

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

IN THE MATTER OF:

ORDINANCE NO. 1326

AN ORDINANCE OF THE COUNTY OF LEWIS,
AMENDING PORTIONS OF CHAPTER 15.05 OF
THE LEWIS COUNTY CODE, ADOPTING THE 2018
EDITION OF THE INTERNATIONAL BUILDING
CODE AND REPEALING ALL OTHER ORDINANCES
AND CODE PROVISIONS OR PARTS THEREOF IN
CONFLICT THEREWITH

NOW THEREFORE BE IT ORDAINED the Clerk of the Board is directed to provide a clean copy of the above-amended Chapter 15.05 LCC to the company responsible for maintaining the Lewis County Code online. Notwithstanding the presence of bracketed legislative history tags in the above-amended Chapter 15.05 LCC, such tags are not substantive law and may be amended by such company to reflect legislative history accurately..

DONE IN OPEN SESSION this 22nd day of June, 2021.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Eric Eisenberg
By: Eric Eisenberg,
Chief Civil Deputy Prosecuting Attorney

Gary Stamper

Gary Stamper, Chair

ATTEST:
Rieva Lester, Clerk of the Board

Lindsey R. Pollock, DVM

Lindsey R. Pollock, DVM, Vice Chair

Tamara Martin
By: Tamara Martin

Sean D. Swope

Sean D. Swope, Commissioner



**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

AN ORDINANCE OF THE COUNTY OF LEWIS, AMENDING)	ORDINANCE NO. 1326
PORTIONS OF CHAPTER 15.05 OF THE LEWIS COUNTY)	
CODE, ADOPTING THE 2018 EDITION OF THE)	
INTERNATIONAL BUILDING CODE AND REPEALING ALL)	
OTHER ORDINANCES AND CODE PROVISIONS OR PARTS)	
THEREOF IN CONFLICT THEREWITH)	

WHEREAS, in 1985 the Washington State Legislature, pursuant to Chapters 19.27 RCW delegated the responsibility for adoption and amendment of building codes to the State Building Code Council, under Washington Administrative Code WAC 51; and

WHEREAS, in February, 2021, the Washington State Legislature adopted the amended 2018 edition of the International Building Code (IBC) under Chapter 19.27 RCW;

WHEREAS, on August 14, 2017, the Board of County Commissioners (BOCC) adopted Ordinance 1276, amending portions of Chapter 15.05 of the County Code to adopt the 2015 edition of the IBC and International Fire Code, consistent with amendments to the IBC adopted by the State Building Code Council ; and

WHEREAS, the BOCC, in conjunction with the adopted of said amended statewide regulations, finds it necessary to amend the appropriate sections of the Lewis County Building Code as codified under Chapter 15.05 LCC; and

WHEREAS, on June 1, 2021, the BOCC passed Res. 21-207 to hold a public hearing on Ordinance 1326, and directed the Clerk of the Board to provide notice of the hearing; and

WHEREAS, the BOCC has also reviewed the recommendations and findings of the Building Official and finds that adoptions of the amended statewide building codes, and the County-amended portions thereof, and repeal inconsistent and/or contradictory provisions under existing County ordinances, and are in the best public interest; and

WHEREAS, the BOCC held a public hearing on June 22, 2021 to take public testimony or written comment on the adoption of Ordinance 1326, amending portions of Chapter 15.05 of the Lewis County Code adopting the 2018 Edition of the International Building Code and repealing all other Ordinances and codes provisions or parts thereof in conflict therewith.

NOW THEREFORE BE IT ORDAINED by the BOCC that:

Chapter 15.05 of the Lewis County Code is amended as follows (underlined material is added and struck through material is deleted):

Chapter 15.05
BUILDING CODES*

Sections:

- 15.05.010 Authority.
- 15.05.020 Adoption of codes.
- 15.05.030 Definition of terms.
- 15.05.040 Administration and procedures.
- 15.05.050 Board of appeals replaced by hearings examiner.
- 15.05.060 Application for permit.
- 15.05.070 Permit issuance.
- 15.05.080 Fees.
- 15.05.090 Fire prevention bureau.
- 15.05.110 Penalties.
- 15.05.120 Disclaimer of liability.
- 15.05.130 Code amendments and clarifications.

*[Codifier's Note: The latest adopted editions and amendments of the technical, construction and building codes, and appendices thereto, referred to in this title are on file and may be consulted by the public at the Building Section, Community Development Department, 2025 Kresky Ave., Chehalis, WA 98532-1900.]

Prior legislation: Ords. 1146, 1157, 1146A, 1146B, 1181, 1146C and Res. 99-515.

15.05.010 Authority.

The authority for this chapter is Article XI, Section 11, of the Constitution of the State of Washington, RCW 36.32.120(7) and Chapter 19.27 RCW, known as the State Building Code Act. It is enacted for the benefit of the public in general and not for the special benefit of any one individual. [Ord. 1276 §1, 2017; Ord. 1271 §7, 2017; Ord. 1187A §2, 2007; Ord. 1187 §2, 2005]

15.05.020 Adoption of codes.

(1) The below listed documents, one copy of each of which is on file in the office of ~~the auditor~~ Community Development of Lewis County, and below designated statutes of the state of Washington are each hereby referred to and adopted and made a part hereof as if fully set forth in this chapter, subject to the amendments thereto as hereinafter provided. The provisions of the below stated codes may be subject to amendment.

(a) The ~~2015~~ 2018 Edition of the International Building Code (IBC) ~~includes the 2018 Existing Building Code and~~ International Code Council (ICC)/ANSI A117.1-2003, including Appendix Chapter J (with additions and amendments thereto), as set forth in Chapter 51-50 WAC, with the following additions and amendments, is hereby adopted by reference:

IBC 306.2, Factory Industrial F-1 Moderate-Hazard Occupancy, is amended to include the following additional occupancies:

Marijuana growing of more than 15 plants

Marijuana processing

IBC 312.1, Utility and Miscellaneous Group U, is amended to include the following additional occupancies:

Greenhouses and other structures used for cultivation, protection, or maintenance of plants (including marijuana growing of 15 or fewer plants);

(b) The ~~2015~~ 2018 International Residential Code for One- and Two-Family Dwellings (IRC), including Appendix Chapter G, as set forth in Chapter 51-51 WAC;

(c) The ~~2015~~ 2018 International Mechanical Code (IMC), 2018 International Fuel Gas Code (IFC) and Adoption of the 2018 National Fuel Gas Code (NFPA 54) and the 2017 Liquefied Petroleum Gas Code (NFPA 58) as set forth in Chapter 51-52 WAC;

(d) The ~~2015~~ 2018 Uniform Plumbing Code (UPC), published by the International Association of Plumbing and Mechanical Officials (IAPMO), and adopting Chapter 51-56 WAC, and Plumbing Code Appendices, Chapter 51-57 WAC;

(e) The 2018 Washington State Energy Code, as set forth in Chapter 51-11 WAC, the Washington State Ventilation and Indoor Air Quality Code, as set forth in Chapter 51-13 WAC, and the Washington State Historic Building Code, as set forth in Chapter 51-19 WAC;

(f) The ~~2015~~ 2018 International Fire Code, published by ICC, as set forth in Chapter 51-54 WAC; and specifically Section 307, as published by the International Code Council and as amended by WAC 51-540-300 et seq., and with the following additions and amendments and references thereto, and specifically county road and access standards under Chapter 12.60 LCC, is hereby adopted by reference:

~~105.6.4~~ 105.6.8 Carbon dioxide systems. A license under LCC 5.20.030 is required for carbon dioxide systems having more than 100 pounds of carbon dioxide if used to process marijuana; if not used to process marijuana, an operational permit is required.

~~105.6.29a~~ 105.6.38a Marijuana extraction systems. A license under LCC 5.20.030 is required to use a marijuana/cannabis extraction system regulated under WAC 314-55-104.

~~105.7.12a~~ 105.7.18a Marijuana extraction systems. A construction permit is required to install or construct a marijuana/cannabis extraction system regulated under WAC 314-55-104.

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. For purposes of this section, a Lewis County open burning permit shall be issued by the County Building Official, as the fire code official pursuant to Section 103, et seq.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. See also Chapter 173-425 WAC. The Lewis County Building Official shall administer a permitting system under the provisions of Section 307 of the International Fire Code for outdoor burning, and shall adopt and enforce rules and procedures on issuance of such permits and the processes whereby such permitting will be conducted, as follows:

307.2.1.1 Silviculture exception. All silvicultural outdoor burning conducted in accordance with State law and rules and regulations adopted by the Department of Natural Resources are exempt from the county's permit requirements.

307.2.1.2 Agriculture exception. All agricultural outdoor burning conducted in accordance with state law and rules and regulations adopted by the Department of Ecology are exempt from the county's permit requirements.

EXCEPTION: Recreational fires shall be in accordance with Section 307.4.2.

307.2.1.3 Notification. Prior to commencement of open burning, if unregulated by the Lewis County open burning permit program, the fire department shall be notified. Prior to commencement of open burning in unincorporated areas under the Lewis County permit program, the county website or telephone messaging system of the Lewis County Building Official, under his/her authority as Fire Marshal, shall be contacted in accordance with permit requirements regarding weather conditions and open burning restrictions.

307.2.2 Prohibited open burning. Open burning that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. Lewis County is authorized to order the extinguishment by the permit holder or the fire department of open burning which creates or adds to a hazardous or objectionable situation, as set forth below.

307.2.2.1 Material restrictions. Open burning of rubbish containing paper products is prohibited. All outdoor fires shall be restricted to natural vegetation grown on the property where the burning occurs, consisting of leaves, clippings, pruning, residue from trees, stumps or other natural occurring vegetation. All other material is prohibited except what paper is necessary to ignite the burning process. Persons conducting a campfire may use commercial artificial logs generally designed for campfires.

307.2.2.2 Time and atmospheric restrictions. Open burning shall only be performed when time and atmospheric conditions comply with the limits set forth in the County's open-burning permit. Further, no open burning shall be performed during periods of discontinuance by the Building Official, as below discussed, by virtue of any other state agency or regional air quality authority permit or approval system, even if performed at such times and during atmospheric conditions which comply with the limits set forth in that other system, except where such permit or approval system expressly preempts local Building Official authority regarding discontinuance.

307.2.2.3 Burn periods and sizes. Outdoor burning regulated by a permit system shall require that only vegetation piles with outside dimensions no greater than 20 feet by 20 feet by 12 feet high shall be allowed during the period from October 16th through June 30th. No fires shall be allowed between the period of July 1st and October 15th, except by a permit system, which shall include a 48-hour expiration on permits, the requirement of day-to-day monitoring of public announcements or postings by the Building Official on open burning restrictions, and that fires during this period shall be limited to vegetation piles with outside dimensions of no greater than twelve feet by twelve feet by eight feet high.

307.2.2.4 Restrictions on burn periods. No open burning shall be done during the declared period of impaired air quality or during a discontinuance of open burning ("burn ban") by the County Building Official. Burning conditions shall be obtained each day before starting to burn. Phone number will be provided on the permit or can be obtained from the County Building Official. Burning shall be conducted only during daylight hours and only one pile may be burned at a time and it must be extinguished before starting another.

307.2.2.5 Fire-extinguishing equipment. A garden hose connected to a water supply and other approved fire-extinguishing equipment, such as shovel, shall be readily available for use at open-burning site.

EXCEPTION: Fire-extinguishing equipment for recreational fires shall be in accordance with Section 307.5.

307.2.2.6 Discontinuance. The Building Official and the Lewis County Code Compliance Officer are authorized to require that open burning be immediately discontinued if the Building Official or the Lewis County Code Compliance Officer determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the Building Official or the Lewis County Code Compliance Officer to constitute a potentially hazardous condition, Lewis County reserves the right under this section, to the fullest extent of its powers and as permitted by statute and the state constitution, to order discontinuance, as below discussed, of any manner of open burning authorized by any other public or private authority, which could threaten persons or property and the public health, safety or general welfare.

307.2.2.7 Discontinuance order on open-burning. The Building Official is authorized, to the fullest extent of County powers and as permitted by statute and the state constitution, to issue an emergency discontinuance order or 'burn ban' against all outdoor burning, including bonfires and recreational fires, noted in Section 307.4.1 & 307.4.2, authorized by any public or private authority, if he/she determines that conditions exist which immediately and potentially threaten persons or property and

the public health, safety or general welfare. The Building Official shall promptly notify the board of commissioners of said discontinuance order or 'burn ban' and the reasons therefore. The board of commissioners, as soon as practical, shall at a public meeting to determine whether to extend the discontinuance order or 'burn ban' for an indefinite period. If extended, the discontinuance order or 'burn ban' would remain in effect until the board of county commissioners resolve that the order be lifted. The Building Official shall be responsible for public announcements or postings for both "burn ban" and resumption on open-burning.

307.2.2.8 Enforcement. For purposes of Sections 103 - 111 of the IFC, the Building Official and the Lewis County Code Compliance Officer shall be responsible for enforcement of Section 307, as amended, and issue notices of violation to the person(s) responsible for the fire as set forth in Section 307.2.2.9, below. During discontinuance orders issued under Section 307.2.2.6, the Building Officer (or his designee), the Lewis County Code Compliance Officer, Fire district or the Lewis County Sheriff may issue an infraction for any open fire ignited in violation of Section 307, as amended, to the person(s) responsible for the fire as set forth in Section 307.2.2.9, below.

307.2.2.9 Penalties. A violation of Section 307, as amended, may subject a person to a civil enforcement under Section 1.20.040 of the Lewis County Code, to criminal citation under the penalties proscribed in RCW 70.94.430(1), and as to any other remedy authorized in Ch. 70.94 RCW. If a fire protection authority is called to respond to, control or extinguish an illegal or out-of-control fire, such fire control authority may charge and recover from the person responsible for the fire the costs of its response and control action. Any person violating this Section will also be responsible civilly for any damage or injury caused to persons or property.

307.3 Location. The location for open burning shall not be less than 50 feet (15,240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15,240 mm) of any structure.

EXCEPTIONS:

1. Fires in approved containers that are not less than 15 feet (4,572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7,620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.
3. The minimum required distance from a structure shall be not less than 50 feet for pile sizes greater than four feet by four feet.
4. No fires are permitted in or within 500 feet of forest slash without first obtaining a written permit under the rules of large fire permits.

307.3.1 Bonfires. A bonfire shall not be conducted within 50 feet (15,240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15,240 mm) of a structure shall be eliminated prior to ignition.

307.3.2 Recreational fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. See also chapter 173-425 WAC.

307.4 Attendance. Open burning, bonfires and recreational fires shall be constantly attended until the fire is extinguished, for purposes of permitted open burning, approved on-site fire-extinguishing equipment as required under Section 307.2.2.5, shall be available for immediate utilization.

