence.

2. All hives are registered with the State Department of Agriculture.

3. No more than two (2) hives, each with only one (1) swarm, shall be kept on lots of less than ten thousand (10,000) square feet.

4. Hives shall not be located within twenty-five (25) feet of any property line with the hive(s) entrance(s) facing away from the nearest property line.

5. The keeping conforms to ACC 8.28.010 regarding noise disturbance and ACC 8.12.020 regarding nuisances affecting public health and safety.

F. Large domestic animals. Large domestic animals may be kept if the owner complies with the following:

1. Large domestic animals are allowed as an accessory use to a single-family residence.

2. Two (2) large domestic animals can be kept on lots that are at least one (1) acre in size.

3. On lots that are larger than one (1) acre, one (1) additional large domestic animal may be kept per additional 21,780 square feet.

4. The location and structures housing large domestic animals and any corral, exercise yard or arena, must comply with the setbacks applicable in the zoning district where the property is located.

5. The keeping conforms to ACC 8.28.010 regarding noise disturbance, ACC 8.12.020 regarding nuisances affecting public health and safety, and ACC 6.24.020 regarding slaughtering.

G. Amortization of pre-existing, nonconforming, structures housing animals and runs or pans. An individual who receives written notice from the city they structure (coop) or yard area (run or pen) housing animals regulated by this section, except small domestic animals, that is in compliance with setback requirements shall have thirty (30) days from the date of notification to bring the property/structure into compliance. If any individual believes that his or her circumstances pose particular difficulty in meeting the 30-day timeframe for compliance with the setback requirements of this section, the individual may

request in writing of the community development and public works director (planning director) or designee additional time to bring his or her activity into conformity. Decisions of the community development and public works director (planning director) or designee to grant or deny the extension shall be final and conclusive. (Ord. 6369 § 8, 2011.)

Section 12. Repeal of Section in City Code. That Section 18.31.230 of the Auburn City Code be and the same hereby is repealed.

Section 13. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 14. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 15. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED:_____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

_____

NANCY BACKUS, MAYOR

ATTEST:

_____
Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

_____
Daniel B. Heid, City Attorney

Published: _____

SECTION BEING DELETED

18.31.230 Table of allowed districts.[1]

The allowable numbers of animals permitted outright, provided the minimum lot size is met, are detailed in the following table. The specified minimum lot sizes are absolute requirements. No variances, waivers, and/or modifications under the Auburn City Code may be granted. The keeping of animals that require lesser lot size is allowed to be cumulative, when lot size requirements have been met. Licensing of pets and animal control is governed by ACC Title 6, Animals, which incorporates the provisions of King County Code Title 11, Animal Care and Control.

	RC	R-1	R-5	R-7	R-10	R-16	R-20	RO	C-1	C-2	C-3
Goats	Y	Y	Y	Y	C*	C*	C*	N	N	N	Y
Pigs	Y	Y	Y	Y	C*	C*	C*	N	N	N	Y
Chickens	Y	Y	Y	Y	C*	C*	C*	N	N	N	Y

Y = Yes

N = No

C = Conditional

*Permitted as an outright use if more than 50 percent of the property is not covered with impervious surface. If the property is more than 50 percent covered with impervious surface then the applicant must apply for an administrative use permit pursuant to Chapter 18.64 ACC. These applications will not be processed as conditional use permits.

Type of Animal	Maximum Number of Animals Permitted Outright
Household pets: dogs, cats, rabbits, caged indoor birds, small rodents, and if weighing less than 10 pounds any nonvenomous reptiles and amphibians.	4* per dwelling or commercial building regardless of lot size. A pet license is required for each cat or dog.
Domestic fowl.	4 on lots that are at least 6,000 gross sq. ft. in size. On lots that are larger than 6,000 gross sq. ft., 1 additional small lot domestic animal may be kept per additional 2,000 gross sq. ft.
Medium size animals: potbelly pigs, and miniature goats that are smaller than 24 inches at the shoulder and/or not more than 150 pounds in weight.	2 on lots that are at least 12,500 gross sq. ft. in size. On lots that are greater than 12,500 gross sq. ft., 1 additional medium lot domestic animal may be kept per additional 7,500 gross sq. ft.
Large size animals: horses, ponies, donkeys, cows, standard size goats, llamas, oxen, standard size pigs.	2 on lots that are at least 1 gross acre in size. On lots that are larger than 1 gross acre, 1 additional large lot domestic animal may be kept per additional 21,780 sq. ft.

*Includes foster animals.

(Ord. 6369 § 9, 2011.)

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1 Code reviser's note: Ordinance 6369 adds these provisions as Section 18.31.211. The section has been renumbered to match the renumbering of the preceding section.