

Title 17

BUILDINGS AND CONSTRUCTION

Chapters:

- 17.04** **Construction Codes**
- 17.08** **Sidewalks, Driveways, Street Cuts**
- 17.12** **Title Certificate Required**
- 17.20** **Site and Building Plan Review**
- 17.22** **Construction or Excavation within Right-of-Way**
- 17.32** **Reserved**
- 17.36** **Reserved**
- 17.40** **Reserved**
- 17.44** **Reserved**
- 17.48** **Unfinished Buildings**
- 17.56** **National Flood Insurance Program – Flood Damage Prevention**

* Prior ordinance history: Ords. 363, 545, 567, 587.

CONSTRUCTION CODES

Sections:

- 17.04.010** **Citation.**
- 17.04.020** **Definitions.**
- 17.04.030** **Adoption.**
- 17.04.040** **Basic building design.**
- 17.04.050** **Manufactured home placement.**
- 17.04.060** **Building Official.**
- 17.04.070** **Permits.**
- 17.04.080** **Board of Appeals.**
- 17.04.090** **Violations.**

17.04.010 **Citation**

This chapter shall constitute the construction codes for the city and may be so cited and will be referenced to herein as “this chapter”. (Ord. 973, 2010; Ord. 967, 2010; Ord. 892 (part), 2005)

17.04.020 **Definitions**

Unless a different meaning is plainly required by the context, the following words or phrases as hereinafter used in this chapter or in any of the construction codes shall have the following meanings:

“Building Official” means the officer or any other designated authority charged with the administration and enforcement of the construction codes of the city, and shall have the authority to render interpretations of this code, or his duly authorized representative.

“Construction codes” means the codes, regulations and standards listed in Section 17.04.030 as adopted by the City of North Bonneville.

“Fire Marshal” means the officer or other designated authority charged with the administration and enforcement of the fire code.

“Mobile Home” means a factory-built dwelling built before June 15, 1976 to standards other than the national manufactured housing construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.) and acceptable under applicable state codes in effect at the time of construction or introduction of the home into this state; a structure, transportable in one or more sections, which is thirty-two body feet or more in

length and is eight body feet or more in width, and which is a minimum of four hundred eighty square feet, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein, except as hereinafter specifically excluded, and excluding recreational vehicles, travel trailers and mobile/manufacture housing.

“Mobile/Manufactured Housing” means a single-family dwelling intended for permanent occupancy and constructed in accordance with the requirements prescribed under RCW 43.22.340, as amended, and the Federal Department of Housing and Urban Development Standards promulgated under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C.5401 et seq.) as amended and all rules and regulations thereto, which meets the requirements of North Bonneville Municipal Code, Section 17.38.120, and which is designed for transportation, after fabrication, on public streets and highways on its own chassis and wheels and which, when sited, is designed to be permanently connected to required utilities.

“Person” means a natural person, his heirs, executor, administrators and assigns; a firm, a partnership, corporation or association, its or their successors or assigns, or the agent of any of the aforesaid; and state and local governments and agencies.

“Police Department” means the North Bonneville Police Department or designated authority.

“Start of construction” means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading (see Appendix J Grading in the ‘International Building Code’) and filling, nor does it include the installation on the property of accessory buildings (200 sq. ft. or less), such as sheds not occupied as dwelling units or not as part of the main structure. Permanent construction does include the erection of a permanent foundation for a mobile home or mobile/manufactured housing when such work is beyond the stage of excavation.

“Structure” means an edifice or building of any kind artificially built up or composed of parts joined together in some definite manner, which is principally above ground. (Ord. 1066, 2016; Ord. 1025, 2013; Ord. 973, 2010; Ord. 967, 2010; Ord. 892 (part), 2005)

17.04.030 Adoption.

The City of North Bonneville hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27.074 for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties. The following codes shall not regulate roads, bridges, sidewalks, drainage structures, and similar structures regulated, approved and inspected by the city’s Public Works Department; and, electrical transmission towers and telephone poles (not including cell towers) under control of a utility. If any section, subsection, sentence, clause, phrase, or other portion of this chapter or the codes as amended by the State of Washington, or its application to this chapter or any other person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

A. The International Building Code, 2018 Edition, published by the International Code Council Inc., as amended as set forth in Chapter 51-50 of the Washington Administrative Code, and adopted by the State Building Code Council, including Chapters 1 through 35 and the following appendices:

1. Appendix E – Supplementary Accessibility Requirements
2. Appendix H - Signs,
3. Appendix I - Patio Covers, and
4. Appendix J - Grading;

B. The International Residential Code, 2018 Edition for One and Two Family Dwellings, published by the International Code Council Inc., and as amended as set forth in Chapter 51-51 of the Washington Administrative Code, and adopted by the State Building Code Council, including Chapters 1 through Chapter 44, and in addition to the following appendices:

1. Appendix A - Sizing and Capacities of Gas Piping,
2. Appendix B - Sizing of Venting Systems Serving Appliances Equipped with Draft hoods, Category 1 Appliances, and Appliances Listed for Use with Type B Vents,
3. Appendix C - Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems,
4. Appendix D - Recommended Procedure for Safety Inspection of an existing Appliance Installation,
5. Appendix E - Manufactured Housing Used as Dwellings,
6. Appendix F - Radon Control Methods,
7. Appendix H - Patio Covers,
8. Appendix J - Existing Buildings and Structures,
9. Appendix K - Sound Transmission,
10. Appendix M – Home Day Care – R-3 Occupancy;

C. The International Mechanical Code, 2018 Edition, published by the International Code Council, Inc., and as amended as set forth in Chapter 51-52 of the Washington Administrative Code, and adopted by the State Building Code Council, including Chapters 1 through 15 except that the standards for handling liquefied petroleum gas installations shall be NFPA 58 "Storage and Handling of Liquefied Petroleum Gases" and ANSI Z223.1/NFPA 54 "National Fuel Gas Code," and Appendix A - Combustion Air Openings and Chimney Connector Pass-Throughs;

D. The 2012 Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, copyright 2012 and as amended as set forth in Chapters 51-56 of Washington Administrative Code, and adopted by the State Building Code Council, including Chapters 1 through 17 together with:

1. Appendix B - Explanatory Notes on Combination Waste and Vent Systems,
2. Appendix D - Sizing Stormwater Drainage Systems,
3. Appendix E - Manufactured/Mobile Home Parks and recreational Vehicle Parks,
4. Appendix I - Installation Standards, and
5. Appendix L - Sustainable Practices;

E. The International Fire Code, 2018 Edition, as published by the International Code Council, Inc., and as amended as set forth in Chapter 51-54 of the Washington Administrative Code, and adopted by the State Building Code Council, including Chapters 1 through 67 and 80, together with:

1. Appendix F - Hazard Ranking,
2. Appendix G - Cryogenic Fluids - Weight and Volume Equivalents;

F. The 2018 Edition of the International Energy Conservation Code, Residential and Commercial Provisions, as amended as set forth in Chapter 51-11 of the Washington Administrative Code, and adopted by the State Building Code Council pursuant to RCW 34.05;

G. The 2018 International Fuel Gas Code as published by the International Code Council, Inc.;

H. The rules adopted by the Washington State Building Code Council establishing standards for making buildings and facilities accessible to and usable by the physically disabled or elderly persons as provided in RCW 70.92.100 through 70.92.160 and the 2009 International Code Council 2009 Accessible and Usable Buildings and Facilities;

I. In case of conflict among the codes enumerated in subsections A through H of this section, the codes adopted in subsections A and B of this section shall govern over those adopted in subsections C through H of this section;

J. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. In the event the conflict cannot be determined, the Building Official shall have discretion to render interpretations of these codes and to make and enforce rules and supplemental regulations in order to carry out the application and intent of its provisions;

K. Lawfully installed existing installations that do not comply with the provisions of this chapter shall be permitted to be continued without change, except as is specifically covered in this chapter, the International Fire Code or as is deemed necessary by the building official for the general safety and welfare of the occupants and public. Where changes are required for correction of hazards due to

preexisting conditions, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.

L. One complete copy of the City of North Bonneville Construction Code, together with complete copies of the above listed codes and/or rules are on file and open for inspection during regular business hours by the general public in the office of the City Building Official. (Ord. 1128, 2020; Ord. 1025, 2013; Ord. 973, 2010; Ord. 967, 2010; Ord. 892 (part), 2005)

17.04.040 Basic Building Design

To meet specific climatic and conditions the Council adopts design criteria for the City of North Bonneville as follows:

Roof /Grnd Snow Loads	Wind Speed	Seismic Design Category	Weathering	Frost Line Depth	Termites	Decay	Winter Design Temp	Ice Shield Underlay	Air Freeze Index	Mean Annual Temp
50 PSF / 72 PSF	135 mph @3 sec gust	D-1	Moderate	12 “	Slight to moderate	Slight to moderate	25° F	None	172	55° F

A. Any construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location removal and demolition of a building or structure will require an application for and issuance of a permit prior to start of construction. Accessory buildings less than 200 sq. feet not intended to be used as dwelling units are exempt from this requirement.

B. Persons needing water and/or sewer during construction must have paid the connection fees for both water and sewer. Upon these fees being paid the persons needing water and/or sewer will be charged the normal monthly rate for water and /or sewer service beginning at the connection time forward. (Ord. 1128, 2020; Ord. 973, 2010; Ord. 967, 2010; Ord. 892 (part), 2005)

17.040.050 Manufactured home placement

The City finds it necessary to establish standards and procedures for installing manufactured homes in the City and that the home is properly installed prior to occupancy to protect the life, safety, health and welfare of the general public.

A. Each person proposing to move a manufactured home to a new location, including a new location on the same lot, if site footing locations will be different than the original location, must first obtain a manufactured home placement permit. All new placements must comply with all local design standards applicable to general construction under these construction codes.

B. Each application for a manufactured home placement permit must include the name, registration number and telephone number of the certified manufactured home installer.

C. The building official shall determine by inspection whether such installation conforms to installation standards issued by the manufacturer of the mobile home, SMC 17.38.120 and the requirements of Washington Administrative Code 296-150M as applicable.

D. Any proposed addition not structurally attached to a manufactured home, including but not limited to decks, stairs, ramps, carports, and walkways, shall be governed by the construction codes and applicable sections of the International Codes as listed in this chapter and work shall not commence until the appropriate permits are obtained and applicants must receive final inspection approval prior to occupancy or use of that unattached structure.

E. Any proposed structural addition or alteration to a manufactured home requires permit approval from both the Washington State Department of Labor and Industries and the City Building Official prior to construction of the addition.

F. Fees for placement permits shall be as established from time to time by City Council resolution.

G. Manufactured homes placed on sales lots exclusively for the purposes of sale, provided the unit remains unoccupied and the sales activity is consistent with applicable ordinances and codes is exempt from the requirement for a placement permit. (Ord. 973, 2010; Ord. 967, 2010; Ord. 892 (part), 2005)

17.040.060 Building Official

The building official for the City is appointed to administer, implement and enforce the codes as listed in this ordinance in accordance with its provisions. The duties of the building official shall include, but not be limited to:

A. Reviewing all applications for permits submitted pursuant to the provisions of this chapter to determine that the permit requirements of this ordinance have been satisfied;

B. Performing all inspections required by the provisions of this ordinance;

C. Serving as the City's fire marshal.

D. Determining the value or valuation used in computing permits and fees under the provisions of this chapter. The Building Official will set fees for permits and values for all construction work from time to time as adopted by resolution.

E. Serving as the City's nuisance code enforcer for the maintenance and/or abatement of dangerous buildings under NBMC Chapter 18.10 that shall include mobile/manufactured housing and mobile homes. (Ord. 973, 2010; Ord. 967, 2010; Ord. 892 (part), 2005)

17.040.070 Permits

All work conducted under this chapter requires a permit unless specifically exempted.

A. The ownership of a City of North Bonneville building permit under this chapter inures to the property owner. The permit applicant is an agent of the property owner if not the property owner.

B. All fees for permits shall be established by the City Council under a separate resolution. Fees may be assessed for plan review, inspection and investigation.

C. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official. The Building Official shall use the square footage building valuation data standards set forth in the International Code Council's Building Safety Journal as updated to guide the establishment of valuation for a permit. A copy of said valuation standards shall be on file and available for public use and inspection at North Bonneville City Hall. (Ord. 973, 2010; Ord. 967, 2010; Ord. 892 (part), 2005)

17.040.080 Board of Appeals

This section shall constitute the general provisions relating to construction codes of the city and may be so cited and will be referred to as General Provisions, or this chapter.

A. Purpose

The purpose of this chapter is to provide uniformity in the procedures used in construction with the administration and enforcement of the construction codes.

B. Function and Jurisdiction

1. The board shall hear all appeals from any notice or order issued, or any action taken by the building official under the provisions of the construction codes.

2. The board shall have jurisdiction and advisory authority to determine the suitability of alternate materials or alternate types of construction, if an alternate is contemplated or recognized by the express terms of the codes or ordinances of the city.

3. The board shall make reasonable interpretations of provisions of the construction codes of the city.

4. The board shall have no authority to consider or determine any matter arising under the zoning or land use ordinances.

C. Membership, appointment terms and compensation.

1. The board shall consist of five voting members who shall be appointed by the mayor. In addition to the voting members, the building official shall be an ex officio member of and shall act as secretary to the board. As an ex officio member, the building official is without authority to vote.
2. Vacancies occurring in any position on the board shall be filled by appointment by the mayor.
3. The term of each voting member, unless sooner terminated by the appointing authority, shall be for one year.
4. All members of the board shall serve without compensation.

D. Qualifications of voting members.

1. Voting members of the board shall be land owners and residents of the city.
2. Voting members of the board shall not be employees of the city.

E. Appeal procedures required of appellant.

1. Any person aggrieved by any notice and order issued by or any ruling made by the building official of the city relating to any of the construction codes shall have the right to appeal to the board.
2. An appeal shall be initiated by filing with the city clerk a written appeal, within thirty days of the date of the notice and order or other action appealed. Such written appeal shall contain the following:
 - a. A hearing in the words: “Before the Construction Board of Appeals of the City of North Bonneville”;
 - b. A caption reading: “Appeal of _____” giving the names of all appellants anticipating in the appeal;
 - c. A brief statement setting forth the legal interest of each of the appellants in the building or land involved in the notice and order, or other action being appealed;
 - d. A brief statement in ordinary and precise language of the specific order or action protested and all material facts claimed to support the contentions of the appellant;
 - e. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;
 - f. Signatures of all parties named as appellants and their official mailing addresses;
 - g. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of matters stated in the appeal;
 - h. A filing fee of one hundred fifty dollars shall be paid when the written appeal is filed.

F. Procedure required of the board.

1. Within a reasonable time after receiving the written appeal, the city clerk shall fix a date, time and place for the hearing of the appeal by the board. The date shall be not less than fourteen days, except with the written consent of the appellant, no more than sixty days from the date the written appeal was filed.
2. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant, except where the appellant has waived such ten-day requirement. The written notice shall be served either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at this address as shown on the written appeal.

G. Failure to appeal ... Scope of hearing ... Stay of order.

1. Failure of any person to file an appeal in accordance with the provisions of this chapter shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order, or other ruling, or any portion thereof.
2. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

3. Except for vacation orders and stop-work orders, enforcement of any notice and order, or other ruling of the building official, issued under a code or ordinance from which appeal to the board is available, shall be stayed during the pendency of an appeal there from which is properly and timely filed.

H. Right of building official to seek recommendation.

The building official of the city shall have the right, without the payment of any filing fee, to submit to the board a proposition or question for its consideration and recommendation. It shall be the duty of the board to consider such matter and to make its recommendation in the same manner as is required by this chapter in the hearing of any other matter within its jurisdiction. (Ord. 973, 2010; Ord. 967, 2010; Ord. 892 (part), 2005)

17.040.090 Violations

A. Enforcement of final orders

1. No person to whom a final order is directed shall fail, neglect or refuse to obey a final order of the board. A person who fails, neglects or refuses to comply with the final order is liable for a civil violation of up to \$500.00 per day or portion thereof.
2. If a person to whom a final order is directed fails, neglects or refuses to obey such final order, the Building Official may cause the person to be prosecuted under this section.
3. Declaration of Nuisance. A violation of the Construction Code that places the property owners or other members of the public or their property at risk or otherwise endangers life, health or safety, is hereby deemed to be a nuisance under and may be prosecuted as such at the City's discretion.
4. A decision of the board on matters appealed to it shall be a final order unless within twenty calendar days after the decision of the board has been received by the appellant, an aggrieved party makes application to the Superior Court of the State for Skamania County for a Writ of Certiorari, a Writ of Prohibition or a Writ of Mandamus. (Ord. 973, 2010; Ord. 967, 2010; Ord. 892 (part), 2005)

Chapter 17.08

SIDEWALKS, DRIVEWAYS, STREET CUTS

Sections:

- 17.08.010 General.**
- 17.08.020 Application.**
- 17.08.030 Content of application.**
- 17.08.040 Permit/basic fee.**
- 17.08.050 Fees--Construction of curbs.**
- 17.08.060 Fees--Construction of sidewalks with curbs.**
- 17.08.070 Fees--Construction of sidewalks without curbs.**
- 17.08.080 Fees--Driveways with curbs and sidewalk.**
- 17.08.090 Fees--Curb cuts and driveways without curbs and sidewalks.**
- 17.08.100 Fees--Street cut and excavation.**
- 17.08.110 Fees/inspection--Subdivision curbs, sidewalks, underground utilities.**
- 17.08.120 Fees/inspection--Water/sewer mains on city easements.**
- 17.08.130 Fees--Minimum inspection fee.**
- 17.08.140 Fees--Reinspection.**
- 17.08.150 Fees--Plan checking.**
- 17.08.160 Permit expiration.**
- 17.08.170 Construction liability.**
- 17.08.180 Construction standards.**

17.08.010 General.

It shall be unlawful for anyone to construct, alter, or repair any curb, sidewalk or driveway, or to cause any of the same to be done, unless he or she shall have first obtained a Permit from the City of North Bonneville Building Inspector; provided no Permit shall be required for installation, alteration or repair of water mains, sewers, storm drains, streets or sidewalks which are being constructed by or under contract with the City. (Ord. 355 § 1, 1977)

17.08.020 Application.

Anyone intending to construct, alter or repair any curb, sidewalk or driveway shall apply to the City of North Bonneville for a Permit so to do on a form to be furnished by said Building Inspector and shall submit adequate plans and specifications with such permit application. (Ord. 355 § 2, 1977)

17.08.030 Content of application.

Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made;
 2. Describe the location on which the proposed work is to be done by street, lot, block or address;
 3. State the estimated valuation of the proposed work;
 4. Be signed by the permittee, or his authorized agent, who may be required to submit evidence to indicate such authority;
 5. Give such other relevant information as reasonable may be required by the City of North Bonneville.
- (Ord. 355 § 3, 1977)

17.08.040 Permit/basic fee.

No permit shall be issued until the applicant has paid the fee hereby required for such permit and until he has posted any bond required by any other chapter. Such fee shall be based upon the lineal or square foot of the work to be done and shall be calculated by the City based upon the following standards:

Basic fee for processing any application \$5.00 (Ord. 355 § 4 (part), 1977)

17.08.050 Fees--Construction of curbs.

Construction of Curbs:

1'-0" to 50'-0" lin. ft.	\$12.50
51'-0" to 100'-0" lin. ft.	\$12.50 for the first 50" lin. ft. plus 20¢ per lin. ft. for each additional ft. to and including 100'-0" lin. ft.
101'-0" to 500'-0" lin. ft.	\$22.50 for the first 100'-0" lin. ft. plus 15¢ per lin. ft. for each additional ft. to and including 500'-0" lin. ft.
Over 500'-0" lin. ft.	\$82.00 for the first 500'-0" lin. ft.

(Ord. 355 § 4 (part), 1977)

17.08.060 Fees--Construction of sidewalks with curbs.

Sidewalk construction With curbs Curb permit fee plus 3¢ per square foot.

(Ord. 355 § 4 (part), 1977)

17.08.070 Fees--Construction of sidewalks without curbs.

Sidewalk construction without curbs:

1'-0" to 200'-0" sq. ft.	\$12.50
201'-0" to 500'-0" sq. ft.	\$12.50 for the first 200 sq. ft. plus 5¢ per sq. ft. for each additional ft. to and including 500'-0" sq. ft.
Over 500'-0" sq. ft.	\$27.50 for the first 500'-0" sq. ft. plus 3¢ for each additional sq. ft.

(Ord. 355 § 4 (part), 1977)

17.08.080 Fees--Driveways with curbs and sidewalk.

Driveways constructed with curbs	Permit cost for curb and sidewalk plus \$5.00 for each driveway.
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(Ord. 355 § 4 (part), 1977)

17.08.090 Fees--Curb cuts and driveways without curbs and sidewalks.

Curb cuts and driveway constructed where curbs and sidewalk do not exist:

Driveway 10'-0" at bottom of ramp	\$12.50
Driveways over 10'-0" at bottom	\$12.50 for the first 10'-0" of ramp, plus 20¢ per lin. ft. for each additional ft. but not to exceed 30'-0" lin. ft.

(Ord. 355 § 4 (part), 1977)

17.08.100 Fees--Street cut and excavation.

Street Cut and Excavation:

1'-0" to 50'-0" sq. ft.	\$12.50
51'-0" to 200'-0" sq. ft.	\$27.50 for the first 200 sq. of street surface ft. plus 5¢ per sq. ft.

(Ord. 355 § 4 (part), 1977)

17.08.110 Fees/inspection--Subdivision curbs, sidewalks, underground utilities.

Inspection of new subdivisions	\$12.50 minimum permit plus the curbs, sidewalks and underground hourly base rate of the utilities shall be by Building Inspector where inspection is in excess of one hour.
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(Ord. 355 § 4 (part), 1977)

17.08.120 Fees/inspection--Water/sewer mains on city easements.

Inspection fee for water and sewer mains on city easements	\$12.50 for the first 200'-0" lin. ft. plus 5¢ for each additional lin. ft.
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(Ord. 355 § 4 (part), 1977)

17.08.130 Fees--Minimum inspection fee.

Minimum permit fee	\$12.50
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(Ord. 355 § 4 (part), 1977)

17.08.140 Fees--Reinspection.

Reinspection Fee: call back inspections for improper work or settlement of excavation	\$12.50
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(Ord. 355 § 4 (part), 1977)

17.08.150 Fees--Plan checking.

Plan Checking Fee	When the valuation of the proposed street work exceeds \$1000. A Plan Checking Fee shall be paid to the Building Inspector of the City at the time of submitting plans and specifications for checking. Said plan checking fee shall be 65% of the Street Permit Fee set forth in this chapter.
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(Ord. 355 § 4 (part), 1977)

17.08.160 Permit expiration.

Every Permit issued by the Building Inspector of North Bonneville under the provisions of this Chapter shall expire by limitation and become null and void, if the work authorized by such Permit is not commenced within ninety (90) days from the date of such Permit, or if the work authorized by such Permit is suspended or abandoned at any time after the work is commenced for a period of sixty (60) days. Before such work can be commenced or recommenced a new Permit shall be first obtained so to do, and the fee therefor shall be one-half the amount required for a new Permit for such work, provided no changes have been made or will be made in the original plans for such work; and provided, further, that such suspension or abandonment shall not exceed one hundred twenty (120) days. (Ord. 355 § 5, 1977)

17.08.170 Construction liability.

During the time any sidewalk, curb or street or right-of-way is open or disturbed, the permittee shall install and maintain adequate and proper safeguards and assume full responsibility for sufficient barricading and lighting at all times. The City Building Inspector in conjunction with the City Marshal shall determine the sufficiency of such precautions. (Ord. 355 § 6, 1977)

17.08.180 Construction standards.

All work done under any Permit issued under this ordinance shall be in accord with any and all relevant provisions of all other City ordinances and codes and shall meet all standards of construction established in any other ordinance or code. (Ord. 355 § 7, 1977)

Chapter 17.12

TITLE CERTIFICATE REQUIRED

Sections:

- 17.12.010 Title certificate required.**
- 17.12.020 Construction-- Commercial/industrial.**
- 17.12.030 Penalties.**

17.12.010 Title certificate required.

The City of North Bonneville Building Inspector shall require any applicant for a commercial or industrial building permit to provide the City with a title certificate or certified copy issued by a title insurance company showing the identity of all parties asserting or having an interest in the real property. Building permits shall be required for any and all construction on commercial and industrial lots. The application for the building permit shall be signed by all parties who appear on the certificate to assert such an interest. (Ord. 363 § 1, 1977)

17.12.020 Construction-- Commercial/industrial.

Construction on commercial or industrial property shall mean any type of excavation, filling, site development, access road development, utilities ditching or any other form of construction on the real property. Said activity also to include cutting of trees or erection of a temporary or interim structure. (Ord. 363 § 2, 1977)

17.12.030 Penalties.

Any person or entity violating any provision of this chapter shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than six months or both. (Ord. 363 § 3, 1977)

Chapter 17.20

SITE AND BUILDING PLAN REVIEW*

Sections:

- 17.20.010 Definitions.**
- 17.20.020 Purpose.**
- 17.20.030 Title.**
- 17.20.040 When required.**
- 17.20.050 Application.**
- 17.20.060 Review process.**
- 17.20.070 Optional phased development plan.**
- 17.20.080 Certificate for use or occupancy.**
- 17.20.090 Expiration of approval.**
- 17.20.100 Extension of approval.**
- 17.20.110 Penalty.**
- 17.20.120 Utility construction.**

* Prior ordinance history: Ords. 566, 669, 683 and 686.

17.20.010 Definitions.

As used in this chapter, the following terms are defined:

"Existing use" means that use, or uses, to which a parcel of land is currently subject, or has been subject within two (2) years of the proposal. A lot may have more than one (1) "existing use."

"Improvement" means addition to a site such as, but not limited to, utility lines, roadways, walkways, drainage devices, paving, grading and/or excavating which changes the natural topography of the site.

"Modified proposal" means an amended proposal showing modifications which directly address the reasons for its original rejection.

"Normal maintenance or repair" means that work which is necessary or intended to maintain a structure at the same level of soundness, livability and appearance that it originally held.

"Significant change in use of site" means one which creates a change or increase in usage of city utilities, or would cause a different pattern or amount of public use of the structure, available parking or traffic, or increase sources of public nuisance factors.

"Substantial change of appearance of a structure" means modification of the structure's profile (elevation) or footprint that increases the height or width or length of the structure's profile by more than four (4) feet or increases the structure's footprint by more than one hundred twenty (120) square feet. (Ord. 710 § 005, 1994)

17.20.020 Purpose.

The purpose of a site plan review is to ensure:

- A. That all new development is in accordance with the Comprehensive Plan;
- B. Compatibility between new developments, existing uses and future developments;
- C. That development proposals will comply with density requirements and design standards which have been adopted for applicable zoning district(s); with environmental requirements; and with standards of public safety;
- D. Compliance with the International Building Codes, Fire Codes, et al; and
- E. Public awareness of new development proposals and opportunities for public comment. (Ord. 981, 2011; Ord. 710 § 010, 1994)

17.20.030 Title.

This chapter shall be called "Site and Building Plan Review" chapter. (Ord. 710 § 011, 1994)

17.20.040 When required.

Site plan review and approval shall be required prior to:

- A. Site development or construction of improvements;
- B. A significant change in use of a building or other structure;
- C. Construction of any new building or structure;
- D. Remodeling of an existing building, structure, roadway and parking area within the city; or
- E. Significant change in use of a site.

Exceptions:

- 1. All uses permitted in single-family residential zone;
- 2. Minor construction which does not substantially change the appearance of the structure such as:
 - a. Normal maintenance or repair;
 - b. Changes which do not exceed 10% of the value of the existing structure, or \$10,000.00 whichever is less;
 - c. Construction such as roof or siding replacement.
- 3. Changes in the use of an existing building from one permitted use to another. At the discretion of the staff, a site plan review may be waived if the overall character or use of the site is not significantly altered by the change in use.

The provisions of this chapter shall apply equally to public and private projects or proposals. (Ord. 981, 2011; Ord. 839 § 1, 2003; Ord. 710 § 020, 1994)

17.20.050 Application.

The application shall consist of a project description, a site plan, a preliminary building plan, an environmental checklist, if applicable, and a filing fee.

The site plan and preliminary building plan shall be submitted as originals plus four (4) copies. Additional copies may be requested if needed.

A. Project Description. Shall be a brief description of the development proposal, including the following:

1. Names, addresses and phone numbers of owner, developer and architect or engineer;
2. Proposed use of the land and building: Nature of the business or activity;
3. Existing uses of neighboring lands within two hundred (200) feet of the site;
4. Estimated number of employees at full employment;
5. Estimated number of customers/visitors, describing variations that may occur due to season, etc.;
6. Number and type of deliveries and delivery vehicles;
7. Type of waste and manner of storage and removal;
8. Utilities and volume of use expected;
9. Nuisance aspects, such as noise, smoke, odors, etc.;
10. Hazardous aspects, such as chemicals, heavy metals;
11. Estimated dates of construction start and completion;
12. Legal description of the lot or lots; and
13. Estimated cost of project.

B. Site Plan. Shall be a detailed drawing or drawings containing the following information:

1. Name of owner, developer and architect or engineer;
2. North arrow, scale and title of proposed project;
3. Complete lot or lots, legal boundaries and markers;
4. All existing and proposed buildings and structures showing outside limits and dimensions;
5. Proposed site drainage plan;
6. Existing and proposed utilities;
7. Elevation contours every two (2) feet, or at staff discretion except for lots within the platted town areas;
8. Location and design of signs;
9. Refuse storage areas with screening provisions;
10. Landscaping;
11. Sufficient clear space on the face of the plan to accommodate the city stamp, in event of approval (three (3) inches by three (3) inches);
12. All existing and proposed means of vehicular and pedestrian ingress and egress to and from the site and structures, the size and location of driveways, streets, roads, curbs, parking lots and pedestrian pathways and sidewalks, and bike paths;
13. Natural features;
14. Fences, light poles, and exterior light fixtures.

C. Building Plan.

1. Preliminary floor plans, elevations and descriptive sections of all proposed buildings and structures. Materials and finishes shall be indicated. The preliminary plans shall be sufficiently detailed to show the size, shape, uses and character of the intended buildings and structures.

Note: Complete and detailed plans and specifications for all proposed buildings and structures shall be submitted to the City Building Official at the time of applying for building permits for the approved proposal or portion thereof.

D. Environmental Checklist. Unless the pro-posed project is exempt under SEPA Rules, an environmental checklist must be completed and submitted to the city along with the applicable fee. This fee is nonrefundable.

E. Other Permits. Final approval of the site and building plan review will be contingent upon issuance of any other applicable environmental permits, such as shorelines, hydraulics, septic tank and water quality permits.

F. Filing Fee. An application fee as set forth in Chapter 18.02 of this code for site plan review is required at the time of submittal of the proposal. (Ord. 839 § 2, 2003; Ord. 710 § 030, 1994)

17.20.060 Review process.

A. An application for a site and building plan review shall be processed according to Type I-B land use decisions established in Chapter 18.01, Land Use Administrative Procedures for projects that:

1. Have estimated total construction costs of less than twenty thousand dollars (\$20,000.00); and
2. Comply with the permitted uses for the subject zone district.

B. An application for a site and building plan review shall be processed according to Type II land use decisions established in Chapter 18.01, Land Use Administrative Procedures for projects that:

1. Have estimated total construction costs of twenty thousand dollars (\$20,000.00) or more;
2. Involve a planned unit development (PUD);
3. Require a change in zone; or
4. Include a use classified as a conditional use in its zone district.

C. In addition to review under all requirements of Chapter 18.01, based on comments from city departments and applicable agencies, the city shall review the proposal subject to the criteria contained in this chapter, and shall approve any such proposal only when consistent with all of the provisions of this chapter.

D. Amendment of Site Plan. A site plan approved by the city may be amended by the same procedures provided under this chapter for original plan approval. The fee may be waived for amendments submitted within one (1) year of the date of approval on the original site plan and for relatively minor new work including, but not limited to, a fence, refuse enclosure, or other work valued at less than five thousand dollars (\$5,000.00). If a building permit has been issued for an approved project, an amended site plan shall require a new building permit unless waived by the Building Official. (Ord. 839 § 3, 2003; Ord. 710 § 040, 1994)

17.20.070 Optional phased development plan.

A. Whenever a planned use of land is to be implemented in phases over a period of years, the applicant shall request review and approval of the phased development plan.

B. In the case of a phased development, each phase shall be subject separately to the two (2) year performance standard provided in Section 17.20.090. The starting and completion dates of each phase shall be stated in the application. (Ord. 710 § 050, 1994)

17.20.080 Certificate for use or occupancy.

No building or structure shall be used or occupied until the Building Official has issued a certificate of use or occupancy under the International Building Code. A certificate of use or occupancy of a development shall not be issued by the Building Official until all improvements have been completed according to the approved site and building plans. The developer may apply for a certificate of use or occupancy in advance of completion of the project. The application for the certificate will not be accepted for review by the city until the project is 90% complete, as determined by the Building Official, and must be accompanied by a bond, or other similar instrument at the direction of the Building Official, in the amount of the full cost to complete the unfinished work. (Ord. 981, 2011; Ord. 710 § 060, 1994)

17.20.090 Expiration of approval.

The approval of a site and building plan shall be revoked and nullified if within two (2) years of the date the city approved the plan; construction has not been completed. (Ord. 1064, 2016; Ord. 710 § 070, 1994)

17.20.100 Extension of approval.

The approval of a site and building plan may be extended for up to one additional year provided that:

A. Within the initial two (2) year approval period, the applicant requests in writing a time extension, stating his reasons for the extension request; and

B. No change has been made in the plan; and

C. A fee in the amount of one-half of the original permit fee is paid at the time extension is made.

(Ord. 1064, 2016; Ord. 920, 2007; Ord. 710 § 080, 1994)

17.20.110 Penalty.

A. Any development or use which fails to conform to the approved plan shall be a violation of this chapter. Upon verification by the City Building Official that development has proceeded in a manner so as not to conform to the finally approved and signed plan, he shall issue and enforce a stop-work order halting any and all construction on a lot, parcel, or tract of land.

B. Any use of land which requires site and building plan review and approval as provided in this chapter, for which such review and approval is not obtained shall constitute a violation of this chapter. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, occupy, or maintain any building or structure in the city, or cause the same to be done, contrary to, or in violation of any of the provisions of this chapter.

C. Any person, firm or corporation violating any of the provisions of this chapter shall be subject to a fine in accordance with Section 7.01.020(D) for each infraction. Each day that such violations continue shall constitute a separate and distinct offence. (Ord. 1064, 2016; Ord. 710 § 090, 1994)

17.20.120 Utility construction.

The developer shall be responsible for construction of all utilities within the boundaries of the proposed development. (Ord. 710 § 100, 1994)

Chapter 17.22

CONSTRUCTION OR EXCAVATION WITHIN RIGHT-OF-WAY

Sections:

- 17.22.010 Purpose.**
- 17.22.020 Intent.**
- 17.22.030 Definitions.**
- 17.22.040 Permit – Required.**
- 17.22.050 Permit – Limitation.**
- 17.22.060 Permit – Application.**
- 17.22.070 Permit – Application Processing.**
- 17.22.080 Permit – Fee.**
- 17.22.090 Permit – Form.**
- 17.22.100 Performance Bond – When Required.**
- 17.22.110 Permittee – Indemnity/Hold Harmless.**
- 17.22.120 Permittee – Liability Insurance Required.**
- 17.22.130 Performance of Work – Applicable Standards – Generally.**
- 17.22.140 Performance of Work – Traffic Routing.**
- 17.22.150 Performance of Work – Traffic Protection.**
- 17.22.160 Performance of Work – Fire Facilities Clearance.**
- 17.22.170 Performance of Work – Adjoining Property Protection.**
- 17.22.180 Performance of Work – Utility Facilities Protection.**

- 17.22.190 Liability for Damage to Streets.**
- 17.22.200 Excavations.**
- 17.22.210 Protective Measures, Barriers, and Lights.**
- 17.22.220 Excavated Material Maintenance.**
- 17.22.230 Cleanup.**
- 17.22.240 Watercourses, Sewers and Drains – Protection.**
- 17.22.250 Breaking Through Existing Pavement.**
- 17.22.260 Tunnels.**
- 17.22.270 Backfilling and Compaction – Requirements.**
- 17.22.280 Surface Restoration.**
- 17.22.290 Work to be Completed Promptly.**
- 17.22.300 Urgent Work.**
- 17.22.310 Noise, Dust and Debris.**
- 17.22.320 Monuments.**
- 17.22.330 Inspections.**
- 17.22.340 Correction and Discontinuance of Unsafe, Nonconforming, or Unauthorized.**
- 17.22.350 Shared Use of Excavations.**
- 17.22.360 Relocation.**
- 17.22.370 Limitation of Liability.**
- 17.22.380 Violation – Penalty.**
- 17.22.390 Severability.**
- 17.22.400 Effective Date.**

17.22.010 Purpose.

It is the purpose of this code to provide for the issuance of Right-of-Way Use Permits in order to regulate activities within the right-of-way in the City of North Bonneville in the interest of public health, safety and welfare; and to provide for the fees, charges, warranties, and procedures required to administer the permit process. (Ord. 792, 2000)

17.22.020 Intent.

It is expressly the purpose of this code and any procedures adopted hereunder to provide for and promote the health, safety, and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code or any procedures adopted hereunder.

It is the specific intent of this code and any procedures adopted hereunder to place the obligation of complying with the requirements of this code upon the permittee, and no provision is intended to impose any duty upon the city or any of its officers, employees or agents. Nothing contained in this code or any procedures adopted hereunder is intended to be or shall be construed to create or form the basis for liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of the permittee to comply with the provisions hereof, or by reason or in consequence of any act or mission in connection with the implementation or enforcement of this code or any procedures adopted hereunder by the city, its officers, employees or agents. (Ord. 792, 2000)

17.22.030 Definitions.

The following definitions apply to the provisions of this chapter, unless the context shall indicate otherwise:

“Applicant” means any person making application for a permit for construction or excavation work, pursuant to the terms of this chapter.

“City” means the City of North Bonneville.

“City Council” or “Council” means the City Council of the City of North Bonneville.

“Construction” or “Excavation” means the act of opening, excavating or in any manner disturbing or breaking the surface or foundation of any permanent pavement; the establishment or alteration of any established grade or street; and the maintenance or removal of a sidewalk or crosswalk, pavement, sewers, water mains, street lighting or appurtenances thereto.

“Damage” includes the substantial weakening of structural or lateral support of an underground facility, penetration, impairment, or destruction of any underground protective coating, housing or other protective device, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected utility owner determines that repairs are required.

“Emergency” means a condition of imminent danger to the health, safety, and welfare of property or persons located within the city including, but not limited to, damage to persons or property from natural or manmade consequences, such as storms, earthquakes, riots or wars.

“Excavation” means any operation in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means, except tilling of soil less than twelve inches in depth for agricultural purposes, or road and ditch maintenance that does not change the original road or ditch flowline.

“Facilities” means all of the plant, equipment, fixtures, appurtenances, antennas, and other facilities necessary to furnish utility service.

“Person” means any person, firm, partnership, association, corporation, company or organization of any kind.

“Permittee” means any person holding a permit from the City of North Bonneville for the performance of any construction or excavation work within a right-of-way of the city.

“Right-of-way” means all public streets and property granted or reserved for, or dedicated to, public use for street purposes, together with public property granted or reserved for, or dedicated to, public use for walkways, sidewalks, bikeways, whether improved or unimproved, including the air rights, sub-space rights and easements related thereto, whether such right-of-way or easement is currently used or not.

“Work” means any construction or excavation activity within the right-of-way of the city. (Ord. 792, 2000)

17.22.040 Permit – Required.

It is unlawful for any person to perform any work in a city right-of-way without first having obtained a permit therefore from the city as provided in this chapter. The following work shall not require a permit:

- a) any work performed by or under the direction of the city, including work performed by employees of the city or any person contracting with the city;
- b) any work within the external boundaries of a subdivision, for which the council has given approval or other approving authority of the city. (Ord. 792, 2000)

17.22.050 Permit – Limitation.

No application for a permit shall be received, nor shall any permit be issued, other than to a licensed and bonded contractor of the State; provided, that if all work to be done under a permit is outside the outer boundaries of a traveled and improved street, highway, or avenue, and the fair market value of the work is equal or less than thirty-five hundred dollars, then a permit may be issued to other than a licensed and bonded contractor. (Ord. 792, 2000)

17.22.060 Permit – Application.

A. A written application for the issuance of a permit shall be submitted to the city on a form and in a manner required by the city. At a minimum the application shall state the name and address of the applicant, the nature, location, and purpose of the work to be performed, the name of the person who will perform the work, the date of the commencement and date of completion of the work, and such other data as may reasonably be required by the city.

B. The city may require that the application be accompanied by plans and/or specifications showing the extent of the proposed work, the dimensions and elevation of the existing ground prior to any excavation, and of the other proposed elevated surfaces, the location of the work, and such other information as may reasonably be required by the city.

C. The application fee as required by this chapter shall accompany the application. (Ord. 792, 2000)

17.22.070 Permit–Application Processing.

A. The city shall examine each application to determine if it complies with the provisions of this chapter. The city shall cause to be inspected the premises which are desired to be used, or otherwise ascertain any facts which may aid in determining whether a permit shall be granted.

B. If the city finds that the application conforms to the requirements of this chapter, and that the proposed work will not unduly interfere with the right of the public in the right-of-way, the city may grant the permit. The city shall act on a request within this (30) days of receipt of a completed application, unless a longer time period is agreed to between the city and the permittee.

C. If an application is denied, the applicant may appeal the denial to the City Council, within this (30) days of the notice of denial. The City Council shall review the application, to ascertain that a denial is based upon nonconformance of the application with the terms of this chapter, and/or a determination that the proposed work will interfere with the rights of the public in the right-of-way. (Ord. 792, 2000)

17.22.080 Permit – Fees.

The application fee and inspection fees for each permit shall be set forth in a fee schedule to be adopted by the City Council. Fees and charges adopted pursuant to this section may be adjusted as necessary by council action. (Ord. 792, 2000)

17.22.090 Permit – Form.

The city shall provide each permittee a written permit.

It shall be the duty of the permittee hereunder to keep the permit posted in a conspicuous place at the site of the work. It is unlawful for any person to exhibit such permit at or about any excavation not covered by such permit, or to misrepresent the number of the permit, or the date of the expiration of the permit. (Ord. 792, 2000)

17.22.100 Performance Bond – When Required.

A permittee doing work whose fair market value is greater than thirty-five hundred dollars (\$3,500) shall provide assurance to the city of completion of that work, by one of the following methods:

A. Furnishing a performance bond, approved as to surety by the city clerk and as to form by the city Attorney, which bond shall be conditioned upon fail completion of that portion of the work performed pursuant to the permit which will require completion by the city should the permittee or his contractor default. The amount of such bond shall be determined by the city, but shall not be for less amount than twenty-five percent (25%) of the permitted project amount.

B. Furnishing the city an assignment of a savings account, or the placing in trust, of an amount determined by the city to be sufficient to assure completion of the work. This savings account or trust shall be conditioned so that no amount may be removed therefrom without prior written approval of the city, and shall further provide that, if the work is not performed within the time limit set by the permit, or not done to the satisfaction of the city, then the city may withdraw from the savings account or trust the amount necessary to complete the work. (Ord. 792, 2000)

17.22.110 Permittee – Indemnity/Hold Harmless.

As a condition of permit issuance, a permittee shall agree to defend, indemnify and hold the city, its officers, officials, employees and volunteers, harmless from any and all claims, injuries, damages, losses or suits including attorneys fees, arising out of or in connection with the performance of this permit, except for injuries and damages caused by the sole negligence of the city.

Should a court of competent jurisdiction determine that this permit is subject of RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the permittee and the city, its officers, employees, and volunteers, the permittee's liability hereunder shall be only to the extent of the permittee's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver is mutually agreeable by the parties. The provisions of this section shall survive the expiration or termination of this permit. (Ord. 792, 2000)

17.22.120 Permittee – Liability Insurance Required.

A. The permittee shall procure and maintain for the duration of the permit, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the permittee, their agents, representatives, employees or subcontractors.

B. Permittee shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be indorsed to provide contractual liability coverage. Coverage shall be a minimum combined single limit for bodily injury and property damage of one million dollars (\$1,000,000) per accident.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide the Aggregate Per Project Endorsement IGS form CG 25 03 11 85. There shall be no endorsement or modification of the Commercial General Liability insurance for liability arising from explosion, collapse or underground property damage. The city shall be named as an insured under the permittee's Commercial General Liability insurance policy with respect to the work performed for the city using ISO additional insured endorsement CG 20 10 11 85 or a substitute endorsement providing equivalent coverage. Coverage shall be written with limits no less than one million dollars (\$1,000,000) each occurrence, two million dollars (\$2,000,000) general aggregate and a two million dollars (\$2,000,000) products-completed operations aggregate limit.
3. Worker's Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

C. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance:

1. The permittee's insurance coverage shall be primary insurance with respect to the city. Any insurance, self-insurance, or insurance pool coverage maintained by the city shall be excess of the permittee's insurance and shall not contribute with it.
2. The permittee's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipts requested, has been given to the city.

D. The permittee shall assume full responsibility for all loss or damage from any cause whatsoever to any tools, permittee's employee owned tools, machinery, equipment, or motor vehicles owned or rented by the permittee, or the permittee's agents, suppliers or contractors as well as to any temporary structures, scaffolding and protective fences.

E. The permittee and the city waive all rights against each other, any of their subcontractors, agents and employees, each of the other, for damages caused by fire or other perils to the extent covered by property insurance obtained pursuant to the Liability Insurance requirements of this section or other property insurance applicable to the work. The policies shall provide such waivers by endorsement or otherwise.

F. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

G. Permittee shall furnish the city with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the Automobile Liability and Commercial General Liability insurance of the permittee before commencement of the work.

H. Permittee shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each sub-contractor. All coverage for subcontractors shall be subject to all of the same insurance requirements as stated herein for the permittee. (Ord. 792, 2000)

17.22.130 Performance of Work – Applicable Standards - Generally.

Except as otherwise provided in this chapter, all work performed pursuant to a permit issued pursuant to this chapter shall be done in accordance with the Standard Specifications for Road, Bridge and Municipal Construction issued by the Washington State Chapter of the American Public Works Association and the Washington State Department of Transportation, current edition, or as such edition is hereafter revised, amended or updated.

Permittee shall place underground telecommunication lines and underground power lines in conduit. RCW 19.122 governs all utility locating requirements. (Ord. 792, 2000)

17.22.140 Performance of Work – Traffic Routing.

A. The permittee shall take appropriate measures to assure that, during the performance of the work, pedestrian and vehicular traffic conditions proceed as nearly normal as possible at all times, so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public.

B. The city may permit the closing of streets to all traffic for a period of time prescribed by the city, if in their opinion it is necessary for the completion of the permitted work. The following procedures shall be followed before any street may be closed or restricted to traffic:

1. Permittee shall receive the approval and written permission of the city;
2. Permittee shall notify the Chief of the Fire Department of the street to be closed;
3. The city shall prescribe the route and traffic control to the permittee;
4. Upon completion of the construction work, the permittee shall notify the city, the Fire Chief of the return of the street to normal operation;
5. If determined necessary by the city, flaggers or other protective measures shall be furnished by the permittee, at his expense, during the period of closure. Should it be necessary to provide detour route for traffic, and no existing street exists for such detour, the permittee shall construct a necessary detour at his expense, in conformity with the terms of this Chapter. (Ord. 792, 2000)

17.22.150 Performance of Work – Traffic Protection.

The permittee shall erect and maintain suitable barriers to prevent earth from trenches or other excavations from encroaching upon the streets, except as may be reasonably necessary for execution of the work.

As determined by the city, the permittee may be required to construct and maintain adequate and safe crossings over excavations of streets under improvement, to permit continued vehicular and pedestrian traffic to use the street or street intersection. Such crossings shall, at a minimum, be constructed and maintained of plank, timbers, and blocking of adequate size to accommodate vehicular and pedestrian traffic with safety. (Ord. 792, 2000)

17.22.160 Performance of Work – Fire Facilities Clearance.

Any work performed pursuant to this chapter shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or other obstructions shall not be placed within fifteen (15) feet of fire hydrants. Passageways leading to fire escapes or firefighting equipment shall be kept free of all obstructions. (Ord. 792, 2000)

17.22.170 Performance of Work – Adjoining Property Protection.

Permittee shall, at all times, at his expense, preserve and protect from injury any public or private property adjoining the location of work, by taking all necessary measures for such purpose.

If it is necessary for the proper performance of the work that adjoining property be entered upon, the permittee shall obtain a license or other permission from the owner of said property for such purposes. Such license or permission shall be presented to the city as a portion of the application for the permit, and the city shall not issue a permit until such time as all necessary licenses have been obtained and presented. (Ord. 792, 2000)

17.22.180 Performance of Work – Utility Facilities Protection.

A. Permittee shall inform itself, prior to commencing work, as to the existence and location of all underground utilities and protect same against damage, in accordance with the provisions of this section.

B. Permittee shall not interfere with any existing utilities without the written consent of the utility company or person owning the utility.

C. If it is necessary to remove any existing utility, this shall be done by the owner, at the expense of the permittee.

D. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may in any way be affected by the work, and do everything necessary to support, sustain and protect those facilities.

E. In case any of such utilities shall be damaged by the work, it shall be repaired by the owner thereof, at the expense of the permittee. (Ord. 792, 2000)

17.22.190 Liability for Damage to Streets.

A. The permittee will be responsible for all damage of any kind to the streets of the city as a result of performance of work under the terms of the permit granted pursuant to this chapter, including damage done by mobile equipment required to be present at the site.

B. All damage shall be repaired by the permittee, or if the city determines, the city shall repair such wage, and the cost thereof shall be billed to the permittee.

C. If, upon being ordered to repair the damage, the permittee fails to furnish the necessary labor and materials for the repairs within a reasonable time period, the city shall have the authority to cause such labor and materials to be furnished by the city and the cost shall be charged against the permittee. (Ord. 792, 2000)

17.22.200 Excavations.

It is unlawful for any person to leave unguarded any excavation within four (4) feet of any street or other public place, or to fail to maintain the lateral support of any such public place. (Ord. 792, 2000)

17.22.210 Protective Measures, Barriers, and Lights.

The permittee shall erect such fence, railing or barriers about the site of the excavation work and shall prevent danger to persons using the city streets or sidewalks, and such protective barriers shall be maintained until the work shall be completed or the danger removed. At twilight, there shall be placed upon such place of excavation, excavated materials, and upon the protective barriers, suitable and sufficient lights which shall be kept illuminated throughout the night during the maintenance of such obstructions.

It is unlawful for anyone to remove or tear down the fence or railing or other protective barriers or any lights provided for the protection of the public. (Ord. 792, 2000)

17.22.220 Excavated Material Maintenance.

All material excavated from trenches and piled adjacent to the trench or in any street shall be properly maintained in such manner as not to endanger those working on the trench, pedestrians or users of the streets, so that as little inconvenience as possible is caused to those using the streets and adjoining property.

Where the confines of the area being excavated are too narrow to permit the piling of excavated materials beside the trench, the city shall have the authority to require that the permittee haul the excavated material to a storage site, and then rehaul it to the trench site at the time of backfilling. It is the permittee's responsibility to secure the necessary permission and make all necessary arrangements for the required storage and disposal. (Ord. 792, 2000)

17.22.230 Cleanup.

At the conclusion of the work at a particular site, all streets and private property shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work.

Such cleanup work shall be performed within twenty-four (24) hours of conclusion of the work, or as otherwise directed by the city, and at the expense of the permittee. Should the permittee, after having received an order to do so, failed to clean up such refuse, the city, either by itself or by contractor shall do such work, and the cost thereof charged to the permittee. (Ord. 792, 2000)

17.22.240 Watercourses, Sewers and Drains – Protection.

The permittee shall provide for the flow of all watercourses, sewers or drains that are involved in the work, and shall replace the same in as good condition as it found them or shall make such provisions for them as the city may direct.

The permittee shall not obstruct the gutter of any street, but shall use all proper measures to provide for the free passage of surface water.

The permittee shall make provisions to take care of all surplus water, muck, silt, or other runoff pumped or resulting from the work, and shall be responsible for any damages resulting from failure to do so. (Ord. 792, 2000)

17.22.250 Breaking Through Existing Pavement.

If, in the performance of any work, it is necessary to break through existing pavement, the pavement shall be removed to at least six (6) inches beyond the outer limits of any subgrade that is to be disturbed, in order to prevent settlement, and a six (6) inch shoulder of undisturbed material shall be provided on each side of the excavated trench. Pavement removal shall be vertical.

A power driven concrete saw shall be used so as to prevent complete breakage of concrete pavement or base without ragged edges. Asphalt paving shall be scored or otherwise cut in a straight line. No pile driver may be used in breaking up existing pavement. (Ord. 792, 2000)

17.22.260 Tunnels.

Tunneling under streets, street intersections and pathways shall be required, except where breaking through existing pavement is permitted with express permission by the city in accordance with Section 17.22.250 above.

Where tunneling is performed, such work shall be done by the jacking or boring of casings under the surface and placing pipes or cables inside of such casings. (Ord. 792, 2000)

17.22.270 Backfilling and Compaction – Requirements.

Controlled density backfill (CDF) material and approved compaction tests will be required in any excavated area occurring in any portion of a paved street or alley to within one (1) foot behind the curb edge of paving, unless otherwise approved in advance of construction by the city.

Compaction procedures must be in accordance with approved practices to result in optimum compaction and not damage existing utilities or structures (Ord. 792, 2000)

17.22.280 Surface Restoration.

A. The backfill and permanent restoration of the streets shall be made by the permittee, after the permittee has completed his work.

B. The permittee may be required to place a temporary surface over openings made in paved traffic lanes.

C. When such temporary surface is required, the fill above the bottom of the paving slab shall be made with suitable material, and this fill shall then be topped with a minimum of at least one-inch (1") bituminous mixture, which is suitable to maintain the opening in good condition until permanent restoration can be made.

D. The crown of such temporary restoration shall not exceed one inch (1") above the adjoining pavement.

E. The permittee shall exercise special care in making such temporary restorations, and must maintain such restoration in a safe traveling condition until such time as a permanent restoration can be made.

F. Asphalt that is used shall be in accordance with specifications of the city. If, in the judgment of the city, it is not expedient or necessary to replace the pavement over any cut or excavation made in the street, upon completion of the work allowed under such permit, by reason of the looseness of the earth or weather conditions, the city may direct the permittee to lay a temporary pavement of wood, asphalt, or other suitable material designated by the city over such cut or excavation, to remain until such time as repair of the original pavement may be properly made.

G. The acceptance or approval of any work by the city shall not prevent the city from asserting a claim against the permittee for incomplete or defective work, if it is discovered within twelve (12) months from the completion of the work. The city's presence during the performance of any excavation work shall not relieve the permittee of its responsibilities hereunder. (Ord. 792, 2000)

17.22.290 Work to be Completed Promptly.

The permittee shall prosecute with diligence and expedite all work, and shall promptly complete such work and restore the street in accordance with the provisions of this chapter, as soon as practicable, and in any event, not later than the date specified in the permit. (Ord. 792, 2000)

17.22.300 Urgent Work.

If, in the judgment of the city, traffic condition, the safety or convenience of the traveling public, or the public interest require that the excavation work be performed in a shorter period than otherwise possible, the city may order, at the time the permit is granted, that a crew of personnel and adequate facilities be employed by the permittee greater than eight (8) hours per day, to the end that such excavation work may be completed as soon as possible. (Ord. 792, 2000)

17.22.310 Noise, Dust and Debris.

Each permittee shall conduct and carry out the excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work noise, dust, and unsightly debris.

Between the hours of ten p.m. and seven a.m. (10:00 pm – 7:00 a.m.), the permittee shall not use, except with the express written permission of the city, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants in the neighboring property. (Ord. 792, 2000)

17.22.320 Monuments.

The permittee shall not disturb any surface monuments or hubs found in the line of excavation work, until authorized to do so by the city. All street monuments, property corners, bench marks and other monuments disturbed by the progress of work shall be replaced by the permittee, and the cost of the same shall be paid by the permittee. (Ord. 792, 2000)

17.22.330 Inspections.

The city shall make such inspections as are reasonably necessary in the enforcement of this chapter. The city shall have the authority to promulgate and cause to be enforced such rules and regulations as must be reasonably necessary to enforce and carry out the intent of this chapter. (Ord. 792, 2000)

17.22.340 Correction and discontinuance of unsafe, nonconforming, or unauthorized conditions.

A. Whenever the city determines that any condition on any right-of-way is in violation of, or any right-of-way is being used contrary to any provision of this code or procedures adopted hereunder or other applicable codes or standards, or without a right-of-way use permit, the city may order the correction or discontinuance of such condition or any activity causing such condition.

B. The city is authorized to use any or all of the following methods in ordering correction or discontinuance of any such conditions or activities as appropriate.

1. Serving of oral or written directives to the permittee or other responsible person requesting immediate correction or discontinuance of the specified condition;
2. Service of a written notice of violation ordering correction or discontinuance of a specific condition or activity within ten (10) days of notice, or such other reasonable period as the city may determine;
3. Issuance of an order to immediately stop work until authorization is received from the city to proceed with such work;
4. Service of summons and complaint certified by the prosecuting attorney or a citation and notice to appear by a law enforcement officer upon the permittee, or other responsible person who is in violation of this or other city ordinances. (Ord. 792, 2000)

17.22.350 Shared use of excavations.

If at any time, or from time to time, a utility company submits a permit request to excavate for access to its facilities, the city may request in writing that such utility company provide an opportunity to install city facilities within the excavation; provided that:

A. Such joint use shall not unreasonably delay the work of the utility company's excavation; and

B. Such joint use shall be arranged and accomplished on terms and conditions satisfactory to both parties.

To the extent reasonably possible, the utility company shall cooperate with the city and provide other private utility companies with the opportunity to utilize joint or shared excavations in order to minimize disruption and damage to the right-of-way as well as to minimize traffic-related impacts. (Ord. 792, 2000)

17.22.360 Relocation.

Whenever the city undertakes or approves the construction of any sewer, water or storm drainage line (eight (8) inch inside diameter or larger) or other street improvement project including, without limitation: installation of traffic signals, street lifts, sidewalks and pedestrian amenities, and such project necessitates the relocation of any utility company's then existing facilities, the city shall:

A. Provide such utility company written notice requiring such relocation at least ninety (90) days prior to the commencement of such improvement project; and

B. Provide such utility company with copies of pertinent portions of the plans and specifications for such street improvement project so that such utility company may relocate its facilities to accommodate such street improvement project. (Ord. 792, 2000)

17.22.370 Limitation of liability.

This chapter shall not be construed as imposing upon the city or any official or employee any liability or responsibility for damages to any person injured with the performance of any work for which a permit has been issued. The city and its officials or employees shall not be deemed to be assumed any liability or

responsibility by reason or inspection authorized hereunder, the issuance of any permit, or the approval of any work. (Ord. 792, 2000)

17.22.380 Violation--Penalty.

Any person violating any provision of this chapter, upon conviction thereof, is guilty of a misdemeanor, and shall be punished by a fine not to exceed five hundred dollars (\$500.00). Each day that a violation continues shall constitute a separate offense. (Ord. 792, 2000)

17.22.390 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this chapter. (Ord. 792, 2000)

17.22.400 Effective date.

This chapter shall be in full force and effect five (5) days after its passage, approval and publication. (Ord. 792, 2000)

**Chapter 17.32
(RESERVED)**

**Chapter 17.36
(RESERVED)**

**Chapter 17.40
(RESERVED)**

**Chapter 17.44
(RESERVED)**

Chapter 17.48

UNFINISHED BUILDINGS

Sections:

- 17.48.010 Purpose.**
- 17.48.020 Permit expiration.**
- 17.48.030 Permit extension.**
- 17.48.040 Appeals.**
- 17.48.050 Procedure required by the board of appeals and adjustment.**
- 17.48.060 Failure to appeal.**
- 17.48.070 Scope of hearing.**
- 17.48.080 Stay of order.**
- 17.48.090 Enforcement of final orders.**

17.48.010 Purpose.

The City of North Bonneville has determined that unfinished structures are unsightly and can cause a diminution in value of other property within the City. The International Building Code is amended by Sections 17.48.020 and 17.48.030. (Ord. 981, 2011; Ord. 637, 1989)

17.48.020 Permit expiration.

Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days. (Ord. 637 (d-¶1), 1989)

17.48.030 Permit extension.

Every permit issued by the building official under the provisions of this code shall expire and become null and void one (1) year from the date such permit is issued; provided, however, that the building official may extend the duration of such permit up to one hundred eighty (180) days if each of the following conditions occur;

1. The permit holder requests an extension in writing.
2. The request for extension is received by the building official prior to the expiration of the building permit.
3. Receipt of a written statement from the applicant, along with any additional information the building official may require, showing that circumstances beyond the control of the permit holder have prevented him from taking the action necessary to complete the structure for which the building permit has been issued.

When a request for extension under paragraph 1 above is received, the building official may grant or deny such extension within a reasonable time after the receipt of the request; provided, however, that in no case shall the determination be made later than ten days after the expiration date of the permit application. The building official shall make a written record of his determination and the reasons therefore and shall inform the permit holder of his decision in writing.

Permits issued for any buildings or projects on which significant work is continuously performed and for which all necessary periodic inspections are made shall be extended beyond the one-year period by the building official. Such extension(s) shall be for 180-day increments only and shall not exceed a total of three years. (Ord. 637 (d part), 1989)

17.48.040 Appeals.

The Uniform Building Code is further amended by adding thereto the following:

1. Any person aggrieved by any notice and order issued by, or any ruling made by the Building Official of the City relating to this chapter shall have the right to appeal to the Board of Appeals.
2. An appeal shall be initiated by filing with the City Clerk a written appeal, within thirty 30 days of the date of the notice and order or other action appealed. Said written appeal shall contain the following:
 - i. A heading in the words: "Before the Board of Appeals of the City of North Bonneville."
 - ii. A caption reading: "Appeal of _____" giving the names of all appellants participating in the appeal.
 - iii. A brief statement setting forth the legal interest of each of the appellants in the building or land involved in the notice and order, or other action being appealed.
 - iv. A brief statement in ordinary and precise language of the specific order or action protested and all material facts claimed to support the contentions of the appellant.
 - v. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
 - vi. Signatures of all parties named as appellants and their official mailing addresses.

vii. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal. (Ord. 981, 2011; Ord. 637 (f1, f2), 1989)

17.48.050 Procedure required by the board of appeals and adjustment.

1. Within a reasonable time after receiving the written appeal, the City Clerk shall fix a date, time and place for the hearing of the appeal by the Board of Appeals and Adjustment. Said date shall be not less than fourteen (14) days, except with the written consent of the appellant, nor more than sixty (60) days from the date the written appeal was filed.

2. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant, except where the appellant has waived said ten day requirement. Said written notice shall be served either by causing a copy of said notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at this address as shown on the written appeal. (Ord. 637 (g), 1989)

17.48.060 Failure to appeal.

Failure of any person to file an appeal in accordance with the provisions of this ordinance shall constitute a waiver of his right to an administrative hearing and adjudication of the notice and order, or other ruling, or any portion thereof. (Ord. 637 (h-1), 1989)

17.48.070 Scope of hearing.

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal. (Ord. 637 (h-2), 1989)

17.48.080 Stay of order.

Enforcement of any notice and order, or other ruling of the Building Official, issued under this ordinance, shall be stayed during the pendency of an appeal therefrom which is properly and timely filed. (Ord. 637 (h-3), 1989)

17.48.090 Enforcement of final orders.

1. No person to whom a final order is directed shall fail, neglect or refuse to obey a final order of the Board. A person who fails, neglects or refuses to comply with a final order is guilty of a misdemeanor.

2. If a person to whom a final order is directed fails, neglects or refuses to obey such final order, the Building Official may cause the person to be prosecuted under this section.

3. A decision of the Board of Appeals and Adjustments on matters appealed to shall be a final order unless within twenty (20) calendar days after the decision of the Board has been received by the appellant, an aggrieved party makes application to the Superior Court of the State of Washington for Skamania County for a Writ of Certiorari, a Writ of Prohibition or a Writ of Mandamus. (Ord. 637 (i), 1989)

Chapter 17.56

NATIONAL FLOOD INSURANCE PROGRAM – FLOOD DAMAGE PREVENTION

Sections:

- 17.56.010 Authorization**
- 17.56.020 Findings of Fact**
- 17.56.030 Statement of Purpose**
- 17.56.040 Methods of Reducing Flood Losses**
- 17.56.050 Definitions**
- 17.56.060 Lands to Which This Code Applies**
- 17.56.070 Basis for Establishing the Areas of Special Flood Hazard**

- 17.56.080 Compliance**
- 17.56.090 Penalties for Noncompliance**
- 17.56.100 Abrogation and Greater Restriction**
- 17.56.110 Interpretation**
- 17.56.120 Warning and Disclaimer of Liability**
- 17.56.130 Severability**
- 17.56.140 Development Permit Required**
- 17.56.150 Application for Development Permit**
- 17.56.160 Designation of the Floodplain Administrator**
- 17.56.170 Duties & Responsibilities of the Floodplain Administrator**
- 17.56.180 Provisions for Flood Hazard Reduction**
- 17.56.190 Specific Standards**
- 17.56.200 AE and A1-30 Zones with Base Flood Elevations but No Floodways**
- 17.56.210 Floodways**
- 17.56.220 Standards for Shallow Flooding Areas (AO Zones)**
- 17.56.230 Variances**

17.56.010 Authorization

The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. (Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.020 Findings of Fact

The flood hazard areas of the City of North Bonneville are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. (Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.030 Statement of Purpose

It is the purpose of this code chapter to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- G. Notify potential buyers that the property is in a Special Flood Hazard Area;
- H. Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

(Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.040 Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development, which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

(Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.050 Definitions

Alteration of Watercourse: Any action that will change the location of the channel occupied by water within the banks of any portion of the riverine waterbody.

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

Area of shallow flooding: A designated zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

ASCE 24: The most recently published version of the ASCE 24, Flood Resistance Design and Construction, published by the American Society of Civil Engineers.

Base Flood: The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").

Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.

Building: See "Structure."

Building Code: The currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.

Breakaway Wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical Facility: 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.

Development: Any man-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.

Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Elevated Building: 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.

Essential Facility: This term has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding:

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a) The overflow of inland or tidal waters.
 - b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

Floodway: 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 a designated height. Also referred to as "Regulatory Floodway."

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or
 - b) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).

Manufactured Home: 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."

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by the community.

One-hundred-year flood or 100-year flood: See “Base flood.”

Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

Recreational Vehicle: 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.

Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. 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.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance: A grant of relief by a community from the terms of a floodplain management regulation.

Water surface elevation: The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water Dependent: 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. (Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.060 Lands to Which This Code Applies

This code shall apply to all special flood hazard areas within the boundaries of the City of North Bonneville. (Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.070 Basis for Establishing the Areas of Special Flood Hazard

A. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for the City of North Bonneville dated October 20, 2000, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs), and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file 214 CBD Mall, North Bonneville, Washington.

B. The best available information for flood hazard area identification as outlined in Section 17.56.170(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 17.56.170(B). (Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.080 Compliance

All development within special flood hazard areas is subject to the terms of this code and other applicable regulations. (Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.090 Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined in accordance to Section 7.01.020(E.) for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of North Bonneville from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.100 Abrogation and Greater Restrictions

This code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this code and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.110 Interpretation

In the interpretation and application of this code, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state

(Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.120 Warning and Disclaimer of Liability

The degree of flood protection required by this code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This code shall not create liability on the part of the City of North Bonneville, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this code, or any administrative decision lawfully made hereunder. (Ord. 1146,

2022; Res. 229 § 2, 1983)

17.56.130 Severability

This code and the various parts thereof are hereby declared to be severable. Should any Section of this code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the code as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid. (Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.140 Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 17.56.070. 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.” (Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.150 Application for Development Permit

Application for a development permit shall be made on forms furnished by the Floodplain Administrator 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 with Section B completed by the Floodplain Administrator.
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in Section 17.56.190(B) Nonresidential Construction;
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
- E. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation, and
- F. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

(Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.160 Designation of the Floodplain Administrator

The Planning Advisor or person appointed by the Mayor is hereby appointed to administer, implement, and enforce this code by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions. (Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.170 Duties & Responsibilities of the Floodplain Administrator

Duties shall include, but not be limited to:

- A. Review all development permits to determine that:
 - 1) The permit requirements of this code have been satisfied;
 - 2) All other required state and federal permits have been obtained;
 - 3) The site is reasonably safe from flooding;
 - 4) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 17.56.210(A) are met;
 - 5) Notify FEMA when annexations occur in the Special Flood Hazard Area.

B. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 17.56.070 Basis for Establishing the Areas of Special Flood Hazard, the Floodplain Administrator 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 Sections 17.56.190 Specific Standards and 17.56.210 Floodways.

C. Information to be Obtained and Maintained

- 1) Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 17.56.170(B), obtain and maintain a record of 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.
- 2) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 17.56.170(B):
 - a) Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - b) Maintain the floodproofing certifications required by Section 17.56.150.
- 3) Certification required by Section 17.56.210(A).
- 4) Records of all variance actions, including justification for their issuance.
- 5) Improvement and damage calculations.
- 6) Maintain for public inspection all records pertaining to the provisions of this code.

D. Alteration of Watercourse

Whenever a watercourse is to be altered or relocated:

- 1) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means,
- 2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

E. 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 the Rules Section 60.6 and Regulations of the NFIP.

F. Review of Building Permits - Where elevation data is not available either through the FIS, FIRM, or from another authoritative source, applications for floodplain development 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 habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.) (Res. 229 § 2, 1983; Ord. 1146, 2022)

17.56.180 Provisions for Flood Hazard Reduction

In all areas of special flood hazards, the following standards are required:

A. Anchoring

- 1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
- 2) 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 guidebook, FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."

B. Construction Materials and Methods

- 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- 3) 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.

C. Storage of Materials and Equipment

- 1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
- 2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

D. Utilities

- 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- 2) Water wells shall be located on high ground that is not in the floodway;
- 3) 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;
- 4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. Subdivision Proposals and Development

All subdivisions, as well as new development shall:

- 1) Be consistent with the need to minimize flood damage;
- 2) Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- 3) Have adequate drainage provided to reduce exposure to flood damage.
- 4) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application.

(Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.190 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 17.56.070 Basis for Establishing the Areas of Special Hazard, or Section 17.56.170(B) Use of Other Flood Plain Data the following provisions are required:

A. Residential Construction

- 1) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated least one foot above the BFE.
- 2) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Section 17.56.220.
- 3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- 4) 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 must meet or exceed the following minimum criteria:

- a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
- b) The bottom of all openings shall be no higher than one foot above grade.
- c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

B. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection 1 or 2, below.

- 1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - a) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:
New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.
 - b) If located in an AO zone, the structure shall meet the requirements of Section 17.56.220.
 - c) If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

- d) 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) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - ii) The bottom of all openings shall be no higher than one foot above grade.
 - iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
 - iv) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

- a) Be dry 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 or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
- 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 Section 17.56.170(C);
- d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 17.56.190(4).

Note: Applicants who are floodproofing nonresidential buildings shall 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.

C. Manufactured Homes

All manufactured homes 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

D. Recreational Vehicles

Recreational vehicles placed on sites are required to either:

- 1) Be on the site for fewer than 180 consecutive days, or
- 2) 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
- 3) Meet the requirements of Section 17.56.190C.

E. Enclosed Area Below the Lowest Floor

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

F. Appurtenant Structures (Detached Garages & Small Storage Structures)

For A Zones (A, AE, A1-30, AH, AO):

- 1) Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
 - a) Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
 - b) The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
 - c) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - d) Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;
 - e) The appurtenant structure must comply with floodway encroachment provisions in Section 17.56.210(A);
 - f) The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 17.56.190(A)(4)
 - g) The structure shall have low damage potential,
 - h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use, and
 - i) The structure shall not be used for human habitation.
- 2) Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 17.56.190(A).
- 3) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

(Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.200 AE and A1-30 Zones with Base Flood Elevations but No Floodways

In areas with BFEs (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and 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. (Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.210 Floodways

Located within areas of special flood hazard established in Section 17.56.070 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:

- A. 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;
- B. Construction or reconstruction of residential structures is prohibited within designated Floodways, except for:
 - 1) repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and
 - 2) 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 that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

- C. Substantially Damaged Residences in Floodway
 - 1) For all substantially damaged residential structures located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).
 - 2) Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - a) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - b) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
 - c) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.

- d) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
 - e) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
 - f) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
 - g) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.
- D. All Other Building Standards Apply in the Floodway. If Section 17.56.190 above is satisfied or construction is allowed, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of 17.56.180, Provisions for Flood Hazard Reduction. (Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.220 Standards for Shallow Flooding Areas (AO Zones)

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:

- A. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above* the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).
- B. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - 1) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above* the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - 2) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If method is used, compliance shall be certified by a registered professional engineer, or architect as in Section 17.56.190(B).
- C. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- D. Recreational vehicles placed on sites within AO zones on the community's FIRM either:
 - 1) Be on the site for fewer than 180 consecutive days, or
 - 2) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - 3) Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 17.56.18.(A)).

(Ord. 1146, 2022; Res. 229 § 2, 1983)

17.56.230 Variances

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City of North Bonneville to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

A. Requirements for Variances

1) Variances shall only be issued:

- a) Upon 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;
 - b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
 - c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - d) Upon a showing of good and sufficient cause;
 - e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in of Section 17.56.050 this code in the definition of "Functionally Dependent Use."
- 2) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
 - 3) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 17.56.150 and 17.56.180 of this code have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variance Criteria

In considering variance applications, the City of North Bonneville shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- 1) The danger that materials may be swept onto other lands to the injury of others;
- 2) The danger to life and property due to flooding or erosion damage;
- 3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- 4) The importance of the services provided by the proposed facility to the community;
- 5) The necessity to the facility of a waterfront location, where applicable;
- 6) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
- 7) The compatibility of the proposed use with existing and anticipated development;
- 8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- 10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
- 11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

C. Additional Requirements for the Issuance of a Variance

- 1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - a) The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - b) Such construction below the BFE increases risks to life and property.
- 2) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
- 3) The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.
- 4) Variances as interpreted in the NFIP 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.

(Ord. 1146, 2022; Res. 229 § 2, 1983)