307.4.1 Attendance at Recreational Fires. A recreational fire shall be constantly attended by an adult knowledgeable in the use of the required fire extinguishing equipment and familiar with the County discontinuance or "burn ban" processes which restrict open burning. Buckets, shovels, garden hoses or a fire extinguisher complying with Section 906 with a minimum 4-A rating shall be readily available for use at recreational fires. An attendant shall supervise the recreational fire until the fire has been extinguished.

~~508.3~~ 507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.

EXCEPTIONS:

1. Fire flow is not required for structures under 500 square feet with a B, U or R-1 occupancy where structures are at least 30 feet from any other structure and are used only for recreation.

2. In rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize NFPA 1142 or the International Wildland-Urban Interface Code.

(g) The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, with the following additions and amendments, is hereby adopted by reference:

501.1. Form of Appeal. Any person entitled to service under Section 401.3 may appeal under LCC 2.25.130 from any notice and order or any action of the building official under this code by filing at the office of the building official a written appeal containing:

1. A heading with the words: "Appeals to Lewis County Hearing Examiner".

2. A caption reading: "Appeal of",

giving the names of all appellants participating in the appeal.

3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.

4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

5. 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.

6. The signatures of all parties named as appellants and their official mailing addresses.

7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

SECTION 909 - REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL

After confirmation of the report, certified copies of the assessment shall be given to the Lewis County Treasurer who shall add the amount of the total assessment or the authorized annual installment of the next regular tax statement levied against the parcel.

SECTION 910 - FILING COPY OF REPORT WITH COUNTY AUDITOR

The building official shall file a certified copy of the assessment with the County Auditor. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

SECTION 911 - COLLECTION OF ASSESSMENT: PENALTIES FOR FORECLOSURE

The amount of the assessment shall be collected at the same time and in the same manner and with interest at such rates as property taxes are collected as provided in RCW 84.56, as now or hereafter amended, and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for property taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, the body may refer the assessment to the Treasurer for accounting. The Treasurer shall annually certify delinquent installment accounts, and any interest thereon, for collection according to the manner property taxes are collected.

(h) The State Building Code Council's Emergency Rulemaking Order filed June 26, 2015, enacting 51-54A-3800 with respect to the fire code for marijuana processing or extraction facilities is hereby adopted by reference;

(i) The Washington Liquor Control Board's marijuana processor license extraction requirements, codified in WAC 314-55-104 now or as hereafter amended or supplemented, are hereby adopted by reference.

(2) In case of conflict among the codes enumerated in subsections (1)(a), (b), (c), (d), the Washington State Energy Code in subsection (e), and (f) of this section, the first named code shall govern over those following; provided, in the case of conflict between the duct insulation requirements of the Washington State Energy Code and the duct insulation requirements of the International Mechanical Code, the provisions of the energy code shall govern.

(3) In the case of conflict between the ventilation requirements of the International Mechanical Code, the International Building Code, International Residential Code and the Washington State Ventilation and Indoor Air Quality Code, the provisions of the Washington State Ventilation and Indoor Air Quality Code shall govern.

(4) In case of conflict between the Uniform Plumbing Code and Lewis County health board regulations with respect to the installation, maintenance or repair of septic tank systems, the more restrictive provision shall control.

(5) In case of conflict between any of the regulations adopted above relating to marijuana and other, more general regulations, the marijuana-specific regulations shall control for all marijuana-related activities, construction, and occupancies. Any activity, construction, or occupancy regulated under Chapter 314-55 WAC shall be conformed to this chapter, which may require an approved operating plan under LCC 5.20.030. [Ord. 1276 §1, 2017; Ord. 1271 §7, 2017; Ord. 1220 §2, 2010; Ord. 1187A §2, 2007; Ord. 1187 §2, 2005]

15.05.030 Definition of terms.

(1) Whenever any of the following names or terms are used in the International Building Code, International Residential Code or in the International Mechanical Code, each such name or term shall be deemed or construed to have the meaning ascribed to it in this section as follows:

(a) "Building department" shall mean the department of community development, building section.

(b) "Building official" shall mean the officer or other designated authority charged with the administration and enforcement of this code, or his duly authorized representative.

(c) "City" or "municipality" shall mean the county of Lewis.

(d) "City council" shall mean the board of commissioners of Lewis County.

(e) "City treasury" shall mean the Lewis County treasury.

(f) "Mayor" shall mean the board of commissioners of Lewis County.

(2) Whenever any of the following names or terms are used in the Uniform Plumbing Code, each such name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

(a) "Administrative authority" shall mean the Lewis County building official or his duly authorized representative,

(b) "Assistant" shall mean the designated employee(s) of the department of community development, building section, assigned to the area of administration and enforcement of the plumbing code.

