

COPY

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF PEND OREILLE  
STATE OF WASHINGTON

ORDINANCE  
NO. 2005- 4

IN THE MATTER OF AMENDING COUNTY ORDINANCE 2005-3  
*BUILDING CONSTRUCTION STANDARDS*

- WHEREAS,** the failure to adhere to sound construction standards may result in loss of life and property and extraordinary public expenditures, all of which adversely affect the public health, safety, and general welfare; and,
- WHEREAS,** the legislature of the State of Washington has made provision for building codes throughout the state in order to effectuate the following purposes, objectives and standards:
- To require minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire and life safety; and,
  - To require standards and requirements in terms of performance and nationally accepted standards; and,
  - To permit the use of modern technical methods, devices and improvements; and,
  - To eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations and requirements which could unnecessarily increase construction costs or retard the use of new materials and methods of installation or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction; and,
  - To provide for standards and specifications for making buildings and facilities accessible to and usable by physically disabled persons; and,
  - To consolidate within each authorized enforcement jurisdiction, the administration and enforcement of building codes; and,
- WHEREAS,** the Washington State Building Code Act (Chapter 19.27 RCW) requires all counties to adopt the 2003 editions of the codes adopted by reference herein; and,
- WHEREAS,** the adoption by ordinance of all codes required by the Building Code Act is categorically exempt from threshold determinations pursuant to the State Environmental Policy Act (SEPA); and,
- WHEREAS,** a public hearing was held by the Board of County Commissioners on November 28, 2005 to consider the adoption of this ordinance; and,
- WHEREAS,** testimony was taken from those persons present who wished to be heard during said open record hearing before the Board; and,
- WHEREAS,** due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by the adoption of this ordinance; and,

**NOW, THEREFORE BE IT ORDAINED,** that Pend Oreille County Ordinance 2005-1 and any amendments thereto be rescinded and fully replaced November 1, 2005 as follows:

## **SECTION I ADMINISTRATION**

The Pend Oreille County Public Works Department shall administer the provisions of this Ordinance.

### **1.1 Enforcement**

- (1) The Public Works Director, Planning Director, and Building Inspector shall have the authority to enforce the provisions of this Ordinance.
- (2) The Pend Oreille County Sheriff and his authorized representatives shall have the authority to enforce the provisions of this Ordinance.
- (3) The Pend Oreille County Prosecuting Attorney shall have the authority to enforce the provisions of this ordinance and may institute any legal proceedings necessary to enforce the provisions of this Ordinance.

### **1.2 Compliance**

Except as specified in Section 3.1, no building or structure (including manufactured, and mobile homes as defined in Section II) shall be erected, placed, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished without full compliance with the terms of this ordinance and other applicable regulations. The violation of any provision of this Ordinance shall constitute a civil infraction. A person found to have committed a civil infraction shall be assessed a monetary penalty, not to exceed one thousand dollars for each violation. Each such violation shall constitute a separate civil infraction for each and every day or portion thereof, during which such violation is committed, continued, or permitted. When a contractor starts construction without a valid permit, it will constitute a civil infraction and they shall be fined an amount equal to the fine of the owner of record.

### **1.3 Abrogation and greater restrictions.**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **1.4 Severability**

If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance or codes adopted by reference herein are for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of the provisions to other persons or circumstances.

## **SECTION II**

### **DEFINITIONS**

Certain terms and words used in this Ordinance are defined in the following subsections. Words used in the present tense include the future; words used in the singular number include the plural number; and words in the plural number include the singular number; the word "building" includes the word "structure", and the word "shall" is mandatory and not directory.

#### **2.1 Commercial Coach**

A commercial coach is a structure transportable in one or more sections that is built on a permanent chassis and is used for temporary commercial purposes. A commercial coach may include plumbing, heating, air conditioning and electrical systems. A commercial coach shall not be used as a dwelling but may contain sleeping rooms.

#### **2.2 Dwelling**

A dwelling is a building or portion thereof designed exclusively for residential occupancy.

#### **2.3 Manufactured Homes**

A manufactured home is a factory-built dwelling built on a permanent chassis constructed after June 15, 1976 and in accordance with the US Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate federal label and state insignia indicating such compliance. The unit must be transportable in one or more sections, which in the traveling mode, is eight feet or more in width and forty feet in length, or when erected on site exceeds 320 square feet in floor area. Manufactured homes must have a fire/life safety inspection approved by the Washington State Department of Labor and Industries prior to placement or relocation within Pend Oreille County.

#### 2.4 Mobile Homes

A mobile home is a factory-built dwelling built on a permanent chassis constructed prior to June 15, 1976 to standards other than the HUD Code and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. Used mobile homes must have a fire/life safety inspection approved by the Washington State Department of Labor and Industries prior to placement or relocation within Pend Oreille County.

#### 2.5 Modular Buildings

A modular building is a factory-built structure originally designed for initial movement without benefit of an undercarriage frame or its own wheels to a site of permanent placement on a full perimeter foundation. Modular buildings must be appropriately placed on a full permanent foundation in accordance with the manufacturer's instructions and/or as required by the Pend Oreille County Public Works Department. Modular buildings are inspected to Uniform Building Code standards.

#### 2.6 Recreational Vehicle

A recreational vehicle is a vehicular type unit designated as temporary living quarters for recreation camping, travel or seasonal use which has its own power or is mounted on or towed by another vehicle. The vehicle has a gross floor area of not more than 320 square feet. This definition includes vehicles such as travel trailers, camping trailers, truck campers and motor homes. A recreational vehicle is not considered a mobile or manufactured home and is not constructed to the Uniform Building Code standards.

#### 2.7 Park Units

Park units are considered recreational vehicles and are not suitable for permanent structures nor may they be permanently connected to utilities. Park units shall not exceed 399 square feet in area.

### SECTION III

#### ADOPTED CODES

The State of Washington has mandated that all jurisdictions within the state shall have in effect the following codes, as shown in this Ordinance, in accordance with Chapter 19.27 RCW. The following authorities are hereby adopted by reference as part of this Ordinance:

#### 3.1 International Building Code

The 2003 Edition of the International Building Code, as adopted by the Washington State Building Code Council, including Sections 101 through Section 106 of Appendix E as published by the International Code Council Inc. with the following exceptions:

- (1) Table 1-A, Fee Schedule (county fee schedule to be adopted by resolution); and,
- (2) Section 105.2 (Work Exempt from Permit) is amended to include the following: (12) Structures classified as Group U, Division 1, used in conjunction with an agricultural farming operation; and,
- (3) Section 105.2 (1) is amended to read as follows: "One story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet"; and
- (4) Section 105.5 (Expiration) is amended to include the following exception: "Permits issued for Group R, Division 3, and Group U, Division 1 occupancies shall be valid for one year, and may be extended twice for a total of three years, provided the permit holder applies for such renewal within one calendar year from the date of issuance or extension"; and,
- (5) Section 109.1 (Required Inspections-General) the third paragraph of this subsection is amended to read as follows: "The building official, upon at least 24 hour advance notification from the applicant or authorized agent, shall make the inspections set forth in the following sections within two working days"; and,
- (6) Section 109.3.7 is amended to include the following: "Insulation Inspection. To be made after all insulation and required vapor barriers are in place"
- (7) Section 2301.1 (General) is amended to include the following: "Sound, rough cut, ungraded, unstamped lumber or logs, and sound used materials shall be allowed to be used with the approval of the building official"; and,
- (8) The following Chapters in the appendix are hereby deleted:
  - (a) Chapter 13 (Energy Efficiency)

### **3.2 International Residential Code for One and Two Story Buildings**

The 2003 Edition of the International Residential Code, including Appendix G, as adopted by the Washington State Building Code Council, and as published by the International Code Council.

### **3.3 International Mechanical Code**

The 2003 Edition of the International Mechanical Code, as adopted by the Washington State Building Code Council, and as published by the International Code Council.

### **3.4 International Fire Code**

The 2003 Edition of the International Fire Code, as adopted by the Washington State Building Code Council, as published by the International Code Council.

### **3.5 Uniform Plumbing Code**

The 2003 Edition of the Uniform Plumbing Code, as adopted by the Washington State Building Code Council, as and published by the International Association of Plumbing and Mechanical Officials

### **3.6 Uniform Code for the Abatement of Dangerous Buildings**

The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings published by the International Conference of Building Officials

### **3.7 The 2001 Washington State Ventilation and Indoor Air Quality Code, as adopted by the Washington State Building Code council (RCW 19.27).**

### **3.8 The 2001 Washington State Energy Code, as adopted by the Washington State Code council (RCW 19.27A.020);**

### **3.9 The Washington State Historical Building Code, 1990 edition, as set forth in Chapter 51.19 of the Washington Administrative Code.**

## **SECTION IV**

## **LOCAL REQUIREMENTS**

### **4.1 Permit Required**

Except as specified in Section 3.1, no building or structure (including manufactured and mobile homes as defined in Section II) shall be erected, placed, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Pend Oreille County Department of Public Works. Applications shall be made on forms furnished by Pend Oreille County and shall include, but may not be limited to the following information:

- (1) A site development plan, drawn to scale, depicting:
  - (a) The boundary of the parcel(s) of land upon which the development is proposed; and,
  - (b) The locations and dimensions and distances between all existing and proposed structures, on-site sewage disposal system(s) well(s), vehicle access and surface water(s) on or adjacent to the property; and,
  - (c) The location of all wetlands and flood plain delineation if applicable; and,
- (2) Two complete sets of building plans, drawn to scale, to include:
  - (a) Foundation plan
  - (b) Roof framing plan or engineer-stamped truss specifications from the manufacturer
  - (c) Floor framing plan for each level or floor, including garage and any deck(s), to include:
    - (i) Square footage
    - (ii) Location and size of all walls, openings, doors, windows
    - (iii) Location, size and type of all plumbing fixtures, heat source(s)/system(s) and smoke alarms
  - (d) All four outside view elevations
  - (e) Cross section of the structure
  - (f) Size, grade and species of all structural framing lumber.

- (3) The building permit must be visible on site with a copy of the approved plans in order to obtain an inspection.
- (4) An elevation certificate (FEMA Form 81-31) verifying the grade elevation of the building site must be submitted to the building inspector prior to issuance of a building permit.

#### **4.2 Address Sign**

All residences and sites under construction shall have a visible, legible address sign located at the road with letters large enough to be read by a passing motorist

#### **4.3 On-Site Sewage Disposal Permit Required**

Each applicant for a building permit of a building in which sewage or waste water may originate shall obtain an on-site sewage disposal permit from the Northeast Tri-County Health District prior to issuance of a building permit for said building. Additions require an approval letter from NE Tri-County Health prior to obtaining a building permit.

#### **4.4 Potable Water Certification Required**

Per RCW 19.27.097, each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the Washington State Department of Ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. Buildings that do not need potable water facilities are exempt from the provisions of this subsection.

#### **4.5 Setbacks and Fences**

- (1) In addition to those setback requirements imposed by Pend Oreille County's Shoreline Master Program, Critical Areas Ordinance, or other applicable federal, state or local law, all structures regulated by this Ordinance shall comply with the following setbacks:
  - (a) Front Property Line: 25 Feet
  - (b) Rear Property Line: 5 Feet for Each Story
  - (c) Side Property Lines: 5 Feet for Each Story
  - (d) Public Road Right-of-Way: 25 Feet
- (2) In the event that the location of the structure's footprint is subject to multiple or conflicting setbacks, the more restrictive setback shall apply.
- (3) Fences shall not exceed eight feet in height.
- (4) The Planning Director may authorize a variance from the requirements of this subsection when unusual circumstances cause undue hardship in the application of it. Such variances shall be granted pursuant to the administrative procedures provided in Ordinance 96-01, and may only be granted when all of the following conditions and facts exist:
  - (a) Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the vicinity (such as surface water or topography); and,
  - (b) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district; and,
  - (c) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity (i.e. Wildfire, Vehicle Site Distance, Snow Removal, etc.)
- (5) Construction authorized by any variance from this subsection shall be commenced within one year of the Notice of Decision, provided that the Planning Director may authorize a single extension if a request for extension has been filed with the Public Works Department prior to the expiration date.

#### **4.6 Snow Load Requirements - Warning and Disclaimer Liability**

- (1) Except as provided in Section 5.2 for manufactured and mobile homes as defined in Section II, all new construction or substantial repair of any existing building's roof framing or truss system shall meet or exceed a minimum snow load of fifty (50) pounds per square foot. For purposes of this subsection, "substantial repair" means any repair, reconstruction, or improvement of damage of any origin sustained by a structure's roof framing or truss system that is equal to or exceeds 50 percent of the structure's total roof area.

- (2) The degree of protection required by this subsection is minimal, and is considered reasonable for regulatory purposes, however heavier snowfall can and will occur. Local conditions, including but not limited to ground elevation, topography, and vegetation may necessitate heavier construction standards. Roofs located at higher elevations, on north facing slopes, or in densely forested areas may experience higher ground snow loads than roofs located at lower elevations on south facing slopes in generally open terrain.
- (3) This subsection shall not create liability on the part of Pend Oreille County, or employee thereof, for any structural damages that result from reliance on the requirements of this subsection. Private property owners are encouraged to calculate their building(s)' specific snow load based on local conditions or consult with an engineer prior to undertaking construction.

## **SECTION V**

### **MANUFACTURED AND MOBILE HOMES**

#### **5.1 General Requirements**

- (1) Manufactured and mobile homes shall comply with all plumbing, electrical, heating, and structural requirements imposed by the State of Washington Department of Labor and Industries in compliance with RCW 43.22.340. Any structural changes to these dwellings, including any deviations from factory installed heating systems shall require a permit from the Washington State Department of Labor and Industries.
- (2) These state-inspected dwellings shall be placed on a foundation system that meets the requirements of the manufacturer's installation instructions; or if the manufacturer is not specific, then to the standards in Chapter 296-150M WAC. Any of these dwellings placed on a basement foundation may require engineering if so determined by the Pend Oreille County Building Inspector.
- (3) All such units being relocated within or into Pend Oreille County shall bear the appropriate federal and state inspection insignia as specified in RCW 43.22.350 and WAC 296-150M and provide evidence of such to the Pend Oreille County Public Works Department prior to issuance of a placement permit.
- (4) Placement permit fees shall be determined by adopted resolution.
- (5) When placement inspections, including pads or runners (foundation), anchorage, ground cover, landings, environmental hookups and skirting with required vents have been completed by the Pend Oreille County Public Works Department, a certificate of occupancy may be issued.

#### **5.2 Snow Load Requirements**

Manufactured and mobile homes are inspected by the Washington State Department of Labor and Industries and may not meet the minimum snow load required by this ordinance for stick-built structures. The snow load for all manufactured and mobile homes is recommended to be 50 pounds per square foot however, no specific requirement is enforced for snow load capacity.

#### **5.3 Floodplain Requirements**

Units located within the 100-year floodplain 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 (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). Units located in the floodplain shall have the first floor at least one foot above the base flood elevation.

DATED this 28<sup>th</sup> day of November, 2005, at Newport, Washington.

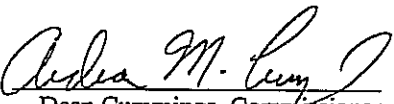
**BOARD OF COUNTY COMMISSIONERS  
PEND OREILLE COUNTY, WASHINGTON**

ATTEST:

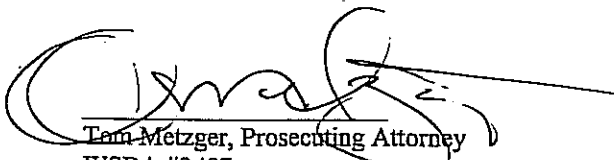
  
Clerk of the Board

  
Mitch Brown, Chairman

  
Kenneth Oliver, Vice-Chairman

  
Dean Cummings, Commissioner

APPROVED AS TO FORM:

  
Tom Metzger, Prosecuting Attorney  
WSBA #9487

