

Title 17

BUILDINGS AND CONSTRUCTION

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

Chapter 17.04

CONSTRUCTION CODES

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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, 2012 Edition, published by the International Code Council Inc., copyright 2011 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, 2012 Edition for One and Two Family Dwellings, published by the International Code Council Inc., copyright 2011, 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, 2012 Edition, published by the International Code Council, Inc., copyright 2011 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, 2012 Edition, as published by the International Code Council, Inc., copyright 2011 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 2012 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 2012 International Fuel Gas Code as published by the International Code Council, Inc. copyright 2011;

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. 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	110 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 120 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. 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.
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(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

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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 omission 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

Sections:

- 17.56.010 Purpose--Authority.**
- 17.56.020 National flood insurance.**
- 17.56.030 Authority of mayor.**
- 17.56.040 Authority of building official.**
- 17.56.050 Other action.**

17.56.010 Purpose--Authority.

Certain areas of North Bonneville, Washington are subject to periodic flooding (and/or mud slides) from (Streams, Rivers, Lakes, Etc.) causing serious damage to properties within these areas:

Relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968:

It is the intent of this Council to require the recognition and evaluation of flood and/or mud slide hazards in all official actions relating to land use in the flood plain (and/or mud slide) areas having special flood (and/or mud slide) hazards:

The City Council has the authority to adopt land use and control measures to reduce future flood losses pursuant to RCW35A.63. (Res. 229, 1983)

17.56.020 National flood insurance.

The City Council assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood or mud slide hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 1910 of the National Flood Insurance Program Regulations. (Res. 229 § 1, 1983)

17.56.030 Authority of mayor.

The Mayor is authorized to:

A. Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood (and/or mud slide) hazards on available local maps of sufficient scale to identify the location of building sites.

B. Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain (and/or mud slide area).

C. Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify flood plain or mud slide areas, and cooperate with neighboring communities with respect to management of adjoining flood plain and/or mud slide areas in order to prevent aggravation of existing hazards.

D. Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain (and/or mud slide area) management measures. (Res. 229 § 2, 1983)

17.56.040 Authority of building official.

The North Bonneville Building Official is appointed to maintain for public inspection and to furnish upon request a record of elevations (in relation to means sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded. (Res. 229 § 3, 1983)

17.56.050 Other action.

The City Council agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program. (Res. 229 § 4, 1983)