(3) Whenever any of the following names or terms are used in the International Fire Code, each such name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

- (a) "Administrator" shall mean the board of commissioners of Lewis County.
- (b) "Bureau of fire prevention" shall mean a section of the building section, community development department.
- (c) "City" or "municipality" shall mean the county of Lewis and, when consistent, the particular fire protection district within the unincorporated area of Lewis County.
- (d) "Fire chief" shall mean the Lewis County building official and when consistent shall mean the chief of the applicable fire protection district, which named person is not a county officer.
- (e) "Fire marshal" or "fire protection engineer" shall be deemed to mean the employee(s) of the department of community development, building section, dealing with the duties incident to the enforcement and administration of the fire code.
- (f) "Fire department" shall mean the department community development, building section, and when consistent shall equally mean fire protection district, which district is not a county office.
- (g) "Police department" shall mean the Lewis County sheriff's department.
- (h) "Chief of police" shall mean the Lewis County sheriff.
- (i) "Building department" shall mean the Lewis County community development department, building section. [Ord. 1276 §1, 2017; Ord. 1220 §2, 2010; Ord. 1187A §2, 2007; Ord. 1187 §2, 2005]

15.05.040 Administration and procedures.

The administrative authority shall be the Lewis County building official.

- (1) Filing and Copies. The original of all permits shall be filed and maintained by the department of community development and said office shall cause a copy of said permit to be filed with the Lewis County assessor.
- (2) Fees Deposited. All fees for application and issuance of a permit shall be paid to the Lewis County department of community development, and shall be deposited regularly with the Lewis County treasurer and credited to said department. [Ord. 1276 §1, 2017; Ord. 1187A §2, 2007; Ord. 1187 §2, 2005]

15.05.050 Board of appeals replaced by hearings examiner.

(1) Section 113 of the International Building Code, Section R112 of the International Residential Code, Section 109 of the International Mechanical Code, Section ~~408~~ 109 of the International Fire Code, and Section 107 of the Uniform Plumbing Code are each amended to read:

A party or parties who are legally interested in the property or land subject to a final order, decision, or determination made by the building official relative to the application and interpretation of this code may appeal such action to the Hearing Examiner pursuant to LCC 2.25.130. The scope of such appeal shall be limited to the following: (1) that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted; (2) that the provisions of this code do not fully apply; or (3) that an equally good or better form of construction is proposed to satisfy the intent of this code. In no event may the Hearings Examiner waive requirements of this code. The building official shall be bound by the Hearings Examiner's decision in the specific case decided.

(2) Appendix B of the International Building Code is no longer adopted.

(3) Appendix ~~B~~ A of the International Fire Code is not adopted. [Ord. 1276 §1, 2017; [Ord. 1220 §2, 2010; Ord. 1187A §2, 2007; Ord. 1187 §2, 2005]

15.5.060 Application for permit.

(1) Section ~~405.3.6~~ 105.3.(6) of the International Building Code and Section ~~R405.3.6~~ R105.3.(6) of the International Residential Code are respectively each amended to read:

Be signed by permittee, or his authorized agent, who may be required to submit evidence to indicate such authority and who shall certify that the proposed work shall conform to the requirements of this code and all other pertinent laws and ordinances.

(2) Section 106.3 of the International Mechanical Code is amended to read:

Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent, who may be required to submit evidence to indicate such authority and who shall certify that the proposed work shall conform to the requirements of this code and all other pertinent laws and ordinances. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

(3) Section 105.3 of the International Building Code and Section R105.3 of the International Residential Code are amended to read:

A fully completed building permit application will include the following:

1. A legal description or tax parcel number; a legally assigned project street address; property owner's name, address and phone number; prime contractor's business name, address and phone number and contractor registration number. For commercial work, either the interim construction loan lender name, address and phone number or the firm holding the payment bond name and address (RCW 19.27.095) must be shown;
2. Verification that a contractor's registration is current.

(4) Section 104.3 of the ~~2015~~ 2018 Uniform Plumbing Code is amended to read:

Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. They shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in connection therewith and shall certify that the proposed work shall conform to the requirements of the code. The administrative authority may require plans, specifications or drawings and such other information as may be deemed necessary.

If the administrative authority finds no evidence that the plans, specifications, drawings, descriptions or information furnished by the applicant fail to comply with this code, the permit applied for shall be issued upon payment of the required fee(s) as hereinafter fixed.

[Ord. 1276 §1, 2017; Ord. 1220 §2, 2010; Ord. 1187A §2, 2007; Ord. 1187 §2, 2005]

15.05.070 Permit issuance.

(1) Section 105.3.1 of the International Building Code, Section R105.3.1 of the International Residential Code, and Section 106.4 of the International Mechanical Code are respectively each amended to read:

The application, plans and specifications and other data, filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds no evidence that the work described fails to conform to the requirements of this code and other pertinent laws and ordinances, and finds that the fees specified in Section 109, R108, or 106.5, respectively, have been paid, a permit shall be issued therefor to the applicant.

(2) Section 105.5 of the International Building Code, Section R105.5 of the International Residential Code, Section 106.4.3 of the International Mechanical Code and Section 104.4.3 of the Uniform Plumbing Code are each amended to include the following, additional language:

For good cause shown, a permittee with an active permit may be granted up to two successive six-month extensions for time of action required under this section. In no event, however, shall such

extensions for time of action extend beyond 12 months of the original date of action required under this section.

(3) Every permit issued by the building official in accordance with the International Fire Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 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 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, 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 or specifications; and provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. Any permittee holding an unexpired permit may apply for an extension of time within which work may be commenced under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. For good cause shown, a permittee with an active permit may be granted up to two successive six-month extensions for time of action required under this section. In no event, however, shall such extensions for time of action extend beyond 12 months of the original date of action required under this section. [Ord. 1276 §1, 2017; Ord. 1187A §2, 2007; Ord. 1187 §2, 2005]

15.05.080 Fees.

The fees for this chapter are set forth in LCC 18.05.030. [Ord. 1276 §1, 2017; Ord. 1187A §2, 2007; Ord. 1187 §2, 2005]

15.05.090 Fire prevention bureau.

Section 103.1 of the International Fire Code is amended to read as follows:

A fire prevention bureau is established within the department of community development, building division, which shall consist of such building division personnel as may be assigned thereto by the building official. The function of this bureau shall be to assist the board of county commissioners in the administration and enforcement of the International Fire Code.

[Ord. 1276 §1, 2017; Ord. 1187A §2, 2007; Ord. 1187 §2, 2005]

15.05.110 Penalties.

Section ~~409-3~~ 110 of the International Fire Code, Section 114 of the International Building Code, Section R113 of the International Residential Code, Section 108 of the International Mechanical Code, and Section 106 of the Uniform Plumbing Code are hereby amended to read as follows:

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the county of Lewis, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter. Note: this means that one must apply for all required permits, pass all required inspections, and obtain any required certificate(s) of occupancy and/or change(s) of use approval for one's project for it to be lawful. Violations of this chapter shall constitute a civil violation subject to monetary penalty, as below stated, under RCW 36.32.120(7), and each such person shall be deemed punishable for a separate violation for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted.

(a) Violations as a Public Nuisance. The following are hereby declared to be a public nuisance:

(1) Any building or structure hereafter set up, erected, built, moved, maintained, constructed, enlarged, altered, repaired, improved, removed, converted, demolished, equipped, used, occupied, or maintained contrary to the provisions of this chapter;

(2) Any grading, excavating, or filling operation, contrary to provisions of Chapter 18 of the International Building Code;

(3) Any work done or action taken or product thereof which is contrary to this chapter;

(4) Unsafe structures or equipment as defined in Section 116 of the International Building Code.

For purposes of abatement actions, any person, firm or corporation violating the provisions of this chapter shall be liable for all costs of such proceedings, including reasonable attorney's fees and expense of abatement. The building official shall take steps to abate public nuisances as defined herein. The prosecuting attorney may commence an action or actions, proceeding or proceedings for the abatement, removal or enjoinder of public nuisances as defined herein. The power hereby granted to abate a public nuisance shall be construed broadly.

(b) Civil Penalty. In addition to, or as an alternative to, any other penalty provided herein or by law, any person, firm, or corporation which violates the provisions of this chapter, or violates the provisions of the State Building Codes adopted by reference by this chapter, shall be subject to citation and civil monetary penalties as follows:

(1) Violations, Investigations, Evidence.

a. The building official may investigate alleged or apparent violations of the provisions of this chapter, or the provisions of the State Building Codes adopted by reference by this chapter. In the performance of that investigation, the building official may enter upon any land and make examinations and surveys, provided that such entries, examinations and surveys do not damage or interfere with the use of the land by those persons lawfully entitled to the possession thereof.

b. Upon request of the building official, the person alleged or apparently in violation of this ordinance shall provide information identifying themselves.

c. Willful refusal to provide information identifying a person as required by this section is a misdemeanor.

(2) Notice of Infraction Service.

Whenever the building official determines that a violation has occurred, or is occurring, he/she may pursue reasonable attempts to secure voluntary corrections, failing which he/she may issue a notice of infraction. The building official may issue a notice of infraction if the provisions of the ordinance has been violated in the official's presence. A notice of infraction may be served either by:

a. The building official serving the notice of infraction on the person named in the notice of infraction at the time of issuance; or

b. The building official filing the notice of infraction with the court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of infraction at his/her address.

