

ORDINANCE NO. 6902

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO BUILDING CODES, AND AMENDING CHAPTER 15.08A, SECTIONS 15.07.010, 15.07.020, 15.07.030, 15.07.040, 15.07.080, 15.07.090, 15.07.100, 15.07.140, 15.07.150, 15.020.010, 15.20.030, 15.20.050, 15.32.010, 15.32.050, 15.36A.011, 15.36A.091, 15.74.040 AND 15.74.050, REPEALING CHAPTERS 15.04, 15.06, AND 15.48 OF THE AUBURN CITY CODE

WHEREAS, the Auburn City Code includes a variety of chapters adopting various codes related to the building of structures; and

WHEREAS, the State of Washington promulgates some of these codes, updates them periodically, and requires, through RCW 19.27, that local jurisdictions adopt and implement the standard codes; and

WHEREAS, the State of Washington has promulgated updated codes and has approved them for adoption by local jurisdictions; and

WHEREAS, city staff and VRFA staff have reviewed the city's building-related codes, have identified amendments to update or supplemented these codes, and have identified desired amendments to the provisions of the State-adopted codes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. Section 15.07.010 of the Auburn City Code is amended to read as follows:

15.07.010 General.

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

B. *Purpose.* The provisions of this title shall be interpreted and applied as minimum requirements for safeguarding life, limb, health, property, and public welfare.

BC. *Scope.* The provisions of this chapter shall apply to the administration of the technical codes adopted ~~in Chapter 15.06 ACC and by the state of Washington, and as listed:herein.~~

1.

- a. ~~2018 International Building Code Chapter 51-50 WAC;~~
- b. ~~2018 International Residential Code Chapter 51-51 WAC;~~
- c. ~~2018 International Mechanical Code Chapter 51-52 WAC;~~
- d. ~~2018 International Fire Code Chapter 51-54A WAC;~~
- e. ~~2018 National Fuel Gas Code (NFPA 54) Chapter 51-52 WAC;~~
- f. ~~2018 Liquefied Petroleum Gas Code (NFPA 58) Chapter 51-52 WAC;~~
- g. ~~2018 International Fuel Gas Code Chapter 51-52 WAC;~~
- h. ~~2018 Uniform Plumbing Code Chapter 51-56 WAC;~~
- i. ~~2018 International Energy Conservation Code Chapters 51-11C and 51-11R WAC;~~
- j. ~~2018 International Property Maintenance Code;~~
- k. ~~2018 International Swimming Pool and Spa Code;~~
- l. ~~2018 International Existing Building Code;~~
- m. ~~2018 International Green Construction Code;~~
- n. ~~2014 Edition National Healthy Housing Standard.~~

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

23. *Definitions/Interpretation of terms.* ~~For the purpose of this chapter, certain terms, phrases, words and their derivatives shall have the meanings set forth in this subsection.~~ Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third International Dictionary of the English Language, Unabridged, latest edition, shall be considered as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine; provided, that any reference to "fire department" in this title or the codes adopted hereunder shall be understood to include the Valley Regional Fire Authority.

D. International codes and other standards adopted. The following codes and Washington Administrative Code (WAC) chapters are adopted by reference as set forth below. The codes and WAC chapters shall have the same force and effects as if they were set forth fully herein, provided that any amendments, deletions, and additions contained in the chapters of this title shall govern over the provisions of the respective adopted code. The building official shall file with the city clerk each code codified in this chapter.

1. International Building Code Adopted – Chapter 51-50 WAC. The 2021 International Building Code is adopted by reference with the amendments, deletions, and additions thereto as provided in Chapter 15.08A ACC, Building Code.
2. International Residential Code Adopted – Chapter 51-51 WAC. The 2021 International Residential Code is adopted by reference, excluding Chapter 11, "Energy Efficiency," Chapters 25 through 33, "Plumbing," and Chapters 34 through 43, "Electrical."
3. International Mechanical Code Adopted – Chapter 51-52 WAC. The 2021 International Mechanical Code is adopted by reference.

4. *International Fire Code Adopted – Chapter 51-54A.* The 2021 International Fire Code is adopted by reference with the amendments, deletions, and additions thereto as provided in Chapter 15.36A ACC, Fire Code.
5. *National Fuel Gas Code (NFPA 54) Adopted – Chapter 51-52 WAC.* The 2021 ANSI Z223.1/NFPA 54 National Fuel Gas Code is adopted by reference.
6. *Liquefied Petroleum Gas Code (NFPA 58) Adopted – Chapter 51-52 WAC.* The 2021 Liquefied Petroleum Gas Code is adopted by reference.
7. *International Fuel Gas Code Adopted – Chapter 51-52 WAC.* The 2021 International Fuel Gas Code is adopted by reference.
8. *Uniform Plumbing Code Adopted – Chapter 51-56 WAC.* The 2021 Uniform Plumbing Code is adopted by reference, including Chapter 12, “Fuel Piping,” Chapter 15, “Firestop Protection,” Appendix A, “Recommended Rules for Sizing the Water Supply System,” Appendix B, “Explanatory Notes on Combination Waste and Vent Systems,” Appendix C, “Alternate Plumbing Systems,” Appendix I, “Installation Standards,” and those requirementportions 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.
9. *International Energy Conservation Code Adopted – Chapters 51-11C and 51-11R WAC.* The 2021 International Energy Conservation Code, as published by the International Code Council, and as amended by the State Building Code Council in Chapters 51-11C and 51-11R WAC. The most current Washington State Energy Code as established under Chapter 19.27A RCW is adopted by reference.
10. *International Property Maintenance Code Adopted.* The 2021 International Property Maintenance Code, as published by the International Code Council, is adopted by reference with thethose amendments, deletions, exceptions and conditions as provided in Chapter 15.20 ACC.

K. *International Swimming Pool and Spa Code Adopted.* The 2021 International Swimming Pool and Spa Code, as published by the International Code Council,

excluding Chapter 4, "Public Swimming Pools," Chapter 5, "Public Spas and Public Exercise Spas," and Chapter 6, "Aquatic Recreation Facilities," is adopted by reference.

L. International Existing Building Code Adopted – Chapter 51-50. The 2021 International Existing Building Code is adopted by reference.

M. International Green Construction Code Adopted. The 2021 International Green Construction Code, as published by the International Code Council, is adopted by reference as an optional reference for developers who choose to utilize elements of the code for guidance.

N. National Healthy Housing Standard Adopted. The 2018 National Healthy Housing Standard, as published by the National Center for Healthy Housing, is adopted by reference as a guideline and expression of intent to assist interpretation of the codes adopted in this chapter.

Section 2. Amendment to City Code. Section 15.07.020 of the Auburn City Code is amended to read as follows:

15.07.020 Conflicts between codes and code applicability.

A. *General.* In case of conflict between codes referenced in ACC [15.07.010](#), where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the hierarchy of the codes named in Chapter [19.27](#) RCW shall govern. Otherwise, the most restrictive provision shall govern, or where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. In the case of a conflict between the International Green Construction Code and the city of Auburn [engineering](#) design standards, surface water management manual, or construction standards, the city of Auburn standards shall govern.

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

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

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

~~E. *Partial Invalidity.* In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.~~

~~EE. *Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with this title are repealed, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to taking effect of this title.~~

Section 3. Amendment to City Code. Section 15.07.030 of the Auburn City

Code is amended to read as follows:

15.07.030 EnforcementConstitutionality or invalidity.

If any section, subsection, clause or phrase of this title is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portion of this title.

~~A. *Enforcement Agency.* The department of community development is designated as the agency responsible for enforcement of building codes, and the official in charge thereof shall be known as the building official, and Section 103 of Chapter 1 of the 2018 International Building Code is amended consistent therewith.~~

~~B. *Venue.* Unless specifically directed or assigned otherwise, violations of or failures to comply with any of the codes referenced by this chapter shall be prosecutable in the court of limited jurisdiction authorized to hear cases of the city.~~

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

D. Nonexclusive Remedy. The penalty provisions hereof are in addition to other enforcement and remedy provisions of the codes adopted by the chapters of this title.

Section 4. Amendment to City Code. Section 15.07.040 of the Auburn City Code is amended to read as follows:

15.07.040 Duties and powers of code officials**Forms and notices.**

Repealed by Ord. 6310.All forms and notices for the administration of the State Building Code Act shall be furnished by the city.

Section 5. Amendment to City Code. Section 15.07.080 of the Auburn City Code is amended to read as follows:

15.07.080 Fees.

A. *Work Performed without a Permit.* An investigation fee, in addition to the permit fee, may be collected. The investigation fee shall be equal to either the amount assessed in accordance with the currently adopted city of Auburn fee schedule of the permit fee required by this code or the cost of the labor to perform the investigation. The payment

of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

B. *Plan Review Fees.*

1. When submittal documents are required by ACC [15.07.050](#), a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The building official and/or the fire code official may have the option to charge a deposit in lieu of the full plan review fee, if the full amount is not known at the time. Any plan review deposit shall be applied toward the total plan review fee owed. The plan review fee shall be imposed based on the fee schedule that is in effect at the time the building permit application is determined to be complete and is payable prior to commencement of city review. The permit fee shall be imposed based on the fee schedule that is in effect at the time the building permit application is determined to be complete and is payable prior to issuance of the permit. The plan review fee shall be a separate fee from the permit fees specified in this section and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in IBC Section 107.3.4.2, an additional plan review fee shall be charged at the rate shown in the fee code established by the jurisdiction.
2. *Stock Plan Program.* When plans are submitted under the “stock plan program,” a plan review fee, that is established in the adopted fee schedule, shall be paid at the time the permit application is determined to be complete and is payable prior to commencement of city review. Valuations used to compute the permit fees shall include all options submitted with a registered plan. When a registered plan consists of a number of plan options that can produce any number of similar but different buildings, the building official may charge plan review fees based on each different building configuration. The plan review fees specified in this subsection are separate fees from the permit fees specified in the fee schedule, and are in addition to the permit fees.

C. *Refunds.*

1. *Application Fee Before Permit Issuance.* The building official may authorize refunding of not more than the full amount of the application or plan review fee paid,

less the current rate of the additional resubmittal fee adopted by the city of Auburn fee schedule in effect at the time of request when an application for a permit for which such fee has been paid is withdrawn or canceled before any plan reviewing is done. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee no later than 180 days after the date of application.

2. *Permit Fee Before Permit Issuance.* The building official may authorize refunding of not more than the full amount of the permit fee paid, less the current rate of the additional resubmittal fee adopted by the city of Auburn fee schedule in effect at the time of request when an application for a permit for which such fee has been paid is withdrawn or canceled prior to issuance. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee no later than 180 days after the date of payment.

3. *Permit Fee After Permit Issuance.* The building official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. When no work has been done under a permit issued in accordance with this code, the building official may authorize refunding of not more than the full amount of the permit fee paid, less the current rate of the additional resubmittal fee adopted by the city of Auburn fee schedule; except that no refunds will be processed for permits 180 days from date of issuance where no work has been done.

Section 6. Amendment to City Code. Section 15.07.090 of the Auburn City

Code is amended to read as follows:

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

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

B. *Energy Efficiency Inspection – Envelope.*

1. *Wall Insulation Inspection.* To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.
2. *Glazing Inspection.* To be made after glazing materials are installed in the building.
3. *Exterior Roofing Insulation.* To be made after the installation of the roof insulation, but before concealment.
4. *Slab/Floor Insulation.* To be made after the installation of the slab/floor insulation, but before concealment.

C. *Special Inspections.* In addition to the inspections specified above, the building official is authorized to make or require special inspections above the requirements as stated in Chapter 17 of the ~~2018~~ International Building Code for any type of work related to the technical codes by an approved agency at no cost to the jurisdiction.

Section 7. Amendment to City Code. Section 15.07.100 of the Auburn City Code is amended to read as follows:

A. *Use and Occupancy.* No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion of the building or structure shall be made until the building official has issued a certificate of occupancy as provided for in this section. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of this jurisdiction.

B. *Exception.* Certificates of occupancy are not required for work exempt from permits under Section 105.2 of the ~~2018~~ International Building Code and International Residential Code or for R-3 and U occupancies.

C. The building official is authorized under ACC [12.66.080](#) to evaluate the condition of public improvements that service and/or are adjacent to the lot upon which the building has been constructed. For development projects that require public improvements and the improvements remain incomplete or when the building activity has damaged

adjacent public sidewalks, landscaping, streets or utilities the building official is authorized to withhold certificate of occupancy until the facilities are corrected and completed. The building official with the city engineer's approval may accept a bond or other financial security to guarantee repair or completion of required public improvements under special circumstances as determined by the city.

D. Section 111 of Chapter 1 of the ~~2018~~ International Building Code and International Residential Code is hereby amended consistent therewith.

Section 8. Amendment to City Code. Section 15.07.140 of the Auburn City

Code is amended to read as follows:

15.07.140 Violations. Enforcement.

~~Repealed by Ord. 6310. A. Administration and enforcement. The Washington State Building Code Act provides for the administration and enforcement of this title by the city within its corporate limits.~~

B. Enforcement Agency. The department of community development is designated as the agency responsible for enforcement of building codes, and the official in charge thereof shall be known as the building official, and Section 103 of Chapter 1 of the International Building Code is amended consistent therewith.

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

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

2. Call upon the Auburn police chief to assist in the enforcement of this title. The chief or designee is authorized to issue criminal citations for violations of this title when criminal sanctions are appropriate under the Auburn City Code.

D. Venue. Unless specifically directed or assigned otherwise, violations of or failures to comply with any of the codes referenced by this chapter shall be prosecutable in the court of limited jurisdiction authorized to hear cases of the city.

E. Penalties.

1. It is a violation of city code for any person or entity to fail to comply with any provision of the technical codes adopted by reference in this chapter. Unless a different city penalty is specifically provided, for a violation of or failure to comply with any of the codes adopted by the chapters of this title, violations of and failures to comply with the requirements of the codes adopted by this chapter shall constitute offenses of the same description, class and category of offense as are indicated in the adopted technical code. If a technical code does not specify an offense, or subjects a violator of the code to "penalties prescribed by law," a violation of any provision of a technical code shall constitute either (a) a misdemeanor, or (b) a civil infraction and/or civil penalty punishable in accordance with Chapter 1.25 ACC.

2. The penalty for any such offense identified or identifiable as a misdemeanor for which no penalty is specifically provided shall be punishable by imprisonment in the appropriate city or county jail for a period of up to 90 days and a fine of up to \$1,000, or by both such fine and imprisonment. The penalty for any such offense identified or identifiable as a gross misdemeanor for which no penalty is specifically provided shall be punishable by imprisonment in the appropriate city or county jail for a period of up to one year and a fine of up to \$5,000, or by both such fine and imprisonment. The penalty for any such offense identified or identifiable as an infraction or civil penalty for which no penalty is specifically provided shall be punishable in accordance with Chapter ACC 1.25.050.

3. In determining the appropriate penalty, the building official shall consider the seriousness of the offense, whether it poses a risk to public safety, the violator's effort to achieve compliance, and the opportunities for alternative enforcement.

F. Nonexclusive Remedy. The penalty provisions hereof are in addition to other enforcement and remedy provisions of the codes adopted by the chapters of this title.

Section 9. Amendment to City Code. Section 15.08A.011 of the Auburn City

Code is amended to read as follows:

15.08A.011 Adoption of International Building Code.

The ~~2018~~-International Building Code, as adopted in Chapter 15.07 ACC and hereafter amended by the State Building Code Council, and included in Chapter 51-50 WAC, is adopted as the building code of the city; provided, that the amendments, deletions and additions thereto as provided in this chapter shall govern over the published provisions of the International Building Code.

Section 10. New Section to City Code. A new section, 15.08A.025, "Section 105.2 amended – Work exempt from permit" is added to Chapter 15.08A to read as follows:

International Building Code Section 105.2 is amended to read as follows:

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 used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 200 square feet.

2. Fences not over 7 feet high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet 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 IIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and 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 that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings, slides and other exterior playground equipment.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall, do not require additional support and do not project beyond a property boundary.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
14. Work located primarily within public right-of-way.

15. Like-for-like (same size) window replacement for structures where no alteration of structural members is required and window U-value meets requirements of the energy code.

16. Single-story construction job shacks that are placed at a permitted job site during construction. Job shacks shall be removed upon final approval of construction, or may be required to be removed if associated permit expires or is suspended or cancelled. A job shack is a portable structure for which the primary purpose is to house equipment and supplies, and which may serve as a temporary office during construction in support of the associated construction activity.

17. Flag and light poles on private property that do not exceed 20 feet in height.

18. Like-for-like removal and replacement of residential and commercial roofing materials where no additional load is applied and no alteration of structural members is required.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping with any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

Plumbing:

1. The clearing of stoppages or stopping and repairing of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, 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 chapter and the technical codes.
2. Reinstallation or replacement of fixtures and/or valves that have accessible connections to rough-in plumbing, except a permit is required for the replacement of a water heater and reinstallation or replacement of any fixture or valve within a commercial kitchen.

Section 11. Amendment to City Code. Section 15.08A.041 of the Auburn City

Code is amended to read as follows:

Section 516 added – Recyclable materials and solid waste storage.

A new Section 516 and Table No. 5-F are added to Chapter 5 of the International Building Code to read as follows:

A. Recyclable Materials and Solid Waste Storage.

1. For the purpose of this section, the following definition shall apply: Recycled Materials means those solid wastes that are separated for recycling or reuse, such as papers, metals and glass.
2. Except for Group R-3 and Group U Occupancies, All new buildings shall provide space in accordance with Table No. 5-F for the storage of recycled materials and solid waste; EXCEPTION: Group R, Division 3 and Group U Occupancies. For occupancy types that, in the discretion of the building official, are dissimilar to the ones listed in Table No. 5-F, the building official may approve an alternative area

requirement if requested. The request shall be submitted for review as an alternative design in accordance with Chapter 1, Section 104.11 of the International Building Code and shall include supporting justification for the alternative floor area amounts.

3. The storage area shall be designed to meet the needs of the occupancy, efficiency of pick-up, and shall be available to occupants and haulers.

4. Storage and Handling of Recyclables and Solid Waste shall comply with the ~~2018 Edition of the~~ International Fire Code, Chapter 3, Section 304.

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

OCCUPANCY	AREA REQUIREMENTS
OFFICE	2 SF Per 1,000 SF of Gross Floor Area
RETAIL	5 SF Per 1,000 SF of Gross Floor Area
WHOLESALE	3 SF per 1,000 SF of Gross Floor Area
WAREHOUSE	3 SF per 1,000 SF of Gross Floor Area
INDUSTRIAL	3 SF Per 1,000 SF of Gross Floor Area
EDUCATIONAL	2 SF per 1,000 SF of Gross Floor Area
INSTITUTIONAL	2 SF Per 1,000 SF of Gross Floor Area

OCCUPANCY	AREA REQUIREMENTS
RESIDENTIAL	Min. 12 SF Plus 1.5 SF Per Unit; One Collection Area Per 30 Units located within 200 feet

Section 12. New Section to City Code. A new section, 15.08A.065, “Section 3202 amended – Encroachments,” is added to Chapter 15.08A to read as follows:

International Building Code Section 3202 is amended to read as follows:

3202.1 Encroachments below grade. Encroachments below grade shall comply with Section 3202.1.1 through 3202.1.3.

3202.1.1 Structural Support. Any permanent part of a building erected below grade that is necessary for structural support of the building or structure shall not project beyond the lot lines.

3202.1.2 Vaults and other enclosed spaces. The construction and utilization of vaults and other enclosed spaces below grade shall be subject to the terms and conditions of the applicable governing authority.

3202.1.3 Areaways. Areaways shall be protected by grates, guards or other approved means.

3202.2 Encroachments above grade and below 10 feet in height. Encroachments into the public right-of-way above grade and below 10 feet in height shall be prohibited. Doors and windows shall not open or project into the public right-of-way.

3202.3 Encroachments 10 feet or more above grade. Encroachments 10 feet or more above grade shall comply with Sections 3202.3.1 through 3202.3.4. The encroachments listed below shall not be considered permanent structures and shall be authorized pursuant to a right-of-way use permit issued in accordance with ACC 12.60.

3202.3.1 Awnings, canopies, marquees and signs. Awnings, canopies, marquees and signs shall be constructed so as to support applicable loads as specified in Chapter 16. Awnings, canopies, marquees and signs with less than 15 feet of clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. Stanchions or columns that support awnings, canopies, marquees and signs shall be subject to city of Auburn Engineering Design Standard requirements.

3202.3.2 Windows, balconies, architectural features and mechanical equipment. Where the vertical clearance above grade to projecting windows, balconies, architectural features or mechanical equipment is more than 10 feet, 1 inch of encroachment is permitted for each additional 1 inch of clearance above 10 feet, but the maximum encroachment shall be 4 feet.

3202.3.3 Encroachments 15 feet or more above grade. Encroachments 15 feet or more above grade shall not be limited. Such encroachments shall not be considered permanent structures and shall be authorized pursuant to a right-of-way use permit issued in accordance with ACC 12.60.

3202.3.4 Pedestrian walkways. The installation of a pedestrian walkway over a public right-of-way shall be subject to the approval of the city engineer. The vertical clearance from the public right-of-way to the lowest part of a pedestrian walkway shall be not less than 15 feet and the height determined by the city engineer to be needed to accommodate current and anticipated future use of the public right-of-way (including construction and re-construction of utilities).

3202.4 Temporary encroachments. This section not adopted.

Section 13. Amendment to City Code. Section 15.20.010 of the Auburn City

Code is amended to read as follows:

The International Property Maintenance Code adopted in Chapter 15.~~06-07~~ ACC shall be on file in the office of the city clerk. The code as amended in this chapter shall govern over the published provisions of that code. Where the International Property Maintenance Code references the code official, that shall refer to and be construed to mean the building official as used in the city code. Unless the context clearly indicates otherwise, the terms "code official" and "building official" shall be synonymous.

Section 14. Amendment to City Code. Section 15.20.030 of the Auburn City

Code is amended to read as follows:

Sections 103.1 and 103.5 of the International Property Maintenance Code are amended to read as follows:

103.1 Department of property maintenance inspection. The department of community development ~~and public works~~ is responsible for implementation and enforcement of the International Property Maintenance Code.

103.5 Fees. The fees for activities and services performed by the city in carrying out its responsibilities under this code, including hearings conducted by the hearing examiner, shall be as indicated in the city of Auburn fee schedule.

Section 15. Amendment to City Code. Section 15.20.050 of the Auburn City

Code is amended to read as follows:

International Property Maintenance Code Section 110.1 is amended to read as follows:

Section 110.1 General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in

the code official's ~~or owner's authorized agent~~ judgment ~~after review~~ is so deteriorated or 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 board up and hold for future repair 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 (2) years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Unless the code official determines that other measures are appropriate based on the circumstances, boarding the building up for future repair shall comply with appendix A and the structure shall not remain boarded beyond thirty (30) days, except where a non-opaque material is used that provides the same level of security as provided by the requirements of Appendix A, the boarding may remain in place for no more than one year. Timeframe extensions may be approved by the code official.

Section 16. Amendment to City Code. Section 15.32.010 of the Auburn City Code is amended to read as follows:

In addition to the provisions of the ~~2015~~ International Building Code, Appendix H, "Signs," there is adopted by reference and incorporated in this chapter by this reference Chapter [18.56](#) ACC entitled Signs.

Section 17. Amendment to City Code. Section 15.32.050 of the Auburn City Code is amended to read as follows:

The appeal and appeal procedures contained in Chapter [15.0815.07](#) ACC and any future amendments thereto are adopted by reference and incorporated in this chapter.

Section 18. Amendment to City Code. Section 15.36A.011 of the Auburn City Code is amended to read as follows:

The ~~2018 Edition of the~~ International Fire Code as adopted in Chapter 15.07 ACC, as published by the International Code Council, and as adopted and amended by the State Building Code Council in Chapter 51-54A WAC, including Appendix D, "Fire Apparatus Access Roads," Appendix E, "Hazard Categories," Appendix H, "Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions," and Appendix L, "Requirements for Fire Fighter Air Replenishment," is adopted by reference pursuant to Chapter 15.07 ACC with the amendments, additions, and deletions provided in this chapter. This chapter shall be controlling within the jurisdiction of the city. The manufacture, storage, handling, sale, and use of fireworks shall be governed by Chapter 70.77 RCW and by Chapter 212-17 WAC and Chapter 8.24 ACC, Fireworks, consistent with Chapter 212-17 WAC.

Section 19. Amendment to City Code. Section 15.36A.091 of the Auburn City Code is amended to read as follows:

A. International Fire Code Chapter 9 is amended to read as follows:

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

907.1.4 Approved Fire Alarm and Detection Systems. In addition to any requirement of 907.2 or 907.3, all new buildings exceeding 5,000 square feet gross floor area shall be required to provide an approved automatic fire detection and alarm system. For existing buildings, additions increasing the total area to greater than 5,000 square feet -or alterations or repairs exceeding 5,000 square feet shall be required to provide an approved automatic fire detection and alarm system for the entire associated fire area as required for new construction. Fire walls shall not be considered to separate a building to enable deletion of the required fire detection system.

EXCEPTIONS:

1. Group "U" Occupancies.

2. One and Two Family residences.

907.5.2.3.1 Employee Work Areas. Visible alarm notification appliances shall be provided in employee work areas.

B. For purposes of this chapter, a “fire wall,” “fire barrier,” or “horizontal assembly” shall not be considered to separate a building so as to avoid the required automatic fire alarm and detection system. A building shall have a minimum distance of five feet from any point of the building to any point of another building and from the property line in order to be considered a separate building.

Section 20. Amendment to City Code. Section 15.74.020 of the Auburn City

Code is amended to read as follows:

This chapter shall regulate all land disturbing activities and the removal of trees, shrubs, and/or ground cover. All land disturbing activities are subject to the provisions of Chapter 13.48 ACC and the city of Auburn Engineering Design Standards. Land disturbing activities proposed within critical areas and/or land subject to shoreline management jurisdiction shall be subject to Chapters 16.10 and 16.08 ACC, respectively, and the procedural requirements of this chapter.

Section 21. Amendment to City Code. Section 15.74.030 of the Auburn City

Code is amended to read as follows:

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

- A. “Accelerated erosion” means erosion much more rapid than normal or geologic erosion, primarily as a result of the influence of the activities of humans or, in some cases, of the animals or natural catastrophes that expose bare surfaces (e.g., fires).
- B. “Clearing” means the destruction and removal of vegetation by manual, mechanical, or chemical methods.

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

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

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

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

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

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

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

J. “Permit” means official document issued by the city that authorizes a specified scope of work. Document may be in the form of discrete permit approval documents or as plans approved in conjunction with associated public Facility extension (FAC) or capital project.

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

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

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

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

NO. “Significant tree” means a healthy evergreen tree, six inches or more in diameter measured four feet above grade, or a healthy deciduous tree four inches or more in diameter measured four feet above grade.

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

PQ. “Undeveloped property” means any parcel which has not been altered from its natural state by grading or filling or by construction of private structures or public infrastructure that allows further development.

Section 22. Amendment to City Code. Section 15.74.040 of the Auburn City

Code is amended to read as follows:

A. *Application.* Any owner or authorized agent who intends to clear, fill, or grade any property within the city, except those specifically exempted in ACC [15.74.050](#), shall first make an application to the city and obtain the required permit for the work. Applications shall be prepared by a licensed professional civil engineer and shall conform to the city's design standards per Chapter [12.04](#) ACC. The city engineer shall have the authority to accept an application not prepared by a licensed professional engineer if the city engineer determines the scope of the project is such that a detailed set of plans is not required. An application for a clearing, filling, and grading permit shall be applied for and, where possible, processed concurrently with any other necessary permits or approvals. In addition, the city engineer may require off-site improvements prior to issuing any grading, filling or clearing permits when such improvements are required to mitigate the impacts of the proposed improvements.

B. *Approval.* The city engineer, or designee, shall have the authority to approve, modify, approve with conditions, or deny the permit in accordance with the intended purposes of ACC [15.74.010](#). The city engineer shall also have the authority to determine the time frame when the land disturbing activity shall commence, when the project is to be completed, designated haul routes, seasonal and weather restrictions, and hours of operation.

C. *Performance Guarantee.* When the city engineer determines that steps must be taken to protect other property or the public right-of-way, then the applicant shall provide the city an assignment of funds or an irrevocable letter of credit or other similar security satisfactory to the city engineer, to ensure land disturbing activities are constructed and maintained in conformance with the approved construction drawings, standards, and any environmental requirements and that the impacts of the activities, including hauling impacts, are mitigated. The amount and duration of the financial guarantee will be determined by the city engineer, when required, and it shall be no less than \$2,000 per acre. The financial guarantee shall be accompanied by an agreement granting the city and its agents the right to enter the property and perform work to mitigate and/or control impacts from such land disturbing activities utilizing the above-described satisfactory security. The agreement shall also hold the city harmless from all claims and expenses, including attorneys' fees.

D. *Fees.* Fees shall be assessed in accordance with the city's fee schedule.

E. *Term.* Work on grading, filling, or land clearing permits must begin within 180 days from the date of issuance of the permit. If work has not begun prior to this date, the permit shall expire and a new permit will be required prior to commencing any grading, filling, or clearing activities, and will be subject to city standards in effect at the time of the new permit. A six-month period of inactivity on the grading, filling or clearing work shall constitute expiration of the permit and a new permit will be required prior to recommencing grading, filling or clearing activities and will be subject to city standards in effect at the time of the new permit unless the applicant can demonstrate justification for the delay to the satisfaction of the city engineer. Work to maintain winterization requirements shall not be considered inactivity.

F. *Inspection.* Construction or work for which a permit is required shall be subject to inspection by the city engineer, or designee, and such construction or work shall remain accessible for inspection purposes until approved by the city engineer or designee.

G. *Revocation of Permits.* Failure of the property owner and/or permittee to comply with any or all of the provisions of this chapter or any or all provisions of a land clearing, filling, or grading permit may cause the city engineer to revoke the permit. If the permit is revoked, all operations shall cease until such time that the noncompliance is corrected.

H. Where applicable, the property owner is responsible for obtaining the appropriate permits from the city when the public right-of-way is used to clear, stockpile, or load products and/or debris resulting from any land disturbing activity.

I. *Penalties.* Any violation of the requirements of this chapter or the conditions of a land clearing, filling, and grading permit shall be enforced pursuant to the provisions of Chapter [1.25](#) ACC; provided, that the penalty for such violation shall be \$500.00, and each day, location and/or incident shall constitute a separate civil infraction. Additionally, each violator (each individual participating in a violation) shall constitute separate violations; provided, that if a violation involves more than 30,000 cubic yards of grading or fill work or more than 15 acres of land clearing, it shall constitute a misdemeanor punishable by up to a \$1,000 fine or up to 90 days in jail or both.

Any person who clears or disturbs property without first securing a permit pursuant to this chapter shall be subject to the penalties of this section and may be required to restore the site to the satisfaction of the city engineer. In addition all activity on the property shall cease until such time that a permit has been issued and there shall be no issuance of any other permit or approval until such time that a land clearing or filling and grading permit has been approved.

J. *Appeals.* Any person aggrieved by the decision of the city engineer may, within 10 business days of the city engineer's written decision, appeal the decision to the hearing examiner who shall conduct a public hearing pursuant to ACC [18.70.040](#).

Section 23. Amendment to City Code. Section 15.74.050 of the Auburn City

Code is amended to read as follows:

A. The following are exempt from the requirements of this chapter:

1. Removal of dead or diseased trees, shrubs, or ground cover.
2. Clearing and grading associated with continuous agricultural uses, excluding timber cutting not otherwise exempted.
3. Clearing and grading not to exceed 6,999 square feet of area within individual lots, for the purpose of the construction of a single-family home or duplex, provided a building permit has been issued by the city prior to commencing the clearing and grading activities and construction of the structure starts within 90 days of commencing clearing and grading activities.
4. The removal of up to six trees per lot within any 12-month period, or for lots greater than one acre, up to six trees per acre within any 12-month period, with fractional acres of one-half acre or more considered to be a whole acre.
5. Clearing and grading for the construction and maintenance of public facilities as approved by the city engineer to include water, sanitary sewer, streets, highways, storm drainage and related facilities.

6. Clearing and grading of areas temporarily used for activities associated with the construction of water, sanitary sewer, streets, highways, storm drainage and related facilities. Such areas shall be restored to the original condition or as approved by the city engineer upon construction completion. This exemption does not apply to critical areas, critical area buffers, vegetated areas that would be difficult to restore to the original condition, or areas that disturb over 1-acre. Temporary use is limited to no more than 180-days unless otherwise authorized through a city issued temporary use permit or an extension granted by the city engineer.

67. Removal of trees, shrubs, and ground cover in emergency situations involving immediate danger to life or property.

78. Routine landscape maintenance and minor repair.

89. Removal of trees and vegetation consistent with an approved surface mining permit.

910. Removal of a tree from property zoned residential that endangers a permanent structure by being closer to the structure than the distance from the base of the tree to its top, regardless of whether the tree is located on the same property as the structure.

110. Upon approval of the city engineer or designee, clearing and grading not to exceed 500 cubic yards consisting of excavations of less than five feet in vertical depth and/or fills less than eight inches of vertical depth.

124. Upon approval of the city engineer or designee, the temporary stockpiling of less than 500 cubic yards, combined, of topsoils, crushed rock, sawdust, mulch, bark, chips, or similar materials on a lot, tract, or parcel of land for a period not to exceed 12 months; provided, that the stockpile has adequate coverage to prevent erosion.

132. Upon approval of the city engineer or designee, the temporary stockpiling of organic or inorganic materials used in an approved construction project, provided the use, location, duration, and extent of the stockpile were disclosed through the

environmental or development review process. In no case shall a temporary stockpile remain beyond a 24-month period.

143. New plus replaced hard surfaces which have a surface area less than 2,000 square feet.

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

B. An exemption from clearing, filling, and grading permit requirements does not exempt a property owner from the policies, criteria, and standards contained in this chapter or other applicable local, state, or federal regulations or permit requirements.

C. The property owner is responsible to ensure that clearing of any trees that are within striking distance of a structure or have the potential to cause damage to others is performed by a licensed and bonded contractor.

Section 24. Repealing City Code. Chapters 15.04, 15.06, and 15.48 of the Auburn City Code are repealed.

Section 25. Constitutionality and Invalidity. If any section, subsection sentence, clause, phrase or portion of this Ordinance, is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 26. Implementation. The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 27. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law, on the effective date of October 29, 2023, or in the event of delay of implementation, the effective date as determined by the Washington State Building Code Council, whichever date is latest.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

ATTEST:

NANCY BACKUS, Mayor

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

Published: _____