



PLANNING COMMISSION MEETING

May 3, 2016
AGENDA

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

- a) **ROLL CALL/ESTABLISHMENT OF QUORUM**
- b) **PLEDGE OF ALLEGIANCE**

II. APPROVAL OF MINUTES

A. March 8, 2016

III. PUBLIC COMMENT

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

IV. PUBLIC HEARING

No item.

V. OTHER BUSINESS

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".

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.



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PLANNING COMMISSION

March 8, 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.

II. ROLL CALL/ESTABLISHMENT OF QUORUM

Planning Commission Members present were: Chair Judi Roland, Commissioner Mason, Commissioner Lee, and Commissioner Smith (arrived after Agenda Item III, Approval of Minutes). Commissioner Copple is excused.

Staff present included: City Attorney Dan Heid, Planning Services Manager Jeff Dixon, Senior Planner Thaniel Gouk and Community Development Office Assistant Jennifer Oliver.

Members of the public present: John Cheetham of Lakeridge Paving Company, Alan Keimig of The Keimig Associates, and Shirley Chittenden.

III. APPROVAL OF MINUTES

A. February 2, 2016

The Commission noted a scrivener's error in the date of Section II, Approval of Minutes and staff noted the correction will be made.

Commissioner Mason moved and Commissioner Lee seconded to approve the minutes from the February 2, 2016 regular meeting as amended.

MOTION CARRIED UNANIMOUSLY. 3-0 (Commission Smith was not present for the vote)

IV. PUBLIC COMMENT

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

V. PLANNING DEPARTMENT REPORT

Planning Services Manager Jeff Dixon reported that staff is working with the Mayor's office to assist in the process for appointing additional Planning Commissioners. A total of 17 applications were received from the advertisement for volunteers interested in being Planning Commissioners. Subject to appointment; staff expects that the vacant positions will be filled ahead of the April Planning Commission meeting. The goal is to have a total of 7 Commissioners.

To update on the ongoing status of a development project that was previously discussed, a pre-construction meeting has taken place for the Estates at Hillside

Gardens, a senior housing project located at the old bowling alley site at 1919 Howard Road SE. Construction will start soon.

VI. OTHER BUSINESS

The items below were taken in the following order: D., A., B., and C.

A. Keeping of Domestic Fowl

Senior Planner Thaniel Gouk presented the staff report regarding potential code changes for the Keeping of Domestic Fowl. Staff explained the current zoning code requirements and details of the 11 code complaints received related to keeping of domestic fowl since the inception of the Zoning Code regulations in 2011.

Staff explained that as a result of the discussion at the last Planning Commission meeting, planning staff had a discussion with Auburn Code Enforcement staff to see if the existing Nuisance code, Section 8.12.020, was sufficient to enforce cleaning and maintenance issues with regards to animal yards and animal waste. Code enforcement staff confirmed that the existing Nuisance code provisions are sufficient.

Staff recommended some minor amendments to regulations in Sections 18.31.220 "Permitted Animals" and 18.31.230 "Table of Allowed Districts". As part of the recommendation, staff proposed minor amendments and merging both sections for easier readability, clarity, and to avoid duplication. No substantive changes have been recommended.

After discussion, staff confirmed the direction to draft revisions to merge the two chapters will be provided to the Commission for review at the next meeting. It was recommended by the Commission that the full title of the zoning districts be included with the table of allowed districts rather than folks having only the zoning district abbreviations and needing to look them up.

B. Modification of Rules and Procedures

Planning Manager Jeff Dixon reviewed the staff updates to the Planning Commission Rules and Procedures as were discussed at the February 2, 2016 Planning Commission meeting.

The Commission and staff reviewed the updated language under Section VI. "Quorum", Section IX. "Agenda", and Section X.9.E, "Voting".

The Commission agreed with the revised language under Section VI. "Quorum", and Section X.9.E. "Voting". The Commission asked staff to check how City Council agenda lists the Pledge of Allegiance and update the Planning Commission Rules of Procedures to match. Assistant City Attorney Heid made a suggestion that the Pledge of Allegiance follow the Roll Call in case the Planning Commission does not have a quorum and is unable to conduct the meeting and therefore it is unnecessary to have the Pledge of Allegiance.

Commissioner Mason moved and Commissioner Lee seconded to accept the proposed updates by staff to the March 8, 2016 Auburn Planning Commission

Rules of Procedures for Section VI. "Quorum", X.9.E. "Voting", and amend Section IX. "Agenda" adding the Pledge of Allegiance.

The Commission asked staff to provide a final updated copy of the approved Rules of Procedures to the Commissioners by email and provide a copy at the next meeting.

With no further changes the Commission voted on the revisions.

MOTION CARRIED UNANIMOUSLY. 4-0

C. Parliamentary Procedures

City Attorney Dan Heid presented a primer on Parliamentary Procedures that included historical background information, the purpose of parliamentary procedures, rights of parliamentary procedures, limitations on debate, debatable motions and non-debatable motions, voting, the definition of a majority vote, a tie vote, along with other rules of parliamentary procedures referenced in by Robert's Rules of Order or Robert's Rules of Order, Newly Revised (11th Edition). He provided a power point presentation.

D. Pending Annual Amendments to Comprehensive Plan Map

Planning Services Manager Jeff Dixon provided background information on the City's annual Comprehensive Plan Amendments and the City's three pending private initiated map amendments.

Staff discussed CPM (Comprehensive Plan Map) #1, CMP#2, and CMP#3 with the Commission, and a review of the current circumstances and development status of the properties and the map designation.

The request for CMP#1 was to amend the map designation of the northern 2 of 4 parcels under the same ownership totaling 5.9 acres from the current designation of "Light Commercial" to "Light Industrial". The request for CMP#2 was to amend the map designation of a 2.27 acre parcel from the current designation of "Single Family Residential" to "Commercial". The request for CMP#3 was to amend the map designation of an 8-acre parcel from the current designation of "Single Family Residential" to "Moderate Density Residential".

The Commission and staff discussed "Moderate Density Residential" and what type of housing styles can be developed under that comprehensive plan designation.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:38 p.m.



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 15. Each revision includes a brief explanation in the summary to explain the reason for the proposed change. 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 substantive versus those that reflect minor updates and housekeeping items.

Title 15

BUILDINGS AND CONSTRUCTION¹

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* [JAK1]**
- 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* [JAK2]**
- 15.48 Moving Buildings**
- 15.52 Building Numbering**
- 15.56 ~~Security Alarm Systems~~ [c3]**
- 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 ~~penalty~~ **penalty** [JAK4] 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 CODES¹

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~~dition 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~~,^[JAK5] 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~~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~~,^[JAK6] is adopted by reference, including Chapter 11, "Energy Efficiency," and Chapters 25 through 42~~33~~, "Plumbing," and Chapters 34 through 43, "Electrical,"^[JAK7] is adopted with the following amendments:

1. ~~Appendix Chapter G, "Swimming Pools, Spas and Hot Tubs," is hereby adopted.~~^[JAK8]

2. ~~[Reserved.]~~^[JAK9]

C. ~~International Mechanical Code Adopted~~adopted. The 2012~~2015~~ ~~E~~dition~~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^[JAK10].

D. ~~International Fire Code Adopted~~adopted. The 2012~~2015~~ ~~E~~dition 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,^[JAK11] Fire Code.

E. ~~National Fuel Gas Code (NFPA 54) Adopted~~adopted. The 2012~~2015~~ ~~E~~dition 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^[JAK12].

F. ~~Liquefied Petroleum Gas Code (NFPA 58) Adopted~~adopted. The 2012~~2015~~ ~~E~~dition 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^[JAK13].

G. ~~International Fuel Gas Code Adopted~~adopted. The 2012~~2015~~ ~~E~~dition 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^[JAK14].

H. ~~Uniform Plumbing Code Adopted~~adopted. The 2012~~2015~~ ~~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^[JAK15] Chapter 12, “Fuel Piping,” Chapter 15, “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,”^[JAK16] 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~~^[JAK17]

~~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.~~^[JAK18]^[JAK19]

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 Building Code Council in Chapters 51-11C and 51-11R. ^[JAK20] 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 ^[JAK21] 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. ^[JAK22](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 ^[JAK23]Chapter 4, “Public Swimming Pools,” Chapter 5, “Public Spas and Public Exercise Spas,” and Chapter 6, “Aquatic Recreation Facilities,”^[JAK24] 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.^[JAK25]

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.^[JAK26]

15.06.020 Conflicts between codes.

In case of conflict between codes enumerated in ACC 15.06.010(A) through ~~(M)~~^[JAK27], 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. ^[JAK28](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.)

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;

~~and 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;^[c29]

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~~^[c30] 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~~^[JAK31], ~~street address or similar description that will readily identify and definitely locate the proposed building or work.~~^[JAK32]

3. Indicate the use ~~and occupancy~~, and construction type for ~~which~~^[c33] 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:~~[JAK34]

~~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;~~[JAK35]

~~b. Include~~ The property owner's name, address, and phone number;

9. Include

~~e. The prime contractor's business name, address, phone number, current state contractor registration number, and city business license;~~[c36], and [c37]

~~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;~~[JAK39]

B. e. The information required on the building permit application by subsection (A)(8)(a) through (10d) [c40] 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;

~~f1. The information required by subsection (A)(8) through (10) of [c41] this section and information supplied by the applicant after the permit is issued, under subsection (A)(8)(g) of this section [c42] 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.~~[JAK43]

~~g2. If any of the information required by subsection (A)(8) through (10) of [c44] 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 [c45] 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 [c46] 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^[c47]. When plans are submitted under the ~~jurisdiction's~~^[c48] ~~registered plan program~~stock plan program^[c49], a plan review fee shall be paid at the time of application for ~~a~~^[c50] ~~each registered stock~~^[c50] 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.~~^[JAK51] 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.~~^[JAK52]

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, 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 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.^[JAK53] 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. [JAK54]~~

~~C~~^B[c55]. 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[c56]. 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 [JAK57] 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 [JAK58] 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 [c59] 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 15.08A

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 [c60]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, [JAK61]Chapter [c62]Appendix [c63] E, “Supplementary Accessibility Requirements,” Appendix G, “Flood-resistant Construction,” [JAK64]Appendix Chapter [c65]H, “Signs,” Appendix Chapter J, “Grading,” a [c66]nd Appendix Chapter IM [c67], “2012 International Existing Building Code [JAK68]Patio Covers [c69],” 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 [c70]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.)~~[JAK71]

Chapter 15.16

DANGEROUS BUILDINGS CODE¹

~~(Repealed by Ord. #####)(JAK72)~~

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:

e. 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.)~~

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

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,” ~~the~~ ^{it} ~~[c73]~~ 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~~ ^{official} ~~[c74]~~ 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 15.36A

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^[c75].
- 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~~^[c76], including ~~Appendix B, “Fire Flow Requirements for Buildings,” Appendix C, “Fire Hydrant Locations and Distribution,” A~~^[c77] ppendix 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^[c78]. 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 including mobile food vehicles or carts require an operational permit.^[JAK79]

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 ~~5202.1~~ ^[c80] 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. [c81]

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 510, 903, and 1103 and 2305 amended – Housekeeping and maintenance Automatic Sprinkler Systems. [c82]

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. [c83] 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.

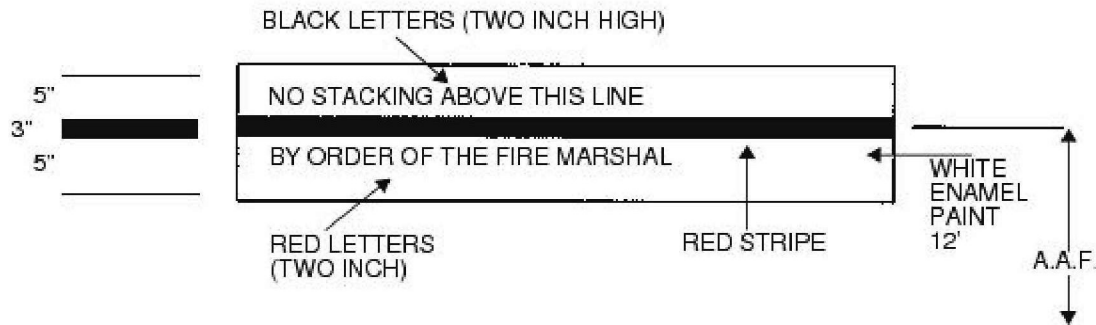
15.36A.045 Section 3205 amended – Housekeeping and maintenance. [c84]

B. International Fire Code Section 232 [c85] 05 is amended to read as follows:

232 [c86] 05.6.1 – 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 23205.6.1, as amended:



- 1. This sign must be posted prior to building being ~~fixed~~ stocked and/or ~~[JAK87]~~ 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.

C. International Fire Code Subsection 510.4.1 is amended to read as follows:

Sec. 510.4.1 Radio signal strength. The building shall be considered to have acceptable emergency responder radio coverage when signal strength measurements in 95 percent of all areas on each floor of the building and 99 percent in elevators (measured at the primary recall floor), stair shafts, and fire command centers ~~[c88]~~ meet the signal strength requirements in Sections 510.4.1.1 and 510.4.1.2.

D. International Fire Code Subsection 1103.2 is amended to read as follows:

Sec. 1103.2 Emergency responder radio coverage in existing buildings. Existing Buildings constructed prior to the City's adoption of this code ~~[c89]~~ that do not have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building, the minimum radio coverage signal strength identified in Section 510.4.1 shall be equipped with an approved system in accordance with the provisions of Section 510.3 – 510.6 and 1101.4.2 ~~if [c90]~~.

1. An existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with Section 510.1, Exception 1; or
2. Within a time frame established by the adopting authority. ~~The Fire Code Official or Police Chief determines that lack of minimum signal strength poses an undue risk to emergency responders or occupants.~~ ~~[c91]~~

Exception: Where it is determined by the fire code official that the radio coverage system is not needed. ~~In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the~~

normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system[c92].

(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.:[c94]

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 of 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.)~~[JAK95]

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.[JAK96]

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.~~^[c97]

~~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.^[JAK98]

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 15.38A

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. [JAK99]~~

~~C~~^B[c100]. 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[c101]. 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[c102]. 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.) [c103]~~

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~~^[JAK104] 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~~^[c105] 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.~~ [JAK106]

C. All ~~new~~^[c107] 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. [JAK108]~~

~~2~~¹[c109]. All enclosed usable space below or over a stairway in Group A, ~~Divisions 1 through 2, 3, 4 and~~ [c110]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 m²) 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.~~[JAK111]

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.~~[JAK112]

~~FE. 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.~~[c113]

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. #####) [JAK114]

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.[JAK115]

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** **JAK116** by the building ~~inspector~~ **official** **c117**; 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** [c118] 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** [c119] ~~planning and development~~ department shall ~~procure from the public works department~~ **determine** [c120] a list of designated streets over which the building may be moved. The **community development and public works** [c121] ~~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** [c122] ~~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** [c123] ~~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** [c124] ~~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~~ [c125], 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** [c126] ~~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 or over 30-ft in height)(JAK127)	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 [c128] 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~~ [c129] 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. [c130]

~~B~~ [c131]. 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. [c132]

~~C~~ [c133]. Notice shall be provided to all potentially affected building owners, utility providers, the U.S. Postal Service, fire authority. [c134] 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~~ [c135]. 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 [c136] 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 A^[c137]**LARM 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 an **security** ^[c138] 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. #####)~~ [JAK139]

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 [JAK140], 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 [JAK141]. All gates and doors shall be kept securely closed at all times when not in use [JAK142]. (Ord. 3421 § 2, 1979.)~~

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). ~~[JAK143] 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 ~~[JAK144] 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.~~ [JAK145]

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.

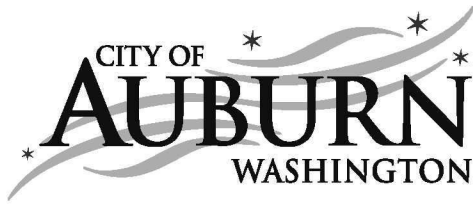
O. Emergency temporary sandbagging, diking, ditching, filling or similar work during or after periods of extreme weather conditions when done to protect life or property, provided such measures do not adversely impact adjacent properties or public facilities.

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.)



Memorandum

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

FROM: Thaniel Gouk, Senior Planner

DATE: April 27, 2016

RE: Proposed Code Amendments relating to the keeping of animals

The Planning Commission has had discussions regarding the keeping of domestic fowl (chickens) with Staff at the February 2, 2016 and March 8, 2016 meetings. At the March 8th meeting Staff was directed by Planning Commission to pursue combining the two existing sections of code into one to make requirements easier to understand for both Staff and citizens.

Exhibit A outlines the proposed changes and also includes some additional items that Staff has encountered in the past such as requests for keeping honey bees (which the Code does not currently address). Exhibit B is a "clean" version of what the Code would look like in the event the changes were recommended to City Council as proposed.

At this meeting Staff would like to make a presentation to the Planning Commission and followed up with a formal public hearing on May 17, 2016.

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).

Comments by Staff have been included before code sections (in *italic*) and on the right side of the page to help explain what is proposed.

There are a few areas where placeholders for the code section numbering are shown and are indicated by "xxx".

Proposed Code Changes

Section 1 – Add a definition for apiaries (beekeeping). Proposed regulations for beekeeping is further below.

18.04.xxx 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.xxx 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.xxx 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.

Comment [TG1]: Staff receives many inquiries about the keeping of bees but the current Code does not provide adequate guidance other restrictions found in the nuisance code (which is shown below the proposed definition).

Comment [TG2]: Add definitions for chicken coop and run. Having a coop and/or run is not required (currently or proposed to be required).

Section 3 – Modify the domestic fowl definition to allow for more flexibility and to reinforce that roosters and peacocks are not allowed.

18.04.325 Domestic fowl.

"Domestic fowl" includes all species of chickens, turkeys, geese, and ducks, or other fowl 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.

18.04.495xxx 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. 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, any similar species ~~full-size swine, full-size goats, and endangered or exotic species and any similar species~~.

Comment [TG3]:

Change this definition to be consistent with the other two types of animal classes.

Comment [TG4]:

Remove as these animals have their own definitions.

Comment [TG5]:

These could be changed "medium domestic animals" and "large domestic animals".

Section 5 – Create a new definition for medium domestic animals using existing language.

18.04.xxx Medium domestic animal.

"Medium domestic animal" means potbelly pigs and miniature goats that are smaller than 24 inches at the shoulder and/or not more than 150 pounds in weight².

Comment [TG6]:

Create this definition to further clarify what these animal types are (see below for complete requirements).

Section 6 – Create a new definition for large domestic animals using existing language.

18.04.xxx Large domestic animal.

"Large domestic animal" means horses, ponies, donkeys, cows, standard size goats, llamas, oxen, and standard size pigs³.

Comment [TG7]:

Again, for further clarification.

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 allowedable numbers of animals permitted outright, provided the minimum lot size is following requirements are met, are detailed in the following table listed as follows. The specified minimum lot sizes 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 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

Comment [TG8]: This sentence seems to have been taken from the City of Renton Code, however, is not clear by itself. Staff proposes the following “For example...” sentence to clarify.

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. Four (4) small domestic animals, including foster animals, per dwelling or commercial building regardless of lot size. ⁴**
- 3. A pet license is required for each cat or dog. 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.
2. 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. Up to four (4) domestic fowl 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.

4. 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.

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.

Comment [TG9]:

Planning Commission recommended a cap on the number fowl; Staff proposes 10 except for lesser density properties that are zoned Residential Conservancy (RC) or R-1.

2. Potbelly pigs are no greater than 24 inches in height at the shoulder and no more than 150 pounds in weight. ²

1. 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.
2. 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.
3. 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. 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.~~
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.

Section 10 – Add a new section for the keeping of bees.

E. 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.

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) 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 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 11 – For reference, the definition for livestock.

6.01.010 Definitions

20. “Livestock” means all cattle, sheep, goats, or animals of the Bovidae family; all horses, mules, llamas, alpacas, other hoof animals, or animals of the Equidae family; all pigs, swine, or animals of the Suidae family; and ostriches, rhea, and emu; provided, that livestock shall not include domestic fowl, miniature goats, and potbelly pigs, as those animals are defined in Chapter 18.04 ACC.

Section 12 – 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

	RG	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.~~

Comment [TG10]:

Planning Commission had indicated that they would like Staff to attempt to get rid of this table as it is confusing for citizens who may not know their zoning district. Each animal regulation above uses “residence” or “single-family residence” instead.

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

EXHIBIT B

Section 1 – Add a definition for apiaries (beekeeping). Proposed regulations for beekeeping is further below.

18.04.xxx 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.xxx 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.xxx 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 the domestic fowl definition to allow for more flexibility and to reinforce that roosters and peacocks are not allowed.

18.04.325 Domestic fowl.

"Domestic fowl" includes all species of chickens, turkeys, geese, ducks, or other fowl 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.xxx Small domestic animal.

"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. Animals considered to be small domestic animals include but are not necessarily limited to the following: dogs, cats, rabbits, caged indoor birds, small rodents, fish, and if weighing less than 10 pounds any nonvenomous reptiles and amphibians. Animals not considered to be small domestic animals include but are not necessarily limited to the following: domestic fowl, horses, cows, goats, sheep, swine, donkeys, any similar species and endangered or exotic species.

Section 5 – Create a new definition for medium domestic animals using existing language.

18.04.xxx Medium domestic animal.

“Medium domestic animal” means potbelly pigs and miniature goats that are smaller than 24 inches at the shoulder and ~~are~~ not more than 150 pounds in weight.

Section 6 – Create a new definition for large domestic animals using existing language.

18.04.xxx Large domestic animal.

“Large domestic animal” means horses, ponies, donkeys, cows, standard size goats, llamas, oxen, and standard size pigs.

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*).

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 allowed numbers 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, which incorporates the provisions of King County Code Title 11, Animal Care and Control.

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. Four (4) small domestic animals, including foster animals, per dwelling or commercial building regardless of lot size.
3. A pet license is required for each cat or dog.

B. Domestic Fowl. Domestic fowl may be kept 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.
2. 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 property is located.
3. Up to four (4) domestic fowl 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. 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.
4. 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. Miniature Goats. Miniature goats are medium domestic animals and may be kept 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.
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.

6. The location of structures housing miniature goats must comply with accessory structure setbacks applicable in the zoning district where the property is 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.

9. 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.

D. Potbelly Pigs. Miniature potbelly pigs are medium domestic animals and may be kept 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.

1. 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.

2. The location of structures housing potbelly pigs must comply with accessory structure setbacks applicable in the zoning district where the property is located.

3. 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. 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 .

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.

E. 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.

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) gross acre in size.
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.
4. 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.