(3) Notice of Infraction - Form - Contents. The notice of infraction shall contain the following statements:

a. The building official has determined that the infraction has been committed by the person named in the notice and that the determination is final unless contested, as provided in this ordinance;

b. The infraction is a non-criminal offense, not punishable by imprisonment;

c. The specific violation which the person is alleged to have committed and the accompanying statutory citation, the date and place of the infraction, the date the notice was issued, and the building official;

d. The monetary penalties established for each infraction;

e. The options and corresponding procedures provided in this ordinance for responding to the notice;

f. That at any hearing to contest the determination that the county has the burden of providing by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses, including the building official who issued and served the notice of infraction;

g. That at a hearing for mitigating the infraction, the person will only have the opportunity to explain the circumstances of the infraction and may not contest that the person committed an infraction;

h. A promise requiring the person's signature that the person will respond to the notice of infraction in one of the ways provided in this chapter and within the time required;

i. That refusal to sign and respond to the infraction is a misdemeanor and may be punished by a fine and/or imprisonment in jail.

j. That each day the violation continues, may be considered a separate violation;

k. The failure to mail a response, within fifteen (15) days of the date of the notice, or eighteen (18) days from the date mailed if service is by mail, forfeits the person's right to contest the infraction at a hearing; and

l. The name, address, and telephone number of the District Court Clerk.

(4) Notice of Infraction Filing Hearing in District Court. The building official shall file a notice of infraction in District Court within forty-eight (48) hours of issuance, excluding Saturdays, Sundays, and holidays. Lewis County District Court shall have jurisdiction to hear and determine these matters.

(5) Notice of Infraction Determination Infraction Committed. Unless contested in accordance with this ordinance, the notice of infraction represents a determination that the person to whom the notice was issued committed the infraction. A notice shall not be insufficient for failure to give a definite statement of the essential facts of an infraction or any other defects that do not prejudice the substantial rights of the defendant.

(6) Notice of Infraction - Response - Requesting a Hearing - Failure to Respond or Appear - Order to Set Aside.

a. A person who receives a notice of infraction shall respond to the notice, either by mail or in person, within fifteen (15) days of the date the notice was served, or eighteen (18) days from date mailed if service is by mail. Mailed responses must be postmarked on or before midnight of the fifteenth day. The person named in the notice of infraction may respond to the infraction by:

(i) Paying the appropriate monetary penalty, completing the appropriate portion of the notice of infraction and submitting it to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When such a response is received, the court shall enter and record a judgment that the person committed the infraction. A record of the response order shall be furnished to the appropriate department(s).

(ii) Completing the portion of the notice of civil infraction requesting a mitigation hearing and submitting it to the District Court. Within fourteen (14) days, the court shall notify the person in writing of the time, place, and date of the hearing. That date shall not be earlier than fourteen (14) days, nor more than one hundred and twenty (120) days from the date of the notice of the hearing, except by agreement.

(iii) Completing the portion of the notice of infraction requesting a hearing to contest the infraction and submitting it to the District Court. Within fourteen (14) days, the court shall notify the person in writing of the time, place, and date of the hearing. That date shall not be earlier than fourteen (14) days, nor more than one hundred and twenty (120) days from the date of the notice of the hearing, except by agreement. A notice issued by the District Court shall also advise the person requesting a hearing of the person's right to subpoena witnesses and that failure to either appear at a hearing or pay the penalty may be a crime for which the person may be arrested and may prevent the person from obtaining any County permits.

b. If a person served with an infraction:

(i) Fails to respond to the notice of civil infraction as provided above in subsection (6)(a) of this section; or

(ii) Fails to appear at a hearing requested pursuant to either subsection (6)(a)(ii) or (6)(a)(iii) of this section; then the court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction, and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing.

(7) Notice of Failure to Sign, Appear, or Satisfy Penalty.

a. A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

b. Any person willfully violating his/her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction; however, appearance of counsel shall satisfy the person's obligation to respond.

c. A person who willfully fails to pay a monetary penalty as required by a court under this chapter may be found in civil contempt of court after notice and hearing.

(8) Representation by Attorney.

a. A person subject to proceedings under this ordinance may appear or be represented by counsel.

b. The prosecuting attorney representing the County may, but need not, appear in any proceedings under this ordinance, notwithstanding any statute or court rule to the contrary.

(9) Infraction Hearing Procedure - Burden of Proof - Order Appeal.

a. A hearing held to contest the determination that an infraction has been committed shall be without a jury.

b. The court may consider the notice of infraction and any sworn statements submitted by the building representative who issued and served the notice in lieu of his/her personal appearance, at the hearing. The person named in the notice may subpoena witnesses, including the building official who has issued and served the notice, and has the right to present evidence and examine witnesses present in court. Upon demand, the County shall provide the person with a list of witnesses and the building official's sworn statement. Subpoenas and discovery demands shall conform to Rule 3.1(a) and (b) of the Infraction Rules of Courts of Limited Jurisdiction, as hereafter amended.

c. The burden of proof is on the County to establish the commission of the infraction by a preponderance of evidence.

d. After consideration of the evidence and argument, the court shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. If it has been established that a civil infraction has been committed, an appropriate order shall be entered in the court's records.

e. An appeal from the court's determination to order shall be to the superior court in the manner provided by the Rules for Appeal of Decisions of Court of Limited Jurisdiction.

(10) Explanation of Mitigating Circumstances.

a. A hearing for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may present witnesses, but may not subpoena witnesses. The determination that a civil infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances. A person may be represented by a lawyer at a mitigation hearing.

b. After the court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the court's record.

c. There shall be no appeal from the court's determination or order under this section.

