

## Chapter ~~17.50~~17.48 BUILDING AND CONSTRUCTION

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### [17.5017.48.010](#) **Introduction.**

The purpose of this chapter is to identify the provisions of the International Building Codes and amendments that have been adopted by the city as well as to establish local regulations necessary to govern building and construction. (Ord. 3889 § 3 (Exh. A), 2017)

### [17.5017.48.020](#) **Applicability.**

A. It shall be a violation of this chapter for any person, organization, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter or to fail to comply with any stop work order or other order of the city's building official.

B. Except as otherwise provided, any violation of the provisions of this chapter shall constitute a civil violation subject to the penalties and abatement processes set forth in Chapter [1.40](#).

C. In addition to or as an alternative to any other penalty provided for in this chapter, any person, organization, firm, or corporation who violates any provisions of this chapter shall be guilty of a misdemeanor punishable as provided for in RCW [9A.20.021](#).

D. Every day or portion thereof during which any violation of this chapter occurs or continues shall constitute a separate offense. (Ord. 3889 § 3 (Exh. A), 2017)

### [17.5017.48.030](#) **International Building Code adopted.**

The 2021 Edition of the International Building Code, as adopted and hereafter amended by the State Building Code Council in Chapter [51-50](#) WAC, as published by the International Code Council, is hereby adopted, together with the following amendments:

#### Section 113.1.1 Hearing Examiner

In lieu of a Board of Appeals, a Hearing Examiner, as authorized in Title [2](#) of the Kelso Municipal Code, is authorized to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code.

Appendix G, "Flood-Resistant Construction"; and

Appendix H, "Signs," and

**Section H101.2 Signs exempt from a permit.** Signs as exempted in section 17.22.210 of the KMC are exempt from the requirement to obtain a permit before erection.

Appendix J, "Grading," as amended; and

**Section J 102.1 Additions to Definitions.**

"Professional Inspections" – is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

"Soils Engineer" – is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical engineering).

"Soil Engineering" or "Geotechnical Engineering" – is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earthen materials and the inspection or testing of their construction.

**Section J 103.2 Exemptions.** A grading permit shall not be required for the following:

1. Excavation for construction of a structure permitted under this code.
2. Cemetery graves.
3. Refuse and disposal sites controlled by other regulations.
4. Excavations for wells, or trenches for utilities.
5. Mining, quarrying, excavating, processing or stockpiling roc, sand, gravel, aggregate or clay controlled by other regulation, provided that such operations do not affect the lateral support of, or significantly increase stresses in soil on adjacent properties.
6. Exploratory excavations performed under the direction of a registered design professional.
7. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1,524 mm) in height and steeper than 1 unit vertical in 1 1/2 units horizontal (66.7% slope) that does not exceed 50 cubic yards (38.3 cubic meters) on any one lot.
8. A fill less than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 cubic meters) on any one lot and does not obstruct a drainage course.

**Section J 104.2 Additions to Site Plan Requirements.**

All sites should be designed to the extent feasible to limit disturbance, preserve vegetation, preserve top soils, and preserve areas of existing infiltration.

**Section J 104.5 Grading Designation.**

Grading in excess of 5,000 cubic yards (3,825 cubic meters) shall be performed in accordance with the approved grading plan prepared by civil engineer, licensed to practice in the State of Washington, and shall be designated as "engineered grading." Grading involving less than 5,000 cubic yards (3,825 cubic meters) shall be designated "regular grading," unless the permittee chooses to have the grading performed as "engineered grading," or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

**Section J 104.6 Engineering Grading Requirements.**

Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the State to prepare such plans or specifications when required by the City.

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site.

2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains.
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet (4,572 mm) of the property or that may be affected by the proposed grading operations.
6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.
7. The dates of the soils engineering and engineering geology reports, together with the names, addresses and phone numbers of the firms or individuals who prepared the reports.

#### **Section J 104.7 Soils Engineering Report.**

The soils engineering report required by Section J 104.6 shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

#### **Section J 104.8 Engineering Geology Report.**

The engineering geology report required by Section J 104.6 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

#### **Section J 104.9 Regular Grading Requirements.**

Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall have the following information:

11. General vicinity of the proposed site.
12. Limiting dimensions and depth of cut and fill.
13. Location of any buildings or structure where work is to be performed, and the location of any buildings or structures within 15 feet (4,572 mm) of the proposed grading.

#### **Section J 104.10 Issuance.**

The provisions of Section 105 are applicable to grading permits. The City may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

The City may require professional inspection and testing by the soils engineer.

When the City has cause to believe that geologic factors might be involved, the grading will be required to conform to engineered grading.

(Ord. 3953 § 1 (Exh. A), 2021)

#### **17.5017.48.040 International Residential Code adopted.**

The 2021 Edition of the International Residential Code (IRC), as adopted and hereafter amended by the State Building Code Council in Chapter [51-51](#) WAC, as published by the International Code Council, excluding Chapters [11](#), [18](#), [19](#), and [24-43](#), [is adopted](#) together with the following:

**Table R301.2(1) Climatic and Geographic Design Criteria**

Ground Snow Load:	20 psf
Wind Speed:	95 mph
Special Wind Region	No
Seismic Design Category:	D1
Subject to Damage from Weathering:	Moderate
Frost Line Depth:	12 inches
Subject to Damage from Termite:	Slight to Moderate
Subject to Damage from Decay:	Slight to Moderate
Ice Shield Underlayment Required:	N/A
Air Freezing Index:	N/A
Mean Annual Temperature:	50 Degrees F

(Ord. 3953 § 1 (Exh. A), 2021)

**17.5017.48.070 International Mechanical Code adopted.**

The 2021 Edition of the International Mechanical Code, as adopted by the State Building Code Council in Chapter [51-52 WAC](#), as published by the International Code Council, is adopted.

**17.5017.48.100 International Wildland-Urban Interface Code adopted.**

The 2021 edition of the International Wildland Urban-Interface Code, as adopted by the State Building Code Council in Chapter 51-55 WAC, as published by the International Code Council, is adopted.

**17.5017.48.110 International Fire Code adopted.**

The 2021 Edition of the International Fire Code, as adopted by the State Building Code Council in Chapter [51-54A WAC](#), as published by the International Code Council, is adopted.

**17.5017.48.120 Uniform Plumbing Code adopted.**

The 2021 Edition of the Uniform Plumbing Code (UPC), as adopted by the State Building Code Council in Chapters [51-56 WAC](#), as published by the International Association of Plumbing and Mechanical Officials (IAPMO), is adopted.

**17.5017.48.130 Washington State Energy Code - Commercial adopted.**

The 2021 Washington State Energy Code, as adopted by the State Building Code Council in Chapter [51-11C WAC](#), is adopted. (Ord. 3889 § 3 (Exh. A), 2017)

**17.5017.48.140 Washington State Energy Code - Residential adopted.**

The 2021 Washington State Energy Code - Residential, as adopted by the State Building Code Council in Chapter [51-11R WAC](#), is adopted. (Ord. 3889 § 3 (Exh. A), 2017)

**17.5017.48.170 International Property Maintenance Code adopted.**

The 2021 International Property Maintenance Code is adopted together with the following amendments:

Section 101.3, Purpose, is amended to read as follows:

101.3 Purpose. The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be declared a public nuisance and shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.

Section 102.1, General, is amended to read as follows:

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern. When conflicts occur between this code and the Kelso Municipal Code, the Kelso Municipal Code requirements shall govern.

Section 102.3, Application of other codes, is amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, the National Electrical Code and other applicable codes as adopted by this jurisdiction. Nothing in this code shall be construed to cancel, modify or set aside any provision of KMC Title [17](#), Unified Development Code.

Section 107.1 General

In lieu of a Board of Appeals, a Hearing Examiner, as authorized in Title [2](#) of the Kelso Municipal Code, is authorized to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code.

Section 107.5, Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal in accordance with Chapter [8.24](#) KMC.

Section 111.4.1, Form, is amended to read as follows:

111.4.1 Form. Such notice prescribed in Section 111.4 shall be in accordance with Chapter [8.24](#) KMC and 1.50.

Section 111.4.2, Method of service, is amended to read as follows:

111.4.2 Method of service. Notice and orders shall be served in accordance with Chapter [8.24](#) KMC and 1.50.

Section 112.6, Hearing, is amended to read as follows:

112.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the hearings examiner, be afforded a hearing as described in this code.

Section 201.3, Terms defined in other codes, is amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, KMC Title [17](#) – Unified Development Code, International Plumbing Code, International Mechanical Code, International Residential Code, the National Electrical Code or other applicable codes as adopted by this jurisdiction, such terms shall have the meanings ascribed to them as stated in those codes.

Section 201.5, Parts, is amended to read as follows:

201.5 Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit,” “story,” “structure” or “vehicle” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

Section 202. The following definitions are hereby added or amended to read as follows:

ATTRACTIVE NUISANCE. All premises within the city which cause the circumstance and/or condition that would reasonably attract any person and such circumstance and/or condition which may constitute a danger to the person(s).

Attractive nuisances include, but are not limited to, unused or abandoned refrigerators, freezers or other such large appliances or equipment or any parts thereof; any structurally unsound or unsafe fence or building edifice; any unsecured or abandoned excavation pit, well, cistern, storage tank or shaft; any collection of scrap lumber, trash, vegetation or other similar items; or unattended machinery or equipment, unsecured, abandoned or vacant buildings, open and unattended vehicles or vehicle trunks, or other similar unguarded conditions or situations that would injure or cause injury to any person(s).

**CAR COVER.** A cover that is specifically manufactured and commercially retailed for the purpose of covering a vehicle. This cover can be a cover designed for the specific vehicle or type of vehicle or may be designed for a generic vehicle. The cover must be completely opaque, conceal the vehicle entirely and be securely fastened at all times. Generic tarps are not a permitted car cover.

**DIRT AND FILTH.** Dirt and filth means and includes, but is not limited to, floor, sidewalk, street and other surface sweepings; discards from vacuum cleaners; soot; ashes; matter removed from gutters and downspouts; accumulations of dust, residue from fire other than soot and ashes; hair from humans and animals; and all other discarded, unused and seemingly worthless goods and commodities not otherwise described in this chapter.

**DRIVEWAY.** The driveway is the permitted surfaced roadway leading from the public right-of-way to a legal parking space.

**GARBAGE.** Waste and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food and food products including, but not limited to, discarded food wrappings and containers, paper, plastic and metal products used or intended for use in connection with the storage, sale, preparation or "clean-up" relating to food items; egg shells; used coffee grounds; used tea bags; meat trimmings; entrails of animals, poultry or fish; offal; medical wastes including bandages, syringes, medicines, plaster or other casts; and decomposed putrid material; whether such items are alone or in combination with other materials.

**GRAFFITI.** The writing, painting, or drawing of any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by any other person unless that person has given permission to the perpetrator for such conduct.

**ILLCIT DISCHARGE.** Any direct or indirect discharge to the stormwater drainage system that is not composed entirely of stormwater.

**INOPERABLE VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**JUNK.** Scrapped, broken, or neglected items and materials. Junk includes items such as plastic, cloth, glass, rags, paper or metals that can be converted into usable articles or stock, or articles that have outlived their usefulness in their original form. Examples of "junk" include, but are not limited to, empty bottles and jars; empty metal, plastic or paper products; discarded engine or motor parts; automobile and truck parts of all descriptions; used tires, wheels and inner tubes; discarded batteries; cardboard; discarded and/or pre-used building materials; discarded and/or pre-used electrical and plumbing materials; broken pieces of concrete; discarded, broken, or neglected electrical, gas or hand-operated appliances; previously used packing materials; discarded, broken, or neglected household goods and furnishing; or any household item located outdoors that is designed for indoor use; as well as parts and pieces of any of the foregoing.

**JUNK VEHICLES.** Any vehicle meeting at least three (3) of the following requirements: (a) Is three years old or older; (b) Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, or missing wheels, tires, motor, or transmission; (c) Is apparently inoperable; or (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

**LANDOWNER.** A legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

**LITTER.** Tangible personal property which has been unlawfully scattered and/or abandoned in a public place, typically outdoors, as a form of solid waste – material which, if thrown or deposited, creates a danger to public health, safety and welfare. Litter is further defined as either hazardous, reusable, recyclable, non-hazardous, or non-usable material. Litter includes, but is not limited to, polystyrene foam, plastics, cigarette butts, candy and gum wrappers, paper towels, food wastes, chip bags, aluminum and steel beer/soda cans, leather, rubber, clothing, textiles, wood, glass, metal, abandoned tires, vehicle parts, or other such debris that has fallen onto a public right-of-way as a result of negligent litter; litter from trash-hauling vehicles, unsecured loads, or construction sites.

**PLANTING, PARKING STRIP.** The area of the right-of-way between the constructed curb or edge of the roadway and the adjoining property line, exclusive of any improved sidewalk or any established pedestrian path.

**PUBLICLY VISIBLE OR PUBLIC VIEW.** Anything that can be seen by a person with normal vision from any sidewalk, street, alley or other public place, or from any building situated on an adjoining property.

**PUBLIC NUISANCE.** A nuisance consists of doing an unlawful act, or omitting to perform a duty, or permitting an action or condition to occur or exist which intrudes, annoys, injures or endangers the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or which interferes with or disrupts a neighbor's or citizen's ability to freely use or enjoy their properties or public property adjacent to where the nuisance occurs. Such nuisances include, but are not limited to, the following:

1. Unsecured attractive nuisances;
2. Conditions or acts which annoy, injure, or endanger the comfort, repose, health, or safety of others;
3. Conditions or acts which are offensive to the senses;
4. Conditions or acts which interfere with, obstruct, or tend to obstruct or render dangerous for passage any stream, public park, parkway, square, sidewalk, street, or highway and other rights-of-way in the city;
5. Illicit discharges into the municipal storm drainage system;
6. Unauthorized interference with, damage to, or polluting of designated habitat areas, publicly owned restoration sites, streams, creeks, lakes, wetlands, or tributaries and similar areas thereto;
7. Conditions or acts which obstruct the free use of property so as to essentially interfere with the comfortable enjoyment of life and property;
8. Conditions or acts which lead to blight and contribute to the deterioration of the neighborhood or adjoining property;
9. The improper parking or storage of vehicles on any residential lots which impedes the use of yard areas for light, air circulation, recreation, and landscaping;
10. Those acts or omissions defined in RCW [7.48.140](#) and [9.66.010](#).

**PREMISES.** Any building, lot, parcel, alley, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks, parking strips and street.

**PUBLIC RIGHT-OF-WAY OR RIGHT-OF-WAY.** "Right-of-way" means all real property owned or held by the city in fee, or by way of easement, or dedicated to the public and located within the city, and used or intended for use as a street, alley, sidewalk, public way or easement for public or private utilities, whether developed or undeveloped.

**TRASH AND WASTE.** Trash and waste means, but is not limited to ashes; leaves; branches and trimmings from trees, shrubs and hedges; discarded Christmas trees; excrement and undigested residue of food eliminated by humans, animals, fish and birds; lawn, yard, garden, shrub and tree trimmings; garbage, junk and filth; discarded clothing of all descriptions; decayed or decaying materials of all kinds and descriptions; and insect-infested materials of all kinds and descriptions; whether such items are alone or in combination with other materials.

**VEHICLE.** A vehicle includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including but not limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on public right-of-way, and shall also include parts of vehicles.

**VEHICLE - SPECIAL INTEREST or HISTORIC AUTOMOBILE.** Any vehicle as defined above, at least 30 years old or a motor vehicle which meets any of the following definitions: (a) A make of motor vehicle which is no longer manufactured; or, (b) A make or model of motor vehicle produced in limited or token quantities; or, (c) A make or model of motor vehicle in the special interest market which has appreciated in value during the past year.

**WATERCRAFT.** A watercraft means any boat, vessel, or other craft used for navigation on or through water. (Does not include kayaks or canoes.)

**WEEDS.** Weeds shall be defined as those plants designated as Class A, B, and C Noxious weeds by the state noxious weed control board, including but not limited to all grasses, dandelions, morning glory, uncontrolled berry bushes, and other weeds, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

**YARD.** Any open space on a lot or lots.

Section 302.1, Sanitation, is amended to read as follows:

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition free of junk, garbage, trash, rubbish, filth and waste.

Section 302.3, Sidewalks and driveways, is amended to read as follows:

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking and/or planting strips, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from encumbrances and hazardous conditions as specified, but not limited to those in Chapter [12.12](#) KMC.

Section 302.4, Weeds, is amended to read as follows:

302.4 Weeds, grass or vegetation. All premises and exterior property including any unimproved portion of any street or alley to the center thereof, and the portion of any improved street within the area known as the parking strip, bordering on any such lot or lots, land or lands, shall be maintained free from weeds or plant growth in excess of 12 inches or in a state of having gone to seed. All noxious weeds shall be prohibited. All grasses in excess of 12 inches in height shall also be prohibited subject to applicable zoning requirements. Weeds shall be defined as those plants designated as Class A, B, and C Noxious weeds by the state noxious weed control board, including but not limited to all grasses, dandelions, morning glory, uncontrolled berry bushes, and other weeds, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens not in violation of KMC [17.22](#).

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 302.8, Motor vehicles, is amended to read as follows:

302.8 Motor vehicles/vehicles/watercraft. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle, vehicle, watercraft or parts thereof shall be parked, kept or stored on any premises, and no vehicle or watercraft shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Such vehicles shall be declared to be public nuisances which shall be abated and removed as specified in this code; provided that this section shall not apply to the following:

1. A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed auto wrecker or licensed vehicle dealer and is fenced according to the provisions of RCW [46.80.130](#);
2. Any historic automobile, special interest vehicle or inoperable vehicle that is in the process of being restored; provided that all such vehicles and parts thereof which are not licensed or not operable shall be stored or parked within a building in a lawful manner where they are not publicly visible; or parked in a parking area and screened in accordance with KMC Chapter [17.22](#); or
3. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes or is "screened" where it is not publicly visible in accordance with KMC Chapter [17.22](#). This work shall be performed in compliance with Section 302.12 and in accordance with applicable zoning regulations.

Section 302.10, Vehicles and/or machinery parts, is added to read as follows:

302.10 Vehicles and/or machinery parts. Except where permitted and licensed as a wrecking yard, all premises within the city shall be maintained free of the existence and maintenance of a storage area, junkyard or dumping ground for the wrecking or dismantling of automobiles, trucks, trailers, house trailers, boats, tractors or other vehicles or machinery of any kind, or for the storing or leaving of worn out, wrecked, inoperative or abandoned automobiles, trucks, trailers, house trailers, boats, tractors or other vehicles or machinery of any kind or of any major parts thereof.

Section 302.11, Vehicle parking/storage, is added to read as follows:

302.11 Vehicle parking/storage. Limitations on the parking of vehicles, boats, trailers, commercial and heavy commercial equipment.

302.11.1 Vehicles. Motor vehicles, or other vehicles not covered in this section, shall be parked or stored only within parking areas as defined in Chapter [17.22](#) KMC and shall not be parked or stored within property setbacks.



302.11.2 Recreational vehicles, boats, trailers. Recreational vehicles, boats, and trailers shall be parked or stored on an approved parking surface, shall not be parked or stored in required property setbacks and shall be in conformance with Chapter [17.22](#) KMC.

302.11.3 Machinery and equipment. Machinery and equipment shall be parked, kept or stored on an approved parking surface, shall not be parked or stored in required property setbacks and shall be in conformance with Chapter [17.22](#) KMC.

302.11.4 Truck tractors, semi-trailers and commercial equipment. Truck tractors, as defined in RCW [46.04.655](#), and semi-trailers, as defined in RCW [46.04.530](#), or commercial equipment, shall not be parked or stored in residentially zoned areas, on residential property in other zones, or on sites that have not been permitted, improved and approved for such use. This requirement shall not apply when equipment is used in conjunction with a permitted or allowed project. These vehicles shall be parked or stored on an approved surface outside of required property setbacks.

Section 302.12, Vehicle and equipment repair on residential premises, is added to read as follows:

302.12 Vehicle and equipment repair on residential premises. Servicing, repairing, assembling, modifying, restoring, or otherwise working on any vehicle on any residential premises shall be subject to the following:

302.12.1 Work shall be limited to the repair and maintenance of vehicles, equipment, or other conveyance currently registered as specified in the Washington Vehicle Code to the occupant or a member of the occupant's family.

302.12.2 Work is limited to the approved parking surface or garage or approved accessory structure; at no time can repairs be made on the lawn, sidewalk, planting strip or the street.

302.12.3 Only minor repairs such as an oil change, tire repair, small parts change, or minor routine maintenance may be performed outside of a garage or approved accessory structure and only then on an approved parking surface. The associated vehicle(s) in which such minor repairs exceed seven (7) days shall be moved inside of a building that meets applicable code and zoning requirements or be properly "screened" from public view and parked on an approved surface outside of property setbacks.

302.12.4 Work which creates a nuisance shall not be permitted.

Section 302.13, Dangerous fences and structures, is added to read as follows:

302.13 Dangerous fences and structures. All premises within the city shall be maintained free of any fence or other structure which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition.

Section 302.14, Dangerous trees, is added to read as follows:

302.14 Dangerous trees. All premises within the city shall be maintained free of any dead, diseased, infested or dying tree that constitutes a danger to street trees, streets, alleys or sidewalks.

Section 302.15, Obscured public facilities, is added to read as follows:

302.15 Obscured public facilities. All premises within the city shall be maintained free of any object blocking, vine or climbing plants growing into, onto or over any street, tree growing within a public right-of-way or any public hydrant, utility meter, pole, street light, utility device, street sign or public facility or device; or the existence of any uncontrolled, uncultivated or untended shrub, vine or plant growing on, around or nearby any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto.

302.15.1 Overhanging trees and shrubs. Every property owner having any tree or shrub overhanging any street, alley or right-of-way within the city shall prune the branches so that such branches shall not interfere with the unobstructed use of the street, alley, sidewalk or right-of-way or obstruct the view of any street intersection. Trees and shrubs overhanging the street and alley shall be pruned to allow a minimum 14-foot clearance above the entire surface of the street or alley. Trees and shrubs overhanging the sidewalk and/or right-of-way shall be pruned to allow a minimum 8-foot clearance above the entire sidewalk surface and/or right-of-way to the adjoining property line. No person shall, without a written permit of the city manager or his/her designee cut, prune, rake, climb, injure or remove any living tree in any public right-of-way, park, planting/parking strip or other public place in the city in accordance with KMC [17.22](#) and 15.05.

Section 302.16, Privies, vaults, cesspools, etc., is added to read as follows:

302.16 Privies, vaults, cesspools, etc. All premises within the city shall be maintained free of any privies, vaults, cesspools, sumps, pits, trenches or like places which create a dangerous condition or are not securely protected from flies and rats, or which are foul or malodorous.

Section 302.17, Hedges, is added to read as follows:

302.17 Hedges. The existence on any real property within the city of a hedge in violation of Chapter [17.22](#) KMC is a public nuisance.

Section 302.18, Fences, is added to read as follows:

302.18 Fences. The existence on any real property within the city of a fence in violation of Chapter [17.22](#) KMC is a public nuisance.

Section 302.19, Outdoor wood storage, is added to read as follows:

302.19 Outdoor wood storage. Outdoor wood and firewood shall be neatly stacked not to exceed six (6) feet in height, shall be adequately supported so as not to pose a hazard to person or property, and shall not be placed in any setback or other restricted area on the property in which it is being stored.

Section 302.20, Attractive nuisance, is added to read as follows:

302.20 Attractive nuisance. All premises within the city shall be maintained free of any accessible attractive nuisance.

Section 302.21, Accumulation of dangerous materials, is added to read as follows:

302.21 Accumulation of dangerous materials. All premises within the city shall be maintained free of the existence of any accumulation of materials, substances or objects in a location when the same endangers property, health, safety or constitutes a fire hazard.

Section 302.22, Open storage of materials and furnishings, is added to read as follows:

302.22 Open storage of materials and furnishings. No person shall openly store or keep any equipment, materials or furnishings; or any item that creates an unsightly condition or one that promotes urban blight or public nuisance. This may include, but is not limited to, indoor furniture, household appliances, auto parts, shopping carts or building materials.

Exception: Building materials neatly stacked and stored for no less than sixty (60) days for a construction project permitted with the city. The material must be weather protected, shall not be placed within property setbacks or placed in such a manner that would create a danger to property, health and/or safety.

Section 302.23, Nuisance premises, is added to read as follows:

302.23 Nuisance premises. All premises within the city shall be maintained free of any structure allowing or maintaining prostitution, or where there is the use, sale, manufacturing or distributing of any illegal narcotics or controlled substance, or at which there is a pattern of criminal activity.

Section 302.24, Alley/Public right-of-way maintenance, is added to read as follows:

302.24 Alley/Public right-of-way maintenance. The owner, lessee, occupant or agent thereof, or any person having the care or charge of any property that has alley access or an alley right-of-way easement, shall be responsible for maintaining that portion of the alley that fronts said property up to and including one-half of the apparent alley centerline, and shall keep said alley or alley easement maintained in a clean, safe and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health, safety or welfare. Public right-of-way maintenance shall also include utility easements or parking and/or planting strips. Such blighting problems shall include, but are not limited to: overgrown trees, shrubs, vegetation, weeds and/or grasses; garbage; junk; rubbish; dirt and filth; litter; trash; and waste. This definition shall also include, but not be limited to, such items as couches, loveseats, chairs, mattresses, and other similar household furniture. Such items, if placed in any city alleyway or alley easement, shall be considered a public nuisance and abated within the time established by the city in accordance with Section 106.

Section 304.2, Protective treatment, is amended to read as follows:

304.2 Protective treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. Tarp use for weather protection may not exceed 30 days. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 304.7, Roofs and drainage, is amended to read as follows:

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Tarp use for weather protection may not exceed 30 days. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Section 304.14, Insect screens, is deleted.

Section 308.1, Accumulation of rubbish or garbage, is amended to read as follows:

308.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, junk, trash, filth, waste or garbage.

Exceptions:

1. Compost piles less than four feet in height and six feet in diameter at ground level, and 30 feet or more from any dwelling, and four feet or more from adjoining properties.
2. Storm debris within 30 days following a storm event.
3. Construction residue and debris during and for 14 days following completion of work.
4. Fallen leaves, tree needles, tree fruit and similar vegetation, during the months of October through April, inclusive.
5. The accumulation and temporary storage, in containers designated for such purposes, of "recyclable" materials pursuant to a program of recycling adopted by the city; provided, however, that such containers must not be publicly visible or they must be made available to the city's garbage or "recycle contractor" within 14 days after having been filled to 50 percent or more of their capacity.
6. Uncultivated, uncut or untended weeds, grass, bushes or other vegetation not constituting a health or fire hazard, existing in a natural state on undeveloped, agricultural, industrially zoned, "open space" or "green belt" areas.

Section 308.2, Disposal of rubbish, is amended to read as follows:

308.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish, junk, trash, filth, waste or garbage in a clean and sanitary manner by placing such rubbish, junk, trash, filth, waste or garbage in approved containers as provided for in Chapter [8.04](#) KMC, or by taking it to an approved disposal facility.

308.2.1 Rubbish/garbage storage facilities. The owner of every occupied premises shall maintain approved covered containers for rubbish, junk, trash, filth, waste or garbage, and the owner of the premises shall be responsible for the removal of rubbish, junk, trash, filth, waste or garbage from the premises.

308.2.2 Dangerous and/or discarded appliances. Except when stored within a building, as defined in Section R202 of the International Residential Code, refrigerators, household appliances, and similar equipment shall not be discarded, abandoned or stored on any premises within the City.

Section 308.3, Disposal of garbage, is amended to read as follows:

308.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage container as provided for in Chapter [8.04](#) KMC or by taking it to an approved disposal facility.

308.3.1 Containers. The operator of every establishment producing garbage shall maintain, and at all times cause to be utilized, approved containers as set forth in Chapter [8.04](#) KMC.

308.3.2 Undumped garbage or rubbish containers. All premises within the city shall be maintained free of the existence of any garbage or rubbish containers or any can, bag, box or other device, which is filled to 50 percent or more of its capacity with garbage, trash, rubbish, waste, dirt or filth, and which has remained upon such premises for more than 14 successive days.

Section 308.4, Containers—Within the public right-of-way, is added to read as follows:

308.4 Containers—within the public right-of-way. No residential or commercial solid waste or recycling cart shall be placed along a public street, alley or right-of-way, on a public sidewalk, or on other public property any sooner than 24 hours before the time of collection. All residential and commercial solid waste and recycling carts placed in the public right-of-way for collection shall be removed from those public areas within 24 hours of the time of collection, except when such established day for collection falls on a designated holiday in which case collection will be conducted on the next succeeding workday, and the containers shall be removed and replaced to their appropriate storage location by the morning following collection.

Section 505.1, General, is amended to read as follows:

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Uniform Plumbing Code.

Section 507.1, General, is amended to read as follows:

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

1. It is a violation for any person to break, damage, destroy, uncover, deface or tamper with any structure or facility which is part of the stormwater runoff and erosion control system.

2. It is a violation for any person who is responsible to do so, to fail to maintain stormwater runoff and/or erosion control facilities and structures as required by this chapter and 13.09 KMC. Each calendar day that a violation occurs constitutes a separate offense. In addition, the City may institute injunctive, mandamus, or other appropriate action or proceedings for the enforcement of this chapter.

Section 602.3, Heat supply, is amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Table R301.2(1) Climatic and Geographic Design Criteria.

Section 602.4, Occupiable work spaces, is amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 °F (18° C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. 3889 § 3 (Exh. A), 2017)

**17.5017.48.180 Building numbering system.**

The city shall establish and maintain a system for assigning street names and building numbers. (Ord. 3889 § 3 (Exh. A), 2017)

**17.5017.48.190 Moving.**

A. No person, firm or corporation shall move any building over, upon or along any street or alley in the city until a permit(s) has been issued; provided, that:

1. The city shall, in the permit(s) issued under this section, prescribe the mode of removal of such building or buildings and the street or alleys over which the removal may be made, and the removal shall at all times be subject to the control and direction of the city;

2. The route and timing of the removal may be limited through a right-of-way use or other permit issued by the city;
3. The city may require evidence that all permits and approvals necessary to successfully move and relocate a building have been secured;
4. Additional permits may be required from other jurisdictions; and
5. The project sponsor shall be responsible for all costs and claims associated with the moving of a building. (Ord. 3889 § 3 (Exh. A), 2017)

**17.5017.48.200 Swimming pools.**

A. No person, firm or corporation shall construct a public or semipublic swimming pool nor make changes in any public or semipublic swimming pool already built, or any appurtenances thereof, until the plans and specifications thereof shall first have been submitted to and received the approval of the Washington State Department of Health.

B. Permanent swimming pools having a water depth of twelve inches or more shall meet the following standards:

1. A building permit is required.
2. Shall be surrounded by a fence at least six feet in height. Such fence shall be at least five feet from the edge of the pool. All gates shall be fitted with safety latches on the pool side of the fence only, and such latches shall be at least five feet above the ground.
3. Structures housing filter or heating equipment shall be located in conformity with the regulations pertaining to accessory buildings within which use district the swimming pool is located.
4. All electrical equipment and connections shall be attached and enclosed in a manner consistent with the currently adopted version of the National Electrical Code.
5. Private pools shall not be located forward of the front of any residence.

C. All types of equipment and materials shall be approved by the city.

1. Filter. Where a private swimming pool will have a filter, it shall be equipped with a pressure sand filter, or an approved equal. The filter system shall have sufficient capacity to provide a complete turnover of the pool water in eighteen hours or less, when operated at a rate not to exceed five gallons per minute per square foot of filter area.
2. Recirculating Pump. The recirculating pump shall have sufficient capacity to backwash the filter at a rate of at least ten gallons per minute per square foot of filter area, when operating against the total head of the system. Pump motor shall not be operated at an overload which exceeds the service factor.
3. Hair and Lint Strainer. Pool pumps shall be equipped on the inlet side with an approved type hair and lint strainer. The basket of the strainer shall be noncorrosive and have an open screen surface of at least four times the cross-sectional area of the inlet pipe, and shall be installed in an accessible location.
4. Filter Tanks. Filter tanks shall be fabricated to ASME specifications for noncode pressure vessels and shall be built for a minimum of fifty pounds pressure, with a safety factor of four. The filter under-drain shall have an effective distribution area of at least twenty-five percent of the cross-sectional area of tank. Tanks placed underground shall be steel plate at least three-sixteenths of an inch in thickness with an approved noncorrosive exterior coating. Tanks shall be supported in a manner satisfactory to the administrative authority.
5. Filter Media Specifications.
  - a. Filter sand shall be a hard, uniformly graded silica material with effective particle sizes between 0.45 and 0.55 millimeters in diameter with uniformity coefficient of 1.45 to 1.69. There shall be no limestone or clay present.
  - b. Filter sand shall be no less than nineteen inches in depth with a freeboard of no less than nine inches or more than twelve inches.

c. There shall be no less than four grades of rock which shall be clean, noncrushed, rounded, noncalcareous materials.

d. The total depth of the rock-supporting bed shall be no less than fifteen inches, and each grade shall be two inches or greater in depth. Each layer of rock shall be leveled to prevent intermixing of adjacent grades.

e. The top layer shall vary in size between one-eighth inch and one-quarter inch. The next layer shall vary in size between one-quarter inch and one-half inch. The next layer shall vary in size between one-half inch and three-quarters inch. The bottom layer shall vary in size between one inch and one and one-half inches.

6. Operating Instructions. Every filter system shall be provided with operating instructions.

7. Filter System Equipment. The filter system shall be equipped with the following:

a. A pressure gauge on the influent piping;

b. A pressure gauge on the effluent piping;

c. A valve to release air at the top of each filter;

d. A backwash sight glass where the backwash discharge outlet to the receptor is not visible from the backwash control valve. Sight glass shall be installed adjacent to the backwash control valve.

8. Vacuum Fitting. The vacuum fitting shall be located in the vertical wall section of the pool proper and opening into the pool in an accessible position below the waterline, not less than fourteen inches to centerline of pipe below the top of the finished pool.

9. Size of Piping. Peel piping shall be sized to permit the rated flows for filtering and backwashing without exceeding the maximum head at which the pump will provide such flows.

10. Recirculation. In general, the water velocity in the pool piping system shall not exceed ten feet per second. An outlet shall be placed at the deepest point in every pool for recirculation, and for emptying pool. Pool recirculating piping passing through concrete wall structures shall be copper tubing with a minimum wall thickness of Type "L," or brass of IPS or other approved material.

11. Valves. Fullway gate valves shall be installed to insure proper functioning of the filtration and piping system.

a. A valve shall be installed on the main suction line located in an accessible place, or in a masonry pit outside the walls of the pool, when the pump is located below the overflow rim of the pool.

b. Valves up to and including two inches in size shall be brass. Sizes over two inches may have cast-iron or brass bodies. All working parts of valves shall be of noncorrosive material. Combination valves may be installed when approved by the building inspector.

#### D. Gaseous Chlorinators.

1. Devices for a private swimming pool for feeding gaseous chlorine shall meet with the requirements of the department of the county or state having jurisdiction and shall be approved by an agency acceptable to the city.

2. Each gaseous chlorinator for a private swimming pool shall meet the following minimum requirements:

a. Injector-operation type;

b. Vacuum or semi-vacuum operation type (pressure feed machines will not be accepted);

c. The chlorine feed shall be in water solution;

d. Machines shall be equipped with pressure and vacuum relief vents;

e. Arrangements shall be made for reading the rate of chlorine feed in pounds per twenty-four hours;

- f. Chlorinators shall be constructed to automatically shut off the gas in case of vacuum failure;
- g. Each chlorinator shall be provided with a water pressure gauge;
- h. Each chlorine cylinder shall be provided with a gas pressure gauge;
- i. The water supply line shall be provided with a control valve and strainer;
- j. Backflow protection shall be provided when the water supply is connected to the potable water service;
- k. Where the water pressure is less than forty psi in the water supply, a booster pump connected to the pool piping shall be provided in lieu thereof.

#### E. Water Heating Equipment.

1. Swimming pool water heating equipment shall conform to the design, construction and installation requirements for domestic water heaters and, in addition, the following shall be required:
  - a. An approved permanent bypass or antisiphon device shall be installed to provide a positive means of retaining the water in the heater when the pump is not in operation.
  - b. When the heater is installed in a pit, the pit shall be provided with approved drainage facilities.

F. Water Supply. Unless an approved type of filling system is installed, any water supply which in the judgment of the building inspector may be used to fill the pool shall be equipped with backflow protection. No over-the-rim fill spout will be accepted unless located under a diving board, or properly guarded.

G. Tests. All pool piping shall be inspected and approved before being covered or concealed. When the entire pool piping or circulating system is completed, it shall be tested and proved tight to the satisfaction of the city, under a water pressure of not less than fifty psi.

#### H. Wastewater Disposal.

1. General Requirements. No direct connection shall be made between any storm drain, sewer, drainage system, seepage pit, underground leaching pit or subsoil drainage line, and any line connected to a swimming pool.
2. Seepage Pit. Where wastewater disposal cannot be made by other approved means, a seepage pit shall be installed. Seepage pit shall have a capacity of at least ten times the backwash capacity in gallons per minute per unit. When used for purposes of other than backwash disposal, the size of such seepage pit shall be proportionally increased to the satisfaction of the building inspector. No wastewater, other than that from a swimming pool or its deck area, shall discharge into such seepage pit.
3. Sewer or Storm Drain. Wastewater may be discharged to a public sewer or storm drain only when such permission has been obtained in writing from the proper authority so to do. A copy of such permission stating the maximum size of the waste line between the receptor and the sewer or storm drain shall accompany an application for a permit made to the building inspector.
4. Approved Receptor. Wastewater from any filter, gravity overflow gutter, overflow pool emptying line or similar apparatus or appurtenances shall discharge into an approved type receptor, except for surface irrigation. The flood rim of each such receptor shall be at least six inches above the flood level of the adjacent ground. Receptors may be cast iron, concrete or other approved materials.
5. Traps and Vents. Each receptor, when connected to any part of a sanitary drainage system, shall be properly trapped and vented.
6. Air Gap. Except as provided in subsection H7 of this section, the discharge outlet from any pool or filter shall be protected from backflow by an air gap of at least one inch above the flood rim of the receptor.
7. Entering Receptor below Rim. No gravity overflow gutter drain, overflow drain, backwash discharge drain or pool emptying line shall enter any receptor below the rim, unless the pool piping at its deepest point, the bottom of the filters, and the bottom of the gravity overflow gutter drain trough or overflow outlet, are at least six inches above the

rim of the receptor. Where a pump is used, it must discharge into a receptor as required in subsection H6 of this section.

I. Drain and Waste Piping.

1. Minimum Fall. Drainage piping serving gravity overflow gutter drains and deck drains shall be installed with a minimum fall of one-quarter inch per foot.

2. Sizes. Drainage piping to which individual gravity overflow gutter outlets are connected shall be sized according to the following table:

Number of Outlets	Size of Drain (in inches)
1 to 12	3
13 to 30	4

3. Materials. Drainage piping may be of approved nonmetallic material if installed at least two feet beyond the outside of the pool structure and not less than one foot below the surface of the ground.

4. Tests. All gravity overflow gutter drains shall be tested and inspected and proved before concealing or covering, by plugging all outlets and completely filling the system with water to the highest point.

5. Gutter Drainage Fittings. Gravity overflow gutter drainage fittings shall be of an approved type not less than two inches IPS and provided with a strainer securely attached thereto. The open area of the strainer shall be equivalent to or greater than the cross-sectional area of a two-inch pipe.

J. Final Inspection. All swimming pool installations must be completed. Swimming pools shall have the bottoms and sides constructed of smooth nonabsorbent materials, free from cracks, and be so constructed as to be properly drained through one or more grated openings. The pool shall be completely filled with water and in operation before final inspection. (Ord. 3889 § 3 (Exh. A), 2017)