

ORDINANCE 3478

Repealed by 3946

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO
KIRKLAND MUNICIPAL CODE (KMC) TITLE 21, THE
KIRKLAND BUILDING CODE.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. The following sections of KMC Chapter 21.04 are hereby amended as follows:

21.04.010 Copies of codes on file.

Pursuant to State law (RCW Chapter 19.27) the Kirkland Building Code ~~city building code~~ is the Washington State Building Code as modified in this title. The Washington State Building Code is composed of the following elements; and the City shall at all times keep on file with the Director of Administration and Finance, for reference by the general public, not less than three copies of the codes and resolutions, or parts thereof, as herein adopted by reference, together with the amendments and supplements thereto herein made a part of this title ~~chapter and Chapters 21.08 through 21.32~~:

(1) Uniform Building Code and Standards, issued by the International Conference of Building Officials, ~~1991~~ 1994 Edition;

(2) Uniform Housing Code, issued by the International Conference of Building Officials, ~~1991~~ 1994 Edition;

(3) Uniform Sign Code, issued by the International Conference of Building Officials, ~~1991~~ 1994 Edition;

(4) Uniform Plumbing Code, issued by the International Association of Plumbing and Mechanical Officials, 1991 Edition;

(5) Uniform Mechanical Code, issued by the International Conference of Building Officials, ~~1991~~ 1994 Edition;

(6) Uniform Code for the Abatement of Dangerous Buildings, issued by the International Conference of Building Officials, ~~1991~~ 1994 Edition;

(7) Uniform Fire Code and Standards issued by The International Fire Code Institute, ~~1991~~ 1994 edition.

(8) All amendments, supplements, modifications, exclusions, exemptions, and additions to the codes identified in subparagraphs (1) through (7) above adopted by the Washington State Building Code Council and published in Title 51 Washington Administrative Code, including, but not by way of limitation, WAC Chapters 51-11, 51-13, 51-26, 51-32, 51-34 and 51-30, provided that Section 1006.3 of WAC Section 51-30-1006 is not adopted ~~51-20~~.

The copies of codes on file may be placed by the Director of Administration and Finance in the custody of the office of the Building Official in order to make them more readily available to inspection and use by the general public.

21.04.015 Purpose.

The purpose of these codes as adopted in Title 21 is to provide for, and promote the health, safety, and welfare of the general public, and not to create or to otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these codes.

21.04.020 Interpretation.

Whenever the following words appear in the codes adopted by reference in this ~~title chapter and Chapters 21.08 through 21.32~~, they are to be interpreted as follows:

- (1) "Administrative Authority" as "Building Official";
- (2) "Chief, or Director of Fire Services" as "Fire Chief", ~~or Chief of the Bureau of Fire Prevention~~ as "Director of Fire Services";
- (3) "Corporation Counsel" as "City Attorney or designee for the City";
- (4) "City Treasurer" as "Director of Administration and Finance";
- (5) "Local Zoning Code" as the "City of Kirkland Zoning Code (Ordinance 2740, as amended)";
- (6) "Municipality, and the Jurisdiction" as "The City of Kirkland."

Whenever reference is made to local authority, codes, jurisdiction, and similar concepts, within the codes adopted by reference in this ~~title chapter and Chapters 21.08 through 21.32~~, interpretations rendered by such reference shall apply to the City jurisdiction and authority.

21.04.030 Penalty for violation.

In addition to the administrative remedies provided for in this title, any person found by a court of competent jurisdiction to be in violation of or to have violated any mandatory provision of this title shall be guilty of a misdemeanor. Each day that a violation is found to exist shall be deemed a separate offense.

A person who has previously been convicted of a crime for violation of this title shall be guilty of a gross misdemeanor for any subsequent violation.

Section 2. KMC chapter 21.08 is hereby amended, by the addition, repeal or amendment, as hereinafter specified, of the following sections.

21.08.010 Building Code Adopted.

The Uniform Building Code and Standards, issued by the International Conference of Building Officials, 1991 1994 Edition, together with amendments and/or additions thereto, is adopted in its entirety. Further, the following Appendix chapters are specifically adopted as part of the Kirkland Building Code: including Appendix Chapter No's 44 A3, Division II (Agriculture Buildings), 32 A15 (Reroofing), A31, Division II (Membrane Structures), A31, Division III 49 (Patio Covers), 55 (Membrane Structures), 70 A33 (Excavating and Grading), by this reference as part of the Building Code for the City.

New Section 21.08.017 UBC Section 105.1 Amended.

Section 105.1 of the UBC is amended to read:

105.1 General: In order to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of this code, there is hereby created a board of appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction. The Building Official shall be an ex-officio member and shall act as Secretary of the board but shall have no vote on any matter before the board. The other Board of Appeals members shall be appointed by the City Manager, and shall serve for not more than two four-year terms or until their successor is appointed and qualified. The Board shall adopt reasonable rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

21.08.020 UBC Section 302(a) 106.3.1 Amended.

Section 302(a) 106.3.1 of the Uniform Building Code is amended and supplemented by the addition thereof of a new subsection to be known as Subsection 106.3.1.8 302(a)-8, to read as follows:

Section 302(a) 8. As much information as required to provide an accurate environmental disclosure pursuant to ~~Ordinance No. 2830 as amended of the City of Kirkland~~ KMC Title 24.

21.08.021 UBC Section 106.3.1 302(a) Further Amended.

Section 106.3.1 302(a) of the Uniform Building Code is further amended and supplemented by the addition thereto of a new paragraphs to read as follows:

No application for building permit relating to any construction, including land fill or pier and piling to support same upon privately owned shorelands submerged by the water of Lake Washington, shall be accepted for filing with the Building Department, unless there is attached to such application certified copies of the approval of such project by such state and federal agencies as may have jurisdiction or regulatory authority over such proposed project.

The requirements for a fully complete building permit application include compliance with Sections 21.08.020 through 21.08.021 and with RCW 19.27.097 (which relates to water supply); provided that, for

any construction project costing more than \$5,000 the following shall also be required:

(a) The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor;

(b) The property owner's name, address, and phone number;

(c) The prime contractor's business name, address, phone number, current state contractor registration number; and

(d) Either:

1) The name, address and phone number of the office of the lender administering the interim construction financing, if any; or

2) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than fifty percent of the total amount of the construction project; provided that if any of this information is not available at the time the application is submitted, the applicant shall so state and the lack of said information shall not cause the application to be deemed incomplete for the purposes of this section. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

The requirements for a fully complete building permit application include a consent statement of the property owner to confirm dedication of rights-of-way which abut the subject property, if any are shown as such on City, County or plat maps, and to verify the designation of public road easements as right-of-way.

New Section 21.08.025 UBC Section 106.3.2 amended.

Section 106.3.2 of the UBC is amended and supplemented by the addition of a new paragraph to read:

(a) Each sheet of plans must bear the seal and signature of the architect or professional engineer who prepared the plans and specifications. Such architect or professional engineer must be qualified in the proposed work and authorized for such practice in the state of Washington. Further, plans, computations, and specifications for all structural design work must bear the seal and signature of, and be prepared and designed by (or under the direct supervision of) an architect or structural engineer authorized to practice as such in the state of Washington. However, the Building Official may accept the design of a professional engineer for assembly line products or designed specialty structural products.

EXCEPTION: The requirements of subparagraph (a) shall not apply when authorized by the Building Official for the following:

1. A residential building of up to and including two dwelling units;

2. Construction or alteration of, or addition or repair to, buildings or structures of conventional light frame construction, where the value of the proposed project is less than \$30,000;

3. Nonstructural alterations and/or repairs where the value of the proposed project (excluding the cost of electrical and mechanical systems, fixtures, equipment, interior finish, and millwork) is less than \$30,000; or

4. Other work as specified in rules promulgated by the Building Official.

21.08.030 UBC Section 106.3.3 302(d) amended.

Section 106.3.3 302(d) of the Uniform Building Code is amended and supplemented by the addition thereto of a new paragraph to read:

Landsurface modification (grading) permits, and building permits for R-3 and U M occupancies shall expire one (1) year from the date of issue. Building permits may be renewed for one half (1/2) of the original permit fee for the first permit issued for such work.

21.08.035 UBC Section 107.2 304(b) amended

Section 107.2 304(b) of the UBC Uniform Building Code is amended and supplemented by the addition of new subparagraphs as follows:

Section 107.2.1 Permit Fees: The fee for each permit shall be as set forth in Table 1-A.

~~1. Determination of Value:~~ The determination of the value or valuation under any of the provisions of this ordinance will be made on the basis of the Building Valuation Data published quarterly in the International Conference of Building Officials' (ICBO) Building Standards. The valuation to be used in computing the plan review and permit fees will be the total fair market value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, or any other permanent work or permanent equipment. The "gross area" used in conjunction with the ICBO building valuation, means the total areas of all floors - measured from the exterior face, outside dimensions, or exterior column line of a building - including basements, cellars, and balconies but not including unexcavated areas. Where walls and columns are omitted in the construction of a building, such as an open shed or marquee, the exterior wall of the open side or sides will be the edge of the roof.

New Section 21.08.037 UBC Section 107.2 further amended.

Section 107.2 of the UBC is supplemented by the addition of new subparagraphs as follows:

21.08.035 - 2. Section 107.2.1 Energy/Indoor Air Quality Code (WAC 51-11, WAC 51-13) Fees: In addition to the fees established here, a fee will be levied and collected for the Building Division to defray costs of plan review, and inspections related to those State Codes. This fee is payable whenever a plan review fee is required by the Kirkland Building Code for proposed construction of new buildings and additions other than those structures or areas which are neither heated, cooled or supplied with artificially illuminated floor space. This fee is

\$20.00 plus \$.01 per square foot of conditioned or artificially illuminated space and is due at issuance.

21.08.035 — ~~3.~~ Section 107.2.2 State building Council Surcharge.
The State Building Code fee is collected for the state on all building, spa, and satellite dish permits at the rate of \$4.50 each. The fee for new multifamily building permits is \$4.50 for the 1st unit and \$2.00 for each additional unit.

21.08.040 UBC Section 107.4 ~~304(d)~~ Amended.

Section 107.4 ~~304(d)~~ of the Uniform Building Code is amended and supplemented to read:

(d) *Expiration of Plan Review.* Applications for building permits which have not been approved by the Department of Community Development, Public Works Department, Fire Prevention Bureau, King County Health Department, or Building Division within 180 days following the date of application shall expire by limitation and become null and void if no permit has been issued. Any time spent in the SEPA review process shall not be included in the allotted 180 days. Plans and other data submitted for review thereafter may be returned to the applicant or destroyed by the building official. The building official may extend the 180-day time limitation following the application for permit for a period of not more than 180 days upon request of the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. The review time by other departments may not be extended. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall pay a new application fee, and the "application date" shall be the date of payment of the new application fee.

Upon notification of the availability of permit by the building official, such permit must be obtained within 180 days of application date. The building official may extend the 180-day time limitation following the application for permit for a period of not more than 180 days upon request of the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No unissued permit shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new application fee and any remaining plan review fee. The rules and regulations in effect on the date of such reapplication shall govern the permit application.

New Section 21.08.045 section 107.5.2 of the UBC is amended and supplemented to read:

Section 107.5.2 EXCEPTION: This fee will be waived if the work under consideration established and Accessory Dwelling Unit as defined in Kirkland Zoning Code Section 5.10.20 provided:

1. The Dwelling Unit existed on January 1, 1995, and
2. A Building Permit application is applied for by December 29, 1995.

21.08.055 Table 1-A ~~3-A~~ Amended.

Table ~~1-A 3-A~~ of the Uniform Building Code is amended and supplemented to read:

TABLE NO. ~~1-A 3-A~~ BUILDING PERMIT FEES

<u>Total Valuation</u>	<u>Fee</u>
\$1.00 to \$500.00	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2000.00
\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 of each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof to and including \$500,000.00
\$500,001 and up	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof

21.08.060 ~~21.08.041~~ UBC Section 108.4 ~~305(d)~~ Amended.

Section 108.4 ~~305(d)~~ of the Uniform Building Code is amended and supplemented by the addition thereto of a new paragraph to read:

Buildings that have not received a final approval shall not be occupied without written approval of the Building Official.

21.08.080 UBC Section 310.2.2 ~~4202(b)~~ Amended.

Section 310.2.2 ~~4202(b)~~ of the Uniform Building Code is amended to read:

310.2.2 ~~(b)~~ Special Provisions. Notwithstanding other provisions of this code, Group R, Division 1 occupancies, shall be not less than one-hour fire-resistive construction throughout. Exterior balconies extending beyond the floor area as defined in Section 207 ~~407~~ shall be

constructed of noncombustible materials or of combustible one-hour fire-resistive construction.

EXCEPTION: Group R, Division 1 occupancies that consist of four or fewer units, that do not exceed two stories in height, that are less than five thousand square feet total area, and that have a one-hour fire-resistive occupancy separation between units.

Storage or laundry rooms that are within Group R, Division 1 Occupancies that are used in common by tenants shall be separated from the rest of the building by not less than one-hour fire-resistive occupancy separation.

For Group R, Division 1 occupancies with a Group S B, Division 3 ~~±~~ parking garage in the basement or first floor, see Section 311.2.2 702(b).

For attic space partitions and draft stops, see Section 708 2516(f).

21.08.090 UBC Section 310.10 424 Deleted.

Section 310.10 424 of the Uniform Building Code relating to fire alarm systems is deleted as it is replaced by Kirkland Municipal Code Chapter 21.35.

New Section 21.08.115 UBC Section 502 Amended.

Section 502 of the Uniform Building Code is hereby amended to read:

"Numbers not less than 5 inches in height shall be conspicuously placed over or near the principal street entrance or entrances and additional locations, if necessary, for identification of the address from the street. Numbers shall have a high contrast with the color of the building on which they are posted.

"EXCEPTION: Group R, Division 3 occupancies and individual dwelling units of Group R, Division 1 occupancies may have not less than 3-inch high numbers.

New Section 21.08.120 UBC Section 1701.2 Amended.

Section 1701.2 of the Uniform Building Code is hereby amended to read:

Special Inspector: The Special Inspector shall be WABO certified, or shall be a qualified person who shall demonstrate competency to the satisfaction of the Building Official, for inspection of the particular type of construction or operation requiring special inspection.

21.08.155 UBC Section 1804.7 2905(f) Amended.

Section 1804.7 2905(f) of the Uniform Building Code is hereby amended to read:

(f) Drainage. Provisions shall be made for the control and drainage of surface water around buildings.

Adequate provisions shall be made to insure that under-floor spaces remain free of running or standing water by the installation of drains. As a minimum, such drains shall be installed around the perimeter of the building at the footings. Additional drains may be required in the under-floor space. The drain pipes shall be of sufficient size to adequately convey water to an approved location, but shall be a minimum size of 4 inches. Provisions shall be made to prevent the drainage system from becoming blocked with soil." The Building Official may waive the provisions of this section when soils appear to adequately drain the site and no water will stand or run under the building.

SECTION REPEALED 21.08.177 UBC Section 3802(h) Amended. 21.08.177 which had amended UBC Section 3802(h) is repealed and shall no longer be listed in the KMC.

21.08.180 UBC Section 904.5.2 3805(b) Amended. Section 904.5.2 3805(b) of the Uniform Building Code is amended and supplemented thereto by the addition of a new paragraph to read:

"In lieu of Class II standpipes, the Director of Fire Services may, in writing, require the use of Class I standpipes. The size and number of outlets, location of inlets and outlets, and location of piping and fittings shall be approved by the Director of Fire Services."

Section Repealed 21.08.190 UBC Section 4718 21.08.190 which had amended UBC Chapter 47 by adding a Section 4718 is repealed and shall no longer be listed in the KMC.

21.08.220 UBC Chapter 57 Added. Part XI of the The Uniform Building Code is amended and supplemented thereto by the addition of a new chapter to read:

CHAPTER 5759: OVERWATER STRUCTURES PIERS, WHARVES, AND BUILDINGS.

21.08.222 UBC Section 5702 5902 Definitions.

1.(a) OVERWATER STRUCTURES. For the purpose of this Chapter, overwater structures shall include all structures which have twenty percent (20%) or more of their area over water, or a structure which has 8,000 square feet over water.

2.(b) DOCK. A dock is a natural open or artificially closed basin in which vessels may remain afloat when berthed at a wharf or pier.

3.(c) PIER. A pier is a structure, usually of greater length than width, of timber, stone, concrete or other material having a deck, and projecting from the shore into navigable waters so that vessels may be moored alongside for loading and unloading or for storage or repairs.

4.(d) SUBSTRUCTURE. The substructure is that portion of the construction below and including the deck.

5.(e) SUPERSTRUCTURE. The superstructure is that portion of the construction above the deck.

6.(f) WHARF OR QUAY. A wharf or quay is a structure of timber, stone, concrete or other material having a platform built along

and parallel to navigable waters so that vessels may be moored alongside for loading and unloading, or for storage or repair.

21.08.225 UBC Section 5703 5905 Substructure.

1.(a) Draft Stops. Draft stops shall be installed in all substructures constructed of combustible materials, exclusive of piling and pile bracing. They shall be placed not over one hundred feet (100') apart measured along the main axis of the pier or wharf. They shall fit tightly around all joists, beams, etc. and extend from the underside of the deck to low water with a maximum required depth of 6 feet.

EXCEPTION: Private docks which serve a single family dwelling unit.

Scope

Substructure draft stops shall be constructed of not less than two (2) thicknesses of 2" nominal thickness lumber laid with broken joints or materials of equal fire resistance.

2.(b) Automatic Sprinklers. Automatic sprinklers shall be installed under the substructure of every overwater structure in accordance with the requirements of Chapter 39 38.

EXCEPTIONS: Automatic sprinklers are not required under the following categories of substructure:

1.i. Combustible substructures having no superstructures.

2.ii. Noncombustible substructures with or without superstructures.

3.iii. Substructures resulting from walkways or finger piers when width does not exceed 10 feet.

3.(e) Dry Standpipes. When a distance of travel to fire apparatus access exceeds two hundred fifty (250) feet, an approved minimum four (4) inch dry standpipe with two and one-half (2-1/2) inch outlets as a maximum of one hundred (100) feet on center shall be provided. There shall be a Siamese connection at the shore end and direct access for Fire Department pumping apparatus shall be provided. Standards for installation to be set by the Director of Fire Services.

21.08.230 UBC Section A3306 7003 Amended.

Section A3306 ~~7003~~ of the Uniform Building Code is amended and supplemented to read:

Section A3306.1 7003. PERMITS REQUIRED. No person shall do any land surface modification or grading without first having obtained a Grading Permit or, when required, a Building Permit from the Building Official, ~~except for the following:~~

Section A3306.2. A grading permit is not required for the following:

1.(1) Land surface modification performed in the normal course of maintaining existing landscaping on a lot associated with an existing building or buildings, provided such work does not modify any drainage course.

2.(2) Any excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid Building Permit. This shall not exempt any fill made with the material from such excavation when the material is removed from the lot or any fill material which is placed on the lot.

3.(3) Cemetery graves.

4.(4) Fill deposited on previously approved disposal sites under the control of other City Administrative Departments.

5.(5) Excavations for wells or tunnels, or utilities or other work supervised by the City of Kirkland.

6.(6) Mining, quarrying, excavating, processing, stockpiling of rock, sand gravel, aggregate or clay where a permit has been issued by the State of Washington, Department of Natural Resources.

7.(7) Exploratory excavations under the direction of soil engineers or engineering geologists.

8.(8) Normal maintenance and repair of the facilities of a common carrier by rail in interstate commerce within its existing right-of-way.

9.(9) Excavations for utility service connections to serve existing and/or new structures.

10.(10) Correction of drainage problems when supervised by the Department of Public Works; and the installation of approved preliminary plat and short plat improvements as permitted by Section A3309.1.1 7006(a)(1).

Exemption from the permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

21.08.231 UBC Section A3308 7005 amended

Section A3308 7005 of the UBC is amended and supplemented by the addition of the following definition:

LAND SURFANCE MODIFICATION shall include clearing or removal of trees, shrubs, ground cover and other vegetation, and all grading, excavation and filling of materials. The removal of overhanging vegetation and fire hazards as specified in Chapter 9.12, of the Kirkland Municipal Code and the removal of dead, dangerous, or diseased trees or blackberry vines when authorized by the Building Official shall not be deemed to be Land Surface Modification.

21.08.232 UBC Section A3309.1 7006 Amended.

Subsection A3309.1 7006(a) of the Uniform Building Code is amended and supplemented to read:

Section A3309.1 7006(a). PERMITS REQUIRED. Except as exempted in Section A3306 7003 of this code, no person shall do any land surface modification or grading without first obtaining a grading

permit from the building official (or the department of public works as to activities described in subsection A3309.1.1-(1) below). No land surface modification or grading permit shall be issued: in the circumstances identified in A3309.1.1 through A3309.1.5.

A3309.1.1 (1) Prior to the approval of a preliminary plat or short plat. After the approval of a preliminary plat or short plat, a land surface modification or grading permit may be issued for land surface modification or grading work to be done within rights-of-way, utility easements or access easements as designated on the approved preliminary plat drawings. A limited amount of grading may be permitted and stockpiling of materials on individual lots with the concurrence of the departments that normally review development permit applications. Permits to be issued for activities covered by this subparagraph shall be issued by the department of public works who shall with respect to such activities, have full authority to administer and enforce the provisions of Appendix Chapter 33 70 of the Uniform Building Code as herein amended and supplemented.

A3309.1.2 (2) Prior to the issuance of a building permit. After the receipt of a complete application for a building permit, a land surface modification or grading permit may be issued only for the minimum land surface modification or grading necessary to locate structures or other associated improvements designated on the submitted building permit plans.

A3309.1.3 (3) In areas served by inadequate water, sewer, storm drainage or transportation systems as determined by the Public Works Department, unless such action proposes the improvement of any deficient system to minimum City standards and at the expense of the private sponsor and such improvements are associated with the issuance of a valid building permit.

A3309.1.4 (4) Prior to the approval specified in Section 115.75, Kirkland Zoning Code, where no building permit is required.

A3309.1.5 (5) Prior to the approval of a preliminary Planned Unit Development. After the approval of a preliminary Planned Unit Development, a Land Surface Modification or Grading Permit may be issued for land surface modification or grading work to be done within rights-of-way, utility easements, access easements or other major components of the internal vehicular circulation system so designated in the approved Preliminary Planned Unit Development."

NEW SECTION 21.08.240 UBC Tables A-33-A and A-33-B
Amended.

Tables A-33-A and A-33-B of the Uniform Building Code are amended and supplemented to read:

Table A-33-A—GRADING PLAN REVIEW FEES

<u>50 cubic yards or less</u>	<u>no fee</u>
<u>51 to 100 cubic yards</u>	<u>\$15.00</u>
<u>101 to 1,000 cubic yards</u>	<u>22.50</u>
<u>1,001 to 10,000 cubic yards</u>	<u>15.00</u>
<u>10,001 to 100,000 cubic yards</u>	

\$30.00 for the first 10,000 cubic yards, plus \$15.00 for each additional 10,000 cubic yards or fraction thereof.

100,001 to 200,000 cubic yards

\$165.00 for the first 100,000 cubic yards, plus \$9.00 for each additional 10,000 cubic yards or fraction thereof.

200,001 cubic yards

\$255.00 for the first 200,000 cubic yards, plus \$4.50 for each additional 10,000 cubic yards or fraction thereof.

Other Fees:

Additional plan review required by changes, additions or revisions to approved plans \$30.00 per hour (minimum charge—one-half hour)

Table A-33-B—GRADING PERMIT FEES

50 cubic yards or less \$15.00

51 to 100 cubic yards 22.50

101 to 1,000 cubic yards

\$22.50 for the first 100 cubic yards, plus \$10.50 for each additional 100 cubic yards or fraction thereof.

1,001 to 10,000 cubic yards

\$117.00 for the first 1,000 cubic yards, plus \$9.00 for each additional 1,000 cubic yards or fraction thereof.

10,001 to 100,000 cubic yards

\$198.00 for the first 10,000 cubic yards, plus \$40.50 for each additional 10,000 cubic yards or fraction thereof.

100,001 cubic yards or more

\$562.50 for the first 100,000 cubic yards, plus \$22.50 for each additional 10,000 cubic yards or fraction thereof.

Other Inspections and Fees:

1. Inspections outside of normal business hours \$30.00 per hour
2. Reinspection fees assessed under provisions of Section 108.8 \$30.00 per hour
3. Inspections for which no fee is specifically indicated \$30.00 per hour (minimum charge—one-half hour)

Section 3. The following sections of KMC chapter 21.16 are hereby amended as follows:

21.16.010 Sign Code Adopted.

The Sign Code issued by the International Conference of Building Officials, 1991 1994 Edition ("USC"), together with amendments and/or additions thereto, is adopted in its entirety by this reference as the sign code for the city.

21.16.011 Conflict With the Kirkland Zoning Code Ordinance 2740.

If any provision of the Uniform Sign Code is in conflict with any provision of the Kirkland Zoning Code Ordinance No. 2740—as amended, the applicable provisions of the Kirkland Zoning Code Ordinance No. 2740, as amended, shall govern.

21.16.012 Permit Required

Section 301 of the USC is amended and supplemented to read:

A sign shall not hereafter be erected, re-erected, constructed, altered or maintained, except as provided by this code and after a permit has been issued by the building official. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure.

21.16.013 Exemptions

Section 303 of the USC is amended and supplemented to read:

A permit is not required for the following signs. These exemptions shall not be construed as relieving the owner of the sign from the responsibility for its erection, maintenance and compliance with the provisions of this code or other laws or ordinances regulating signs.

(1) Changing of the advertising copy or message on a painted or printed sign only. Except for theater marquees and similar signs specifically designed for the use of replaceable copy, electric signs shall not be included in this exception; and

(2) Painting, repainting or cleaning of an advertising structure or changing the copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.

21.16.020 Permit and checking fees.

The sign permit fee and plan checking fee authorized by Section 304 of the Uniform Sign Code, adopted by reference, shall be the same as the fee schedule contained in Section ~~107 303~~ (and Table ~~1-A 3-A~~) of the Uniform Building Code, as listed in Section 21.04.010, Kirkland Municipal Code; provided:

(1) A minimum twenty-dollar fee shall be charged for each marquee or building mounted sign.

(2) A minimum forty-dollar fee shall be charged for each freestanding or pole mounted sign.

(3) A minimum ten-dollar plan check fee shall be charged for each sign for which a permit is applied.

Section 4. The following sections of KMC Chapter 21.20 are hereby amended as follows:

21.20.034 Violations and Penalties.

Any person, firm, or corporation violating any provision of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine or imprisonment or both by fine and imprisonment. Each separate day or any portion thereof during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense.

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorized is lawful.

The issuance or granting of a permit or approval of plans shall not prevent the Building Official from thereafter requiring the correction of errors in the plans and specifications or from preventing construction operations from being carried on when in violation of this or any other ordinance or from revoking any certificate of approval when issued in error.

Every permit issued by the Building Official under the provisions of the code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred and eighty (180) days. Before such work can be recommenced, a new permit shall be first obtained 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 and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one (1) year. Plumbing permits for R-3 and U M occupancies shall expire one (1) year from the date of issue. Plumbing permits may be renewed for one half (1/2) of the amount of the original permit fee for the first permit issued for such work.

21.20.039 FEES

(a) Permit Fees: The fees for each permit shall be set forth in Table No. 3-A.

(b) Plan Review Fees: When a plan or other data is required to be submitted by Subsection (b) of Section 30.2, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for plumbing work shall be equal to 65 percent of the total permit fee as set forth in Table No. 3-A. When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate shown in Table No. 3-A.

(c) Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Administrative Authority. The Administrative Authority may exceed the time for action by the applicant for a period not to exceed 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(d) Investigation Fees: Work Without a Permit.

(1) Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

(2) An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this Code if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code, nor from any penalty prescribed by law.

~~(e)-(3) Fee Refunds.~~

- (1) The Administrative Authority may authorize the refunding of any fee paid hereunder which was erroneously paid or collected;
- (2) The Administrative Authority may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code;
- (3) The Administrative Authority may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.

The Administrative Authority shall not authorize the refunding of any fee paid except upon written application filed by the applicant or permittee not later than 180 days after the date of fee payment.

Table No. 3-A

PERMIT ISSUANCE

For issuing each permit (when not a part of a Building Permit)	\$20.00
For issuing each permit (when part of a Building Permit)	N/C

UNIT SCHEDULE (in addition to Items 1 & 2 above)

For each plumbing fixture on one trap or a set of fixtures on one trap (including water, drainage piping and backflow protection therefor)	7.00
Rainwater systems - per drain (inside building)	7.00
For each heater and/or vent	7.00
For each industrial waste pretreatment interceptor including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps	7.00
For each installation, alteration or repair of water piping and/or water treating equipment, each	7.00
For each repair or alteration of drainage or vent piping, each fixture	7.00
For each lawn sprinkler system on any one meter including backflow protection devices thereof	7.00
For atmospheric-type vacuum breakers not included in above item:	
2-inch diameter and smaller	7.00
over 2-inch diameter	15.00
<u>For repiping domestic water lines within existing structures:</u>	

<u>Single Family</u>	<u>20.00</u>
<u>Multifamily</u>	<u>20.00/unit</u>

Other Inspections and Fees

Inspections outside of normal business hours	30.00/hr
Reinspection fee	30.00
Inspections for which no fee is specifically indicated	30.00
Additional plan review required by changes, additions or revisions to approved plans, (minimum charge - one-half hour)	30.00/hr

Section 5. The following sections of KMC chapter 21.24 are hereby amended as follows:

21.24.010 Mechanical code adopted.

The Uniform Mechanical Code, issued by the International Conference of Building Officials, 1991-1994 Edition, together with amendments and/or additions thereto, is adopted in its entirety by this reference as the mechanical code for the City, including Appendix B, Chapter 13.22 relating to gas fuel piping.

21.24.020 UMC Table No. 1-A ~~3-A~~ amended-- Mechanical permit fees.

Table 1-A ~~3-A~~ of the Uniform Mechanical Code is amended to read as follows: as to the following items only:

Permit Issuance

1. For the issuance of each permit (when not part of a building permit)	\$20.00
2. For the issuance of each permit (when part of a building permit)	N/C

Unit Fee Schedule

<u>1. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h</u>	<u>9.00</u>
<u>2. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h</u>	<u>11.00</u>
<u>3. For the installation</u>	<u>9.00</u>

<u>or relocation of each floor furnace, including vent</u>	
<u>4. For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater</u>	<u>9.00</u>
<u>5. For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit</u>	<u>4.50</u>
<u>6. For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this code</u>	<u>9.00</u>
<u>7. For the installation or relocation of each boiler or compressor to and including three horsepower, or each absorption system to and including 100,000 Btu/h</u>	<u>9.00</u>
<u>8. For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower, or each absorption system over 100,000 Btu/h and including 500,000 Btu/h</u>	<u>16.50</u>
<u>9. For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower, or each absorption system over 500,000 Btu/h to and including 500,000 Btu/h</u>	<u>22.50</u>
<u>10. For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower, or for each absorption system over 1,000,000 Btu/h to and including 1,750,000 Btu/h</u>	<u>33.50</u>
<u>11. For the installation or relocation of each boiler or refrigeration compressor over 50 horsepower, or each absorption system over 1,750,000 Btu/h</u>	<u>56.00</u>
<u>12. For each air-handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto</u>	<u>6.50</u>
<u>13. For each air-</u>	<u>11.00</u>

handling unit over 10,000 cfm

14. For each evaporative cooler other than portable type 6.50

15. For each ventilation fan connected to a single duct 4.50

16. For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit 6.50

17. For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood 6.50

18. For the installation or relocation of each domestic-type incinerator 11.00

19. For the installation or relocation of each commercial or industrial-type incinerator 45.00

20. For each appliance or piece of equipment regulated by this code but not classed other appliance categories, or for which no other fee is listed in this code 6.50

21. When Appendix B, Chapter 13 ~~22~~ is applicable (see Section 103), permit fees for fuel-gas piping shall be as follows:

Less than 100 feet	5.00
101' to 300 feet	10.00
Over 300 feet	5.00 per each 100' over

For the installation of or relocation of each:

~~22.23.~~ For ~~the~~ installation or relocation of each Oil storage tank, including vent and flammable or combustible liquid tank, or LP gas tank 50.00

~~23.24.~~ For ~~the~~ installation or relocation of each Conversion burner 9.00

~~24.25.~~ For ~~the~~ installation or relocation of each Gas log lighter 6.50

~~24.25.~~ For ~~the~~ installation or relocation of each Gas log lighter 6.50

~~26.27.~~ For ~~the~~ installation or relocation of each Gas range 3.00

~~27.28.~~ For ~~the~~ installation or relocation of each Gas BBQ 3.00

~~28.29.~~ For ~~the~~ installation or relocation of each Gas or Electric Dryer 6.50

~~29.30.~~ For ~~the~~ installation or relocation of each Wood burning stove, insert masonry fireplace, or factory-built "Zero Clearance" fireplace 10.00

Other Inspections and Fees:

1. Inspections outside of normal business hours, per hour (minimum charge—two hours) 30.00

2. Reinspection fees assessed under provisions of Section 116.6, per inspection 30.00

3. Inspection for which no fee is specifically indicated, per hour (minimum charge—one-half hour) 30.00

4. Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge—one-half hour) 30.00

Section 6. The following sections of KMC chapter 21.28 are hereby amended as follows:

21.28.010 Adoption.

The Uniform Code for the Abatement of Dangerous Buildings issued by the International Conference of Building Officials, ~~1994~~ 1994 Edition, together with amendments and/or additions thereto, is adopted in its entirety by this reference as the dangerous building code for the city.

21.28.015 Uniform Code for the Abatement of Dangerous Buildings—Defined.

The term "Uniform Code for the Abatement of Dangerous Buildings" shall refer to the adoption by reference in the Kirkland Municipal Code Section 21.24.010.

21.28.020 Subsection 401.2 ~~401(b)6~~ added.

Section 401 of the Uniform Code for the Abatement of Dangerous Buildings is amended and supplemented by the addition thereto of a new subsection to be known as Subsection 401.2 ~~401(b)6~~ to read as follows:

The Building Official, together with the Director or delegate of the following City departments: Community Development, Fire Services, Police Department, and Public Service, shall upon written request filed with the Building Official by any interested person (including the Building Official) conduct an informal conference relative to the matters set forth in the notice and order. All interested persons shall be given notice of such conference and may attend and participate. Following such informal conference, the Building Official shall, within ten days thereof, file an amended or supplemental order and the time within which to appeal may be requested shall be extended to thirty days from the date of such informal conference of fifteen days from service of the amended or supplemented order, whichever shall last occur.

21.28.030 Service of notice and order.

Section 401.3 ~~401(e)~~ of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

The notice and order and any amended or supplemental notice and/or order shall be served upon the record owner and posted on the property.

The record owner for the purposes of the procedures of this chapter shall be the person listed in the records of the King County Department of Finance for the purposes of mailing real property tax statements. The Building Official shall also serve one copy on each of the following, if known to the Building Official or disclosed from the records of the King County Department of Finance, including the records maintained in relation to the 1% estate excise sales tax: the holder of any mortgage, deed of trust, leasehold, contract purchaser, or contract seller.

The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this section.

21.28.040 Report on costs and expenses.

Section 901 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Section 901. The Building Official shall keep an itemized account of the expenses incurred by the City in the repair or demolition of any building done pursuant to the provisions of Section 701.3.3 ~~701(e)(3)~~ of this Code. Upon the completion of the work of repair or demolition the Building Official shall prepare and file with the Director of Administration and Finance a report specifying the work done, the itemized and total cost of the work, including an administration and collection fee in the amount of two hundred (200) dollars to cover the cost of publication, recording, and service of all notices and the cost incurred by the City in the collection of the assessment or obligation as determined by Section 905 of this Code, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 401.3401(e).

21.28.050 Collection of assessment.

Section 909 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

A copy of the ordinance confirming the special assessment shall be filed with the Department of Administration and Finance. A certified copy of said ordinance shall be recorded with the King County Department of Elections and Records. The Director of Administration and Finance upon receipt of said ordinance shall proceed to collect the special assessment in the same manner as local improvement district assessments, including installments thereof, are collected, provided however, that the thirty days prepayments notice need not be published but shall be mailed to the owner of record.

Sections 910 and 911 of the Uniform Code for the Abatement of Dangerous Buildings hereinabove adopted by reference; being inconsistent with the procedure for collection of assessments herein established, are repealed.

Section 7. The following sections of KMC Chapter 21.32 are hereby amended as follows:

21.32.010 Fire code adopted.

The Uniform Fire Code, issued by the International Conference of Building Officials and the Western Fire Chiefs Association, 1991 1994 Edition, together with amendments and/or additions thereto, is adopted in its entirety including Appendix Chapter Nos. II B (Protection of Flammable or Combustible Liquids in Tanks in Locations that may be Flooded) by this reference as part of the fire code for the city, ~~provided; however, Article 78 - Fire Works is not adopted.~~

21.32.015 Uniform Fire Code -Defined.

The terms "Uniform Fire Code" and "UFC" shall refer to the adoption by reference in the Kirkland Municipal Code Section 21.32.010.

21.32.020 UFC Section ~~2.303~~ 103.1.4 amended.

Section ~~2.303~~ 103.1.4 of the Uniform Fire Code is amended to read as follows:

~~Section 2.303- 103.1.4 Whenever the Director of Fire Services Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Fire Prevention Code Uniform Fire Code do not apply or that the true intent and meaning of the Fire Prevention Code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Director of Fire Services Fire Chief to the Building and Mechanical Code Board of Appeals, within thirty days from the date of the decision appealed.~~

21.32.040 UFC Chapter 14 deleted.

~~Chapter 14 of the Uniform Fire Code relating to fire alarm systems is deleted as it is replaced by Kirkland Municipal Code Chapter 21.35.~~

21.32.045 UFC Section 10.201 amended.

~~Section 10.201 of the Uniform Fire Code is amended to read as follows:~~

~~Section 10.201- Fire Apparatus Access Roads- Fire apparatus access roads shall be provided and maintained in accordance with this division. Exception: The Director of Fire Services is authorized to modify these requirements, provided, in the opinion of the Director of Fire Services, fire fighting or medical and/or rescue operations would not be impaired.~~

21.32.050 UFC Section ~~10.510(d)~~ 1004.4 amended.

Section ~~10.510(d)~~ 1004.4 of the Uniform Fire Code is amended and supplemented thereto by the addition of a new paragraph to read:

~~In lieu of Class II standpipes, the Director of Fire Services Fire Chief may, in writing, require the use of Class I standpipes. The size, location, number of inlets and outlets, and the location of piping and fittings shall be approved by the Director of Fire Services.~~

21.32.060 Open burning prohibited—UFC Section ~~11.203~~ 1102.3 and UFC Section ~~105.8.o.1.~~ deleted.

~~Open burning is prohibited year round within the City of Kirkland. In turn, Section 11.203 of the Uniform Fire Code relating to outdoor burning permits is deleted.~~

~~Exception: Recreational fires as defined in the UFC Section 219, not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and with a total fuel area of 3 feet or less in diameter and 2 feet or~~

less in height for pleasure, religious, ceremonial, cooking or similar purposes. A permit is not required.

21.32.062 Recreational fires—UFC Section ~~11-204~~ 1102.4 amended.
Section ~~11-204~~ 1102.4 of the Uniform Fire Code is amended and supplemented by the addition of a new first paragraph to read:

~~As an exception to KMC 21.32.060, recreational fires may be conducted, but only if a permit is first obtained and if there is compliance with all provisions of this section. A recreational fire permit will be issued upon request, without charge, when the issuing officer deems it safe to do so. The permit shall designate the premises and the exact location there on where the fire may be started and continued, the nature of the material to be burned; the time limit of the permit, and may contain any special requirements pertaining to the fire and the control thereof as the issuing officer or the Director or Fire Services deem necessary for safety. The Director of Fire Services is authorized to require that recreational fires be immediately discontinued if the Director of Fire Services determines that smoke emissions are offensive to occupants of surrounding property.~~

Fires larger than defined in KMC 21.32.060 Exception may be allowed on a case-by-case basis with the approval of the Fire Chief. A permit shall be issued upon a showing by the applicant of all provisions of this section. The permit applicant must:

1. Establish a safe location to conduct the fire; and
2. Identify the type of material to be burned; and
3. Have a responsible adult attending the fire at all times; and
4. At all times have a means to extinguish the fire.

The Fire Chief is authorized to have the fire immediately discontinued when it has been determined that the smoke emissions have become offensive to the occupants of the surrounding properties.

21.32.065 UFC Section ~~2-205(a)~~ 103.4.3 amended.

Section ~~2-205(a)~~ 103.4.3 of the Uniform Fire Code is amended and supplemented thereto by the addition of a new paragraph to read:

~~The Director of Fire Services~~ Fire Chief is empowered and authorized to order the owner or occupant in writing, to designate smoking and nonsmoking areas and to post those areas with appropriate signs as defined and required in Title 70 RCW as it relates to the Washington Clean Indoor Air Act.

21.32.090 UFC Section ~~77-107(a)~~ 7701.7 amended.

Section ~~107(a)~~ 7701.7 of the Uniform Fire Code is amended to read as follows:

~~—(4)—Automatic sprinkler systems in Group R occupancies, four stories or less may comply with UBC Standary 38-3, when residential sprinkler systems as set forth in UBC Standard 38-3 are provided, exceptions to or reductions in code requirements based on the installation of any automatic fire extinguishing system are not allowed.~~

Explosive material shall not be stored within the City of Kirkland.

EXCEPTION: ~~The Director of Fire Services~~ Fire Chief may issue a special permit for such storage where ~~it appears in his judgment~~ there will be no undue danger to persons or property.

21.32.140 New materials, processes or occupancies which may require permits.

The city manager, the building department manager, and the ~~director of fire services~~ Fire Chief shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the Uniform Fire Code. The ~~Fire Chief~~ director of fire services shall post such list in a conspicuous place and distribute copies thereof to interested persons.

Section 8. The following sections of KMC chapter 21.33 are hereby amended as follows:

21.33.030 Scope.

(a) General.

(1) The provisions of this chapter shall apply to new buildings and to existing buildings that are expanded beyond the limits set forth in this chapter. All fire-extinguishing systems required by this chapter shall be installed in accordance with the requirements of this chapter.

(2) Fire hose threads used for connection to fire-extinguishing systems by the fire department shall be National Standard Hose Threads (NST).

(3) In buildings used for high-piled combustible storage, fire protection shall be in accordance with Article 81, Uniform Fire Code, 1994 ~~1991~~ edition.

(4) The occupancy classifications used in this chapter are the same as those used in the building code adopted by reference in this title.

(b) Approvals. All fire-extinguishing systems including automatic sprinkler systems, combined systems, and special automatic extinguishing systems shall be approved and shall be subject to such periodic tests as may be required by the ~~director of fire service or designee~~ Fire Chief. The location of all fire department hose connections shall be approved by the ~~director of fire services or designee~~ Fire Chief. The connection to a public water supply and cross-connection control shall be approved by the appropriate water purveyor.

21.33.050 Standards.

Fire extinguishing systems shall comply with UBC Standards No's 9-1, 9-2, or 9-3 ~~38-1 and 38-2~~ as adopted by the building code for the city. ~~The use of a combined system must receive special written approval of the director of fire services.~~

EXCEPTIONS:

(1) Automatic fire-extinguishing systems not covered by UBC Standard No. 9-1, 9-2, or 9-3 ~~38-1 or 38-2~~ shall be approved and installed in accordance with the fire code.

(2) Automatic sprinkler systems may be connected to the domestic water supply main when approved by the ~~director of fire services~~ Fire Chief, provided the domestic water supply system is of adequate pressure, capacity and sizing for the combined domestic and sprinkler requirements. In such case the connection shall be made between the public water main or meter and the building shutoff valve, and there shall not be intervening valves or connections.

(3) The fire department connection may be omitted when approved by the ~~director of fire services~~Fire Chief.

(4) Automatic sprinkler systems in Group R occupancies, four stories or less may comply with UBC Standard 9-3 38-3. When residential sprinkler systems as set forth in UBC Standard 9-3 38-3 are provided, exceptions to or reductions in code requirements based on the installation of an automatic fire-extinguishing system are not allowed.

21.33.060 Automatic fire-extinguishing systems.

(a) Where Required. An automatic fire-extinguishing system shall be installed in all structures as set forth in this section and Section 1003.2.1 40-506 through Section 1003.2.8 40-509 of the 1994 1991 Uniform Fire Code and 1994 1991 Uniform Building Code Section 904.2 3802 as amended and adopted by the state of Washington. For the purposes of this section an area separation or occupancy separation wall shall not constitute a separation between two structures.

For special provisions on hazardous chemicals and magnesium, and calcium carbide, see the fire code.

(b) All Occupancies. An automatic sprinkler system shall be installed in the following buildings or structures:

(1) In all buildings where the aggregate area of all floors and basements is greater than twelve thousand square feet except as otherwise specified in this chapter;

(2) In all buildings four or more stories in height. For the purpose of this section, a story shall be defined as that portion of a building included between the upper surface of any floor and the surface of the next floor or roof above;

(3) When it is determined by the ~~director of fire services~~Fire Chief that access for fire department emergency apparatus is not adequate;

(4) Throughout every apartment house three or more stories in height or containing more than fifteen dwelling units and every hotel three or more stories in height or containing twenty or more guest rooms and in congregate residences three or more stories in height and having an occupant load of fifty or more. Residential sprinkler heads shall be used in the dwelling unit and guest room portions of the building. For the purposes of this section condominiums shall be treated as apartments. For the purpose of this section, a story shall be defined as that portion of a building included between the upper surface of any floor and the surface of the next floor or roof above;

(5) In Group E-1 occupancies as required by WAC 51-24-10507(c).

(6) All buildings or structures supported by piers or piling which extend over water or where any portion of the building is more than two hundred fifty feet from an improved public street or alley giving access thereto for fire-fighting equipment.

EXCEPTION: Any one-story structure used solely for the moorage of boats or having Type I FR or II FR construction throughout

need not have a sprinkler system installed unless otherwise required by other provisions of this chapter.

21.33.080 Permissible sprinkler omissions.

(a) Subject to the approval of the ~~director of fire services~~ Fire Chief, sprinklers may be omitted in rooms or areas as indicated in Section 1003.4 40-509 of the Uniform Fire Code, 1994 1994 Edition.

(b) Except as otherwise required by this Chapter, areas of existing buildings in excess of twelve thousand square feet may be increased by ten percent, not to exceed twelve thousand additional square feet, and not be required to install fire-extinguishing systems. This exception may be used one time only.

Section 9. The following sections of KMC chapter 21.34 are hereby amended as follows:

21.34.010 Definition—Fire lane.

"Fire lane" means a parcel of land designated and maintained by the owner thereof, ~~as a public way, as defined in Section 3301(e) Uniform Building Code,~~ to provide access to a building from an improved public street, for firefighting and other emergency equipment and personnel.

21.34.020 Duty to establish.

It shall be the duty of the owner, or ~~such owner's~~ designated agent, of any commercial real property ~~improved by a structure (exclusive of a single-family residential structure not within the exception provided in subsection (1) of this section)~~ to designate and maintain at all times a any required fire lanes appurtenant to ~~such~~ structures. Designation and maintenance shall include the installation and maintenance of signs identifying the fire lane. ~~Such~~ The signs shall be in a format approved by the ~~director of fire services~~ Fire Chief.

(1) Designated fire lanes ~~Driveways and/or easements~~ serving ~~more than one~~ single-family residences shall be designated and maintained as fire lanes where necessary in order to at all times. ~~provide a minimum of a twelve-foot clearance through such driveway or easement.~~

(2) ~~When the exception in subsection (1) of this section applies,~~ all ~~Any~~ duties imposed upon "owner" within this chapter shall be imposed upon each owner, in reference to ~~of a~~ single-family residences serviced by a designated fire lane, driveway or easement falling within said exception. Likewise, any charge or lien authorized against an owner in this chapter shall be authorized against each such owner on an apportioned basis.

21.34.030 Duty of the Fire Department, ~~of fire services.~~

Whenever it may come to the attention of the ~~director of department fire services~~ Fire Chief, or any employee, or officer of the Fire D~~department of fire services,~~ that a required fire lane has either not been designated or is not being maintained as herein required, the ~~director~~ Fire Chief shall:

(1) Cause notice to be given to the owner of said property or his designated agent that failure to designate and maintain a fire lane is a violation of this ordinance, and that such violation ~~must~~ shall be corrected within thirty days of the date of giving ~~such~~ notice, and ~~that in the event the violation continues beyond the thirty-day period, that the fire department may commence enforcement proceedings either by~~

~~issuing a citation or the filing of an ordinance violation complaint with a court of competent jurisdiction or in the alternative, coming on to the property of the violator and designate and sign the required fire lane.~~

(2) Whenever notice of violation is ~~required to be~~ given to a property owner, under the provisions of this section, such notice shall be in writing and shall be served upon the property owner by mailing to the ~~owner him~~ at ~~the~~his address as it appears on the property tax rolls maintained in the office of the King County ~~Assessor~~Director of Financee (ex-Officio county treasurer) and by posting a copy of said notice in a conspicuous place on the premises where the violation is occurring.

21.34.040 Failure to comply—Lien on property.

Any expense reasonably incurred by the city, as a result of the ~~Fire Ddepartment of fire services~~ carrying out its duty imposed by Section 21.34.030, shall become a charge against the owner of the property and a lien against the property.

~~Section 10.~~ Sections 21.35.010, 21.35.025, 21.35.030 of KMC chapter 21.35 are hereby repealed, and the following additional sections of KMC chapter 21.35 are amended or added, as hereinafter specified:

21.35.010 UFC Section 1007.2.2.1 amended.

Section 1007.2.2.1 of the Uniform Fire Code is amended by deleting Exception No. 1.

21.35.020 Scope.

An approved automatic and/or manual fire alarm system shall be provided in all occupancies 6000 square feet or greater. In sprinklered occupancies, automatic smoke detection is required only in the common corridors. In non-sprinklered occupancies automatic smoke detection is required in all rooms and areas.

In the event the requirements of this section conflict with those of UFC Section 1007, this section shall prevail.

~~The provisions of this chapter shall apply to every apartment house three or more stories in height or containing sixteen or more dwelling units and every hotel three or more stories in height or containing twenty or more guest rooms, and to congregate residences three or more stories in height or having an occupant load of 20 or more; to Group A Division 1, 2, and 2.1 Occupancies; to Group E Division 1 Occupancies, and to Group E Division 3 Occupancies having an occupant load of 50 or more; to Group H Division 6 Occupancies; to Group I Occupancies; and to all other buildings having a total floor area of six thousand square feet or more. A fire alarm system shall be installed in these buildings.~~

21.35.040 Approval required.

~~Prior to the installation of a new fire alarm system, or modification of a previously approved revision of an existing system, plans shall be submitted to the director of fire services Fire Chief for approval. The plans shall indicate the layout of all equipment to be used in the installation. The manufacturer and the model number of each component in the system shall be indicated.~~

The application, plans and specifications, ~~and other data filed by an applicant for a fire alarm system permit,~~ shall be reviewed by the ~~director of fire services~~ Fire Chief or authorized representative. If the ~~Fire Chief~~ director of fire services finds that the work described in the application for a fire alarm system permit and the plans, specifications, and other data filed therewith conform to the requirements of this chapter and the rules and regulations as specified herein, he shall collect the permit fee and issue a fire alarm system permit.

The permit fee shall be:

For issuing each permit	\$25.00
For a new installation	

Plus for each zone	\$10.00
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For issuing a permit for a tenant improvement or modification to a previously approved fire alarm system	\$20.00
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21.35.050 Validity of permit.

The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the chapter or the technical codes, or of any other ordinance of the city. No permit presuming to give authority to violate or cancel the provisions of these codes shall be valid.

The issuance of a permit based upon plans, specifications, and other data shall not prevent the ~~director of fire services~~ Fire Chief from thereafter requiring the correction of errors in said plans, specifications, and other data, or from preventing the installation being carried on thereunder when in violation of this chapter or of any ordinances of the city.

Section 11. The following section of KMC Chapter 21.40 is hereby amended as follows:

21.40.030 Fence exceptions—Covered pools.

All permanent swimming pool covers shall be considered as adequate enclosure protection required in this chapter provided that:

(1) All exterior openings are constructed as herein required for gates;

(2) Exterior walls are solid and impenetrable.

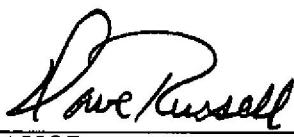
~~Pool cover structures shall be classified as "G" occupancy and conform to all requirements of the Kirkland building code in effect at the time of construction.~~

Section 12. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

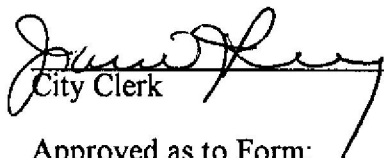
Section 13. Effective date. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017 Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 20th day of June, 1995.

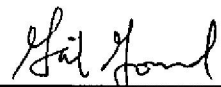
Signed in authentication thereof this 20th day of June, 1995.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney
5city95\NEWBC94

PUBLICATION SUMMARY
OF ORDINANCE NO. 3478

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO KIRKLAND MUNICIPAL CODE (KMC) TITLE 21, THE KIRKLAND BUILDING CODE.

SECTION 1. Amends sections of KMC Chapter 21.04, including amendments to make the 1994 editions of various uniform codes part of the Kirkland Building Code.

SECTION 2. Makes changes to KMC Chapter 21.08 for Kirkland modifications to Washington State Building Code.

SECTIONS 3-6. Amend KMC Chapters 21.16, 21.20, 21.24 and 21.28.

SECTION 7. Makes changes to KMC Chapter 21.32 for Kirkland modifications to the Uniform Fire Code.

SECTION 8. Updates references in KMC Chapter 21.33 due to adoption of the 1994 Uniform Fire Code.

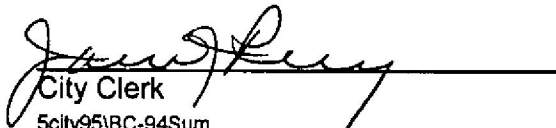
SECTIONS 9-11. Amend KMC Chapters 21.34, 21.35, 21.40 and 21.44.

SECTION 12. Provides a severability clause.

SECTION 13. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its regular meeting on the 20th day of June, 1995.

3478 I certify that the foregoing is a summary of Ordinance approved by the Kirkland City Council for summary publication.


City Clerk
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