(11) Monetary Penalties - Restitution.

a. A person found to have committed a civil infraction shall be assessed a monetary penalty. All violations of this title shall be denominated Class 2 Civil Infractions under Chapter 7.80 RCW, unless otherwise specified in the particular Lewis County code chapter violated. The maximum penalty and default amount for a Class 2 Civil Infraction shall be \$125.00, not including statutory assessments.

b. A court shall assess a Class 1 monetary penalty under Chapter 7.80 RCW for the second and each succeeding violation of the same ordinance that a person commits within 12 months. The maximum penalty and default amount for a Class I civil infraction shall be (\$250.00), not including statutory assessments.

c. Whenever a court imposes a monetary penalty under this ordinance it is immediately payable. If the person is unable to pay at the time, the court may grant an extension of the period of time in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting attorney of the failure to pay. The court shall notify the appropriate county department(s) of the failure to pay the penalty, and the department(s) shall not issue the person any future permits for any work until the monetary penalty has been paid.

d. The court may also impose attorney fees and/or order a person found to have committed a civil infraction to make restitution, including the county's enforcement costs. If restitution is ordered, the court shall set a minimum monthly payment that the person is required to make towards restitution. The court should take into consideration the total amount of the restitution owed, the offender's future ability to pay, as well as any assets that the offender may have.

(12) Court Order is Civil - Modification of Penalty.

a. An order entered pursuant to this ordinance is civil in nature.

b. The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction.

(13) Costs and Attorney's Fees. Each party in a civil infraction case is responsible for court costs incurred by that party, but the court may assess witness fees against a non-prevailing respondent. Attorney fees may be awarded to either party in a civil infraction case.

[Ord. 1276 §1, 2017; Ord. 1187A §2, 2007; Ord. 1187 §2, 2005]

15.05.120 Disclaimer of liability.

Lewis County is not responsible for the accuracy of plans (preliminary or final) submitted for review and does not guarantee that the plan reviews and/or inspections will detect all hazards, design defects or code violations. [Ord. 1276 §1, 2017; Ord. 1187A §2, 2007; Ord. 1187 §2, 2005]

15.05.130 Code amendments and clarifications.

(Reserved for further code amendments and clarifications to codes adopted pursuant to LCC 1.05.020). [Ord. 1276 §1, 2017; Ord. 1187A §2, 2007; Ord. 1187 §2, 2005]

2. This Ordinance amends, repeals or supersedes portions of Ordinance Nos. 1276, 1271, 1220, 1180, 1187, 1187A, 1146, and 1146A-C.

3. These amendments are in the public interest and shall take effect on July 1, 2021 at 8:00 AM.

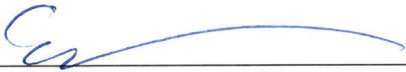
4. If any portion of this Ordinance is found to be illegal, unconstitutional, unenforceable, or without effect in any manner, the remainder of this Ordinance shall remain in full force and effect.

5. The Clerk of the Board is directed to provide a clean copy of the above-amended Chapter 15.05 LCC to the company responsible for maintaining the Lewis County Code online. Notwithstanding the presence of bracketed legislative history tags in the above-amended Chapter 15.05 LCC, such tags are not substantive law and may be amended by such company to reflect legislative history accurately.

PASSED IN REGULAR SESSION THIS 22nd DAY OF JUNE 2021, after a public hearing was held, pursuant to notice published in the Chronicle on June 3, 2021.

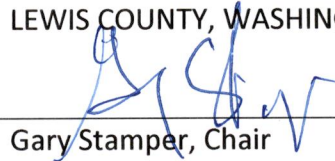
APPROVED AS TO FORM:

Jonathan Meyer, Prosecuting Attorney



By: Civil Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON



Gary Stamper, Chair

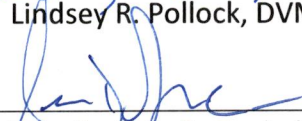
ATTEST:



Rieva Lester, Clerk of the Board



Lindsey R. Pollock, DVM, Vice Chair



Sean Swope, Commissioner

BOCC AGENDA ITEM SUMMARY

BOCC Meeting Date: June 22, 2021

Suggested Wording for Agenda Item:

Agenda Type: Hearing - Ordinance

An Ordinance of the County of Lewis, Amending portions of Chapter 15.05 of the Lewis County Code, adopting the 2018 edition of the International Building Code and repealing all other ordinances and code provisions or parts thereof in conflict therewith

Contact: Doyle Sanford

Phone: 360-740-2696

Department: CD - Community Development

Description:

Ordinance 1326, amending portions of Chapter 15.05 of the Lewis County Code, adopting the 2018 edition of the International Building Code and repealing all other ordinances and code provisions or parts thereof in conflict therewith

Approvals:

Publication Requirements:

User

Status

Publications:

The Chronicle, Thursday June 3, 2021

PA's Office

Pending

Additional Copies:

Eric Eisenberg, Doyle Sanford, and Lee Napier

Cover Letter To: