

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING CERTAIN SECTIONS OF OLYMPIA MUNICIPAL CODE TITLE 16, BUILDING CODE REGULATIONS, BY REPEALING EXISTING INTERNATIONAL CODES AND ADOPTING NEW INTERNATIONAL CODES AS ADOPTED AND AMENDED BY THE STATE OF WASHINGTON AND THE CITY OF OLYMPIA, AND MAKING OTHER TECHNICAL AMENDMENTS

WHEREAS, the State of Washington requires cities to enact building codes and regulations and to provide for their administration, enforcement, and amendment; and

WHEREAS, the regulation of building and building construction by the City of Olympia (the "City") is necessary to protect the public health, safety, and welfare; and

WHEREAS, the Olympia City Council desires to protect the safety and welfare of the citizens of the City through regulation of construction activities and maintenance of buildings in the City; and

WHEREAS, the City has previously adopted multiple international codes; and

WHEREAS, more recent international codes have been adopted by the State of Washington; and

WHEREAS, the City is required by the Revised Code of Washington (RCW) Section 19.27 to adopt the State of Washington Building Codes; and

WHEREAS, City staff has reviewed the newly adopted international codes as compared to the City's existing codes; and

WHEREAS, City staff recommends adopting the international codes provided for herein along with certain State and local amendments; and

WHEREAS, City staff presented the international codes provided for herein along with their amendments to the City of Olympia Land Use and Environment Committee; and

WHEREAS, on November 19, 2020 the Land Use and Environment Committee voted to recommend approval of the provisions regulating construction through use of the State-adopted codes set forth herein; and

WHEREAS, the Ordinance is supported by the staff report and materials associated with this Ordinance, along with other documents on file with the City of Olympia; and

WHEREAS, this Ordinance is also supported by the professional judgment and experience of the City staff who have worked on this proposal;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 16.04.020. Olympia Municipal Code Section 16.04.020 is hereby amended to read as follows:

16.04.020 Adoption of Referenced Codes – Purpose

A. Pursuant to RCW 19.27.031, the City of Olympia hereby adopts the following codes, as amended by the Washington State Building Code Council, and as thereafter amended by the City of Olympia, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, use and occupancy, location and maintenance of buildings and structures, as well as the installation, repair, replacement or alteration of electrical, mechanical, and plumbing systems along with their associated equipment, appliances, fixtures, fittings and appurtenances thereto, and providing for the issuance of permits and collection of fees, providing penalties for the violation of such codes and each and all of the regulations, provisions, conditions and terms of these code standards, rules and regulations and appendices as noted. One copy of each code shall be on file with the City Clerk and can also be accessed electronically by the following hyperlinks provided within this section.

1. International Building Code Adopted.

The ~~2015~~ 2018 Edition of the International Building Code, hereafter IBC, as adopted by the State Building Code Council in Chapter 51-50 WAC (excluding Chapter 1, Section 101.4.3 "Plumbing"; excluding Chapter 1, Section 105.2 "work exempt from permit", item 3, "Oil Derricks"; excluding Chapter 1, Section 110.3.5 "Exception"; excluding Chapter 1, Section 113, Board of Appeals), as published by the International Code Council, Inc. (ICC), including ICC A117.1-2009 "Accessible and usable buildings and facilities", and the following Appendices are hereby adopted:

~~Appendix D, Fire Districts~~

Appendix E, Supplementary Accessibility Requirements ICC A117.2009

Appendix G, Flood resistant construction-

Appendix J, Grading-

2. International Residential Code Adopted.

The ~~2015~~ 2018 Edition of the International Residential Code, hereafter IRC, as published by the International Code Council, Inc. (ICC), as adopted by the State Building Code Council in Chapter 51-51 WAC (excluding Chapter 1, Section R112, Board of Appeals, Chapter 11, and Chapters 25 through 43), except that Chapter 25, Section P2904 is adopted and the following Appendices are hereby adopted:

Appendix F Passive Radon Gas Controls

~~Appendix K, Sound transmission~~

Appendix Q, ~~Dwelling Unit Fire Sprinkler Systems~~ Tiny Houses

Appendix U, Dwelling Unit Fire Sprinkler Systems

3. International Mechanical Code Adopted.

The ~~2015~~ 2018 Edition of the International Mechanical Code, hereafter IMC, as published by the International Code Council, Inc. (ICC), as adopted by the State Building Code Council in Chapter 51-52 WAC (excluding Chapter 1, Section 109, Means of Appeals), is hereby adopted, and includes adoption of the ~~2015~~ 2018 Edition of the ANSI Z223.1/NFPA 54 National Fuel Gas Code and the ~~2014~~ 2017 Liquefied Gas Code (NFPA 58) except as otherwise specified by the adoption of referenced Codes.

4. Uniform Plumbing Code Adopted.

The ~~2015~~ 2018 Edition of the Uniform Plumbing Code, hereafter UPC, as published by the International Association of Plumbing and Mechanical Officials (IAPMO), as adopted by the State Building Code Council in Chapters 51-56 WAC, and ~~51-57 WAC (excluding Chapter 1, Section 1.2.4, Appeals, Chapter 12 and Chapter 14)~~, and the following Appendices are hereby adopted:

Appendix A, Pipe-sizing

~~Appendix B, Notes on combination waste/venting~~

~~Appendix I, Installation Standards~~

5. International Energy Conservation Code/Washington Residential and Commercial Energy Codes Adopted.

Washington State Residential Energy Code, Chapter 51-11R WAC, excluding SECTION R109 BOARD OF APPEALS

The ~~2015~~ 2018 Edition of the Washington State Residential Energy Code ~~including referenced appendix chapters,~~ and the following Appendices are hereby adopted:

~~Washington State Commercial Energy Code, Chapter 51-11C WAC~~

~~The 2015 Edition of the Washington State Commercial Energy Code including referenced appendix chapters.~~

Appendix RA, Optional Energy Efficiency Measures – One Step

Appendix RB, Optional Energy Efficiency Measures – Two Step

Appendix RC, Outdoor Design Temperatures for Washington Proponent Options

6. International Energy Conservation Code/Washington Commercial Energy Codes Adopted.

Washington State Commercial Energy Code, Chapter 51-11C WAC, excluding SECTION R109 BOARD OF APPEALS

The 2018 Edition of the Washington State Commercial Energy Code and the following Appendices are hereby adopted:

Appendix A, Default Heat Loss Coefficients

Appendix B, Default Internal Load Values and Schedules

Appendix C, Exterior Design Conditions

Appendix, D, Calculation of HVAC Total System Performance Ratio

Appendix E, Renewable Energy

Appendix F, Outcome-Based Energy Budget

67. Manufactured Home Standards adopted.

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

78. International Fire Code Adopted.

The ~~2015~~ 2018 Edition of the International Fire Code, herein IFC, as published by the International Code Council (ICC), as adopted by the State Building Code Council in Chapter 51-54 WAC (excluding Chapter 1, Section 108, Board of Appeals), and the following Appendices are hereby adopted:

Appendix B, Fire-Flow requirements for Buildings

Appendix E, Hazard Categories

Appendix F, Hazard Rankings

Appendix G, Cryogenic Fluids-Weight and Volume Equivalents

Appendix H, Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions

Appendix I, Fire Protection Systems-Noncompliant Conditions

89. International Existing Building Code Adopted.

The ~~2015~~ 2018 Edition of the International Existing Building Code, as published by the International Code Council (excluding Chapter 1, Section 112, Board of Appeals), is hereby adopted as the Existing Building Code of the City of Olympia for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and term of said Existing Building Code., and the following Appendix is hereby adopted:

Appendix A, Guidelines for the Seismic Retrofit of Existing Buildings

910. ~~The-International Swimming Pool and Spa Code Adopted.~~

The ~~2015~~ 2018 International Swimming Pool and Spa Code, as published by the International Code Council (by reference in the 2018 International Building Code WAC 51.50, Section 3109 and the 2018 International Residential Code WAC 51-51, Section 38), is hereby adopted regulating the installation of pools and spas, including ANSI/APSP/ICC-7 Standards for Suction Entrapment Avoidance.

11. International Fuel Gas Code Adopted.

The 2018 International Fuel Gas Code, as published by the International Code Council, is hereby adopted as the Fuel Gas Code for the City of Olympia.

Section 2. Amendment of OMC 16.04.040. Olympia Municipal Code Section 16.04.040 is hereby amended to read as follows:

16.04.040 Amendments to the Referenced Codes

A. International Building Code Amendments. The following sections of the International Building Code (IBC), as adopted by this Ordinance, are amended to read as follows:

1. Amend Section 105.2 Work Exempt from Permit, item 1 to read: One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 200 square feet (18.58 m²).
2. Amend Section 105.2 Work Exempt from Permit, item 2 to read: Fences not over 6 feet (1828.8mm) high.
3. Amend Section 110.3.10 Final inspection. The final inspection is to be made after all conditions of SEPA, Hearings Examiner, Design Review, Development Engineering, Stormwater Ordinance, and the Tree, Soil and Native Vegetation Ordinance are either complied with or bonded for at a rate of 125% in addition to finish grading; and the building is completed and ready for occupancy.
4. Amend Section 111.2 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws and regulations, which are enforced, by the Community Planning and Development Department, the Building Official shall issue a Certificate of Occupancy, which shall contain the following:
 - a. The building permit number.
 - b. The address of the structure.
 - c. The name and address of the owner or the owner's authorized agent.
 - d. A description of that portion of the structure for which the certificate is issued.
 - e. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
 - f. The name of the Building Official.
 - g. The edition of the code under which the permit was issued.
 - h. The name of the tenant, use and occupancy, in accordance with the provisions of Chapter 3.
 - i. The type of construction as defined in Chapter 6.
 - j. The design occupant load.
 - k. If an automatic sprinkler system is provided, whether the sprinkler system is required.
 - l. Any special stipulations or conditions of the building permit.
5. Add Subsection 903.2 Additional Sprinkler Requirements. There are additional sprinkler requirements in all structures or buildings where the gross square footage, basements included, exceeds 5,000 square feet, or in all structures or buildings more than three stories in height (unless other sections are more restrictive). The area and height increases specified in IBC Sections 504, 506, and 507 shall be permitted. For the purposes of this section, portions of buildings separated by a fire wall may be considered as separate buildings, except that the entire gross floor area of all floors will be used to determine fire sprinkler requirements.

In addition, in all buildings, including single family residences, where the fire perimeter access (as required under OMC 16.32.050) or access roadways for fire apparatus cannot be provided due to design and/or location, fire sprinkler systems may be required.

~~6.— Amend Section 111.2 Certificate issued. Once the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws and regulations that are enforced by the Community Planning and Development Department the Building Official shall issue a Certificate of Occupancy, that contains the following:~~

- ~~a.—The building permit number.~~
- ~~b.—The address of the structure.~~
- ~~c.—The name and address of the owner or the owner's agent.~~
- ~~d.—A description of that portion of the building for which the certificate is issued.~~
- ~~e.—A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.~~
- ~~f.—The name of the Building Official.~~
- ~~g.—The edition of the code under which the permit was issued.~~
- ~~h.—The use and occupancy, in accordance with the provisions of Chapter 3.~~
- ~~i.—The type of construction as defined in Chapter 6.~~
- ~~j.—The design occupant load.~~
- ~~k.—If an automatic sprinkler system is provided, whether the sprinkler system is required.~~
- ~~l.—Any special stipulations or conditions of the building permit.~~

B. International Residential Code Amendments. The following sections of the International Residential Code (IRC), as adopted by this Ordinance, are amended to read as follows:

1. Amend Section R105.2 Work Exempt from Permit, item 2 to read: Fences not over 6 feet (1828.8mm) high.
2. Amend Section R110.3 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws and regulations, which are enforced, by the Community Planning and Development Department, the Building Official shall issue a Certificate of Occupancy, which shall contain the following:
 - a. The building permit number.
 - b. The address of the structure.
 - c. The name and address of the owner or the owners authorized agent.
 - d. A description of that portion of the structure for which the certificate is issued.
 - e. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
 - f. The name of the Building Official.
 - g. The edition of the code under which the permit was issued.

- h. The use and occupancy.
 - i. The type of construction as defined in Chapter 6 of the International Building Code.
 - j. The design occupant load.
 - k. If an automatic sprinkler system is provided, whether the sprinkler system is required.
 - l. Any special stipulations or conditions of the building permit.
3. Amend Table R301.2 (a), Climatic and Geographic Design Criteria, as follows:

Climatic and Geographic Design Criteria

IRC Table R301.2(1)

SUBJECT TO DAMAGE FROM										
ROOF SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	Weathering	Front Line Depth	Termite	WINTER DESIGN TEMP (Degrees)	ICE SHIELD UNDER-LAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX (degrees)	MEAN ANNUAL TEMP (degrees)
25	110	D1	Moderate	12"	Slight to Moderate	17	No	Sept. 1, 2016	170	51

4. Add Section R313.2 Automatic Sprinkler System Requirements. A fully automatic residential fire sprinkler system shall be designed, installed, tested and maintained per N.F.P.A. (National Fire Protection Association) 13, current edition, RCW 18.160 and the approval of the Fire Chief, in all structures subject to this code pursuant to Section R101.2 (including additions and alterations to structures with existing sprinkler systems).

Section 3. Amendment of OMC 16.04.000. Olympia Municipal Code Section 16.04.000 is hereby amended to read as follows:

**Chapter 16.04
BUILDING CODES**

16.04.000 Chapter Contents

Sections:

Article I. BUILDING CODES

- 16.04.010 The "Building Code."
- 16.04.020 Adoption of Referenced Codes -- Purpose.
- 16.04.030 General Requirements for all Referenced Codes.
- 16.04.040 Amendments to the Referenced Codes.
- 16.04.050 Duties and Powers of Building Official -- General.
- 16.04.060 Building Codes, Appeals.
- 16.04.070 Violations, Penalties and Nuisance.

Article II. ~~FIRE DISTRICT RESERVED~~

~~16.04.110 Ordinance Creating and Establishing a Fire District.~~

Article III. RESERVED

Article IV. FLOATING BOAT MOORAGE

- 16.04.160 Purpose of regulations.
- 16.04.170 Applicability.
- 16.04.180 Content generally.
- 16.04.190 Definitions.
- 16.04.200 Permit required for construction.
- 16.04.220 Construction materials.
- 16.04.230 Size, spacing and fire protection requirements.
- 16.04.240 Fueling facility requirements.

Article V. RESERVED

Article VI. MOBILE/MANUFACTURED HOUSING

- 16.04.390 Definitions.
- 16.04.400 Incorporation of certain WAC provisions -- Nonconforming housing.
- 16.04.410 Installation permit required -- Smoke detectors required when.
- 16.04.430 Electrical connection permit.
- 16.04.440 Plumbing permit.
- 16.04.450 Permit expiration -- Extension.
- 16.04.460 Use of mobile housing for nonresidential purposes.

Article VII. FLOODPLAIN DEVELOPMENT

- 16.04.500 Floodplain Development.

Section 5. Amendment of OMC 16.05.040. Olympia Municipal Code Section 16.05.040 is hereby amended to read as follows:

16.05.040 Sprinkler Protection

The building shall be protected throughout by an automatic sprinkler system complying with the International Building Code and Section 903.3.1.1 (NFPA 13) as contained in the ~~2009~~ 2018 International Building Code and as may be further modified by Chapter 16.40. The automatic sprinkler system shall not substitute for one-hour fire-resistive construction.

The sprinkler system shall be fitted with residential sprinkler heads in addition to providing areas of refuge (AOR) at required exits that are not grade accessible.

Section 6. Amendment of OMC 16.06.010. Olympia Municipal Code Section 16.06.010 is hereby amended to read as follows:

16.06.010 International Property Maintenance Code adopted –Purpose and Administration

A. PURPOSE

The International Property Maintenance Code, ~~2015~~ 2018 edition, as published by the International Code Council, and herein amended by the City of Olympia, is hereby adopted as the Property Maintenance Code of the City of Olympia for the following purposes: (1) regulating and governing the conditions and maintenance of all property, buildings, and structures; (2) providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; (3) authorizing the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and (4) providing for the issuance of permits and collection of fees therefore, and each and all of the regulations, provisions, penalties, conditions and terms referred to, adopted, and made a part hereof, as fully set out in this Ordinance.

B. ADMINISTRATION - GENERAL

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Olympia, hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and shall constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, 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.

C. 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. Where there is a conflict between general requirements and specific requirements, the specific requirements shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. 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, owner's authorized agent, operator or occupant shall cause any service, facility, equipment or utility that is required under this section to be removed from, 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 authorized 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 Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, Uniform Plumbing Code, and NFPA 70 (the currently adopted edition of the National Electrical Code). Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of Olympia Municipal Code.

Except as otherwise specifically stated, where conflicts occur within this Property Maintenance Code, or between the provisions of this Property Maintenance Code and the Building Code, Fire Code, Existing Building Code, Energy Code, Residential Code, Electrical Code, Zoning Code, or other regulations of the City, the more restrictive shall apply.

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 unsanitary.

102.5 Artisan-ship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in an artisan-like 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-Code Official to be safe and in 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 Section 16.06.080 and considered part of the requirements of this code to the prescribed extent of each such reference.

102.7.1 Conflicts. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7.2 Provisions in referenced codes and standards. Where there is conflict among this code and a referenced code or standards, the provisions of this code govern.

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~~ Code Official or the Code Official's duly authorized representative.

102.9 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.

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

D. PROPERTY MAINTENANCE INSPECTION

103.1 General. The Community Planning and Development Department is responsible for property maintenance inspection.

103.2 Appointment. The Code Official shall be appointed by the appointing authority. The Director of the Community Planning and Development Department shall be the appointing authority for the Department.

103.3 Code Official. ~~In accordance with the prescribed procedures of this jurisdiction, the Code Official shall appoint other related technical officers, inspectors and other employees as delegated by the appointing authority the City, and with concurrence of the appointing authority, the Code Official may appoint one or more deputies, to be known as Code Enforcement Officers. Such Code Enforcement Officers have powers as delegated by the Code Official.~~

103.4 Liability. The Code Official, the Hearing Examiner, Code Enforcement Officers, and employees charged with the enforcement of this code, while acting for the City in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, may not be held civilly or criminally liable personally, and are hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as set forth in Olympia Municipal Code Section 4.36.010 (Building Code review and permit fees) as currently enacted or as amended.

E. DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. ~~The code official~~ Code Official and Code Enforcement Officers shall enforce the provisions of this code. ~~The code official~~ Code Official shall have authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Inspections. ~~The code official~~ Code Official and Code Enforcement Officers shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. 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~~ Code Official and Code Enforcement Officers are 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.

104.2.1 Initial Inspection and Enforcement. An initial enforcement inspection shall be undertaken against buildings or properties whenever the ~~code official~~ Code Official or Code Enforcement Officer has reason to believe that a violation of this code exists; or a complaint is filed with the department by any person.

104.3 Right of entry. ~~The code official is~~ Code Official and Code Enforcement Officers are authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, ~~the code official is~~ Code Official or Code Enforcement Officer is authorized to pursue recourse as provided by law. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the Code Official or Code Enforcement Officer has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the Code Official or Code Enforcement Officer is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied, the Code Official or Code Enforcement Officer shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Code Official or Code Enforcement Officer shall first make reasonable effort to locate the owner, owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official or Code Enforcement Officer may utilize the remedies provided by law to secure entry.

104.4 Identification. The ~~code official~~ Code Official and Code Enforcement Officers shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.5 Notices and orders. The ~~code official~~ Code Official and Code Enforcement Officers shall issue all necessary notices or orders to ensure compliance with this code.

104.6 Department records. The ~~code official~~ Code Official and Code Enforcement Officers shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall must be retained in the official records for the period required for retention of public records.

F. APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the ~~code official shall have the authority to~~ Code Official may grant modifications for individual cases upon application of the owner or owner's authorized agent, provided the ~~code official~~ Code Official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code, and that such modification does not lesson health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department 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 material or method of construction has been approved and complies with all other codes adopted by the City of Olympia. An alternative material or method of construction shall be approved where the ~~code official~~ Code Official finds that the proposed design is satisfactory and complies with all other codes adopted by the City of Olympia and 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. Where the alternative material, design or method of construction is not approved, the ~~code official~~ Code Official shall respond in writing, stating the reasons the alternate was not approved.

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~~ 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~~ 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~~ Code Official for the period required for retention of public records.

105.4 Material and equipment reuse. The use of used materials that meet the requirements of this code for new materials is permitted. 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 by the ~~code official~~ Code Official.

105.5 Approved materials and equipment. Materials, equipment and devices approved by the ~~code official~~ Code Official shall be constructed and installed in accordance with such approval.

105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

G. 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~~ 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 subject to the following:

a. On first offense, the violation shall constitute a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000), and/or imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment.

b. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this title or the terms or provisions of a Notice of Violation issued under OMC Chapter 16.06. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

i. First offense: Class 3 (\$50), not including statutory assessments.

ii. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.

iii. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

See also OMC Chapter 4.44, Uniform Civil Enforcement.

c. If the notice of violation is not complied with, the ~~code official~~ 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. The costs of any action taken by the City of Olympia on such premises, including but not limited to attorney's fees, contractors, engineers and all other costs of any kind, shall be charged against the real property upon which the structure is located and shall be a lien on such real property in accordance with the procedures set forth in Section 110.3 of this code.

106.4 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. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

106.5 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.

H. NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the ~~code official~~Code Official or Code Enforcement Officer determines that there has been a violation of this code or has grounds to believe that a violation has occurred, ~~notice shall be given the Code Official or Code Enforcement Officer~~ shall give notice 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 condemnation procedures shall also comply with Section 108.3.

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. Inform the property owner or owner's authorized agent of the right to appeal.
6. 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;
2. Sent by certified or 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.

If the whereabouts of any of such person is unknown and the same cannot be ascertained by the ~~code official~~Code Official or Code Enforcement Officer in the exercise of reasonable diligence, and the ~~code official~~Code Official or Code Enforcement Officer makes an affidavit to that effect, then the serving of such complaint or order upon such persons may be made either by personal service or by mailing a copy of the complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the building involved in the proceedings, and mailing a copy of the complaint and order by first class mail to any address of each such person in the records of the county assessor or the county auditor for the county where the property is located.

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.

107.5 Unauthorized tampering. Signs, tags, or seals posted or affixed by the ~~code official~~Code Official or Code Enforcement Officer shall not be mutilated, destroyed or tampered with, or removed without authorization from the ~~code official~~Code Official or Code Enforcement Officer.

~~107.6 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.~~

107.7~~6~~ Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of

the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent ~~shall first~~ furnishes the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the ~~code official~~ Code Official and shall furnish to the ~~code official~~ Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

I. UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the ~~code official~~ Code Official or their designee to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, healthy, 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~~ Code Official or their designee finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, 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.

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that have any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one-half the original design value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal of movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its intended use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to enter the building or structure for committing a nuisance or an unlawful act.
8. 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 approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. 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, ventilation, mechanical or plumbing systems, or otherwise is determined by the ~~code official~~ Code Official or their designee to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical systems, plumbing system or other cause, is determined by the ~~code official~~ Code Official or their designee to be a threat to life or health.
11. Any portion of a building remains on site after the demolition or destruction of the building or structure or whenever the building of any structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

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~~ Code Official or their designee is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the ~~code official~~ Code Official or their designee 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 such costs will be recoverable pursuant to the provisions of this code.

108.2.1 Authority to disconnect service utilities. The ~~code official~~ Code Official or their designee shall have the authority to authorize disconnections of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in section 102.3 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The ~~code official~~ Code Official or their designee shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner, owner's authorized agent or occupant of the building or structure or service system shall be notified in writing as soon as practical thereafter.

108.3 Notice. Whenever the ~~code official~~ Code Official or their designee has condemned a structure or equipment 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, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Sections 107.1, 107.2 and 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the ~~code official~~ Code Official or their designee shall post on the premises or on defective equipment a placard bearing the word "Condemned" 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~~ Code Official or their designee shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the ~~code official~~ Code Official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the ~~code official~~ Code Official or their designee shall be vacated as ordered by the ~~code official~~ Code Official or their designee. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Abatement methods. The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the ~~code official~~ Code Official or their designee shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

108.7 Record. The ~~code official~~ Code Official or their designee shall file a report of investigation of unsafe conditions stating the occupancy of the structure and the unsafe condition.

J. EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the ~~code official~~ Code Official or their designee, there is imminent danger of failure or collapse of a building or structure which endangers life, 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~~ Code Official or their designee is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The ~~code official~~ Code Official or their designee 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.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the ~~code official~~ Code Official or their designee, there is imminent danger due to an unsafe condition, the ~~code official~~ Code Official or their designee 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~~ Code Official or their designee deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the ~~code official~~ Code Official or their designee 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.

109.4 Emergency repairs. For the purposes of this section, the ~~code official~~ Code Official or their designee shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 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.

109.6 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.

K. DEMOLITION

110.1 General. The ~~code official~~ Code Official or their designee shall order the owner or the owner's authorized agent of any premises upon which is located any structure, which in the ~~code official's~~ Code Official's or their designee'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 is unreasonable to repair the structure, to demolish and remove such structure; 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 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 that the building or structure has become dangerous as defined in this code, the ~~code official~~ Code Official or their designee shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the ~~code official~~ Code Official or their designee.

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

110.3 Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the ~~code official~~ Code Official or their designee 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.

If the party responsible under Section 102.2, or other sections of this Code, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building structure or premises, the ~~code official~~ Code Official or their designee may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished.

The amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the ~~code official~~ Code Official or their designee, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification by the Clerk of the City of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in Revised Code of Washington 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the Building Demolition and Nuisance Abatement revolving fund of the City.

The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.

110.4 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. 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.

L. MEANS OF APPEAL

111. Means of Appeal. Any person adversely affected or aggrieved by a decision of the ~~code official~~ Code Official or their designee or a notice or order issued under this code may appeal to the hearings examiner pursuant to the Olympia Municipal Code Chapter 18.75, provided that a written application for appeal is filed within fourteen (14) days after the day the decision, notice or order was served. An appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder 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.

Section 7. Amendment of OMC 16.06.020.B. Olympia Municipal Code Subsection 16.06.020.B is hereby amended to read as follows:

16.06.020 Definitions

B. GENERAL DEFINITIONS

1. Anchored. Secured in a manner that provides positive connection.
2. Approved. Approved by the ~~code official~~ Code Official.
3. Basement. That portion of a building which is partly or completely below grade.
4. Bathroom. A room containing plumbing fixtures, including a bathtub or shower.
5. Bedroom. Any room or space used or intended to be used for sleeping purposes, in either a dwelling or sleeping unit.
6. Code Official. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.
7. Condemn. To adjudge unfit for occupancy.
8. Cost of such demolition or emergency repairs. The cost of shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to the demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to the demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a ~~code official~~ Code Official, the governing body or board of appeals.
9. Department. The City of Olympia Community Planning and Development Department.

10. Detached. When a structure element is physically disconnected from another and that connection is necessary to provide a positive connection.
11. Deterioration. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.
12. Director. The Director of the City of Olympia Community Planning and Development Department.
13. 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.
14. 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.
15. Equipment Support. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.
16. Exterior Property. The open space on the premises and on adjoining property under the control of owners or operators of such premises.
17. Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
18. 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.
19. 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.
20. Historic Building. Any building or structure that is one or more of the following:
 1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in National Register of Historic Places.
 2. Designated as historic under an applicable state or local law.
 3. Certified as a contributing resource within National Register or state or locally designated historic structure.
21. 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.
22. Imminent Danger. A condition which could cause serious or life-threatening injury or death at any time.
23. Infestation. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
24. 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.

25. Labeled. Equipment, materials or products 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 whose labeling either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.
26. 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.
27. Neglect. The lack of proper maintenance for a building or structure.
28. Occupancy. The purpose for which a building or portion thereof is utilized or occupied.
29. Occupant. Any individual living or sleeping in a building, or having possession of a space within in a building.
30. Openable Area. That part of window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.
31. Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
32. 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.
33. Person. An individual, corporation, partnership or any other group acting as a unit.
34. Pest Elimination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.
35. Premises. A lot, plot or parcel of land, easement or public way, including any structures thereon.
36. 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.
37. 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.
38. 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.
39. 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.

40. 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.
41. Strict Liability Offense. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.
42. Structure. That which is built or constructed or a portion thereof.
43. Tenant. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.
44. Toilet room. A room containing a water closet or urinal, but not a bathtub or shower.
45. Ultimate deformation. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.
46. Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.
47. Artisanlike. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.
48. Yard. An open space on the same lot with a structure.
49. Weeds. Weeds means all grasses, annual plants, and vegetation, other than trees or shrubs; provided, however, this term does not include cultivated flowers and gardens.

Section 8. Amendment of OMC 16.06.030.B. Olympia Municipal Code Subsection 16.06.030.B is hereby amended to read as follows:

16.06.030 General Requirements

B. EXTERIOR PROPERTY AREAS

302.1 Sanitation. 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.

302.2 Grading and Drainage. Premises shall be graded and maintained to prevent erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

EXCEPTION: Approved retention areas and reservoirs.

302.3 Sidewalks and driveway. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds, brush, bushes or shrubs, and other vegetation. All property owners, and all persons in control of property, shall keep all exterior property areas, including the planting strip, free from blight and from overgrowth in excess of 12 inches in height, including but not limited to lawn grass, plants, nuisance weeds, blackberries, and other vegetation. All noxious weeds identified on the Thurston County Noxious Weed Control list are prohibited. After service of a notice of violation, a person violating this subsection is subject to OMC 16.06.010, Section 106.3. Upon failure by the property owner or person in control of property to comply with the notice of violation, any duly authorized employee of the City or contractor

hired by the City is authorized to enter upon the property in violation and remove the grass, brush, bushes, noxious weeds, nuisance weeds, etc. growing thereon, and the property owner or person in control of the property shall pay the costs of such removal.

EXCEPTION: Agricultural areas within the City of Olympia (crops, livestock, farming, etc.) are exempt from this subsection.

302.5 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 reinfestation.

302.6 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.

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

302.8 Motor Vehicles. Except as provided for in other regulations, no inoperative or unlicensed 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. For purposes of this section "vehicle" is defined in the Revised Code of Washington Section 46.04.670.

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.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

302.10 Recreational vehicles or other vehicles. No recreational vehicle as defined by the Olympia Municipal Code Chapter 18.02.180 or other vehicles shall be used for the purpose of living, sleeping, cooking or any similar use while parked on publicly owned or private property.

302.11 Cargo containers and semi-trailers.

302.11.1 Cargo containers, except as otherwise permitted by Olympia Municipal Code Title 18 shall not be permitted to be used as storage buildings. Cargo containers which are permitted by the land use regulatory code to be used as storage buildings shall be provided with a foundation system that provides adequate clearance from the ground to prevent deterioration and shall be provided with an anchorage system to prevent sliding or overturning by wind or seismic forces prescribed by the building code.

302.11.2 Semi trailers shall not be used as storage buildings.

302.12 Additional nuisances.

- A. Causing or allowing any human or animal waste, poison, poison oak or ivy, or noxious substance to be collected or to remain in any place, street, highway, or alley in the City in a manner which is reasonably offensive to the public; or
- B. Obstructing or encroaching upon or rendering unsafe for passage any public highway, private way, street, sidewalk, trail, alley, park, square, driveway, lake, or stream in the City; or
- C. Excavating or maintaining on public or private property any hole, excavation or pit which is reasonably dangerous to the public or adjacent property.

302.13 Swimming pools. A property owner or person in control of property shall maintain any swimming pools pursuant to the Swimming Pool Spa and Hot Tub Code, state building codes, and other applicable federal, state, and local laws. A property owner or person in control of property shall maintain any swimming pool in a clean and sanitary condition and in good repair.

Section 9. Amendment of OMC 16.24.020. Olympia Municipal Code Section 16.24.020 is hereby amended to read as follows:

16.24.020 Adoption of National Electrical Code Article 80

The National Electrical Code (NEC) is amended and supplemented by the addition of a new Article to be known as Article 80 – Adoption, to read as follows:

Article 80 - Adoption

80.1 Short Title. These regulations ~~shall be~~ are known as the City of Olympia Electrical Code and ~~shall~~ must be cited as such and will be referred to herein as "this Code."

80.3 Washington Cities Electrical Code Adopted. The Washington Cities Electrical Code (WACEC) is hereby adopted and ~~shall be~~ is applicable within the City, as amended, added to and excepted in this Code.

80.4 Conflicts. In accordance with RCW 19.28.010(3), where the State of Washington, Department of Labor and Industries adopts a more current edition of the National Electrical Code (NFPA 70), the Code Official may supplement use of the WACEC with newly adopted editions of the National Electrical Code (NEC).

Including: Part 1 adopting the ~~2008~~ 2017 NEC and other necessary codes and standards adopted by the State of Washington.

Excluding: Part 2 amending the administrative chapter of the NEC based on portions of the ICC Electrical Code, as published by the International Code Council.

Including: Part 3 amending the NEC through supplements, deletions or revisions to be equal, higher, or better than the State of Washington's rules.

Section 10. Amendment of OMC 16.32.140. Olympia Municipal Code Section 16.32.140 is hereby amended to read as follows:

16.32.140 Amendment of Section ~~903.2.7~~ 903.2.8 of the International Fire Code

OMC Section 16.32.140. Amendment of Section ~~903.2.7~~. Section ~~903.2.7~~ 903.2.8 of the International Fire Code is hereby amended to read as follows:

~~903.2.7~~ 903.2.8 Group R. Except as provided in Section ~~903.2.7.1~~ 903.2.8.1 below, an automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

~~903.2.7.1~~ 903.2.8.1. Group R-3. Automatic Sprinkler System Requirements. A fully automatic residential fire sprinkler system shall be designed, installed, tested and maintained per N.F.P.A. (National Fire Protection Association) 13D, ~~current edition~~, RCW 18.160 and the approval of the Fire Chief, ~~in all Group R-3 structures (including additions and alterations to structures with existing sprinkler systems) when:~~ The following Group R3 structures require NFPA 13D sprinkler systems:

~~(a) the structures are constructed within subdivisions in which internal streets are required to be constructed in accordance with the provisions of Chapter 4, Standard Plan 4-2J of the Engineering Design and Development Standards, as the same were amended in December, 2006, except as provided below; and~~

~~(b) the application for subdivision approval for the subdivision in which the structure is located became vested by operation of law on or after December 1, 2006.~~

a. New single family residential units of any size.

b. New Accessory Dwelling Units (ADUs) with utilities served by a residential unit that has an existing sprinkler system.

c. Any change of use to a residential structure.

d. Any structure that is being demolished and rebuilt for residential use.

e. Any structure that is adding greater than 50 percent of the existing square footage.

f. Any structure that has been damaged by fire such that greater than 50 percent of the structure is being reconstructed or is defined as substantially damaged per applicable code or as determined by the Building Official, or the Building Official's designee, or the Fire Chief, or the Fire Chief's designee.

g. Any modular, factory-built dwelling or mobile home that is being placed on an established mobile home or recreational vehicle park.

EXCEPTIONS:

a. Detached carports and greenhouses

b. Sheds and auxiliary structures under 200 square feet and not used for human habitation.

c. Garage conversions to ADU's and ADU's with utilities served by an existing single family residence that does not have an existing sprinkler system.

d. Temporary structures specifically designed as part of an emergency housing facility permitted under Chapter 18.50 OMC, or as otherwise permitted by this code, that serve as a temporary shelter to be removed at a future date as determined by the City of Olympia.

e. The removal and replacement of a modular, factory-built, or mobile home in similar kind based on square footage to be placed on an established mobile home or recreational vehicle park prior to January 1, 2021.

Section 11. Amendment of OMC 16.36.030. Olympia Municipal Code Section 16.36.030 is hereby amended to read as follows:

16.36.030 General requirements and regulations

~~Fire hydrants shall be installed in accordance with the requirements of this chapter. In addition, presently existing fire hydrants which do not conform with the requirements and standards of this chapter when replaced, shall be replaced with hydrants which do conform to the standards and requirements of this chapter. All fire hydrants shall be served by the city water system or as otherwise approved by the fire department. All hydrants shall be subject to testing, inspection and approval by the fire control division of the Olympia Fire Department. All fire hydrants must be served by the city water system in accordance with OMC Chapter 13.04 or as otherwise approved by the City Engineer and the Fire Department. All hydrants are subject to testing, inspection, and approval by the owner of each fire hydrant, in accordance with AWWA standards.~~

Section 12. Amendment of OMC 16.36.050. Olympia Municipal Code Section 16.36.050 is hereby amended to read as follows:

16.36.050 Installation requirements

The installation of all fire hydrants shall be in accordance with sound engineering practices and supplied by mains as prescribed under this chapter. In addition, the following requirements shall apply to all water main construction:

A. ~~Five copies~~A digital copy of the detailed plans or drawings, accurately indicating main size, the location of all valves, fire hydrants and thrust blocks to be installed, shall be submitted to the engineering department and fire department prior to the commencement of any construction.

B. All fire hydrants must be approved by the water superintendent or the water superintendent's designee prior to installation.

C. All construction of the fire hydrant installation and its attendant water system connection shall conform to the APWA standards or as amended by the city.

D. Fire hydrant installations shall be adequately protected against vehicular damage, in accordance with standards and specifications promulgated by the engineering department.

- E. An auxiliary gate valve shall be installed and connected to the hydrant, in accordance with standards and specifications promulgated by the engineering department to permit the repair and replacement of the hydrant without disruption of water service.
- F. All hydrants shall stand plumb, be set to the finished grade with the lowest outlet of the hydrant no less than 18" or more than 24" above the grade and have no less than 36" in diameter of clear area about the hydrant for the clearance of hydrant wrenches on both outlets and on the control valve.
- G. The pumper port shall face the street. Where the street cannot be clearly defined or recognized, the port shall face the most likely route of approach and location of the fire engine while pumping, all as determined by the fire department. The hydrant shall be installed within 15' of the street or access roadway.
- H. The hydrant lateral from the water main shall be no less than 6" in diameter when less than 50'.
- I. Hydrant spacing of 300' shall be required in commercial areas.
- J. Hydrant spacing of 300' shall be required in areas of multiple-family structures of three or more units and for single-family and duplex units built continuous with less than 10' of clearance between units.
- K. Hydrant spacing of ~~600'~~ 500' shall be required for single-family and duplex residential when there is ten or more feet of clearance between units.
- L. The Fire Department connection (FDC) shall be located to within 40 feet of the nearest fire hydrant.
- M. A maximum of ~~1,000'~~ 800' from hydrant to building will be allowed where no more than two group R division 3 or M occupancies, as specified in the Uniform Building Code, are being developed and there is ten or more feet of clearance between units.
- N. All mains servicing fire hydrants shall be a minimum of 6" in diameter when looped and 8" when said main is dead ended. Engineering calculations showing fire flow capabilities of the proposed mains at 20 psi residual must accompany all plans.
- O. All hydrants, pipes, valves, and related components shall meet the requirements of the Director of Public Works or the Director of Public Works' designee, using AWWA standards as a minimum.
- P. The Director of Public Works or the Director of Public Works' designee and the fire department shall be notified in writing of the date the fire hydrant installation and its attendant water connection service will be available for use.
- Q. The fire department shall be notified when all newly installed hydrants or mains are placed in service.

Section 13. Amendment of OMC 16.44.060. Olympia Municipal Code Section 16.44.060 is hereby amended to read as follows:

Article III. FIRE ALARM SYSTEMS

16.44.060 General regulation

A. Design. All fire alarm plans submitted for approval shall bear the designer's valid Washington State Low Voltage Specialty Electrical Contractor's License number or shall be stamped by a registered fire protection or electrical engineer.

B. Plans. All digital fire alarm system plans shall be submitted to the city for review and shall be approved prior to a permit being issued. ~~Three copies of detailed Digital~~ plans showing the location of all alarm equipment and detailed specifications on each type of device in the system shall be included and consist of the following:

1. Floor layout showing all rooms and spaces including accurate measurements ~~to a scale no smaller than 1/8" scale.~~
2. Identification of each room or space, i.e., office, lobby, attic, etc.
3. Details of ceiling height and construction type.
4. Location of each system component using the appropriate symbol.
5. Explanatory notes and legend to lend clarity to the plan and identify the manufacturer and model number of each alarm component used.
6. A wiring schematic clarifying type and size of wiring, which must comply with NFPA 70, and a point to point wiring diagram.
7. A copy of the technical specifications, to include battery calculations, for each component used in the makeup of the automatic fire alarm system. If the components are not all from the same manufacturer, UL cross listing compatibility cards are required.
8. Battery and voltage drop calculations.
9. Plans shall be submitted to the City of Olympia for review and approval prior to commencement of work.
10. Submit ~~three (3) sets of digital~~ plans and component specifications. Plans must show locations and type of each device in the system. Said plans shall ~~be floor plans to scale~~ include accurate measurements.
11. A plan check fee calculated under OMC Section 4.36.010 shall be paid to the City of Olympia at time of submittal of plans.
12. When a system is installed with automatic detection, such detection shall be provided in all rooms and areas including concealed spaces and attics. Attic spaces, above ceiling spaces, and

outside storage units on apartment buildings shall have fixed temperature detection. Automatic detection shall include the attic space of NFPA 13R sprinkled structures. Exception: Buildings protected by an approved NFPA 13 fire sprinkler system.

13. All components shall be low voltage direct current and compatible with the remainder of the system.

14. All components and wiring shall be supervised for defective devices, grounds, or breaks including annunciator, Emergency Responder Radio Coverage systems and Smoke Control systems if provided.

15. All components shall be listed by a national testing agency for the use intended.

16. All systems shall be provided with battery backup and battery charger.

17. All systems shall have a monitoring, maintenance, and testing contract, to become effective on the date of final acceptance. No final approvals will be scheduled until such contracts are received by the Olympia Fire Department.

18. All systems shall have the fire alarm control panel mounted so as to be readily visible arriving personnel or be provided with a remote annunciator. Such equipment shall be located so as to be protected from exposure to the elements.

19. All systems which are required to be extended to an alarm receiving agency shall transmit system trouble signals of any kind as well as alarms, including but not limited to: phone line supervision, battery trouble and line supervision. They shall transmit fire condition over trouble if the trouble is of such nature that it does not disable the entire system. The alarm receiving agency shall be U.L., F.M., or NFPA listed for commercial fire.

20. All systems shall have local audible trouble and audio/visual alarm signal devices. Audio/visual devices shall be sufficient in number and type to provide a minimum of 60 db in the most remote area. In commercial structures, audibility shall be ~~sufficient to be clearly heard a~~ minimum of 15 db over the ambient noise level of the area served. When the control panel is located remote to occupied areas, it shall, in addition to the panel trouble device, be provided with a remote trouble audible device in an area which is normally occupied. This device shall be labeled "Fire Alarm System Trouble."

21. Manual fire alarm stations shall be located within 5 feet of all required exits on each floor level and from the structure. Manual fire alarm stations in sprinklered buildings may be ~~deleted or the required number lessened at the discretion of the fire chief or the fire chief's designee~~ reduced to one in the sprinkler riser room and one in a constantly monitored location.

22. All alarm systems installed in a sprinklered structure shall include a zone for master water flow and shall supervise all sprinkler controlling valves. When a structure is provided with a zoned sprinkler system, the alarm shall be zoned in accordance with the sprinkler coverage zones.

23. All systems shall be inspected and tested thoroughly by the installer who shall submit a record of completion. Failure of a system to meet NFPA72 performance standards and standards found in this Chapter shall be a basis for additional inspection fees after the second final inspection.

24. All systems final acceptance is subject to wiring inspection (by electrical inspector), supervisory tests and proper functioning of all components. No Certificate of Occupancy shall be granted for the structure until satisfactory acceptance tests are accomplished.

25. Apartment buildings and townhomes that require a monitored fire alarm system shall have a ~~135-degree rate of rise (centrally located) and mini horn/strobe unit single station smoke/carbon monoxide detector and horn/strobe centrally located~~ in every unit. There shall be a low sounder in every sleep room with exception of studio apartment units. ~~Exception: a heat detector is not required in apartment units protected by approved fire sprinklers.~~

26. Smoke detectors shall be placed in all corridors and rooms which are intervening exit pathways.

27. A smoke detector shall be provided within ~~ten~~ six feet of fire alarm panel and other fire alarm control equipment which are in unattended locations.

C. Alterations and/or additions to existing systems must comply with the requirements of B above.

D. A maintenance testing agreement, signed by the building owner, shall be on record with the fire department prior to scheduling of final acceptance test.

E. Plan Check Fee. A fee equal to 65 percent of the permit fee shall be forfeited to the city at the time of submittal of plans.

F. Permit Fee. A fee equal to Table 1A of OMC 4.36.010, Building Valuation Table, with regional modifiers.

G. Reinspection Fees. A ~~\$85.00~~ \$175.00 reinspection fee shall be assessed when an inspector is requested to make an inspection or witness a test on a fire alarm or sprinkler system, and upon arrival finds the work is not ready for inspection, or the test fails.

The chief of the fire department or the chief of the fire department's designee may, in writing, suspend or revoke any permit issued pursuant to this section whenever the chief finds that the permit was issued on the basis of error, deception or fraud on the part of the applicant or upon discovery of a violation of any of the applicable codes or ordinances of the city including the provisions of this article, or work conducted outside of 180 days from the permitted date without an approved permit extension.

Section 14. Amendment of OMC 16.44.070. Olympia Municipal Code Section 16.44.070 is hereby amended to read as follows:

16.44.070 Standards

- A. All fire alarm systems shall be installed in accordance with the ordinances of the ~~city~~ City, and those portions of the National Fire Protection Standards which have been adopted by city ordinances.
- B. All new fire alarm systems shall be addressable systems. Systems shall communicate by point to the alarm monitoring agency, and cannot be monitored by DACT lines as defined in OMC 16.44.100(O).
- C. All fire alarm system wiring and components shall be electrically supervised.
- D. Fire alarm systems shall have a secondary power supply which shall automatically supply the energy to the system within 30 seconds of primary power supply failure. Under maximum normal load, the secondary supply shall have sufficient capacity to operate the fire alarm system for 24 hours, and then at the end of that period, operate all alarm indicating appliances and direct aid to the location of an emergency for 5 minutes.
- E. All rate-of-rise heat detectors shall have replacement links or be self-restoring for testing purposes.
- F. ~~All trouble and supervisory indication for~~ Post Indicating Valves, Wall Indicating Valves, and Outside Stem and Yoke Valves shall be on a zone isolated from waterflow indication, ~~and supervised for trouble only~~ wired for supervisory and trouble alarms only.
- G. The supervised relay boards that control elevator recall, HVAC, air pressurization and all other auxiliary functions shall stay "locked in," even though the audible signaling circuits have been silenced, until the panel has been reset and returned to normal.
- H. Fire alarm systems required under this article, including existing required fire alarm systems, shall have a maintenance agreement in effect with a fire alarm company and/or qualified individual (Ordinance 4220). Such agreements must provide for periodic inspection and testing as prescribed by adopted local and national standards set forth in Appendix "A" of Ordinance 4415 (see Section 16.44.070A herein). Repair service shall be available within 24 hours of notification of trouble.
- I. Zoning shall be required on all fire alarm systems when a building or complex consists of three or more separate buildings, floors, or fire divisions. When remote annunciation is required, it shall be installed so as to be clearly visible and identifiable to personnel responding to an alarm. An approved graphic annunciator panel of the premises to be protected, identifying zones, shall be provided at each required annunciator.
- J. Devices shall include both audible and visual, or a combination as specified by the Fire Chief, or the Fire Chief's designee. Audible devices shall be placed in buildings and be so located that with all intervening doors closed, the alarm device shall be heard at a minimum of 60 dba, or not less than 15 decibels above the ambient noise level, whichever is greater. Mechanical areas require 85 dba, or not less than 15 decibels above the ambient noise level, whichever is greater. Visual devices shall be provided in all common use areas including restrooms, conference rooms, work rooms, etc.
- K. When internal fire separations are required by the Building or Fire Code, all protected openings shall be provided with magnetic hold open devices tied into the building fire alarm system and wired as fail

safe. "Fail Secure" wiring is prohibited except when approved by the Fire Chief or the Fire Chief's designee.

- L. All devices installed on the exterior of a building shall be listed for exterior use, and shall be accompanied by appropriate weatherproof back boxes.
- M. One or more weatherproof horn strobe device(s) shall be installed on the exterior of the building, in a location to be designated by the Olympia Fire Department.
- N. Fire alarm control panels shall be located in a controlled heated environment. Ambient temperature shall be maintained at a range between 40 and 100 degrees F or as recommended by the manufacturer. Fire alarm control panels shall not be installed in an exterior location.
- O. Waterflow detection devices used in conjunction with a fire alarm panel shall be isolated to the last zone or zones. The installation shall conform to UL Standard #864, which states that the silence switch in the alarm panel shall be bypassed on zones having waterflow detectors. The way the alarm may be silenced is by the waterflow switch(es) returning to normal position by way of water flow cessation.
- P. Fire alarm control panels used in residential applications shall have zone verification capabilities for smoke detectors installed in dwelling units or guest rooms and connected to the control panel.
- Q. If a voice evacuation system is required, the control panel shall include amplifiers, relays, connections and battery standby power to provide a complete system.
- R. Detectors placed in false ceiling cavities shall be either analog with addressable modules or addressable, and shall have remote indicating lights in the ceiling below.
- S. Automatic detection connected to the fire alarm system in the guest rooms (sleeping rooms) of hotel/motel occupancies shall annunciate at a panel located at a consistently attended location. Such guest room smoke detectors shall be zone verification detectors. Corridor, stairway, and common area detectors are to be on separate zones from the guest room detectors.
- T. Where installations have elevators, detailed fire service operational plans shall be provided to include primary and alternate floor modes.
- U. Guest rooms in hotel/motel occupancies shall have a horn/strobe in each guest room.
- V. Combination alarms that combine burglar or hold-up alarms with fire alarms are not allowed.

Section 15. Amendment of OMC 16.70.020. Olympia Municipal Code Section 16.70.020 is hereby amended to read as follows:

16.70.020 Definitions

- A. "Appeal" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

B. "Area of Special Flood Hazard" is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, A, AO, or AE.

C. "Base Flood" means the flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood"). Designated on Flood Insurance Rate Maps by the letter A.

D. "*Basement" means any area of the building having its floor sub-grade (below ground level) on all sides and includes crawlspaces more than two vertical feet.

E. "Critical Facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

F. "**Cumulative Substantial Damage" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

G. "*Development" means any human- made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

H. "**Elevation Certificate" means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by Community Officials.

I. "Elevated Building" means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

J. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

K. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

L. "Flood Insurance Study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles and the water surface elevation of the base flood.

M. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

N. "***Increased Cost of Compliance" A flood insurance claim payment up to \$30,000 directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of "substantial damage" or as a result of a "cumulative substantial damage." (more information can be found in FEMA ICC Manual 301)

O. "*Lowest Floor" means 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 ordinance found at OMC 16.70.050.B.1.b (i.e. provided there are adequate flood ventilation openings).

P. "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Q. "New Construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

R. "Recreational Vehicle" means a vehicle,

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

S. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

T. "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, and a cyclone fence or wall that may or may not require a building permit.

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

V. "*Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either or which equals or exceed 50 percent of the total square footage of the original structure:

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 can exclude:

1. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places or as otherwise determined and regulated through the NFIP requirements.

W. "Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

X. "Water Dependent" means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Section 16. Amendment of OMC 16.70.040. Olympia Municipal Code Section 16.70.040 is hereby amended to read as follows:

16.70.040 Administration

A. Establishment of Development Permit

1. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in OMC 16.70.030.B. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions."

2. Application for Development Permit. Application for a development permit shall be made on forms furnished by the City of Olympia and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the local official;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in OMC 16.70.050.B.2; and
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

B. Designation of the Local Administrator. A Building Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. The Building Official may delegate this authority and these duties to one or more representatives.

C. Duties and Responsibilities of the Local Administrator. Duties of the Building Official ~~shall include, but not be limited to~~ and the Building Official designee(s) include:

1. Permit Review

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of OMC 16.70.050.E.1 are met.

2. Use of Other Base Flood Data (In A Zones)

When base flood elevation data has not been provided (in A Zones) in accordance with OMC 16.70.030.B, Basis for Establishing the Areas of Special Flood Hazard, the Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer OMC 16.70.050.B, Specific Standards, and OMC 16.70.050.E Floodways.

3. Information to be Obtained and Maintained

- a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in OMC 16.70.040.C.2, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. Recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the local official.
- b. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in OMC 16.70.040.C.2:
 - i. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - ii. Maintain the floodproofing certifications required in OMC 16.70.040.C.3.b.
- c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. Alteration of Watercourses

- a. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program ([44 CFR 59 -76](#)).

6. Conditions for Variances

- a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
- b. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- e. 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; 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.
- f. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except OMC 16.70.040.C.6.a, and otherwise complies with OMC 16.70.050.A.1, OMC 16.70.050.A.3 and OMC 16.70.050.A.4 of the General Standards.
- g. Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk.

Section 17. Amendment of OMC 16.70.050. Olympia Municipal Code Section 16.70.050 is hereby amended to read as follows:

16.70.050 Provisions for Flood Hazard Reduction

- A. General Standards. In all areas of special flood hazards, the following standards are required:
 - 1. Anchoring
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. All manufactured homes shall 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. For more detailed information, refer to FEMA publication FEMA P-85, "Protecting Manufactured Homes from Floods and Other Hazards."

2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Locating such equipment below the base flood elevation may cause annual flood insurance premiums to be increased.

3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- b. Water wells shall be located on high ground that is not in the floodway^z.
- c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- d. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

5. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (OMC 16.70.040.C.2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data,

high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in OMC 16.70.030.B, Basis for Establishing the Areas of Special Flood Hazard, or OMC 16.70.040.C.2, Use of Other Base Flood Data. The following provisions are required:

1. Residential Construction

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more* above the base flood elevation (BFE).

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

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

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

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

c. Additional requirements for below-grade crawlspace construction:

The interior grade of a crawlspace below the base flood elevation (BFE) must not be more than two-feet below the lowest adjacent exterior grade (LAG).

The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four-feet at any point.

The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

This limitation will also prevent these crawlspaces from being converted into habitable spaces.

There must be adequate drainage system that removes floodwaters from the interior area of the crawlspace.

The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained

soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means.

The velocity of floodwaters at the site should not exceed five-feet per second for any crawlspace. For velocities in excess of five-feet per second, other foundations should be used.

Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

Below grade crawlspace construction less than two vertical feet in accordance with the requirements listed above will not be considered basements.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more* above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in OMC 16.70.040.C.3.b; and
 - d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in OMC 16.70.050.B.1.b.

*Applicants who are floodproofing nonresidential buildings should be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below). Floodproofing the building an additional foot will reduce insurance premiums significantly.

3. Manufactured Homes. All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above* the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
4. Recreational Vehicles. Recreational vehicles placed on sites are required to either:

- a. Be on the site for fewer than 180 consecutive days, or
- b. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- c. Meet the requirements of OMC 16.70.050.B.3 above and the elevation and anchoring requirements for manufactured homes.

C. AE Zones with Base Flood Elevations but No Floodways. In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

D. Coastal High Hazard Area and Coastal A Zone. Coastal high hazard areas (V or VE Zones) and coastal A Zones are located within the areas of special flood hazard established in section 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply to building permits and related permits in Title 16:

1. Location of Structures

- a. All buildings or structures shall be located landward of the reach of the mean high tide.
- b. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.

2. Construction Methods

- a. Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that:

- i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 4-1, whichever is more restrictive,

and,

- ii. With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in OMC 16.70.050.D.2.d.

b. Structural Support

i. All new construction and substantial improvements shall be securely anchored on piling or columns.

ii. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

iii. Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, V, and Coastal A on the community's FIRM.

c. Certification. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in OMC 16.70.040.C.3.b.

d. Space Below the Lowest Floor

i. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

ii. Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

(i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,

(ii) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

iii. If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

iv. Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official or Building Sub-Code Official for approval.

E. Floodways. Located within areas of special flood hazard established in OMC 16.70.030.B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Construction or reconstruction of residential structures is prohibited within designated floodways*, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

3. If OMC 16.70.050.E.1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of OMC 16.70.050, Provisions for Flood Hazard Reduction.

F. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Section 18. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 19. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances remain unaffected.

Section 20. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 21. Effective Date. This Ordinance takes effect at 12:01 a.m. February 1, 2021, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: