

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE NO 3-2007

IN THE MATTER OF A COMPREHENSIVE ORDINANCE RELATING TO BUILDING REGULATIONS: ADOPTING BUILDING CODES AND STANDARDS, AMENDMENTS THERETO, AND CERTAIN OTHER BUILDING REGULATIONS, AND ADOPTING CERTAIN AMENDMENTS TO CHAPTER 13.25 VIOLATIONS AND PENALTIES.

An Ordinance relating to building regulation; adopting by reference the International Building Code, 2006 Edition, and, adopting certain amendments thereto: adopting by reference the International Residential Code, 2006 Edition, and, adopting certain amendments thereto: adopting by reference the International Existing Building Code, 2006 Edition, and, adopting certain amendments thereto; adopting by reference the International Mechanical Code, 2006 Edition, and, adopting certain amendments thereto; adopting by reference the International Fuel Gas Code, 2006 Edition, and, adopting certain amendments thereto; adopting and by reference the International Fire Code, 2006 Edition, and adopting certain amendments thereto adopting by reference the Uniform Plumbing Code, 2006 Edition, and, adopting certain amendments thereto; adopting by reference the International Property Maintenance Code, 2006 Edition, and, adopting certain amendments thereto; adopting by reference the International Wildland Urban Interface Code, 2006 Edition, and, adopting certain amendments thereto; adopting by reference the ICC Performance Code for Buildings and Facilities, 2006 Edition, and, adopting certain amendments thereto; adopting by reference the Washington State Energy Code; adopting by reference the Washington State Ventilation and Indoor Air Quality Code; regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures in the County of Yakima; establishing priorities among the various codes adopted by reference and between such codes and other ordinances and policies dealing with land use; providing for the administration and enforcement of this ordinance; providing for the issuance of permits; establishing fees for permits; providing for, and in some cases requiring, correlation with other ordinances and codes; providing installation standards for mobile homes; prescribing regulations for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or

premises; defining the scope of the County's responsibilities under the International Fire Code; defining the role of Fire Protection Districts; ratifying provisions of the International Fire Code pertaining to the authority of a fire department at the scene of a fire or other emergency; providing for civil remedies and criminal penalties for the violation thereof; and repealing Yakima County Code 13.01, 13.02, 13.04, 13.05, 13.06, 13.07, 13.08, 13.09, 13.10, 13.11, 13.12, 13.13, 13.14, 13.24 and 13.25 and enacting a new title with chapters and sections as set forth below, all of the Yakima County Code; and, amending certain chapters and sections of Ordinance 1-2005.

WHEREAS, RCW Chapters 19.27, 36.32, and 36.43 authorize counties within the State of Washington to; (1) adopt standard building codes; (2) provide for their administration and enforcement; (3) amend or limit the applicability of such codes as authorized by law; (4) set fees within the codes; (5) define public nuisances; (6) provide that any violation of the provisions of said codes as adopted shall constitute a misdemeanor or a civil violation subject to a monetary penalty; and,

WHEREAS, the Board of Yakima County Commissioners has heretofore examined and understands the scope and purpose of the uniform codes and regulations adopted under this ordinance and the amendments and additions thereto, and deems it to be in the public interest and for the general health, safety and welfare of the citizens of the County that such codes and amendments and additions thereto be adopted as the law of the County of Yakima: and,

WHEREAS, pursuant to RCW 36.32.120(7), a duly noticed public hearing was held regarding the adoption of this ordinance and that one (1) copy of each code and regulation adopted hereunder together with a copy of this ordinance specifying amendments and additions thereto were filed in the County Auditor's Office ten (10) days prior to the public hearing; and all persons desiring to speak for and against the adoption of this ordinance and the amendments and supplements thereto have been heard as required by law; now therefore,

BE IT ORDAINED BY THE BOARD OF YAKIMA COUNTY COMMISSIONERS AS FOLLOWS:

SECTION I. Chapters 13.01, 13.02, 13.04, 13.05, 13.06, 13.07, 13.08, 13.09, 13.10, 13.11, 13.12, 13.13, 13.14, 13.24 and 13.25 of Ordinance 1--2005 are hereby repealed.

SECTION II. Title 13 of Yakima County Code and Chapters 13.01, 13.02, 13.04, 13.05, 13.06, 13.07, 13.08, 13.09, 13.10, 13.11, 13.12, 13.13, 13.14, 13.24 and 13.25, and certain sections thereunder are hereby enacted as set forth herein below:

TITLE 13
BUILDING AND CONSTRUCTION CHAPTERS

- 13.01 Title, Purpose and Authority
- 13.02 Adoption of Codes and Standards
- 13.04 Enforcement and Administration
- 13.05 Amendments to International Building Code
- 13.06 Amendments to International Residential Code
- 13.07 Amendments to International Mechanical Code and International Fuel Gas Code
- 13.08 Amendments to Uniform Plumbing Code
- 13.09 Mobile Homes and Manufactured Homes
- 13.10 Amendments to International Fire Code
- 13.11 Amendments to International Property Maintenance Code
- 13.12 Amendments to International Wildland Urban Code
- 13.13 Amendments to International Existing Building Code
- 13.14 Amendments to ICC Performance Code for Buildings and Facilities
- 13.24 Fees
- 13.25 Violation and Penalties

CHAPTER 13.01
TITLE, PURPOSE AND AUTHORITY

13.01.010 Title. The regulations contained within Chapters 13.01 through 13.25, inclusive, shall collectively be known as "Title 13 Building and Construction" and are referred to herein as "this Title". This Title may also be known and cited as the "Yakima County Building Code".

13.01.020 Purpose. The purpose of this title is to provide minimum standards to safeguard life or limb, health, property, and general public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and placement, repair and maintenance of all buildings and structures within Yakima County and of certain equipment specifically regulated herein and to safeguard to a reasonable degree life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. Enactment and enforcement of this Title is intended to only protect the

general public welfare and not specific persons or property. Nothing in this Title nor the various Codes adopted by reference herein shall be construed to impose any legal duty, directly or indirectly, upon Yakima County or its officials and employees to protect individual persons or property in individual circumstances.

13.01.030 Authority. The provisions of this Title are adopted pursuant to the authority granted in RCW Chapters 19.27, 36.32, and 36.43 which authorize counties within the State of Washington to: (1) adopt by reference uniform building codes and standards; (2) provide for their administration and enforcement; (3) amend or limit the applicability of such codes and standards; (4) set fees within such codes; and (5) define public nuisances; (6) provide that any violation of the provisions of said code as adopted shall constitute a misdemeanor or a civil violation subject to a monetary penalty. These provisions are also authorized and adopted pursuant to general police power authority granted to counties under Article XI, Section XI of the Washington State Constitution.

13.01.040 Severability. Should any chapter, section, subsection, sentence, clause or other provision of this Title be held to be invalid or unconstitutional, the remaining portions of this Title shall continue in full force and effect and such decision shall not affect the validity of this title as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

CHAPTER 13.02
ADOPTION OF UNIFORM CODES AND STANDARDS

13.02.010 Adoption of uniform Codes and Standards. Except as amended or modified by Chapters 13.01 through 13.25 of this Title, the following uniform codes and standards are adopted by reference as the regulations of Yakima County governing building and structures, and shall have the same force and effect as if they were set forth fully herein:

- (1) The International Building Code, 2006 Edition, published by the International Code Council as adopted and amended by the State of Washington in Chapter 51-50 WAC;
- (2) The International Residential Code, 2006 Edition, published by the International Code Council as adopted and amended by the State of Washington in Chapter 51-51 WAC;
- (3) The International Existing Building Code, 2006 Edition, published by the International Code Council;
- (4) The International Mechanical Code, 2006 Edition and the International Fuel Gas Code, published by the International Code Council as adopted and amended by the State of Washington in Chapter 51-52 WAC;
- (5) The International Fire Code, 2006 Edition, published by the International Code Council as adopted and amended by the State of Washington in Chapter 51-54;
- (6) The Uniform Plumbing Code, 2006 Edition, as published by International Association of Plumbing and Mechanical Officials as adopted and amended by the State of Washington in Chapter 51-56 WAC and Chapter 51-57 WAC;
- (7) The Washington State Energy Code as set forth in Chapter 51-11 WAC;
- (8) The Washington State Ventilation and Indoor Air Quality Code as set forth in Chapter 51-13 WAC;
- (9) The International Property Maintenance Code, 2006 Edition, as published by the International Code Council;
- (10) The International Wildland Urban Interface Code, 2006 Edition, as published by the International Code Council;
- (11) The ICC Performance Code for Buildings and Facilities, 2006 Edition, as published by the International Code Council.

13.02.020 Terminology in Codes. All references in the Codes and standards adopted by Section 13.02.010 to the "City" or "chief administrative officer" shall be construed as the Chairman

of the Board of County Commissioners; references to the "City Council" or "chief appointing authority" shall be construed as the Board of County Commissioners.

13.02.030 Priorities.

- (1) In case of conflict among the uniform codes adopted by reference by Yakima County in this Title and elsewhere, the priorities specified in RCW 19.27.031 shall apply.
- (2) Pursuant to RCW 19.27.090 certain zoning requirements, building setbacks, side and rear yard requirements, site development standards, property line requirements, subdivision requirements and general land requirements are contained and reserved in other enacted ordinances and policy documents of Yakima County. Enactment of this Title does not abrogate those requirements. In case of direct conflict between the provisions of this Title and such other ordinances, the most restrictive shall apply.

CHAPTER 13.04
ENFORCEMENT AND ADMINISTRATION

13.04.010 Authority Designated. The Manager of the Building and Fire Safety Division of the Yakima County Department of Public Services is hereby authorized and designated as the Official responsible for the enforcement and administration of this Title. The Manager may designate employees within his division to act on his behalf. The use of the terms "Building Official", "Administrative Authority", "Code Official", "Authority Having Jurisdiction" and similar such terms as contained in this Title and in the codes and standards adopted by reference under this Title shall be construed as referring to the Manager of the Building and Fire Safety Division of the Yakima County Department of Public Services and his designees.

13.04.020 Correlation with Zoning Ordinance. Prior to the issuance of any permit under this Title, the Building Official shall review the proposed work and use for compliance with Yakima County's Zoning Ordinances, YCC Title 15 and YCC Title 15A, as they now exist or are hereafter amended. Compliance with applicable zoning requirements shall be a condition precedent to the issuance of any permit under this Title. General building permits issued under the provisions of the International Building Code and International Residential Code adopted by reference in this Title shall incorporate appropriate references to zoning requirements and shall, once issued, serve as compliance with the applicable provisions of YCC Title 15 and YCC Title 15A.

13.04.030 Coordination Required With Other Officials. The Building Official in the enforcement and administration of this Title shall coordinate with the following enumerated agencies prior to the issuance of any permit under this Title. Where a permit of the type set forth below is required by the enumerated agency, the issuance of such permit shall be a condition precedent to the issuance of the permit under this Title. Agencies and permits that are required to be coordinated under this section are:

- (1) Yakima County Health District
- (2) Yakima County Public Services Department, Planning Division
- (3) Yakima County Hearings Examiner
- (4) Board of Yakima County Commissioners
- (5) Yakima County Public Services Department, Transportation Engineering Division

(6) Washington State Department of Labor and Industry, Mobile Home Division

Nothing within this section shall otherwise interfere with or limit the discretionary authority of the building official to confer with other departments and jurisdictions prior to the issuance of any permit required under this Title pursuant to applicable sections of the International Building Code, International Residential Code, International Existing Buildings Code, International Mechanical Code, International Fuel Gas Code, International Fire Code, Uniform Plumbing Code, International Wildland Urban Code, International Property Maintenance Code, and ICC Performance Code for Buildings and Facilities adopted by reference in this Title.

CHAPTER 13.05
AMENDMENTS TO INTERNATIONAL BUILDING CODE

13.05.010 Adoption of Appendices. Pursuant to Section 101.2.1 of the 2006 Edition of the International Building Code, the following appendices are specifically adopted;

Appendix Chapter C, Group U - Agricultural Buildings
Appendix Chapter E, Supplementary Accessibility Requirements
Appendix Chapter G, Flood Resistant Construction
Appendix Chapter I, Patio Covers
Appendix Chapter J, Grading

13.05.015 Amendment to Chapter 1, Section 101.4 Referenced Codes. Section 101.4 of the International Building Code, 2006 Edition, is hereby amended as follows:

101.4.1 Electrical. The provisions of the *Electrical Code* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.4 Plumbing. The provisions of the *Uniform Plumbing Code* shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.7 Energy. The provisions of the *Washington State Energy Code* shall apply to all matters governing the design and construction of buildings for energy efficiency.

13.05.020 Amendment to Chapter 1, Section 103 Department of building safety. Section 103 of the International Building Code, 2006 Edition, is hereby amended as follows:

Section 103, Creation of enforcement agency.

103.1 Creation of enforcement agency. There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official. The building and fire safety division of the public services department shall function as the enforcement agency.

103.2. Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint a deputy building official, the related technical officers, inspectors, plans examiners and other employees as shall be authorized from time to time. Such employees shall have powers as delegated by the building official. The building official may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency. For the maintenance of existing properties, see the *International Property Maintenance Code*.

13.05.025 Amendment to Chapter 1, Section 104.1 General. and Section 104.8 Liability
Section 104.1 and Section 104.8 of the International Building Code, 2006 Edition, are hereby amended as follows:

104.1 General. The building official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the building official shall have the powers of a law enforcement officer. The building official shall have the authority to render interpretations of this code and to adopt and enforce rules, policies and procedures in order to clarify the application of its provisions. Such interpretations, rules, policies and procedures shall be in conformance with the intent and purpose of this code. Such rules, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. Such rules, policies and procedures adopted by the building official as authorized in this code shall become part of Chapter 1, Administration, and shall be applied in conjunction with the provisions of Chapter 1.

104.8 Liability. The building official, or employee charged with the enforcement of this code, while in the discharge of their official duties, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required, or permitted, or in the scope of their official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the code enforcement agency, acting in good faith and without malice, shall be free from liability

for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

13.05.030 Amendment to Chapter 1, Section 105, Permits. Section 105.1 Required, and Section 105.2 Work exempt from permit, Building, of the International Building Code, 2006 Edition is hereby amended as follows:

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

Where a bridge or an elevated surface has been identified as part of a fire apparatus access road under Section 503.2.6 of the International Fire Code as adopted and amended by Yakima County in YCC 13, the owner or authorized agent shall first make application with the building official and obtain the required permit. Plans, calculations, and other documentation necessary to show that the bridge or elevated surface complies with the requirements of Section 503.2.6 of the International Fire Code shall be submitted and shall be prepared by a registered design professional.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures associated with a Group R-3 occupancy used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m^2).
2. Fences not over 6 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

13.05.040 Amendment to Chapter 1, Section 106.3.1 Approval of construction documents.

Section 106.3.1 of the International Building Code, 2006 Edition, is hereby amended as follows:

106.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Approved." One set of construction documents so reviewed shall be retained by the building official. The other set shall

be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

13.05.045 Amendment to Chapter 1, Section 107 Temporary Structures and Uses

107.1 General. The building official is authorized to issue a permit for temporary structures and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

Exception: The building official may authorize unheated tents and yurts under 500 square feet in area accommodating an R-1 Occupancy for recreational use as a temporary structure and allow them to be used indefinitely. The building official may authorize unheated tents and yurts exceeding 500 square feet in area, but not greater than 750 square feet in area, accommodating an R-1 Occupancy for recreational use, and which are provided with not less than two (2) rescue and emergency egress openings with such openings located not less than one half the major diagonal dimension of the tent, or yurt, apart, as a temporary structure and allow them to be used indefinitely.

13.05.050 Amendments to Chapter 1, Section 108, Fees, Sections 108 of the International Building Code, 2006 Edition, is amended as follows:

108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for each permit shall be as set forth in Amended Table 1-A as established in YCC 13.24.020.

108.2.1 Plan Review Fees. When submittal documents are required to be submitted by Section 106, a plan review fee in addition to the permit fee shall be paid at the time of submitting submittal documents for plan review. Said plan review fee shall be SIXTY-FIVE (65) PERCENT of the building permit fee as shown in Amended Table 1-A.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 108.2 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 phased approvals as defined in Section 106.3.3 or deferred submittal items as defined in Section 106.3.4.2, an additional plan review fee shall be charged at the rate shown in Amended Table 1-A.

108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit application shall be deemed to be incomplete, unless the applicant can show detailed estimates to meet the approval of the building official. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official by reference to the "building valuation data" as printed in the "Building Safety Journal", the official publication of the International Code Council. The value to be used in computing the building permit and building plan review fee shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire extinguishing systems and any other permanent equipment. Final building permit valuation shall be set by the building official.

108.4 Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the cost of enforcement to the jurisdiction. The minimum investigation fee shall be the same as the permit fee set forth in Amended Table 1-A. 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.

108.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a

building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

108.6 Refunds. The building official is authorized to establish a refund policy.

13.05.060 Amendments to Chapter 1, Section 112, Board Of Appeals

Section 112 of the International Building Code, 2006 Edition, is amended as follows:

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

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

112.3 Application. The application for appeal shall be filed on a form obtained from the code official within 20 days after the notice was served.

112.4 Membership of board. The board of appeals shall consist of persons appointed by the chief appointing authority as follows:

1. One for five years; one for four years; one for three years; one for two years; and one for one year.
2. Thereafter, each new member shall serve for five years or until a successor has been appointed.

The building official and fire marshal shall be ex-officio members of said board but shall have no vote on any matter before the board.

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

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

1. Registered design professional with architectural experience.
2. Registered design professional with structural engineering experience
3. Registered design professional with mechanical and plumbing engineering experience or a mechanical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
4. A builder or superintendent of building construction with at least ten years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience or a fire protection contractor with at least ten years' experience, five of which shall have been in responsible charge of work.

112.4.3 Rules and procedures. The board is authorized to establish policies and procedures necessary to carry out its duties.

112.4.4 Chairperson. The board shall annually select one of its members to serve as chairperson.

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

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

112.4.7 Compensation of members. Compensation of members shall be determined by law.

112.4.8 Legal counsel. The jurisdiction shall make available legal counsel to the board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the jurisdiction's expense in all matters arising from service within the scope of their duties.

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

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

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

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

112.6 Board decision. The board shall modify or reverse the decision of the code official by affirmative votes of the majority present, but not less than three, shall be required.

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

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

13.05.070 Amendments to Chapter 4 Special Use and Occupancy. Chapter 4 of the International Building Code, 2006 Edition is amended by addition of Section 421 as follows:

Section 421.1 General

421.1.1 Purpose. The purpose of this section is to establish minimum standards of safety for the construction and use of controlled atmosphere storage buildings.

421.1.1 Scope. The provisions of Section 421 shall apply to buildings or structures defined herein as controlled atmosphere storage buildings and shall supersede other similar requirements in other chapters of the code.

421.1.3 Definitions. For the purpose of this chapter, certain terms are defined as follows:

CONTROLLED ATMOSPHERE STORAGE BUILDING is a building used solely for storage of agricultural products in refrigerated rooms where the room atmosphere is maintained at an oxygen content not exceeding 14% with the remainder being nitrogen, carbon dioxide or similar gas which will not support combustion.

421.1.4 Applicability of other provisions. Except as required by this chapter, controlled atmosphere storage buildings shall meet all provisions of this code applicable to buildings classified as Group S, Division 2 occupancies.

421.2 Automatic Fire-Extinguishing Systems

421.2.1 Automatic fire-extinguishing systems required by Section 903 need not be provided when the controlled atmosphere storage building complies with the allowable floor area provisions of Section 506.

421.3 Means of Egress

421.3.1 Maximum allowable occupant load for a controlled atmosphere storage building shall be 9.

421.3.2 The maximum distance of travel from any point within the controlled atmosphere building to an exterior exit door, horizontal exit, exit passageway, or an enclosed stairway shall not exceed 300 feet (91,500 mm) unless otherwise allowed by this section. The maximum travel distance may be increased in accordance with the following:

1. In a controlled atmosphere storage building equipped with an automatic sprinkler system throughout, the maximum travel distance may be 450 feet (137,250 mm).

421.3.3 Exit doors serving controlled atmosphere storage buildings and rooms and spaces within such buildings need not comply with the requirements of Section 1008 when building operations are conducted in accordance with the following:

1. When the building or portions of the building, are occupied and contain a normal outdoor atmosphere, doors giving access to the building or such portions of the building shall remain open.

421.4 Smoke and Heat Venting

421.4.1 Controlled atmosphere storage buildings need not comply with the requirements of Section 910.

421.5 Standpipes

421.5.1 Controlled atmosphere storage buildings need not comply with the requirements of Section 905.

13.05.080 Amendment to Chapter 16, Section 1608, Snow Loads. Section 1608.2 of the International Building Code, 2006 Edition, is amended as follows:

1608.2 Ground snow loads. The ground snow loads to be used in determining the design snow loads for roofs shall be determined in accordance with ASCE 7 or Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated “CS” in Figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved by the building official. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). The Structural Engineers Association of Washington has conducted and published a case study (CS) for Washington State. This case study, titled “Snow Load Analysis for Washington”, may be used to establish the ground snow load in all areas of Yakima County in lieu of a site specific case study. Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official.

13.05.090 Amendment to Chapter 16, Section 1612, Flood Loads. Section 1612 of the International Building Code, 2006 Edition, is amended as follows:

SECTION 1612

FLOOD LOADS

1612.1 General. Within flood hazard areas as established in Section 1612.3, all new construction of buildings, structures and portions of buildings and structures, including substantial improvements and restoration of substantial damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads and shall be anchored to prevent floatation, collapse, or lateral movement of the structure. For buildings that are located in more than one flood hazard area, the provisions associated with the most restrictive flood hazard area shall apply.

All new construction and any improvements or additions to an existing floodproofed structure that would extend beyond the existing floodproofing located within 100 feet of a floodway or ordinary high water mark, if no floodway has been established, shall also meet the requirements of Yakima County Code 16A.05.28.010 (a) (3).

1612.2 Definitions. The following words and terms shall, for the purposes of this section, have the meanings shown herein.

BASE FLOOD. The flood having a 1-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

BASEMENT. The portion of a building having its floor subgrade (below ground level) on all sides.

DESIGN FLOOD. The flood associated with the greater of the following two areas:

1. Area with a flood plain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on a community's flood hazard map, or otherwise legally designated.

DESIGN FLOOD ELEVATION. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet (610 mm).

DRY FLOODPROOFING. A combination of design modifications that results in a building or structure, including the attendant utility and sanitary facilities, being water tight with walls substantially impermeable to the passage of water and with structural components having the capacity to resist loads as identified in ASCE 7.

EXISTING CONSTRUCTION. Any buildings and structures for which the "start of construction" commenced before the effective date of the community's first flood plain management code, ordinance or standard. "Existing construction" is also referred to as "existing structures."

EXISTING STRUCTURE. See "Existing construction."

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD DAMAGE-RESISTANT MATERIALS. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

FLOOD HAZARD AREA. The greater of the following two areas:

1. The area within a flood plain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on a community's flood hazard map, or otherwise legally designated.

FLOOD HAZARD AREA SUBJECT TO HIGH VELOCITY WAVE ACTION.

Area within the flood hazard area that is subject to high velocity wave action, and shown on a Flood Insurance Rate Map (FIRM) or other flood hazard map as Zone V, VO, VE or V1-30.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map (FBFM), the water surface elevation of the base flood and supporting technical data.

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

LOWEST FLOOR. The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in

violation of the applicable non-elevation design requirements of this code or Section R324.2 of the International Residential Code, as applicable.

NEW CONSTRUCTION. The term “new construction” refers to structures for which the “start of construction” commenced on or after June 5, 1985, the effective date of Yakima County adoption of regulations governing development and construction in flood hazard areas.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

START OF CONSTRUCTION. The date of permit issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the assessed value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the assessed value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for Yakima County, Washington,” dated March 2, 1998, and as further amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

1612.4 Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high velocity wave action, shall be in accordance with ASCE 24.

1612.5 Flood hazard documentation. The following documentation shall be prepared and sealed by a registered design professional and submitted to the building official:

1. For construction in flood hazard areas not subject to high-velocity wave action:
 - 1.1. The elevation of the lowest floor, including basement, as required by the lowest floor elevation inspection in Section 109.3.3.
 - 1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.6.1.1 ASCE 24, construction documents shall include a

statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.6.1.2, ASCE 24.

1.3. For dry floodproofed nonresidential buildings, construction documents shall include a statement that the dry floodproofing is designed in accordance with ASCE 24.

2. For construction in flood hazard areas subject to high-velocity wave action:

2.1. The elevation of the bottom of the lowest horizontal structural member as required by the lowest floor elevation inspection in Section 109.3.3.

2.2. Construction documents shall include a statement that the building is designed in accordance with ASCE 24, including that the pile or column foundation and building or structure to be attached thereto is designed to be anchored to resist flotation, collapse and lateral movement due to the effects of wind and flood loads acting simultaneously on all building components, and other load requirements of Chapter 16.

2.3. For breakaway walls designed to resist a nominal load of less than 10 psf (0.48 kN/m²) or more than 20 psf (0.96 kN/m²), construction documents shall include a statement that the breakaway wall is designed in accordance with ASCE 24.

13.05.100 (Reserved)

13.05.110 (Reserved)

13.05.120 (Reserved)

13.05.130 (Reserved)

13.05.135 Amendment to Appendix Chapter G, Flood-Resistant Construction, Section G105.1 General. Section G105.1 of Appendix Chapter G of the International Building Code, 2006 Edition, is hereby amended as follows:

G105.1 General. The board of appeals established pursuant to Section 112 shall hear and decide requests for variances. The board of appeals shall base its determination on technical justifications, and has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of this appendix and Section 1612.

Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; that they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

13.05.140 (Reserved)

13.05.150 (Reserved)

13.05.160 Amendment to Appendix Chapter J, Grading, Section J103.2 Exemptions. Section J103.2 of Appendix Chapter J of the International Building Code, 2006 Edition, is hereby amended as follows:

J103.2 Exemptions. A grading permit is not required for the following:

1. When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.
2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.
3. Cemetery graves
4. Refuse disposal sites permitted by other regulations
5. Excavations for wells, tunnels, or trenches for utilities
6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

7. Exploratory excavations under the direction of soil engineers or engineering geologists.
8. An excavation which (1) is less than 3 feet (915 mm) in depth, or (2) which does not create a cut slope greater than 6 feet (1829 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope).
9. A fill less than 2 foot (610 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 4 feet (1219 mm) in depth, not intended to support structures, which does not exceed 100 cubic yards (76.6 m³) on any one lot and does not obstruct a drainage course.
10. Test holes done under the provisions of an on-site sewage disposal permit application.
11. Grading, including roads, bridges and municipal construction, which is designed to WSDOT, APWA or FHWA standards and specification where such grading is subject to review and approval of a local government agency or a state or federal agency.
12. When approved by the Building Official, temporary grading work necessary to protect property.
13. Grading work, which (1) is not intended to support structures, and (2) is subject to permitting requirements of other regulations.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

13.05.170 Amendment to Appendix Chapter J, Grading. Appendix Chapter J of the International Building Code, 2006 Edition, is hereby amended by the addition of Section J112 as follows:

Section J112 Hazards. Whenever the building official determines that any existing excavation or embankment or fill has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period

specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this code.

13.05.180 Amendment to Appendix Chapter J, Grading. Appendix Chapter J of the International Building Code, 2006 Edition, is hereby amended by the addition of Section J113 as follows:

Section J113 Grading Fees

J113.1 Plan Review Fees. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in amended Table A-33-A as established in YCC 13.24.030. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

J113.2 Grading Permit Fees. A fee for each grading permit shall be paid to the building official as set forth in amended Table A-33-B as established in 13.24.030. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities.

Chapter 13.06

AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE

13.06.010 Chapter 11 and 25 through 42 Not Adopted and amendments made to other Chapters and portions. Pursuant to WAC 51-51-003, Chapters 11 and 25 through 42 of the 2006 Edition, of the International Residential Code are not adopted. The amendments, additions and deletions contained in WAC 51-51 are hereby adopted and shall be part of this Title.

13.06.020 Adoption of appendices. Pursuant to Section R102.5 of the International Residential Code, 2006 Edition, Appendix H is adopted as part of the code and Appendix J is adopted as part of the code.

13.06.025 Amendments to Chapter 1, Section R103 Department of building safety, Section R104.1 General, Section R104.8 Liability, and Section R105.2 Work exempt from permit. Section 103, Section R104.1, Section 104.8, and Section 105.2 of the International Residential Code, 2006 Edition are hereby amended as follows:

Section R103, Creation of enforcement agency.

R103.1 Creation of enforcement agency. There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official. The building and fire safety division of the public services department shall function as the enforcement agency.

R103. 2. Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint a deputy building official, the related technical officers, inspectors, plans examiners and other employees as shall be authorized from time to time. Such employees shall have powers as delegated by the building official. The building official may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

R104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. For such purposes, the building official shall have the powers of a law enforcement officer. The building official shall have the authority to render interpretations of this code and to adopt and enforce rules, policies and procedures to clarify the application of its

provisions. Such interpretations, rules, policies and procedures shall be in conformance with the intent and purpose of this code. Such rules, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. Such rules, policies and procedures adopted by the building official as authorized in this code shall become part of Chapter 1, Administration, and shall be applied in conjunction with the provisions of Chapter 1.

R104.8 Liability. The building official, officer or employee charged with the enforcement of this code, while acting in the discharge of their official duties, shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required, or permitted, or in the scope of their official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the code enforcement agency, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m^2).
2. Fences not over 6 feet (1829 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

5. Sidewalks, platforms, decks without roof covers, ramps, and driveways not more than 30 inches (762mm) above adjacent grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment accessory to a one or two-family dwelling.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

Electrical:

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration systems containing 10pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the re-placement or rearrangement of valves, pipes or fixtures.

13.06.030 Amendments to Chapter 1, Section R105.3.1.1 Substantially improved or substantially damaged existing buildings in areas prone to flooding.

Section R105.3.1.1 of the International Residential Code, 2006 Edition, is amended as follows:

R105.3.1.1 Substantially improved or substantially damaged existing buildings in areas prone to flooding. For applications for reconstruction, rehabilitation, addition, or other improvement of existing buildings or structures located in an area prone to flooding as established by Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamage condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the assessed value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the board of appeals for a determination of substantial improvement or substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall meet the requirements of Section R324.

13.06.040 Amendments to Chapter 1, Section R108, Fees, Section R108 of the International Residential Code, 2006 Edition, is amended as follows:

R108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for each permit shall be as set forth in Amended Table 1-A as established in YCC 13.24.020.

R108.2.1 Plan Review Fees. When submittal documents are required to be submitted by Section R106, a plan review fee in addition to the permit fee shall be paid at the time of submitting submittal documents for plan review. Said plan review fee shall be SIXTY-FIVE (65) PERCENT of the building permit fee as shown in Amended Table 1-A.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section R108.2 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 phased approvals as defined in Section 106.3.3, an additional plan review fee shall be charged at the rate shown in Amended Table 1-A.

R108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems including materials and labor. If, in the opinion of the building official, the valuation is underestimated on the application, the permit application shall be deemed to be incomplete, unless the applicant can show detailed estimates to meet the approval of the building official. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official by reference to the "building valuation data" as printed in the "Building Safety" magazine. The value to be used in computing the building permit and building plan review fee shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire extinguishing systems and any other permanent equipment. Final building permit valuation shall be set by the building official.

R108.4 Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the jurisdiction's cost of enforcement. The minimum investigation fee shall be the same as the permit fee set forth in Amended Table 1-A. 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.

R108.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

R108.6 Refunds. The building official is authorized to establish a refund policy.

13.06.050 Amendments to Chapter 1, Section R112.1, General. Section R112.1 of the International Residential Code, 2006 Edition, is amended as follows:

R112.1 General. The board of appeals created in Section 112 of the International Building Code as amended in YCC 13.05.060 shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code. The building official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board shall follow the rules of procedure for conducting its business set forth in Section 112 of the International Building Code as amended in YCC 13.05.060, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

13.06.060 Amendments to Chapter 1, Section R112.2.1, Determination of substantial improvement in areas prone to flooding. Section R112.2.1 of the International Residential Code, 2006 Edition, is amended as follows:

R112.2.1 Determination of substantial improvement in areas prone to flooding. When the building official provides a finding required in Section R105.3.1.1, the board of appeals shall

determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the assessed value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:

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

13.06.065 Amendments to Chapter 1, Section R112.2.2, criteria for issuance of a variance for areas prone to flooding. Section R112.2.2 of the International Residential Code, 2006 Edition, is amended as follows:

R112.2.2 Criteria for issuance of a variance for areas prone to flooding. Variances are interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; that they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare. A variance shall only be issued upon:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards in Section R324 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

13.06.070 Amendments to Chapter 3, Table R301.2(1), Climatic and Geographic Design Criteria

Criteria Table R301.2(1), Climatic and Geographic Design Criteria of the International Residential Code, 2006 Edition, is amended as follows:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD ^k	WIND SPEED ^d (mph)	SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE SHIELD UNDER-LAYMENT REQUIRE ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
			Weathering ^a	Frost line depth ^b	Termite ^c					
Case Study	85	C, D0 and D1 are present	SEVERE	24 "	Slight to Moderate	2° F	YES	1985	1,000 – 2,000	50°F

For SI: 1 pound per square foot = 0.0479 kN/m², 1 mile per hour = 1.609 km/h.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., “negligible”, “moderate” or “severe”) for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R 403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 971/2-percent values for winter. Deviations from the temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction’s entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, for areas where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with “YES”. Otherwise, the jurisdiction shall fill in this part of the table with “NO”.
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table “Air Freezing Index- USA Method (Base 32° Fahrenheit)” at www.ncdc.noaa.gov/fpsf.html.
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table “Air Freezing Index-USA Method (Base 32° Fahrenheit)” at www.ncdc.noaa.gov/fpsf.html.
- k. The Structural Engineers Association of Washington has conducted a case study (CS) for Washington State. This case study, titled “Snow Load Analysis for Washington”, may be used to establish the ground snowload in all areas of Yakima County in lieu of a site specific case study.

13.06.080 Amendments to Chapter 3, Subsection R324.1.5, Protection of mechanical and electrical systems. Subsection R324.1.5 of the International Residential Code, 2006 Edition, is amended as follows:

R324.1.5 Protection of mechanical, plumbing, and electrical systems.

Electrical systems, equipment and components, and heating, ventilating, air conditioning and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be located at or above the design flood elevation. If replaced as part of a substantial improvement, electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall meet the requirements of this section. Systems, fixtures, and equipment and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning and plumbing appliances, plumbing fixtures, duct systems, and other service equipment are permitted to be located below the design flood elevation provided that they are designed in accordance with the provisions of Chapter 8, ASCE 24, to minimize or eliminate infiltration of floodwaters into systems and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation in compliance with the flood-resistant construction requirements of the *International Building Code*. Electrical wiring systems are permitted to be located below the design flood elevation provided they conform to the provisions of the electrical code for wet locations.

13.06.090 Amendments to Chapter 3, Subsection R324.1.6, Protection of water supply and sanitary sewage systems. Subsection R324.1.6 of the International Residential Code, 2006 Edition, is amended as follows:

R324.1.6 Protection of water supply and sanitary sewage systems.

New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems in accordance with the plumbing provisions of this

code. New and replacement sanitary sewage systems shall be designed in accordance with the provisions of Chapter 8, ASCE 24 to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.

13.06.100 Amendments to Chapter 3, Subsection R324.2.3. Foundation design and construction. Subsection R324.2.3 of the International Residential Code, 2006 Edition, is amended by the addition of Subsection R324.2.3.1 as follows:

R324.2.3.1 Residential construction within 100 feet of a floodway or ordinary high water mark.

Residential construction within 100 feet of a floodway or ordinary high water mark, if no floodway has been established, shall also meet the requirements of Yakima County Code 16A.05.28.010 (a) (3).

CHAPTER 13.07

AMENDMENTS TO INTERNATIONAL MECHANICAL CODE AND INTERNATIONAL FUEL GAS CODE

13.07.010 Amendment to Chapter 1, Section 103 Department of building safety. Section 103 of the International Mechanical Code, 2006 Edition, is hereby amended as follows:

Section 103, Creation of enforcement agency.

103.1 Creation of enforcement agency. There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official. The building and fire safety division of the public services department shall function as the enforcement agency.

103.2. Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint such technical officers, inspectors and other employees as shall be authorized from time to time. The building official may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

103.4.3 Liability. The building official, officer or employee charged with the enforcement of this code, while in the discharge of their official duties, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required, or permitted in the scope of their official duties.

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

13.07.020 Amendment to Chapter 1, Section 104.2 Rule-making authority. Section 104.2 of the International Mechanical and International Fuel Gas Code, 2006 Edition, is hereby amended as follows:

104.2 Rule-making authority. The building official shall have the authority to render interpretations of this code and to adopt and enforce rules, policies and procedures to clarify the application of its provisions. Such interpretations, rules, policies and procedures shall be in conformance with the intent and purpose of this code. Such rules, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. Such rules, policies and procedures adopted by the building official as authorized in this code shall become part of Chapter 1, Administration, and shall be applied in conjunction with the provisions of Chapter 1.

13.07.030 Amendment to Chapter 1, Section 106.5.2 Fee schedule. Section 106.5.2 of the International Mechanical Code, 2006 Edition, is hereby amended as follows:

106.5.2 Fee schedule. The fees for mechanical work shall be as indicated in YCC 13.24.040 Mechanical Code Table 1-A.

13.07.040 Amendment to Chapter 1, Section 106.5.3 Fee refunds. Section 106.5.3 of the International Mechanical Code, 2006, Edition, is hereby amended as follows:

106.5.3 Fee refunds. The building official is authorized to establish a refund policy.

13.07.050 Amendment to Chapter 1, Section 109 Means of Appeal. Section 109 of the International Mechanical Code, 2006 Edition, is hereby amended by deletion of sections 109.1 through 109.7 and insertion of text as follows:

Section 109 Means of appeal. The board of appeals created in Section 112 of the International Building Code as amended in YCC 13.05.060 shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code. The building official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board shall follow the rules of procedure for conducting its business set forth in Section 112 of the International Building Code as

amended in YCC 13.05.060, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

CHAPTER 13.08
AMENDMENTS TO UNIFORM PLUMBING CODE

13.08.010 Chapter 12 and 15 Not Adopted and amendments made to other Chapters and portions. Pursuant to RCW 19.27.031(4) and WAC 51-56-003, Chapters 12 and 15 of the 2006 Edition, of the Uniform Plumbing Code are not adopted 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 are not adopted nor shall they be part of this Title. Pursuant to WAC 51-56 and WAC 51-57 various amendments, additions and deletions are made to the 2006 Edition of the Uniform Plumbing Code. The amendments, additions and deletions contained in WAC 51-56 and WAC 51-57 are hereby adopted and shall be part of this Title.

13.08.015 Amendment to Chapter 1, Section 102.2 Duties and Powers of the Authority Having Jurisdiction Section 102.2.1 of the Uniform Plumbing Code, 2006 Edition, is hereby amended as follows:

102.2.1 The building official may appoint such assistants, deputies, inspectors, or other employees as necessary to carry out the functions of the division and this code. The building official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the building official shall have the powers of a law enforcement officer.

The building official shall have the authority to render interpretations of this code and to adopt and enforce rules, policies and procedures to clarify the application of its provisions. Such interpretations, rules, policies and procedures shall be in conformance with the intent and purpose of this code. Such rules, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. Such rules, policies and procedures adopted by the building official as authorized in this code shall become part of Chapter 1, Administration, and shall be applied in conjunction with the provisions of Chapter 1.

13.08.020 Chapter 1, Section 102. Organization and enforcement, Section 102 of the Uniform Plumbing Code, 2006 Edition, as amended by WAC 51-56, is hereby amended by the addition of Subsection 102.4.1, Board of appeals, as follows:

102.4.1 Board of appeals. The board of appeals created in Section 112 of the International Building Code as amended in YCC 13.05.060 shall hear and decide appeals of orders, decisions or determinations made by the building official, as the Authority Having Jurisdiction, relative to the application and interpretation of this code. The building official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board shall follow the rules of procedure for conducting its business set forth in Section 112 of the International Building Code as amended in YCC 13.05.060, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

13.08.030 Section 103.4 Fees Section 103.4.1 Permit fees is amended as follows:

104.4.1 Permit Fees. Fees shall be assessed in accordance with the provisions of this section and as set forth in YCC 13.24.050.

CHAPTER 13.09
MOBILE HOMES AND MANUFACTURED HOMES

13.09.010 General Installation Requirements.

- (1) All mobile homes and manufactured homes shall be installed in compliance with Chapter 296-150M WAC which is incorporated into this ordinance by this reference.
- (2) All mobile homes and manufactured homes shall have permanent landings with permanent steps or inclined planes provided at all entrances and shall have the tow tongue removed except that in identified flood plain areas it may be camouflaged to the extent that it is unrecognizable.
- (3) In those areas that are recognized as flood plain by the Federal Emergency Management Agency, all manufactured homes must be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). All manufactured homes shall have the lowest floor elevated to or above the base flood elevation and shall be securely anchored to an adequately anchored foundation system. In those areas that are recognized as hazardous because of the probability of earthquakes, the building official may set requirements that are necessary to lessen the hazard or may require that the installation be designed by an engineer or architect licensed in the State of Washington.

13.09.020 Installation Permits. Any person who installs a manufactured home must obtain an installation permit from the Yakima County Permit Services Division before they install a manufactured home that will be used as a residence on a building site. A dealer may not deliver a manufactured home to its site without verifying that an installation permit for the manufactured home has been obtained.

- (1) The applicant must provide the following information on the application for the permit:
 - (a) The names, address, and telephone number of the owner.
 - (b) The manufacturer and dealer of the manufactured home to be installed.

- (c) The title to the manufactured home showing manufacturer, serial number and date of manufacture of the mobile home.
- (d) The names, address, and telephone number of the certified installer, and the certified installer's certification number.
- (e) The address or location of the proposed building site, including the parcel number if the manufactured home is going to be installed on private property and not in a mobile home park.
- (f) Mobile homes which do not meet the applicable H.U.D. manufactured housing standards of June 15, 1976 must pass a Fire Safety Inspection performed by the Washington State Department of Labor and Industries Mobile Home Division before an installation permit will be issued.

(2) If the manufactured home will be installed on private property, and not in a mobile home park, the application must provide a detailed site plan drawn to scale showing the relationship of the manufactured home to property lines, right-of-way, access and/or utility easements, other structures, and utilities.

13.09.030 Permit Fees. Permit fees shall be as established in YCC 13.24.020.

An additional fee equal to and in addition to the permit fee shall be assessed if any manufactured home is installed or delivered to the installation site prior to the issuance of the permit by the building official. The payment of any such additional fee shall not relieve any person, firm, or corporation from fully complying with any of the applicable requirements or provisions otherwise required by law.

13.09.040 Inspections

- (1) The installer shall request inspections at each stage of the installation as required by the building official.
- (2) The Building & Fire Safety Division shall approve the installation of a manufactured home, and allow the manufactured home to be occupied if the installation complies with the installation requirements of this Chapter and the conditions of the installation permit.
- (3) If the installation does not comply with the installation requirements of this chapter and the conditions of the installation permit, the Building & Fire Safety Division shall

provide the installer with a list of corrections that the installer must make. The list of corrections shall state a date by which the corrections must be completed. The Building & Fire Safety Division shall reinspect the installation after the corrections are completed. If the items that require correction do not endanger the health or safety of the occupants, or substantially affect the habitability of the manufactured home, the Building & Fire Safety Division may permit the owner of the manufactured home to occupy it.

13.09.050 Building Site Preparation. A manufactured home may not be installed at a building site unless the ground at the site has adequate load-bearing ability to meet the support requirements of Section 13.09.060. A manufactured home site must be prepared per the manufacturer's installation manual or per NFPA 225, 2005 Edition, Chapter 5. The installer or, if the building site is in a mobile home park, the park owner must ensure that the ground on which the manufactured home is to be installed has been improved as necessary to provide a proper base for the manufactured home and that the area beneath the manufactured home has adequate drainage. To provide adequate drainage, the installer may need to slope the finish grade or install drain tile.

13.09.060 Foundation System Footings. Foundation system footings shall comply with the requirements of Chapter 6, Foundations, of NFPA 225, 2005 Edition.

13.09.070 Foundation Skirting. A manufactured home shall have approved foundation skirting around its entire perimeter. The skirting shall be installed per the manufacturer's installation or if the manufacturer is not specific, to the standards of this section. The skirting must be vented and allow access to the under floor area per the manufacturer's installation instructions or per the standards in this section.

Skirting must be of materials suitable for ground contact. Metal fasteners must be galvanized, stainless steel or other corrosion resistant material. Ferrous metal members in contact with the earth, other than those that are galvanized or stainless steel, must be coated with an asphaltic emulsion. Skirting must not be attached in such a manner that can cause water to be trapped between the skirting and the siding or trim. The skirting must be recessed behind the siding or trim.

The skirting must be vented as follows except for manufactured homes sited in a flood hazard area. Skirting must be vented by openings protected from the entrance of rodents by being covered with corrosion-resistant wire mesh with openings of $\frac{1}{4}$ inch in dimension. Such openings must have a net free area of not less than one square foot for each one hundred fifty square feet of under floor area. Ventilation openings must be located as close to corners and as high as practical. Openings must be located to provide cross-ventilation on at least two opposite sides.

Chapter 13.10
AMENDMENTS TO INTERNATIONAL FIRE CODE

13.10.010 Appendices adopted. Pursuant to Section 101.2.1 of the International Fire Code, 2006 Edition, the following appendices are specifically adopted:

- Appendix B. Fire-Flow Requirements for Buildings
- Appendix C. Fire Hydrant Locations and Distribution
- Appendix D. Fire Apparatus Access Roads
- Appendix E. Hazard Categories
- Appendix F. Hazard Ranking
- Appendix G. Cryogenic Fluids – Weight and Volume Equivalents.

13.10.020 Terminology--Amended definitions

Notwithstanding the definitions contained in the International Fire Code adopted by reference in this chapter and except as otherwise provided in this chapter, all references in the provisions of such code to the "jurisdiction" shall be construed as Yakima County, references to the "administrator" shall be construed as the Board of Yakima County Commissioners, references to the "fire department" shall mean the Fire Protection Bureau of the Building and Fire Safety Division of the Yakima County Department of Public Services, references to the "chief or fire code official" shall be construed as the fire marshal for the Building and Fire Safety Division of the Yakima County Department of Public Services, references to the "Fire Protection Bureau" shall be construed as the Building and Fire Safety Division, that Division of the Yakima County Department of Public Services which is actively assigned duties of administering and enforcing the provisions of the International Fire Code adopted by this chapter.

For purposes of the enforcement by the County and its personnel of Section 104.11 of the International Fire Code, 2006 Edition, the term "fire department" shall also mean the fire protection district with jurisdiction, and the word "chief" shall also mean the appropriate official of such district.

13.10.030 Enforcement and administration

(1) The Building and Fire Safety Division of the Yakima County Department of Public Services and its manager and his designees, is hereby appointed and designated as the division and official responsible for the enforcement and administration of this chapter.

(2) RCW 19.27.110 provides that the adoption of any International Fire Code is not intended to grant counties any more authority to suppress or extinguish fires than that which is currently possessed. It is, therefore, the declared intent of Yakima County, its functions and duties in administering and enforcing the provisions of the International Fire Code, 2006 Edition, do not include responsibility of the suppression and extinguishment of dangerous or hazardous fires.

(3) Exclusive enforcement and administration of the provisions of the International Fire Code adopted by this chapter is vested in Yakima County and its personnel except as provided in Section 18.40.090, YCC Title 18.

(4) Amendment to Section 104.1 General. Section 104.1 is hereby amended to read as follows:

104.1 General. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code, shall not have the effect of waiving requirements specifically provided for in this code, and shall have the effect of law.

(5) Amendment to Section 104.2 Applications and permits. Section 104.2.1 is hereby added as follows:

104.2.1 The Fire Protection Bureau shall inspect ANNUALLY, or as often as necessary, buildings and premises, including such other hazards or appliances designated by the chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety.

PROVIDED that this section shall not apply to existing structures used for temporary storage and processing of fruits or vegetables of the tree or vine for a period not to exceed 45 days in any twelve consecutive months. This section shall not limit the code official from inspecting such facilities under construction.

13.10.040 Authority at fires or other emergencies.

Sections 104.11, 104.11.1, 104.11.2, and 104.11.3 of the International Fire Code, 2006 Edition pertaining to authority at the scene of any hazardous fire or other emergency involving the protection of life and property are hereby ratified and adopted as general fire safety provisions to safeguard the general public health, safety and welfare. For purposes of the application and enforcement of the above referenced provisions, the term "fire department" shall refer to the fire protection districts with jurisdiction, the terms "chief" or "officer of the fire department" shall be construed as referring to the appropriate official of such fire protection district.

13.10.050 Amendments to Section 105--Permits

Section 105.1, 105.3.1, 105.4.1.1, 105.6.43, 105.6.47, 105.7.13 and 105.8.1, 105.8.2, and 105.8.3 of the International Fire Code are hereby amended, modified, or added as follows:

105.1 General. Permits shall be in accordance with Sections 105.1.1 through 105.7.13. A permit constitutes permission to maintain or use structures regulated by this code, to maintain, store, use or handle materials; to conduct processes which produce conditions hazardous to life or property; or to install equipment used in connection with such activities. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law.

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued. Permits issued under

Section 105.6.47 shall expire one year from the date of either the certificate of occupancy or annual certificate of occupancy.

105.4.1.1 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of application and that are to be submitted to the fire code official within a specified period.

Deferral of any submittal items shall have prior approval of the fire code official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the fire marshal.

Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the fire marshal with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the fire marshal.

105.6.43 Temporary membrane structures, tents, canopies and itinerant food concessions. An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 200 square feet (18.58 m^2), a canopy in excess of 400 square feet (37 m^2), or any itinerant food concession.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Fabric canopies open on all sides which comply with all of the following:
 - 2.1. Individual canopies having a maximum size of 700 square feet (65 m^2).
 - 2.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m^2) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

105.6.47. Uses or structures. An operational permit is required for any existing structure or portion thereof used or maintained as an occupancy regulated by the provisions of this code.

Exception: Group R, Division 3 and Group U Occupancies when approved by the fire code official.

105.7.14 Uses or structures. A construction permit is required for any new structure or portion thereof used or maintained as an occupancy regulated by the provisions of this code.

Exception: Group R, Division 3 and Group U Occupancies when approved by the fire code official.

105.8.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

105.8.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the jurisdiction's cost of enforcement. The minimum investigation fee shall be the same as the permit fee set forth in Yakima County Code Chapter 13.24. 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.

105.8.3 Fee refunds. The fire code official is authorized to establish a refund policy.

13.10.060 Amendments to Chapter 1, Section 108.1, General, Section 108.1 of the International Fire Code, 2006 Edition, is amended as follows:

108.1 General. The board of appeals created in Section 112 of the International Building Code as amended in YCC 13.05.060 shall hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code. The fire code official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board shall follow the rules of procedure for conducting its business set forth in Section 112 of the International Building Code as amended in YCC 13.05.060, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

13.10.070 Amendment to Chapter 1, Administration to add Section 112 Certificate of occupancy.

Chapter 1 of the International Fire Code, 2006 Edition, is amended by the addition of Section 112, Certificate of occupancy, as follows:

Section 112 Certificate of Occupancy

112.1. Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the fire code official has issued a certificate of occupancy therefore as provided herein.

EXCEPTION: Group R, Division 3 and Group U Occupancies when approved by the fire marshal.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate the provisions of this code or other ordinances of the jurisdiction shall not be valid.

112.2. Expiration. A certificate of occupancy shall expire one year from the date of issuance.

112.3. Annual certificate of occupancy. An annual certificate of occupancy shall be required for all structures permitted in Section 105.6.47.

112.4. Certificate issued. After the fire code official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the code enforcement agency, the fire official shall issue either a certificate of occupancy or annual certificate of occupancy, whichever is deemed appropriate.

13.10.080 Amendment to WAC 51-54--Fire Apparatus Access Roads.

Section 503.1 of the International Fire Code, 2006 Edition, as amended by WAC 51-54, is hereby amended, as authorized by RCW 19.27.060 (b) (5), as follows:

503.1. Where required. Fire apparatus access roads shall be provided and maintained in accordance with locally adopted street, road, and access standards. Sections 503.1.1 through 503.6 of the 2006 edition of the International Fire Code shall serve as the locally adopted street, road, and access standards for Yakima County with regard to fire apparatus access.

13.10.085 Amendment to Section 503 Fire Apparatus Access Roads, of the International Fire Code, 2006 Edition, as amended by WAC 51-54

Section 503.1.1 through 503.4 of the International Fire Code, 2006 Edition, as amended by WAC 51-54, is hereby amended, as authorized by RCW 19.27.060 (b) (5), as follows:

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where:

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

503.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.1.3 High-piled storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 23.

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

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

503.2.2 Authority. The fire code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the fire code official.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official. Permitting shall be in accordance with the International Building Code as amended by Yakima County.

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus.

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

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

503.5 Required gates or barricades. The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails or other accessways, not including public streets, alleys or highways.

503.5.1 Secured gates and barricades. When required, gates and barricades shall be secured in an approved manner. Roads, trails and other accessways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the owner and the fire code official.

Exception: The restriction on use shall not apply to public officers acting within the scope of duty.

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an

approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times.

13.10.090. Amendments to Sections 508.1, 508.2, and 508.5.2-Fire protection water Supplies. Section 508.1, 508.2, and 508.5.2 of the International Fire Code, 2006 Edition, are hereby amended as follows:

508.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. PROVIDED, this section shall not apply where Group R, Division 3 or U occupancies as defined and regulated in the International Building Code, 2006 Edition, are located in (1) RURAL AREAS: lots greater than 1/3 acre up to 8 lots maximum or no more than 4 lots are created; and (2) URBAN AREAS: no more than 2 lots are created.

508.2 Type of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems as approved by the fire code official, capable of providing the required fire flow; PROVIDED, properties located within the Yakima County Urban Area boundaries shall have fire hydrants installed when an approved water system is available within 1,000 feet of nearest property line.

In setting the requirements for fire flow, the fire code official may be guided by the provision in Appendix B; PROVIDED, (1) fire flow duration need not exceed one hour, except for one- and two-family dwellings where fire flow duration need not exceed one-half hour, (2) fire flow for one- and two-family dwellings in excess of 3,600 square feet shall be 1500 gpm.

Section 508.5.2. Inspection, testing and maintenance. Fire hydrant systems and required water supply systems for fire protection shall be subject to such periodic tests as required by the fire code official. Fire hydrant systems and required water supply systems for fire protection shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall be in accordance with approved standards.

13.10.100 (Reserved)

13.10.110 Amendment to Section 315.3 Outside storage. Section 315.3 of the International Fire Code, 2006 Edition is hereby amended as follows:

315.3.3 Storage of combustible fruit and vegetable containers. Storage of combustible fruit and vegetable containers shall comply with Section 315.3.3.1 through 315.3.3.4.

315.3.3.1 Distance from structures and property Lines. All stacks of combustible material shall be at least fifty (50) feet from any building, loading dock or other wood frame structure, provided however, that distance may be reduced to no less than thirty (30) feet from a structure of masonry construction where no building exits face the stacking area and a minimum of ten (10) feet from a property line is maintained.

315.3.3.2 Access widths.

1. A minimum five (5) foot access way surrounding the stack of combustible material shall be maintained where the stack of material fronts on a public street, alley, or railroad spur. A five (5) foot horizontal clearance shall also be maintained when stacking near any electrical and telephone poles and utility wires.

2. The minimum access way which shall surround the stack of combustible material and be maintained around the entire stack where not fronting on a public right-of-way, street, alley, or railroad spur is as follows:

a. Fifteen (15) foot access where the stack of combustible material does not exceed 1,000 bins.

b. Twenty (20) foot access where the stack of combustible material does not exceed one thousand five hundred bins.

c. Twenty-five (25) foot access where the stack of combustible material does not exceed two thousand bins.

d. Thirty (30) foot access where the stack of combustible material exceeds two thousand bins.

3. A minimum fifteen (15) foot clearance shall be maintained between any fire hydrant and a stack of combustible material.

4. The storage of liquid propane gas tanks shall comply with the International Fire Code. The minimum distance between a combustible material stack and a tank that will hold five hundred (500) water gallons is ten (10) feet. Protective barriers shall protect such tanks subject to damage from forklift trucks or other vehicles.

5. Any access way shall be kept free of any obstruction or other combustible material at all times.

315.3.3.3 Dimensions of combustible material stacks.

1. A stack of combustible material shall not exceed twenty-five (25) feet in height
2. A stack of combustible material shall not exceed seventy (70) feet in length without access ways described above.

315.3.3.4 Exemptions.

Combustible material piled as a result of daily operational use shall not be subject to the standards set forth above; provided, stacks shall not exceed seventeen (17) feet in height and/or create an immediate and distinct fire hazard as determined by the Fire Code Official. An approved hydrant and/or hose system suitable for the fire hazard involved shall be provided.

13.10.115 (Reserved)

13.10.120 Permit requirements and fees

There shall be a fee as established in Section 13.24.060, 13.24.080, and 13.24.090 13.24.070, for all permits required by Section 105.6 and 105.7 of this code

13.10.130 (Reserved)

13.10.140 (Reserved)

CHAPTER 13.11

AMENDMENTS INTERNATIONAL PROPERTY MAINTENANCE CODE

13.11.010 Terminology-Amended Definitions. Wherever a reference is made to the "County Recorder" in the code adopted by this chapter, such reference shall mean the Yakima County Auditor, and references to the "Clerk of this Jurisdiction" shall mean the Clerk of the Board of Yakima County Commissioners.

13.11.020 Amendments to Chapters 1 and 2 of the International Property Maintenance Code, 2006 Edition

Chapters 1 and 2 of the International Property Maintenance Code, 2006 Edition, are replaced with the following:

CHAPTER 1 ADMINISTRATION

Section 101 - General

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of Yakima County, Washington.

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

Section 102 Applicability.

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code, International Existing Building Code, International Fuel Gas Code, and the International Mechanical Code*.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are

judged by the code official to be safe and not contrary to the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 9 and 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 the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

Section 103 Creation of enforcement agency.

103.1 General. There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official. The building and fire safety division of the public services department shall function as the enforcement agency.

103.2 Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint such technical officers, inspectors and other employees as shall be authorized from time to time. The building official may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

103.4 3 Liability. The code official, officer or employee charged with the enforcement of this code, while in the discharge of their official duties, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required, or permitted, or in the scope of their official duties.

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

acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.5 Fees. The fees for activities and services performed by the agency in carrying out its responsibilities under this code shall be as indicated in YCC13.24.

Section 104 Duties And Powers Of The Code Official

104.1 General. The building official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the building official shall have the powers of a law enforcement officer.

104.2 Rule Making Authority. The building official shall have the authority to render interpretations of this code and to adopt and enforce rules, policies and procedures to clarify the application of its provisions. Such interpretations, rules, policies and procedures shall be in conformance with the intent and purpose of this code. Such rules, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. Such rules, policies and procedures adopted by the building official as authorized in this code shall become part of Chapter 1, Administration, and shall be applied in conjunction with the provisions of Chapter 1.

104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 Right of entry. The code official or his designee is authorized to enter upon premises for the purpose of making examinations when the officer or his designee has reasonable ground for believing they are unfit for human habitation, or for other use: PROVIDED, That such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted, as authorized by RCW 35.080.030(3).

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code official shall keep official records of all business and activities of the agency specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

Section 105 Approval

105.1 Modifications. When necessary to achieve compliance with the intent and objectives of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason exists that makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the agency files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

Section 106 Violations

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and / or civil infraction as provided in YCC Chapter 13.25. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Duty to Enforce. Nothing in this Chapter shall be construed as requiring the County to enforce the prohibitions in this Chapter against all or any properties which may violate the Ordinance. The County has the discretion to enforce and prosecute violations of this ordinance as the County's resources permit. Exercise of such discretion may result in the enforcement and prosecution of a limited number of violations at any given time. Nothing in this Section or the absence of any similar provisions from any other County law shall be construed to impose a duty upon the County to enforce such other provision of law.

106.5 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.6 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

106.7. Non-exclusive authority to abate. The County may choose to abate any public nuisance or violation of the County Code through any of the abatement methods set forth in the County Code or in other local, state or federal law, and nothing contained in this Chapter shall be construed as limiting, prejudicing or adversely affecting the County's ability to concurrently or consecutively use any of those proceedings as the County may deem are applicable. Proceeding under this Section will not preclude the County from proceeding under other Sections of this Chapter. Whenever an Enforcement Officer determines that any condition exists in violation of the provisions of this Chapter, he/she may take enforcement action pursuant to this Section.

Section 107 Notices And Orders

107.1 Notice to person responsible. Whenever the code official or his designee determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for declaring a building, structure, equipment, or premises to be unsafe shall also comply with Section 108.3.

107.1.1 Review of Notice. A review of the notice and the conditions found in the investigation of the violation will be done by the building official within 30 days of the issuance of the notice but not less than 10 days after issuance of the notice. The review will take into account any changed circumstances since the investigation and issuance of the notice and any response from the parties of interest served with the notice. Response may be written or verbal. Parties of interest may be in attendance at the review session and may present information for consideration in the review of the notice and the conditions found in the investigation of the violation. The building official may determine that the notice has been satisfied; issue a

modification to the notice with regard to the specifics of the violation, the parties of interest to be notified, or the time given for action to correct the violation; or determine that the notice will be withdrawn. Such determinations will be based on the information available at the time of review, including any written or verbal information received from the parties of interest prior to or at the review session.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Include a statement that a review of the notice will be done and that persons receiving the notice have the right to file an written answer to the notice, appear in person and give answer to the notice, and that such written answer must be received no later than the date of the review session.
6. Include the place, date, and time scheduled for the review session for the notice.
7. Include a statement that the property owner may enter into a voluntary correction agreement with Yakima County.
8. Include a statement that the building official may issue a notice of abatement if the property owner does not comply with the notice.
9. Include a statement that the building official may issue or cause to be issued a notice of civil infraction if the property owner does not comply with the notice.
10. Inform the property owner of the right to appeal any notice of abatement.
11. Inform the property owner of the authority granted to Yakima County to seek abatement of the violation.
12. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally, with a certificate of service;

2. Sent by certified and first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Compliance with notices and orders.

107.4.1 General. After any order of the building official made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is in violation of this code and any of the actions provided for in YCC 13.25 may be taken.

107.4.2 Failure to obey order. If, after any order of the building official made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause such person to be prosecuted under section 107.4.1 and/or (ii) institute any appropriate action to abate such building or property as a public nuisance.

107.4.3 Failure to Commence Work. Whenever the required repair, removal, or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

1. The building official may cause the building described in such notice and order to vacated by posting at each entrance thereto a notice and order reading:

UNSAFE BUILDING

DO NOT OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

____ of ____

2. No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code.

3. The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building

dangerous as set forth in the notice and order; or, if the property has been declared a public nuisance, to cause the nuisance to be removed to render the property in compliance with this code. Any such repair, removal or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.5.

107.6 Filing of certificate of notice and order with the County Auditor. A certificate shall be filed with the County Auditor for each notice and order issued pursuant to sections 107.1 and 108.3. The certificate shall describe the nature of the notice and order, a property description, the taxation parcel number or numbers of the affected property, and a reference to the enforcement action case number. Upon compliance with the notice and order, a certificate of compliance shall be filed with the County Auditor stating that the notice and order have been satisfied and the enforcement action completed.

Section 108 Unsafe Structures And Equipment

108.1 General. When a building, structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be declared to be unsafe pursuant to the provisions of this code.

108.1.1 Unsafe buildings and structures. An unsafe building or structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a notice that the building or structure has been declared to be unsafe on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.3 Notice. Whenever the code official has declared a structure or equipment to be unsafe under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the equipment declared to be unsafe. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Unsafe" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal. The code official shall remove the placard declaring the building, structure or equipment to be unsafe whenever the defect or defects upon which the declaration and placarding action were based have been eliminated. Any person who defaces or

removes a placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied building or structure declared to be unsafe and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

Section 109 Public Nuisances

109.1 Purpose. This section provides for the abatement of conditions which constitute a public nuisance where premises, structures, vehicles, or portions thereof are found to be unfit for human habitation, or unfit for other uses, due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents or other calamities, inadequate ventilation and uncleanliness, inadequate light or sanitary facilities, inadequate drainage, or due to other conditions which are inimical to the health and welfare of the residents of Yakima County.

109.2. Definitions. As used in this section, unless a different meaning is plainly required:

ABATE means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a nuisance under this code by such means, in such a manner, and to such an extent as the building official determines is necessary in the interest of the general health, safety and welfare of the community.

ACT means doing or performing something.

BUILDING means any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING OFFICIAL means the official designated in YCC 13.04.010 as the official authorized and designated as responsible for the enforcement and administration of YCC Title 13.

DEVELOPMENT means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts authorized by a county regulation.

EMERGENCY means a situation which, in the opinion of the building official, requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

HEALTH OFFICER means that local health official appointed as provided in RCW 70.05.050 or his or her properly authorized designee.

HULK HAULER means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained. A hulk hauler may not sell second-hand vehicle parts to anyone other than a licensed vehicle wrecker or scrap processor, except for those parts specifically enumerated in RCW 46.79.020(2), which may be sold to a licensed motor vehicle wrecker or disposed of at a public facility for waste disposal.

JUNK MOTOR VEHICLE means a motor vehicle meeting at least three of the following requirements:

- (a) Is three years old or older;
- (b) Is extensively damaged, such damage including, but not limited to, any of the following: a buildup of debris that obstructs use, broken window or windshield; missing wheels, tires, tail/headlights, or bumpers; missing or nonfunctional motor or transmission; or body damage;
- (c) Is apparently inoperable; or
- (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

JUNK MOTOR VEHICLE does not include a vehicle or part thereof that is stored entirely within a building in a lawful manner where it is not visible from the street or other public or private property, or a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to the requirements of RCW 46.80.130;

NUISANCE, VIOLATION or **NUISANCE VIOLATION** means:

- (a) Doing an act, omitting to perform any act or duty, or permitting or allowing any act or omission, which significantly affects, injures, or endangers the comfort, repose,

health or safety of others, is unreasonably offensive to the senses, or obstructs or interferes with the free use of property so as to interfere with or disrupt the free use of that property by any lawful owner or occupant; or

(b) The existence of any of the following conditions:

- (i) Premises containing visible accumulations of trash, junk, litter, boxes, lumber (excluding lumber for a construction project on the property with a valid permit), salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of seventy-two (72) hours and visible from a public street, walkway, alley or other public property, ashes, bottles, boxes, building materials which are not properly stored or neatly piled, cans, concrete, crates, empty barrels, dead animals or animal waste, glass, tires, mattresses or bedding, white goods, numerous pieces of broken or discarded furniture and furnishings, old appliances or equipment or any parts thereof, iron or other scrap metal, packing cases or material, plaster, plastic, rags, wire, yard waste or debris, salvage materials, discarded putrescibles, garbage, rubbish, refuse, or recyclable items which have not been recycled within thirty (30) days of being deposited on the property, oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid or gaseous) or other similar materials, except that kept in garbage cans or containers maintained for regular collection. Nothing in this subsection shall prevent the temporary retention of waste in approved, covered receptacles;
- (ii) Dangerous buildings or structures as defined in Section 302.1.
- (iii) Any junk motor vehicle including, but not limited to, any junk motor vehicle, vehicle hulk or any part thereof which is wrecked, inoperable or abandoned, or any disassembled trailer, house trailer, or part thereof.
- (iv) Vehicle lots without approved land use;
- (v) Attractive Nuisances. Any nuisance defined in this subsection which is detrimental to children, whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children including, but not limited to, unused or abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment or appliances such as, but

not limited to vehicles, boats, water heaters, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, freezers, or other large appliances or equipment or any parts thereof; abandoned motor vehicles, hulk motor vehicles as defined in YCC Chapter 8.04; unfenced swimming pools with water depth more than two feet, any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; and any lumber, trash, debris or vegetation which may prove a hazard for minors;

(vi) Obstructions to the public right-of-way including, but not limited to, use of property abutting a public street or sidewalk or use of a public street or sidewalk which causes any obstruction to traffic or to open access to the streets or sidewalks. This subsection shall not apply to events, parades, or the use of the streets or public rights-of-way when authorized by the county. This section includes the existence of drainage onto or over any sidewalk, street or public right-of-way, and the existence of any debris or plant growth on sidewalks adjacent to any property, and any personal property and/or solid waste that has been placed onto a public right-of-way pursuant to a court-ordered eviction per Title 59 RCW which has not been removed after twenty-four hours;

(vii) Illegal dumping including, but not limited to, dumping of any type by any person on public or private property not designated as a legal dump site; and

(viii) Dumping in waterways including, but not limited to, dumping, depositing, placing or leaving of any garbage, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any navigable water, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps or brush upon the banks or in the bed or channel of any navigable watercourse, unless otherwise approved by the appropriate governmental agency.

(ix) Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Fire Marshal or his Deputy, is in such

a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(x) Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborage, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards.

(xi) Whatever is dangerous to human life or is detrimental to health, as determined by the Health Officer.

(xii) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

(xiii) Public nuisances as enumerated in RCW 7.48.140.

(xiv) Any camping or recreational vehicle, as defined in YCC 15.08.165, which is occupied and for which a temporary use permit, as provided for in YCC 15.72.060, has not been issued.

(xv) Any item or activity determined to constitute a nuisance under any ordinance adopted by Yakima County.

OMISSION means a failure to act.

PERSON means any individual, firm, association, partnership, corporation or any entity, public or private.

PERSON RESPONSIBLE FOR THE VIOLATION means any person who has an interest in or resides on the property where the alleged violation is occurring, whether as owner, tenant, occupant, or otherwise.

REPEAT VIOLATION means a violation of the same regulation in any location by the same person, for which voluntary compliance previously has been sought or a notice of abatement has been issued, within the immediately preceding twelve consecutive month period.

SCRAP means any manufactured metal or vehicle parts useful only as material for reprocessing.

SCRAP PROCESSOR means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.

SCREENED means not visible from any portion or elevation of any neighboring or adjacent public or private property, easement or right-of-way.

VEHICLE means every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway. Motorcycles shall be considered vehicles for the purposes of this code. Mopeds and bicycles shall not be considered vehicles for the purposes of this code.

VIOLATION means a violation that constitutes a nuisance under this code for which a monetary penalty may be imposed as specified in this code. Each day or portion of a day during which a violation occurs or exists is a separate violation.

109.3 Voluntary correction.

109.3.1 Issuance. When the building official determines that a violation has occurred or is occurring, he or she shall attempt to secure voluntary correction by contacting the person responsible for the alleged violation and, where possible, explaining the violation and requesting correction.

109.3.2 Voluntary Correction Agreement. The person responsible for the alleged violation may enter into a voluntary correction agreement with the county, acting through the building official.

109.3.2.1 Content. The voluntary correction agreement is a contract between the county and the person responsible for the violation in which such person agrees to abate the alleged violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

1. The name and address of the person responsible for the alleged violation;
2. The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the alleged violation has occurred or is occurring;
3. A description of the alleged violation and a reference to the regulation which has been violated;
4. The necessary corrective action to be taken, and a date or time by which correction must be completed;
5. An agreement by the person responsible for the alleged violation that the county may enter the property and inspect the premises as may be necessary to determine compliance with the voluntary correction agreement;

6. An agreement by the person responsible for the alleged violation that the county may abate the violation and recover its costs and expenses (including personnel, administrative, hearing, and removal or repair costs) and/or a monetary penalty pursuant to this code from the person responsible for the alleged violation if the terms of the voluntary correction agreement are not satisfied; and
7. An agreement that by entering into the voluntary correction agreement, the person responsible for the alleged violation waives the right to a hearing before the board of appeals under this code or otherwise, regarding the matter of the alleged violation and/or the required corrective action.

109.3.2.2 Right to a Hearing Waived. By entering into a voluntary correction agreement, the person responsible for the alleged violation waives the right to a hearing before the board of abatement appeals under this code or otherwise, regarding the matter of the violation and/or the required corrective action.

109.3.2.3 Extension and Modification. The building official may grant an extension of the time limit for correction or a modification of the required corrective action if the person responsible for the alleged violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances have delayed correction under the original conditions.

109.3.2.4 Abatement by the County. The county may abate the alleged violation in accordance with Section 109.7 if all terms of the voluntary correction agreement are not met.

109.3.2.5 Collection of Costs. If all terms of the voluntary correction agreement are not met, the person responsible for the alleged violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with Section 109.5.5, plus all costs and expenses of abatement, as set forth in Section 109.7.4 and allowed by RCW 35.80.030.

109.4 Prerequisite to notice of abatement. Absent conditions which pose an immediate threat to the public health, safety or welfare of the environment, the procedures for abatement of conditions constituting a nuisance pursuant to this code should be utilized by the county only after correction of such conditions has been attempted through use of the civil infraction process, as specified in YCC 13.25.050. Once it has been determined by the county that correction of such conditions has not been adequately achieved through use of the civil infraction process,

then the county shall proceed with abatement of such conditions pursuant to the provisions of this section.

109.5 Notice of abatement

109.5.1 Issuance. When the building official determines that a violation has occurred or is occurring, and is unable to secure voluntary correction pursuant to Section 109.3, he or she may issue a notice of abatement to the person responsible for the alleged violation. Under the following circumstances the building official may issue a notice of abatement without having attempted to secure voluntary correction as provided in Section 109.3:

- 1 When an emergency exists;
2. When a repeat violation occurs;
3. When the violation creates a situation or condition which cannot be corrected;
4. When the person responsible for the violation knew or reasonably should have known that the action was in violation of a county regulation; or
5. When the person responsible for the violation cannot be contacted when reasonable attempts to contact the person have failed, or the person refuses to communicate or cooperate with the county in correcting the alleged violation.

109.5.2 Content. The notice of abatement shall include the following:

1. The name and address of the person responsible for the alleged violation;
2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the alleged violation has occurred or is occurring;
3. A description of the violation and a reference to the provision(s) of the county regulation(s) which has been allegedly violated;
4. The required corrective action and a date and time by which the correction must be completed and, after which, the county may abate the unlawful condition in accordance with Section 109.7;
5. The date, time and location of an appeal hearing before the board of abatement appeals which will be at least twenty, but no more than sixty days from the date of the notice of abatement, unless such date is continued by the board of appeals for good cause shown;

6. A statement indicating that the hearing will be canceled and no monetary penalty will be assessed, if the building official approves the completed, required corrective action prior to the hearing; and
7. A statement that the costs and expenses of abatement incurred by the county pursuant to Section 109.7.4, and a monetary penalty in an amount per day for each violation as specified in subsection 109.5.5 of this section, may be assessed against the person to whom the notice of abatement is directed as specified and ordered by the board of abatement appeals.

109.5.3 Service of Notice. The building official shall serve the notice of abatement upon the person responsible for the alleged violation, either personally or by mailing a copy of the notice by certified and ~~or~~ registered mail, with a five-day return receipt requested, to such person at their last known address. If the person responsible for the violation cannot be personally served within Yakima County, and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice of abatement conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made and, if by posting, the facts showing the attempts to serve the person personally or by mail. If the person responsible for the alleged violation is a tenant, a copy of the notice of abatement shall also be mailed to the landlord or owner of the property where the alleged violation is occurring. If the alleged violation involves a junk motor vehicle, notice shall be provided to the last registered and legal owner of record of said vehicle (unless the vehicle is in such condition that identification numbers are not available to determine ownership), as well as to the property owner of record, as shown on the last equalized assessment roll.

109.5.4 Extension. Extensions of the time specified in the notice of abatement for correction of the alleged violation may be granted at the discretion of the building official or by decision of the board of abatement appeals.

109.5.5 Monetary Penalty. The monetary penalty for each violation of this code is \$250.00 per day or portion thereof.

109.5.6 Continuing Duty to Correct. Payment of a monetary penalty pursuant to this code does not relieve the person to whom the notice of abatement was issued of the duty to correct the alleged violation.

109.5.7 Collection of Monetary Penalty. A monetary penalty imposed pursuant to subsection 109.5.5 of this section constitutes a personal obligation of the person to whom the notice of abatement is directed. The monetary penalty must be paid to the county within ten calendar days from either the date of mailing of the board of abatement appeals decision following a hearing, or the date of mailing the board of abatement appeals default order if the person responsible for the violation failed to appear for the hearing. Any such monetary penalty also constitutes a lien against the affected real property, in the manner set forth in Section 109.7.6.

109.5.7.1 The prosecuting attorney is authorized to take appropriate action to collect the monetary penalty.

109.6 Hearing before the board of abatement appeals

109.6.1 Notice. A person to whom a notice of abatement is issued will be scheduled to appear before the board of abatement appeals not less than twenty, nor more than sixty calendar days after the notice of abatement is issued. Continuances may be granted at the discretion of the building official, or by the board of abatement appeals for good cause.

109.6.2 Prior Correction of Violation. The hearing will be canceled and no monetary penalty will be assessed, if the building official approves the completed required corrective action prior to the scheduled hearing.

109.6.3 Procedure. The board of abatement appeals shall conduct a hearing on the notice of abatement and alleged violation pursuant to procedures approved by the board of county commissioners.

109.6.3.1 Junk Motor Vehicles Placed or Abandoned on Private Property. If a junk motor vehicle is placed or abandoned on private property without the consent of the property owner, the owner of the property on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the property with his/her reasons for denial. If it is determined by the board of abatement appeals that the vehicle was placed on the property without the consent of the property owner and that he/she has not subsequently acquiesced in its presence, then the costs

of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located, or otherwise collected from the property owner.

109.6.4 Hearing Decision. At the conclusion of the hearing on the violation, the board of abatement appeals shall either:

1. Affirm the issuance of the notice of abatement if the board determines by a preponderance of the evidence that the violation exists substantially as stated in the notice of abatement;
2. Dismiss the notice of abatement and grant the appeal if the board determines that the violation does not exist substantially as stated in the notice of abatement.

109.6.5 Monetary Penalties. The board of abatement appeals may assess monetary penalties in accordance with Section 109.5.5.

109.6.5.1 Assessment options. The board of abatement appeals has the following options in assessing monetary penalties:

1. Assess monetary penalties beginning on the date the notice of abatement was issued and thereafter;
2. Assess monetary penalties beginning on the correction date set by the building official, or an alternate correction date set by the board of abatement appeals and thereafter;
3. Assess less than the established monetary penalty set forth in Section 109.5.5, based on the criteria of 109.6.5.2, or
4. Assess no monetary penalties.

109.6.5.2 Assessment factors. In determining the monetary penalty assessment, the board of abatement appeals shall consider the following factors:

1. Whether the person to whom the notice of abatement was issued responded to attempts to contact the person, and cooperated to correct the violation;
2. Whether the person failed to appear at the hearing;
3. Whether the violation was a repeat violation;
4. Whether the person showed due diligence and/or substantial progress in correcting the violation; and
5. Any other relevant factors.

109.6.5.3 Assessment of increased penalties for repeat offense. The board of abatement appeals may double the monetary penalty schedule if the violation was a repeat violation. In

determining the amount of the monetary penalty for repeat violations, the board of abatement appeals shall consider the factors set forth in subdivision 109.6.5.2, above, of this section.

109.6.6 Failure to Appear. If the person to whom the notice of abatement was issued fails to appear at the scheduled hearing, the board of abatement appeals will enter an order of default with findings pursuant to subsection 109.6.4 of this section and assess the appropriate monetary penalty pursuant to subsection 109.6.5 of this section. The county may enforce the board of abatement appeals order and recover all related expenses, including attorney fees, plus the costs of the hearing and any monetary penalty from the person to whom the notice of abatement was issued. A copy of the order of default shall be mailed to the person to whom the notice of abatement was issued and against whom the default order was entered, the county, and if the person found responsible for the violation is a tenant, to the landlord or owner of the property where the violation is occurring.

109.6.7 Time Period for Correction. If a notice of abatement is affirmed by the board of abatement appeals, the person responsible for the violation shall have thirty days to abate the violation and bring the property into compliance with the terms of this code or the county may perform the abatement required therein, and shall bill the costs in the manner provided in Section 109.7 of this code.

109.6.8 Board of abatement appeals. The board of county commissioners shall serve as the board of abatement appeals. It shall take an affirmative vote of 2 members to dismiss or modify a notice of abatement as provided in 109.6.4 or to assess monetary penalties as provided in 109.6.5. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the conclusions supporting the decision to affirm, modify, or dismiss the decision of the building official.

The board of abatement appeals may authorize to one of its members, or other designated person, to hear appeals of abatement actions. Such individual authorized to hear the abatement appeal shall make a recommended decision to the board of abatement appeals. The board of abatement appeals shall affirm, modify, or reject the recommended decision. It shall take an affirmative vote of 2 members to affirm, modify, or reject the recommended decision. Should the recommended decision be modified or rejected, the board of abatement appeals must provide its decision in writing giving findings and conclusions supporting its decision. When the board of

abatement appeals rejects the recommended decision, they may return the appeal to authorized person to be reconsidered or may hear the appeal on reconsideration themselves.

109.6.9 Judicial Review. Any person with standing to bring a land use petition under Chapter 36.70C RCW, including the county, may seek review of the board of abatement appeals decision by filing a petition in superior court and complying with all requirements of Chapter 36.70C RCW.

109.7 Abatement by county

109.7.1 General. The county may abate a condition which constitutes a nuisance under this code when:

1. The terms of the voluntary correction agreement pursuant to Section 109.3 of this code have not been met;
2. A notice of abatement has been issued pursuant to Section 109.5, a hearing has been held pursuant to Section 109.6, and the required correction has not been completed by the date specified in the board of appeals order; or
3. The condition is subject to summary abatement as provided for in subsection 109.7.2 of this section.

109.7.2 Summary Abatement. Whenever any nuisance causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety or welfare or to the environment, the county may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. If the person responsible for the violation is a tenant, notice of such abatement shall also be given to the landlord or owner of the property where the violation is occurring. No right of action shall lie against the county or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the county be entitled to recover any costs incurred for summary abatement, prior to the time that actual notice of same is provided to the person responsible for the violation.

109.7.3 Authorized Action by the County. Using any lawful means, the county may enter upon the subject property and may remove or correct the condition that is subject to abatement. The county may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

109.7.3.1 Removal of Junk Motor Vehicles, Vehicle Hulk or Parts Thereof. If the owner or person found responsible for a nuisance involving a junk motor vehicle, vehicle hulk or any parts thereof fails to correct his/her nuisance within the date specified in the board of abatement appeals order or notice of summary abatement, the county, upon notification from the building official, may enter the subject property to inspect and certify that a vehicle meets the criteria of a junk motor vehicle as defined in this section. The law enforcement officer or county agent making the certification shall record the make and vehicle identification number or license number of the vehicle if available and/or legible, and shall also document in detail the damage or missing equipment to verify whether the approximate value of the vehicle is equivalent only to the approximate value of the scrap in it (only if that is one of the definitional criteria that was alleged in the notice of abatement issued by the county). The vehicle shall then be photographed by the officer or county agent, removed from the property by the county, and disposed of by a licensed vehicle wrecker, hulk hauler, or scrap processor with notice to the Washington State Patrol and the Washington State Department of Licensing that the vehicle has been wrecked. The vehicle shall only be disposed of as scrap.

109.7.3.1.1 Photographic Record. The county shall maintain a photographic record of all abated junk motor vehicles for a period of two years following abatement. At the conclusion of the two-year period, a written report, along with copies of the photographs, shall be forwarded to the board of county commissioners.

109.7.3.2. Demolition of building or structures. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the building or structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

109.7.3.2.1 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items

of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

109.7.3.3 Abatement of nuisance conditions other than junk vehicles, or buildings and structures. If the owner of a premises fails to comply with an abatement order within the time prescribed, the code official shall cause the nuisance condition to be abated, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement shall be charged against the real estate upon which the nuisance condition is located and shall be a lien upon such real estate.

109.7.4 Recovery of Costs and Expenses. The costs of correcting a condition which constitutes a nuisance under this code, including all incidental expenses, shall be billed to the person responsible for the nuisance and/or the owner, lessor, tenant or any other person entitled to control the subject property, and shall become due and payable to the county within fifteen calendar days of the date of mailing the billing for abatement. The term "incidental expenses" includes, but is not limited to, personnel costs, both direct and indirect and including attorney's fees; costs incurred in documenting the violation; towing/hauling, storage and removal/disposal expenses; and actual expenses and costs of the county in preparing notices, specifications and contracts associated with the abatement, and in accomplishing and/or contracting and inspecting the work; and the costs of any required printing and mailing. All such costs and expenses shall constitute a lien against the affected property, as set forth in subsection 109.7.6 of this section.

109.7.5 Interference. Any person who knowingly hinders, delays or obstructs any county employee acting on direction of the building official in the discharge of the county employee's official powers or duties in abating a nuisance under this code, shall be guilty of a misdemeanor punishable by imprisonment not exceeding ninety days and/or a fine not exceeding \$1,000.00.

109.7.6 Lien - Authorized. The county shall have a lien for any monetary penalty imposed, the cost of any abatement proceedings under this code, and all other related costs against the real property on which the monetary penalty was imposed or any of the work of abatement was performed. The lien shall run with the land, but shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid. 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 registered warrant rate as established by the Yakima County Treasurer.

109.7.6.1 The building official shall cause a claim for lien to be filed for record within ninety days from the later of the date that the monetary penalty is due, the work is completed, or the nuisance abated.

109.7.6.2 The claim of lien shall contain sufficient information regarding the notice of abatement, as determined by the building official, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

109.7.6.3 Any such claim of lien shall be verified by the building official, and may be amended to reflect changed conditions.

109.7.6.4 - Report to Assessor and Treasurer: Addition of assessment to tax statement

After verification of the claim of lien, certified copies of the assessment shall be given to the Yakima County Treasurer who shall add the amount of the total assessment or the authorized annual installment of the next regular tax statement levied against the parcel.

109.7.6.5, Filing of Report with County Auditor. 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.

109.7.6.6. Repayment of Repair, Removal And Demolition Fund. All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction, who shall credit the same to the repair, removal and demolition fund.

109.8 Additional enforcement procedures. The provisions of this section are not exclusive, and may be used in addition to other enforcement provisions authorized by this code.

109.9 Removal of personal property and/or solid waste placed onto public access.

Once personal property and/or solid waste belonging to an evicted tenant has been placed onto public right-of-way pursuant to a court-ordered eviction per Title 59 RCW, the evicted tenant/owner of the personal property and/or solid waste or his/her designee shall have twenty-four hours to remove said personal property and/or solid waste from the public right-of-way. Notice of such removal after twenty-four hours shall be given to the evicted tenant/owner of the personal property and/or solid waste or his/her designee. If, after twenty-four hours, the evicted tenant/owner or his/her designee has not removed the personal property and/or solid waste from

the public right-of-way, the property shall be deemed a nuisance, and the landlord/property owner or his/her designee shall remove the personal property and/or solid waste for proper disposal within forty-eight hours or the county shall seek to abate the nuisance, pursuant to Section 109.7, to be billed to the landlord/property owner or his/her designee.

109.10 Conflicts. In the event of a conflict between this code and any other provision of the Yakima County Code or other county ordinance providing for a civil penalty, this code shall control.

109.11 Representation by attorney. A person subject to proceedings under this code may appear on his or her own behalf or be represented by counsel.

The prosecuting attorney representing the county may, but need not, appear in any proceedings under this code.

Section 110 Emergency Measures

110.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life or the health or the safety of occupants, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

110.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

110.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

110.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

110.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

110.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 111 Demolition

111.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

111.2 Notices and orders. All notices and orders shall comply with Section 107.

111.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

111.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall

have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

Section 112 Means of appeal for notices other than notice of abatement

112.1 Application for appeal. With the exception of appeals of notices of abatement, as provided for in section 109.6, any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

112.1.1 Filing fee. A filing fee shall be paid at the time the appeal is submitted. The fee amount shall be as established in 13.24.100.

112.1.2 Effect of failure to appeal. Failure of any person to file an appeal in accordance with the provisions of Section 112.1 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

112.2 Board of appeals. The board of appeals created in Section 112 of the International Building Code as amended in YCC 13.05.060 shall hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code. The code official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board shall follow the rules of procedure for conducting its business set forth in Section 112 of the International Building Code as amended in YCC 13.05.060, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

Chapter 2 Repair Removal and Demolition Fund.

Section 201 - Repair Removal and Demolition Fund

201.1 General. The legislative body of this jurisdiction shall establish a special revolving fund to be designated as the repair, removal and demolition fund. Payments shall be made out of said fund upon the demand of the director of public services to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair, removal or demolition of dangerous buildings.

201.2 Maintenance of Fund. The Board of Yakima County Commissioners may at any time transfer to the repair, removal and demolition fund, out of any money in the general fund of Yakima County, such sums as it may deem necessary in order to expedite the performance of the work of repair, removal or demolition, and any sum so transferred shall be deemed a loan to the repair, removal and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of Yakima County who shall credit the same to the repair, removal and demolition fund.

Chapter 3 Definitions

Section 301 General.

301.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

301.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

301.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *Uniform Plumbing Code*, *International Mechanical Code*, *International Existing Building Code* or the *Electrical Code*, such terms shall have the meanings ascribed to them as in those codes.

301.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

301.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises", "building," "rooming house," "rooming unit," "housekeeping unit", or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

Section 302 General Definitions

APPROVED. Approved by the code official.

ABANDONED. In addition to those definitions provided by state codes, local ordinances and case law, the term “abandoned” means and refers to any item which has ceased to be used for its designed and intended purpose. The following factors, among others, will be considered in determining whether or not an item has been abandoned:

1. Present operability and functional utility;
2. The date of last effective use;
3. The condition of disrepair;
4. The last time an effort was made to repair or rehabilitate the item;
5. The status of registration or licensing of the item;
6. The age and degree of obsolescence;
7. The cost of rehabilitation or repair of the item versus its market value; and,
8. The nature of the area and location of the item.

ABATE means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the Enforcement Officer in his/her judgment shall determine is necessary in the interest of the general health, safety and welfare of the community.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

BUILDING CODE is the International Building Code as adopted by this jurisdiction.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Subsection 302.1 of this code.

DISMANTLED means that from which essential equipment, parts or contents have been removed or stripped and the outward appearance verifies the removal.

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

ENFORCEMENT OFFICER means the building official or his designee.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

INOPERATIVE means incapable of functioning or producing activity for mechanical or other reasons.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LIENHOLDER means any person, as defined in this Chapter, who has a recorded interest in real property, including mortgagee, beneficiary under a deed or trust, or holder or other recorded liens or claims of interest in real property.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NUISANCE See section 109.2.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, renter(s), lessor(s) and other occupants residing permanently or temporarily on property.

PARK MODEL HOME. See **RECREATIONAL PARK TRAILER**

PERSON. An individual, corporation, partnership, joint venture, association, social club, fraternal organization, trust, estate, receiver, or any other entity or any other group acting as a unit.

PREMISES. Any building, lot, plot or parcel, real estate, or land or portion of land, easement or public way, whether improved or unimproved, occupied or unoccupied, including any structures thereon, adjacent streets, sidewalks, parkways and parking strips.

PROPERTY means any real property including but not limited to land, lot, or parcel of land, or any hereditament held by any owner, and shall include any alley, sidewalk, parkway or unimproved public easement abutting such real property, lot or parcel of land.

PUBLIC NUISANCE shall have the meanings defined in Section 109.2.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

RECREATIONAL PARK TRAILER. Per Chapter 296-150P WAC, a "recreational park trailer" is a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

1. Built on a single chassis, mounted on wheels;
2. Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and
3. Certified by the manufacturer as complying with ANSI A119.5

RECREATIONAL VEHICLE Per Chapter 296-150R WAC, a "recreational vehicle" is a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible

materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SHALL is defined to have the following meanings:

1. With respect to the functions and powers of the building official, any agents, officers or employees of Yakima County and Board authorized hereunder, a direction and authorization to act in the exercise of sound discretion and in good faith;
2. With respect to the obligations upon owners and occupants of premises and their agents, a mandatory requirement to act in compliance with this code at the risk of civil and criminal liability upon failure to so act.

[B] SLEEPING UNIT A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRUCTURE. Structure means anything constructed, built or planted upon, any edifice or building of any kind, or any piece of work artificially built up or complied of parts joined together in some definite manner, which structure requires location on the ground or is attached to something having a location on the ground, including fences, gates, garages, carports, swimming and wading pools, patios, outdoor areas, paved areas, walks, tennis courts and similar recreation areas.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

WRECKED means that which has outward manifestation or appearance of damage to parts and contents which are essential to operation.

YARD. An open space on the same lot with a structure.

302.1 - Dangerous Building. For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, Residential Code, Property Maintenance Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building, structure or premises is in such a condition as to constitute a public nuisance as defined in this chapter.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

13.11.030 Amendments to Chapters 3 through 8 of the International Property Maintenance Code, 2006 Edition

Chapters 3 through 8 of the International Property Maintenance Code, 2006 Edition, are amended as Chapters 4 through 9 as follows:

Chapter 4 General Requirements

Section 401 General

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

401.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for

keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

401.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 402 Exterior Property Areas

402.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

402.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

402.3 (Reserved)

402.4 (Reserved)

402.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinestation.

402.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

402.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

402.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at

any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

402.9 (Reserved)

Section 403 Swimming Pools

403.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

403.2 Enclosures. Private swimming pools containing water more than 24 inches (610 mm) in depth shall comply with the provisions of Section 3109 of the International Building Code as adopted and amended in YCC Title 13. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier as provided by YCC Title 13.

Section 404 Exterior Structure

404.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

404.2 (Reserved)

404.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

404.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

404.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

404.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof.

404.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner that creates a public nuisance.

404.8 (Reserved)

404.9 (Reserved)

404.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

404.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.

404.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

404.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

403.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

403.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

404.14 (Reserved)

404.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall

tightly secure the door. Locks on means of egress doors shall be in accordance with Section 802.3.

404.16 (Reserved)

404.17 (Reserved)

404.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

404.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

404.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.

404.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

Section 405 Interior Structure

405.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more

dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

405.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

405.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

405.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

405.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

405.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Section 406 Handrails And Guardrails

406.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

Section 407 Rubbish And Garbage

407.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

407.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

407.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

407.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

407.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

407.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

407.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

Section 408 Extermination

408.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

408.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

408.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

408.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

408.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

Chapter 5 Light, Ventilation And Occupancy Limitations

Section 501 General

501.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

501.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

501.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *International Building Code* shall be permitted.

Section 502 Light

502.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). The exterior glazing area shall be based on the total floor area being served.

502.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

502.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

Section 503 Ventilation

503.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 502.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

503.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 503.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

503.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception:

1. Where specifically approved in writing by the code official.

2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

503.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

503.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

Section 504 Occupancy Limitations

504.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

504.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

504.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

504.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections 504.4.1 through 504.4.5.

504.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m^2) and every bedroom shall contain at least 70 square feet (6.5 m^2).

504.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

504.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

504.4.4 Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

504.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 6; the heating facilities and electrical receptacle requirements of Chapter 7; and the smoke detector and emergency escape requirements of Chapter 8.

504.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety, or welfare of the occupants.

504.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m^2). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

504.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

Chapter 6 Plumbing Facilities And Fixture Requirements

Section 601 General

601.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

Section 602 Required Facilities

602.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

602.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

602.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

602.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

602.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

Section 603 Toilet Rooms

603.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

603.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

603.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

603.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

Section 604 Plumbing Systems And Fixtures

604.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

604.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

604.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Section 605 Water System

605.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Uniform Plumbing Code*.

605.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

605.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

605.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

Section 606 Sanitary Drainage System

606.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

606.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

Section 607 Storm Drainage

607.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Chapter 7 Mechanical And Electrical Requirements

Section 701 General

701.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

701.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

Section 702 Heating Facilities

702.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

702.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in TABLE R301.2 (1) of the *International Residential Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

702.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or

implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in TABLE R301.2 (1) of the *International Residential Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

702.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

702.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

Section 703 Mechanical Equipment

703.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

703.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

703.3 Clearances. All required clearances to combustible materials shall be maintained.

703.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

703.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

703.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless labeled for such purpose and the installation is specifically approved.

Section 704 Electrical Facilities

704.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 705.

704.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 60 amperes.

704.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Section 705 Electrical Equipment

705.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

705.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

705.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

Section 706 Elevators, Escalators And Dumbwaiters

706.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

706.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

Section 707 Duct Systems

707.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

Chapter 8 Fire Safety Requirements

Section 801 General

801.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

801.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

[F] Section 802 Means Of Egress

802.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*.

802.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

802.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

802.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

[F] Section 803 Fire-Resistance Ratings

803.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

803.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smoke-stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

[F] Section 804 Fire Protection Systems

804.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

804.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

804.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

804.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection

Chapter 9 Referenced Standards

This chapter lists the standards that are referenced in various sections of this code. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and the title and section or sections of this code that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ASME American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

Standard	Reference Number	Title	Referenced in Code Section Number
	A17.1 – 2000	Safety Code for Elevators and Escalators with A17.1a 2002 Addenda	706.1

ASTM ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

Standard	Reference Number	Title	Referenced in Code Section Number
	F1346 – 91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	403.2

ICC International Code Council
5203 Falls Church Pike, Suite 600
Falls Church, VA 22041

Standard	Reference Number	Title	Referenced in Code Section Number
	IBC – 06	International Building Code®	102.3, 301.3, 501.3, 802.3
	IFC – 06	International Fire Code®	301.3, 802.1, 802.2, 804.1, 804.2
	IFGC – 06	International Fuel Gas Code®	102.3
	IMC – 06	International Mechanical Code®	102.3, 301.3

Chapter 13.12
WILDLAND URBAN INTERFACE CODE

13.12.010 Adoption of Appendices.

Appendix –A Is Adopted

Appendix -C Is Adopted.

13.12.020 Amendments to Chapter 1, Section 102. Authority of the Code Official and Section 104.1 General. Section 102.1, 102.2, 102.3 and Section 104.1 of the International Wildland Urban Interface Code, 2006 Edition, are amended as follows:

102.1 Powers and duties of the code official. The building official and fire marshal are hereby authorized to administer and enforce this code, or designated sections thereof, and all ordinances of Yakima County pertaining to designated wildland-urban interface areas. For such purposes, the building official and fire marshal shall have the powers of a law enforcement officer.

102.2 Interpretations rules and regulations. The building official and fire marshal jointly shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance to the intent and purpose of this code and shall have the effect of law.

A copy of such rules and regulations shall be filed with the clerk of the jurisdiction and shall be in effect immediately thereafter. Additional copies shall be available for distribution to the public

102.3 Liability. The building official, fire marshal, officer or employee charged with the enforcement of this code, while in the discharge of their official duties, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required, or permitted, or omission in the scope of their official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official, fire marshal or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any

of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

104.1General. The board of appeals created in Section 112 of the International Building Code as amended in YCC 13.05.060 shall hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code. The code official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board shall follow the rules of procedure for conducting its business set forth in Section 112 of the International Building Code as amended in YCC 13.05.060, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

13.12.030 Amendments to Chapter 1, Section 105, Permits

Section 105, Permits, of the International Wildland Urban Interface Code, 2006 Edition, is hereby amended by the addition of Subsection 105.2.1, New materials, processes or occupancies which may require permits, as follows:

105.2.1 New materials, processes or occupancies which may require permits. The building official and / or fire marshal, as appropriate, shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The building official and / or fire marshal, as appropriate, shall post such list in a conspicuous place at the office of the building official and distribute copies thereof to interested persons. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by Yakima County.

13.12.040 Amendment to Chapter 2, Section 202, Definitions.

Section 202 of the International Wildland Urban Interface Code is hereby amended by the addition of the following:

SUBDIVISION is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

13.12.050 Amendment to Chapter 3, Section 302, Wildland Urban Interface Area Designations.

Subsection 302.1 of the International Wildland Urban Interface Code is hereby amended as follows:

302.1 Declaration. Specific boundaries of natural or man-made features of Wildland Urban interface areas shall be as shown on the Wildland Urban interface area map. These areas shall include all areas of Yakima County as identified by risk factor classification according to Appendix C Risk factor classifications are identified as follows:

Non-Rated or Low* - Slope less than 8%, within 1 mile of a county road, inside a fire district

Moderate or Medium Hazard* - Slope greater than 8%, within 1 mile of a county road, inside a fire district

High Hazard* - Slope greater than 8%, more than 1 mile from a county road, inside a fire district

Extreme Hazard* - Slope greater than 8%, more than 1 mile from a county road, outside a fire district

* Risk factor classifications are not absolute.

13.12.060 Amendments to Chapter 4, Section 404.5, Adequate Water Supply.

Section 404.5, Adequate Water Supply, of the International Wildland Urban Interface Code, 2006 Edition, is hereby deleted and replaced as follows:

404.5 Adequate Water Supply. Adequate water supply shall be determined for purposes of initial attack and flame front control in accordance with Yakima County Fire Flow Policy No. FPB-1.

13.12.070 Amendments to Chapter 5, Section 501 General.

Section 501.1 is amended as follows:

Exceptions:

1. Accessory structures not exceeding 200 square feet in area, including such structures as communication towers, utility substations, and wind power generation machines, when located at least 50 feet (15 240 mm) from buildings containing habitable spaces.

2. Agricultural buildings at least 50 feet (15 240 mm) from buildings containing habitable spaces.

13.12.080 Amendments to Chapter 6, Section 606, Liquified Petroleum Gas Installations.

Section 606, Liquified Petroleum Gas Installations, of the International Wildland Urban Interface Code, 2006 Edition, is hereby amended as follows:

Section 606 Flammable And Combustible Liquids And Liquefied Petroleum Gas Installations

606.1 General. The storage of flammable and combustible liquids and LP-gas and the installation and maintenance of pertinent equipment shall be in accordance with the *International Fire Code* or, in the absence thereof, recognized standards.

606.2 Location of Containers. Flammable and combustible liquids storage containers and LP-gas containers shall be located within the defensible space in accordance with the *International Fire Code*. In extreme risk zones, stationary flammable and combustible liquid and LP-gas containers shall be located underground. When practical difficulties prevent underground installations, containers shall be located within the defensible space in accordance with the *International Fire Code*.

13.12.090 Amendments to Appendix A General Requirements

Subsection A104.6 Fireworks, of the International Wildland Urban Interface Code, 2006 Edition, is hereby amended as follows:

A104.6 Fireworks. Fireworks shall not be used or possessed in Wildland Urban interface areas.

Exception: Fireworks allowed by the fire marshal under permit in accordance with Yakima County Code Title 8.46 or other designated regulatory provisions.

13.12.100 Amendments to Appendix A General Requirements

Subsection A104.7.1 General, of the International Wildland Urban Interface Code, 2006 Edition, is hereby amended as follows:

A104.7.1 General. No person shall build, ignite or maintain any outdoor fire of any kind for any purpose in or on any Wildland Urban interface area, except by the authority of a written permit from the fire marshal.

Exceptions:

1. Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9 144 mm) from any combustible material or non-fire-resistive vegetation.
2. Outdoor fires as permitted on state and federal lands.

13.12.110 Amendments to Appendix A General Requirements

Subsection A104.7.2 Permits, of the International Wildland Urban Interface Code, 2006 Edition, is hereby amended as follows:

A104.7.2 Permits. Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or on hazardous fire areas under the following conditions:

1. When winds are in excess of five miles per hour.
2. When a person 18 years old or over is not present at all times to watch and tend such fire, or
3. When a public announcement is made that open burning is prohibited.

Nothing in this code shall relieve the responsibility to obtain permits from any other regulatory agency when required.

13.12.120 Amendments to Appendix A General Requirements

Subsection A107.4 Trees, of the International Wildland Urban Interface Code, 2006 Edition, is hereby amended as follows:

A107.4 Trees. When required by the fire marshal, portions of trees that extend to within 30 feet (9 144 mm) of combustible portions of water storage and pumping facilities shall be removed.

13.12.130 Amendments to Appendix A General Requirements

Subsection A108.1 General, of the International Wildland Urban Interface Code, 2006 Edition, is hereby amended as follows:

A108.1 General. Temporary fairs, carnivals, public exhibitions and similar uses must comply with all other provisions of this code and all associated county regulations in addition to enhanced ingress and egress requirements.

13.12.140 (Reserved.)

13.12.150 Conflicting codes and ordinances

Where existing codes and ordinances, or parts thereof, are in conflict or inconsistent with the provisions of this chapter and the Wildland Urban Interface Code, the most restrictive provisions shall apply.

Amendments to International Existing Building Code

13.13.010 Amendment to Chapter 1, Section 103, Department of building safety and Section 104, Duties and powers of the building official Section 103, Department of building safety Section 104 of the International Existing Building Code, 2006 Edition, is hereby amended as follows:

Section 103 Creation of enforcement agency.

103.1 Creation of enforcement agency. There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official. The building and fire safety division of the public services department shall function as the enforcement agency.

103.2. Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint a deputy building official, the related technical officers, inspectors, plans examiners and other employees as shall be authorized from time to time. Such employees shall have powers as delegated by the building official. The building official may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

104.1 General. The building official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the building official shall have the powers of a law enforcement officer. The building official shall have the authority to render interpretations of this code and to adopt and enforce rules, policies and procedures to clarify the application of its provisions. Such interpretations, rules, policies and procedures shall be in conformance with the intent and purpose of this code. Such rules, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. Such rules, policies and procedures adopted by the building official as authorized in this code shall become part of Chapter 1, Administration, and shall be applied in conjunction with the provisions of Chapter 1.

104.8 Liability. The building official, officer or employee charged with the enforcement of this code, while in the discharge of their official duties shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required, or permitted, or in the scope of their official duties. Any

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

13.13.020 Amendments to Chapter 1, Section 108, Fees, Section 108 of the International Existing Building 1 Code, 2006 Edition, is amended as follows:

108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for each permit shall be as set forth in Amended Table 1-A as established in YCC 13.24.020.

108.2.1 Plan Review Fees. When submittal documents are required to be submitted by Section 105, a plan review fee in addition to the permit fee shall be paid at the time of submitting submittal documents for plan review. Said plan review fee shall be SIXTY-FIVE (65) PERCENT of the building permit fee as shown in Amended Table 1-A.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 108.2 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 phased approvals or deferred submittal items as defined in Sections 106.3.3 and 106.3.4, an additional plan review fee shall be charged at the rate shown in Amended Table 1-A.

108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including

materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit application shall be deemed to be incomplete, unless the applicant can show detailed estimates to meet the approval of the building official. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official by reference to the "building valuation data" as printed in the "Building Safety Journal", the official publication of the International Code Council. The value to be used in computing the building permit and building plan review fee shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire extinguishing systems and any other permanent equipment. Final building permit valuation shall be set by the building official.

108.4 Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be the cost of enforcement to the jurisdiction. The minimum investigation fee shall be the same as the permit fee set forth in Amended Table 1-A. 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.

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

108.6 Refunds. The building official is authorized to establish a refund policy.

13.13.030 Amendments to Chapter 1, Section 112.1, General Section 112.1 of the International Existing Building Code, 2006 Edition, is amended as follows:

112.1 General. The board of appeals created in Section 112 of the International Building Code as amended in YCC 13.05.060 shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this

code. The building official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board shall follow the rules of procedure for conducting its business set forth in Section 112 of the International Building Code as amended in YCC 13.05.060, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

Amendments to International Code Council Performance Code

13.14.010 Amendment to Chapter 1, Section 103 Administrative Provisions. Section 103 of the International Performance Code, 2006 Edition, is hereby amended as follows:

103.1.1 General. The building official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the building official shall have the powers of a law enforcement officer. The building official shall have the authority to render interpretations of this code and to adopt and enforce rules, policies and procedures to clarify the application of its provisions. Such interpretations, rules, policies and procedures shall be in conformance with the intent and purpose of this code. Such rules, policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. Such rules, policies and procedures adopted by the building official as authorized in this code shall become part of Chapter 1, Administration, and shall be applied in conjunction with the provisions of Chapter 1.

103.1.2 Liability. The building official, officer or employee charged with the enforcement of this code, while in the discharge of their official duties, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required, or permitted, or in the scope of their official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

13.14.020 Amendments to Chapter 1, Section 103.2.9, Supplemental Enforcement. Section 103.2.9 of the International Code Council Performance Code, 2006 Edition, is amended by the addition of Subsections 103.2.9.1 through 103.2.9. as follows:

103.2.9.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

103.2.9.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for each permit shall be as set forth in Amended Table 1-A as established in YCC 13.24.020.

103.2.9.3 Plan Review Fees. When submittal documents are required to be submitted by IBC Section 106, a plan review fee in addition to the permit fee shall be paid at the time of submitting submittal documents for plan review. Said plan review fee shall be SIXTY-FIVE (65) PERCENT of the building permit fee as shown in Amended Table 1-A.

The plan review fees specified in this subsection are separate fees from the permit fees specified in IBC Section 108.2 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 phased approval as defined in IBC Section 106.3.3 or deferred submittal items as defined in IBC Section 106.3.4.2, an additional plan review fee shall be charged at the rate shown in Amended Table 1-A.

103.2.9.4 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit application shall be deemed to be incomplete, unless the applicant can show detailed estimates to meet the approval of the building official. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official by reference to the "building valuation data" as printed in the "Building Safety" magazine. The value to be used in computing the building permit and building plan review fee shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire extinguishing systems and any other permanent equipment. Final building permit valuation shall be set by the building official.

103.2.9.5 Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be the cost of enforcement to the jurisdiction. The minimum investigation fee shall be the same as the minimum fee set forth in Amended Table 1-A. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

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

103.2.9.7 Refunds. The building official is authorized to establish a refund policy.

13.24

FEES

13.24.010 Amended Fee Tables and Fee Schedules. The fee tables and fee schedules contained in the various codes and regulations adopted in this title shall be amended as established herein.

13.24.020 Building Code Table 1-A**AMENDED TABLE NO.1-A-BUILDING PERMIT FEES**

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$21.13
\$501.00 to \$2,000.00	\$21.13 for the first \$500.00 plus \$2.83 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$63.68 for the first \$2,000.00 plus \$12.67 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$355.17 for the first \$25,000.00 plus \$9.17 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$584.37 for the first \$50,000.00 plus \$6.34 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$901.47 for the first \$100,000.00 plus \$4.96 for each additional \$1,000.00 or fraction thereof to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,883.34 for the first \$500,000.00 plus \$4.23 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$4,998.38 for the first \$1,000,000.00 plus \$2.83 for each additional \$1,000.00 or fraction thereof

OTHER INSPECTIONS AND FEES

1. Inspections outside of normal business hours (minimum charge two hours)	\$70.38 per hour*
2. Reinspection fees	\$70.38 per hour*
3. Inspections for which no fee is specifically indicated	\$70.38 per hour*
4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge 1/2 hour)	\$70.38 per hour*
5. For use of outside consultants for plan checking, inspections, or both	Actual costs**
6. Re-Roofing (Non-Residential) roofs up to 10,000 square feet \$140.75 plus \$70.38 additional for each 10,000 square feet or fraction thereof for roofs exceeding 10,000 square feet in area	\$140.75 minimum
7. Swimming Pools	\$105.56
8. Mobile/Modular Homes	\$275.88
	Single Wide
	\$325.99
	Double Wide
	\$376.23
	Triple Wide
9. Commercial Coach	\$275.88
	Single Wide
	\$325.99
	Double Wide
	\$376.23
10. Relocations	\$70.38
	Ag/Storage/Garage/Shed
	\$132.10 Residential
11. Residence re-roof where roof sheathing is removed and replaced	\$70.38
12. Home Occupation (Urban area only)	\$70.38
13. Demolitions	\$70.38
14. Bridges or elevated surfaces – Plan Review and Permit Fee	\$281.52 (4 hours)

* Or the total hourly cost to the jurisdiction, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**Actual costs include administrative and overhead costs.

13.24.030 Building Code Tables A-33 A & B

AMENDED TABLE A-33-A--GRADING PLAN REVIEW FEES

50 cubic yards (38.2 M ³) or less	No fee
51 to 100 cubic yards (40 m ³ to 764.5 m ³)	\$20.51
101 to 1,000 cubic yards (77.2 m ³ to 764.6 m ³)	\$30.81
1,001 to 10,000 cubic yards (765.3 m ³ to 7645.5 m ³)	\$41.02
10,001 to 100,000 cubic yards (7646.3 m ³ to 76,455 m ³)-- \$41.02 for the first 10,000 cubic yards plus \$19.96 for each additional 10,000 yards (7645.5 m ³) or fraction thereof.	
100,001 to 200,000 cubic yards (76,456 m ³ to 152,911 m ³)-- \$220.36 for the first 100,000 cubic yards (76,455 m ³), plus \$11.96 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof.	
200,001 cubic yards (152,912 m ³) or more-- \$339.96 for the first 200,000 cubic yards (152,911 m ³), plus \$6.00 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof.	

Other Fees:

Additional plan review required by changes, additions or revisions to approved plans (minimum charge--one-half hour)	\$70.38 per hour*
*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.	

AMENDED TABLE A-33-B--GRADING PERMIT FEES¹

50 cubic yards (38.2 m ³) or less	\$20.51
51 to 100 cubic yards (40 m ³ to 76.5 m ³)	\$30.81
101 to 1,000 cubic yards (77.2 m ³ to 764.6 m ³)-- \$30.81 for the first 100 cubic yards (76.5 m ³) plus \$14.00 for each additional 100 cubic yards (76.5 m ³) or fraction thereof.	
1,001 to 10,000 cubic yards (765.3 m ³ to 7645.5 m ³)-- \$156.82 for the first 1,000 cubic yards (764.6 m ³), plus \$11.96 for each additional 1,000 cubic yards (764.6 m ³) or fraction thereof.	
10,001 to 100,000 cubic yards (7646.3 m ³ to 76,455 m ³)-- \$264.40 for the first 10,000 cubic yards (7645.5 m ³), plus \$53.83 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof.	
100,001 cubic yards (76,456 m ³) or more-- \$748.68 for the first 100,000 cubic yards (76,455 m ³), plus \$29.96 for each additional 10,000 cubic yards (7645.5 m ³) or fraction thereof.	

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge--two hours) hour ²	\$70.38	per
2. Reinspection fees hour ²	\$70.38	per
3. Inspections for which no fee is specifically indicated. (minimum charge--one-half hour) hour ²	\$70.38	per

¹ The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.

² Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

13.24.040 Mechanical Code Table 1-A

TABLE NO. 1-A--MECHANICAL PERMIT FEES

Permit Issuance	
(1) For the issuance of each permit	\$21.13
(2) For issuing each supplemental permit	\$6.46
Unit Fee Schedule (Note: The following does not include permit issuance fee)	
FURNACES	
(1) For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h	\$15.51
(2) For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h	\$18.34
(3) For the installation or relocation of each floor furnace, including vent	\$12.73
(4) For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater	\$12.73
APPLIANCE VENTS	
(5) For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit	\$9.17
REPAIRS OR ADDITIONS	
(6) For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this code.	\$17.22
BOILERS, COMPRESSORS AND ABSORPTION SYSTEMS	
(7) For the installation or relocation of each boiler or compressor to and including three horsepower, or each absorption system to and including 100,000 Btu/h	\$15.57
(8) For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower (or 3.1 to 15 tons cooling), or each absorption system over 100,000 Btu/h and including 500,000 Btu/h	\$26.02
(9) For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower (or 15.1 to 50 tons cooling), or each absorption system over 500,000 Btu/h to and including 1,000,000 Btu/h	\$34.52
(10) For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower (or 30.1 to 50 tons cooling), for each absorption system over 1,000,000 Btu/h to and including 1,750,000 Btu/h	\$47.08
(11) For the installation or relocation of each boiler or refrigeration compressor over 50 horsepower, (or 50.1 tons cooling or more) or each absorption system over 1,750,000 Btu/h	\$78.82
AIR HANDLERS	
(12) For each air-handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto	\$12.01
Note: This fee shall not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this code.	

(13) For each air-handling unit over 10,000 cfm	\$16.29
EVAPORATIVE COOLERS	
(14)For each evaporative cooler other than portable type	\$12.01
VENTILATION AND EXHAUST	
(15) For each ventilation fan connected to a single duct	\$9.17
(16) For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit	\$9.17
(17) For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood	\$12.73
INCINERATORS	
(18) For the installation or relocation of each domestic-type incinerator	\$22.91
(19) For the installation or relocation of each commercial or industrial-type incinerator	\$92.46
MISCELLANEOUS	
(20) For each appliance or piece of equipment regulated by this code but not classed in other appliance categories, or for which no other fee is listed in this code	\$9.17
(21) When IFGC is applicable (see Section 103), permit fees for fuel-gas piping shall be as follows:	
For each gas-piping system of one to four outlets	\$7.11
For each gas-piping system of five or more outlets, per outlet	\$2.83
(22) When IMC is applicable (see Section 103), permit fees for process piping shall be as follows:	
For each hazardous process piping system (HPP) of one to four outlets	\$2.83
For each piping system of five or more outlets, per outlet	\$1.51
For each nonhazardous process piping system(NPP) of one to four outlet	\$2.83
For each piping system of five or more outlets, per outlet	\$0.73
(23) Wood stove/Pellet Stove only (no new home construction)	\$32.84
Other Inspections and Fees: (Fee is per hour)	
(1) Inspections outside of normal business hours	* \$70.38
(2) Reinspection fees	* \$70.38
(3) Inspections for which no fee is specifically indicated (minimum charge--one-half hour)	* \$70.38
(4) Additional plan review required by changes, additions or revisions to approved plans (minimum charge--one-half hour)	* \$70.38
* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.	

13.24.050 Plumbing Code Table 1-1

TABLE NO. 1-1--PLUMBING PERMIT FEES

Permit Issuance		
(1) For issuing each permit		\$28.19
(2) For issuing each supplemental permit		\$14.18
Unit Fee Schedule (in addition to Items 1 and 2 above)		
(1) For each plumbing fixture on one trap or a set of fixtures on one trap (including water, drainage piping and backflow protection therefor)		\$9.94
(2) For each building sewer and each trailer park sewer		A
(3) Rainwater systems - per drain (inside building)		\$9.94
(4) For each cesspool (where permitted)		B
(5) For each private sewage disposal system		B
(6) For each water heater and/or vent		\$9.94
(7) For each industrial waste pretreatment interceptor including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps		\$16.90
(8) For each installation, alteration or repair of water piping and/or water treating equipment, each		\$9.94
(9) For each repair or alteration of drainage or vent piping, each fixture		\$9.94
(10) For each lawn sprinkler system on any one meter including backflow protection devices therefor		\$8.49
(11) For atmospheric-type vacuum breakers not included in item 12:		
	1-5	\$7.11
	over 5, each	\$1.84
(12) For each backflow protective device other than atmospheric type vacuum breakers:		
	2 inch diameter and smaller	\$9.94
	over 2 inch diameter	\$21.56
Other Inspections and Fees		
(1) Inspections outside of normal business hours		* \$70.38
(2) Reinspection fee		* \$70.38
(3) Inspections for which no fee is specifically indicated		* \$70.38
(4) Additional plan review required by changes, additions or revisions to approved plans, charge per Hour (minimum charge-one-half hour)		* \$70.38
* Or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of all the employees involved.		
(A) Obtain permit from Sewer Utility Operator.		
(B) Obtain permit from Yakima County Health District.		

13.24.060 Fire Code

Permits required by Section 105.6.48 shall be referred to as "Fire and Life Safety Permits." Fees for Fire and Life Safety permits shall be as established in Section 13.24.070.

Permits required by Section 105.7 shall have a fee of **\$70.38** per item

When a plan or other data is required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be **65%** of the permit fee as noted in the tables above.

The plan review fees specified in this subsection are separate fees from the permit fees and are in addition to those fees. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at a rate of **\$70.38** per hour (a minimum charge of one hour).

Other Inspections and Fees	
(1) Inspections outside of normal business hours (minimum charge – two hours)	* \$70.38
(2) Reinspection fee	* \$70.38
(3) Inspections for which no fee is specifically indicated	* \$70.38
(4) Additional plan review required by changes, additions or revisions to approved plans, charge per Hour (minimum charge-one hour)	* \$70.38
* Or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of all the employees involved.	

13.24.070 Fire Code

Permits required by Section 105.6.47 shall be referred to as "Fire and Life Safety Permits." Fees for Fire and Life Safety permits shall be as established in Section 13.24.070.

Fees for permits required by Section 105.7.13 shall be as established in Section 13.24.090.

FIRE AND LIFE SAFETY PERMIT FEE SCHEDULE

B, R, U OCCUPANCY^{1,2}		A, E, M OCCUPANCY^{1,2}	
<u>Area in Square Feet</u>	<u>Fee</u>	<u>Area in Square Feet</u>	<u>Fee</u>
Under 1,000	\$46.37	Under 1,000	\$61.27
1,000 - 2,500	\$63.98	1,000 - 2,500	\$85.77
2,501 - 5,000	\$92.61	2,501 - 5,000	\$122.46
5,001 - 7,500	\$137.54	5,001 - 7,500	\$183.94
7,501 - 10,000	\$183.73	7,501 - 10,000	\$244.92
10,001 - 12,500	\$229.97	10,001 - 12,500	\$306.24
12,501 - 15,000	\$276.28	12,501 - 15,000	\$367.44
15,001 - 17,500	\$321.14	15,001 - 17,500	\$428.65
17,501 - 20,000	\$367.44	17,501 - 20,000	\$490.17
Over 20,000	\$413.63	Over 20,000	\$551.12
plus \$46.00 for each additional 2500 square feet or fraction thereof		plus \$61.00 for each additional 2500 square feet or fraction thereof	

F, H, I, S, R-2 OCCUPANCY^{1,2}	
<u>Area in Square Feet</u>	<u>Fee</u>
Under 1,000	\$76.22
1,000 - 2,500	\$107.56
2,501 - 5,000	\$153.82
5,001 - 7,500	\$229.97
7,501 - 10,000	\$306.24
10,001 - 12,500	\$382.40
12,501 - 15,000	\$459.95
15,001 - 17,500	\$536.16
17,501 - 20,000	\$612.31
Over 20,000	\$688.53
plus \$76.22 for each additional 2500 square feet or fraction thereof	

¹Occupancy groups shall be as defined in Section 202 of the International Fire Code. General examples of occupancies include, but are not limited to:

- B - Offices, Professional Services
- R - Motels, Apartments
- U - Agricultural Building
- A - Drinking & Dining Facilities, Theatres, Stadiums

E - Schools, Day Care
R-2 - Care Facilities licensed by the state; Boarding Homes, Residential Treatment Facilities, Alcoholism Detoxification Service
M - Retail Stores, Markets, Shopping Centers
F - Factories, Packing Rooms
H - Warehouses for Flammable Liquids, Explosives & Hazardous Materials; Repair Garages.
I - Nurseries, Hospitals, Health Care Centers
S - General Storage & Cold Storage Buildings, Controlled Atmosphere Warehouse

²When a plan or other data is required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be **65%** of the permit fee as noted in the tables above. The plan review fees specified in this subsection are separate fees from the permit fees and are in addition to those fees. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at a rate of **\$70.38** per hour (a minimum charge of 1 hour).

Exterior Site Inspection, (Agricultural, Cold Storage or Controlled Atmosphere)
\$70.38 per hour (a minimum charge of 1 hour)

13.24.080 Fire Code

FIRE ALARM AND FIRE EXTINGUISHING SYSTEM PERMIT FEES

FEE SCHEDULE

	<u>Basic Fee</u>	
Sec 105.7.1	Building Fire Extinguishing System	\$140.75 + \$0.71/head
Sec 105.7.1, 105.7.11	Spray Finishing Fire Extinguishing System	\$70.38 + \$0.71/head
Sec 105.7.1	Hood and Duct Fire Extinguishing System	\$35.18 + \$0.71/head
Sec 105.7.4	Fire Alarm System	\$140.75 + \$071/device
Sec 105.7.5, 105.7.10, 105.7.12	Fire Flow Systems	\$70.38 + \$13.15/ hydrant or standpipe

When a plan or other data is required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be **65%** of the permit fee as noted in the tables above. The plan review fees specified in this subsection are separate fees from the permit fees and are in addition to those fees. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at a rate of **\$70.38** per hour (a minimum charge of 1 hour).

13.24.090 Fire Code Flammable & Combustible Liquid Storage Tanks and Flammable & Combustible Liquid and Compressed Gas Tanks -Fees.

The following fee schedule shall be applicable for permits issued for the installation of flammable liquid storage tanks, LP gas tanks, or other containers as indicated in Sections 105.7.2, 105.7.3, 105.7.6, 105.7.7 and 105.7.9:

<u>Tank Size (In Gallons)</u>	<u>Fee</u>
1 to 300	\$63.27
301 to 600	\$75.93
601 to 1,000	\$88.67
1,001 to 5,000	\$101.29
5,001 to 10,000	\$113.90
10,001 to 20,000	\$126.64
Over 20,000	\$140.58

When a plan or other data is required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be **65%** of the permit fee as noted in the tables above. The plan review fees specified in this subsection are separate fees from the permit fees and are in addition to those fees. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at a rate of **\$70.38** per hour (a minimum charge of 1 hour).

Tank Removal Permit Fees	
<u>Tank Size</u>	<u>Fee</u>
N/A	\$35.18 per tank

Permit fee for tents/canopies as required by Section 105.7.13 **\$35.18**

13.24.100 International Property Maintenance Code Filing Fee

Filing Fee **\$0.00**

13.24.110 Automatic Fee, Fee Table, and Fee Schedule Adjustment

The fees, fee tables, and fee schedules contained in Chapter 13.24 shall be adjusted annually as provided in BOCC Resolution No. 679-1995.

CHAPTER 13.25
VIOLATIONS AND PENALTIES

13.25.010 Violations and Penalties. Any person, firm, or corporation violating any of the provisions of this Title, including the provisions of the various Codes adopted by reference therein, or failing to comply therewith, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and non-compliance respectively, be guilty of a misdemeanor or shall be subject to a civil infraction as provided for by Chapter 7.80 RCW or any other remedy provided by law. Any person so convicted of a misdemeanor shall be punished for each offense by a fine of not more than ONE THOUSAND DOLLARS (\$1,000.00) or by imprisonment for not more than NINETY (90) days, or by both such fine and imprisonment.

13.25.020 Continued Violations. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Any person, firm, or corporation shall be required to correct such violations or defects. Each week after notice of violation to such person, firm, or corporation, shall constitute a separate offense unless time for correction is otherwise expressly extended in writing by the official enforcing this title. Provided, that where the authorized official has ordered any work or occupancy stopped or has revoked or suspended any permit or certificate, each and every day that such work or occupancy continues or is permitted to continue shall constitute a separate offense.

13.25.030 Permits Limited. Permits, certificates, or other approvals issued on the basis of plans and applications approved by the official enforcing this title authorize only the construction or use set forth therein. Construction or use at variance with such permits, certificates or approvals without authorization is a violation of this Title and punishable as provided in this Chapter.

13.25.040 Persons Liable. The owner, lessee, or tenant of any building, structure, premises, or part thereof, and, any architect, engineer, builder, contractor, employee, agent, or other person, who commits, authorizes, participates in, assists in, or who maintains after notice, a violation of this Title may each be found guilty of a separate offense and suffer the penalties provided in this Chapter.

13.25.050 Civil Infractions.

- (1) This chapter shall apply to the enforcement of Yakima County ordinances and codes, including those related to building, zoning, environmental health and safety, and quality

of life, which specifically reference this chapter or the ordinance codified in this chapter and those ordinances which provide that the Yakima County building official is charged with enforcement of those ordinances.

- (2) Violations of the applicable codes shall be corrected under the provisions of this chapter, in coordination with existing ordinance and code provisions.
- (3) Only an authorized official may enforce the provisions of this chapter. For purposes of this chapter, an authorized official is defined as any one of the following:
 - (a) The Yakima County sheriff and his or her authorized representatives shall have the authority to enforce the provisions of this chapter
 - (b) The Yakima County building official and his or her authorized representatives shall have the authority to enforce the provisions of this chapter
 - (c) The Yakima County fire marshal and his or her authorized representatives shall have the authority to enforce the provisions of this chapter
 - (d) The Yakima County prosecuting attorney shall have authority to enforce the provisions of this chapter and may pursue any legal proceedings necessary to enforce the provisions of this chapter; and
 - (e) The Yakima County board of commissioners may designate other persons to administer the provisions of this chapter.
- (4) An authorized official may investigate alleged or apparent violations of this chapter. In the performance of that investigation, an authorized official may enter upon any land and make examinations and surveys, provided that such entries, examinations and surveys do not damage or interfere with the use of the land by those persons lawfully entitled to the possession thereof. Upon request of the authorized official, the person allegedly or apparently in violation of this chapter is required to provide reasonable information identifying themselves.
- (5) Whenever an authorized official determines that a violation has occurred or is occurring, he or she may pursue reasonable attempts to secure voluntary corrections, failing which he or she may issue a notice of infraction. An authorized official may issue a notice of infraction if the authorized official reasonably believes that the provisions of this chapter have been violated. A notice of infraction may be served either by:

- (a) The authorized official serving the notice of infraction on the person named in the notice of infraction at the time of issuance; or
- (b) The authorized official filing the notice of infraction with the court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of infraction at his or her address.

(6) A notice of infraction shall be filed in district court within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. Yakima County District Court shall have jurisdiction to hear and determine these matters.

(7) A person who receives a notice of infraction shall respond to the notice as provided in this section within fifteen days of the date the notice was served.

(8) If the person named in the notice of infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response order shall be furnished to the authorized official. Failure to contest the determination and the payment of the fine does not release the person named in the notice of the infraction from their obligation to comply with the Notice or Order of the authorized official.

(9) If the person determined to have committed the civil infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of the hearing, except by agreement.

(10) If the person determined to have committed the civil infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified in the notice. The court shall notify the person in writing of the time,

place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of the hearing, except by agreement.

- (11) The court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction, and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing if any person issued a notice of civil infraction fails to respond.
- (12) Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction; provided, that a written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by appearance of counsel.
- (13) A person who willfully fails to pay a monetary penalty or to perform community service as required by a court under this chapter may be found in civil contempt of court after notice and hearing.
- (14) A person subject to proceedings under this chapter may appear or be represented by counsel but not at public expense.
- (15) The prosecuting attorney representing the county may, but need not, appear in any proceedings under this chapter, notwithstanding any statute or court rule to the contrary.
- (16) A hearing held to contest the determination that an infraction has been committed shall be without a jury.
- (17) The court may consider the notice of infraction and any sworn statements submitted by the authorized representative who issued and served the notice in lieu of his or her personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the authorized representative who has issued and served the notice, and has the right to present evidence and examine witnesses present in court.
- (18) The burden of proof is on the county to establish the commission of the infraction by a preponderance of evidence.
- (19) After consideration of the evidence and argument, the court shall determine whether the infraction was committed.

- (20) An appeal from the court's determination or order shall be to the Superior Court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ).
- (21) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that a civil infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.
 - (a) After the court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the court's records
 - (b) There shall be no appeal from the court's determination or order.
- (22) A person found to have committed a civil infraction shall be assessed a monetary penalty. All violations of this chapter shall be denominated Class I civil infractions. The maximum penalty and default amount for a Class I civil infraction shall be two hundred fifty dollars, not including statutory assessments.
- (23) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time, the court may grant an extension of the period of time in which the penalty may be paid. If the penalty is not paid on or before the time established for payments the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting attorney of the failure to pay. The court shall also notify the department of the failure to pay the penalty, and the department shall not issue the person any future permits for any work until the monetary penalty has been paid.

13.25.060 Violation-Civil Remedies.

- (1) In addition to any criminal proceedings brought to enforce this Title and in addition to any fine or imprisonment provided for therein, continuing violations of this Title may be enjoined or ordered abated in a civil proceeding for injunction or for abatement. For purposes of abatement actions, such violations are declared to be public nuisances. Any person, firm, or corporation violating the provisions of this Title shall be liable for all costs

of such proceedings, including reasonable attorney's fees and expenses of abatement. The provisions of this subsection are in addition to any other remedies available at law or equity.

(2) The Prosecuting Attorney's Office on behalf of the County and the public may pursue civil remedies to enforce compliance with the provisions of the Title. A private person directly affected by a violation of this Title may pursue civil remedies to enforce compliance with its provisions or to recover damages for its violation.

13.25.070 Codes Preserved. Except as otherwise inconsistent with this Chapter, the provisions of the Codes adopted by reference in this Title pertaining to violations shall remain in full force and effect.

SECTION III EFFECTIVE DATE. This ordinance shall be effective immediately.

Adopted this ^{21st} day of

BOARD OF YAKIMA COUNTY COMMISSIONERS

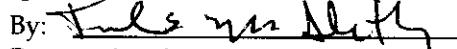



Michael D. Leita, Chairman


Ronald F. Gamache, Commissioner


J. Rand Elliott, Commissioner
*Constituting the Board of County Commissioners
For Yakima County, Washington*

Approved as to Form:

By: 
Prosecuting Attorney
Corporate Counsel

Attest:

By: 
Christina Steiner
Clerk of the Board

August 21, 2007