

City of Cheney  
609 Second Street  
Cheney, Washington 99004

**CITY OF CHENEY, WASHINGTON  
ORDINANCE NO. X-41**

**AN ORDINANCE REPEALING CHAPTER 19.06 ENTITLED "BUILDING CODE" OF THE CITY MUNICIPAL CODE AND REENACTING A NEW CHAPTER 19.06 ENTITLED "BUILDING CODE" TO REPLACE SUPERSEDED PROVISIONS, AND PROVIDE FOR OTHER MATTERS RELATED THERETO**

**WHEREAS**, RCW 19.27.030 requires cities to adopt the International Building Code, Residential Code, Mechanical Code, Fire Code and other uniform codes ("Uniform Codes") to include a requirement that the Building Code be enforced by cities as set forth in RCW 19.27.050;

**WHEREAS**, the City, through Chapter 19.06 entitled "Building Code" has adopted previous versions of the Uniform Codes, as amended, by the Washington State Building Code Council in a manner consistent with State law;

**WHEREAS**, the Uniform Codes are periodically amended by the Washington State Building Code Council which, pursuant to state law, requires cities and other regulatory jurisdictions to amend their ordinances and regulations; and

**WHEREAS**, for the purpose of adopting the new Uniform Codes published by the International Code Council, Chapter 19.06 entitled "Building Code," shall be revised as set forth herein.

NOW, THEREFORE, the City Council of the City of Cheney, Washington, do ordain as follows.

**Section 1.** **Repeal.** Chapter 19.06 entitled "Building Code" as last adopted May 24, 2006, through Ordinance W-87 is hereby repealed for the purpose of adopting a new chapter 19.06 as set forth herein which consists of Sections .010 through .110, all of which are intended to adopt the Building Code as amended by the Washington State Building Code Council.

**Section 2.** **Revised Chapter.** The revised Chapter 19.06 entitled "Building Code" is added to the Cheney Municipal Code.

**Section 3. New Section.** A new section 19.06.010 entitled "Title" is added to the Cheney Municipal Code as follows:

**19.06.010 - Title.**

This chapter shall be known as the "Building Code" of the City.

**Section 4. New Section.** A new section 19.06.020 entitled "Purpose" is added to the Cheney Municipal Code as follows:

**19.06.020 - Purpose.**

The purpose of this Chapter shall be as set forth in the codes and regulations adopted herein. Notwithstanding anything in this title or adopted codes to the contrary, this title and the adopted codes shall be administered for the benefit of the health, safety and welfare of the general public and shall not be construed to establish any duties to protect or benefit any particular person or class of persons.

**Section 5. New Section.** A new section 19.06.030 entitled "Conflict" is added to the Cheney Municipal Code as follows:

**19.06.030 - Conflict.**

Should there be a conflict between the provisions of this chapter or any ordinance of the City, the provisions of this chapter shall prevail.

**Section 6. New Section.** A new section 19.06.040 entitled "Authority" is added to the Cheney Municipal Code as follows:

**19.06.040 - Authority.**

(a) The building official, or designee, of the city shall be deemed:

(1) The "building official" as defined in section 202 of the International Building Code and section R202 of the International Residential Code.

(2) The "code official" as defined in section 202 of the International Mechanical Code, section 202 of the International Fuel Gas Code, section 202 of the International Existing Building Code, section R202 and 202 of the Washington State Energy Code.

(3) The "authority having jurisdiction" as defined in section 203.0 of the Uniform Plumbing Code.

*Exception:* The public works official shall be deemed the "authority having jurisdiction" of the Uniform Plumbing Code for the "Sewer Service System" and "Water Service System" as defined in CMC 19.12.020.

(b) Where provisions of the International Building Code are duplicated in the International Fire Code, the fire marshal shall have authority over those provisions as provided for in Chapter 9 of the IFC, except for those provisions regarding the installation of single- and multiple-station smoke alarms, and carbon monoxide detection. The building official shall have authority over all other duplicated provisions.

**Section 7. New Section.** A new section 19.06.050 entitled "Notice and Order of Correction" is added to the Cheney Municipal Code as follows:

**19.06.050 – Notice and Order of Correction.**

The building official, or designee, of the city shall be authorized to issue a notice and order of correction in accordance with chapter 1.28 of the Cheney Municipal Code to require compliance with any provision of the building code.

**Section 8. New Section.** A new section 19.06.060 entitled "Adoption of Codes " is added to the Cheney Municipal Code as follows:

**19.06.060 - Adoption of Codes.**

The City of Cheney adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27.074 for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures including permits and penalties:

- (1) The 2015 International Building Code (IBC), published by the International Code Council, Inc., with state amendments, including appendices E, H, I, and J, and the ICC/ANSI A117.1-2009 is specifically adopted by reference.
- (2) The 2015 International Residential Code (IRC), published by the International Code Council, Inc., with state amendments, including appendices F, H, and Q, is specifically adopted by reference.
- (3) The 2015 International Existing Building Code (IEBC), published by the International Code Council, Inc., with state amendments, is specifically adopted by reference.
- (4) The 2015 International Mechanical Code (IMC), published by the International Code Council, Inc., with state amendments, including appendix A, is specifically adopted by reference.
- (5) The 2015 Uniform Plumbing Code (UPC), published by the International Association of Plumbing and Mechanical Officials, with state amendments, including appendices A, B, E, and I, is specifically adopted by reference.
- (6) The 2015 International Fuel Gas Code (IFGC), published by the International Code Council, Inc., except for propane installations, including appendices A, B, and C, is specifically adopted by reference.
- (7) For propane installations, NFPA Standard No. 58, and NFPA 54 Code are specifically adopted by reference.

(8) The 2015 Washington State Energy Code, chapters 51-11R WAC (Residential) and 51-11C WAC (commercial), as adopted by the State Building Code Council, is adopted by reference.

**Section 9. New Section.** A new section 19.06.070 entitled "Adoption of amendments" is added to the Cheney Municipal Code as follows:

**19.06.070 - Adoption of amendments.**

Pursuant to RCW 19.27.040, the following amendments to the adopted codes in CMC 19.06.020 are adopted and apply within the City of Cheney:

(1) In addition to the permit exemptions listed in the adopted codes and any appendences adopted therein, the following exemptions are added:

- a. Installation of roll-up doors serving unconditioned spaces not including work to the structure of the building or alterations in opening size.
- b. Ground signs, as defined by the 2015 International Building Code, not exceeding six feet in height above grade.
- c. Wall signs as defined by as defined by the 2015 International Building Code.
- d. Residential use on ground storable pools, as defined by the 2015 International Swimming Pool and Spa Code, not exceeding 24 inches deep.

(2) The International Building Code, section 105.1.1 shall read as follows:

Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installations, or for the minor alteration of an interior space in an existing building, the building official is authorized to issue an annual permit upon application thereof to any person, firm, entity or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the permit applicant for work performed by the regularly employed tradespersons.

(3) The International Building Code and International Residential Code, section 105.3 and R105.3 respectively shall read as follows:

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. A fully completed building permit application shall include, at a minimum, the requirements set forth in RCW 19.27.095.

A fully complete building permit application for a structure, that is permitted under the zoning or other land use ordinances in effect on the date of the application shall be considered under this chapter 19.06, and the zoning or other land use ordinances, in effect at the time of application. See title 23 entitled "Development Code Administration" for application requirements.

(4) The International Building Code and International Residential Code, section 105.3.2 and R105.3.2 respectively shall read as follows:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing.

(5) The International Building Code and International Residential Code, section 111.2 and R110.3 respectively shall read as follows:

After the building official inspects the building or structure and finds no violation of the provisions of this code, or provisions of any other city ordinance associated with the permitted project, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of chapter 3.
9. The type of construction as defined in chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided and whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

(6) The International Building Code and International Residential Code, section 113 and R112 respectively shall read as follows:

Appeals of decisions of the building official, or designee, shall be in accordance with CMC Title 9.

(7) The International Residential Code, Table R301.2(1), Climatic and Geographic Design Criteria shall read as follows:

Ground Snow Load	Wind Design				Seismic Design Category
	Speed (mph)	Topographic effects	Special wind region	Wind-borne debris zone	

39 lbs/ sq ft	110 mph (ult.)	No	No	No	C
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Subject To Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
Weathering	Frost line depth	Termite					
Severe	24"	Slight to Moderate	10 deg F	Yes	1612.3 IBC FIRM Map	1232	47.2 deg F

(8) The Uniform Plumbing Code, section 103.1.1 shall read as follows:

Exempt Work. A permit shall not be required for the following:

(1) The stopping of leaks in drains, soil, waste, or vent pipe, provided, however, that a concealed trap, drain pipe, soil, waste, or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered new work and a permit shall be procured and inspection made as provided in this code.

(2) The clearing of stoppages, including the removal and reinstallation of water closets, or the repairing of leaks in pipes, valves, or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, concealed pipes, or fixtures.

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

**Section 10. New Section.** A new section 19.06.080 entitled "Board of Appeals" is added to the Cheney Municipal Code as follows:

**19.06.080 - Board of Appeals.**

IBC section 113, IRC section R112, and all references to board of appeals contained within other codes and/or ordinances adopted by this title are hereby deleted. Appeals of decisions of the building official, or designee, shall be in accordance with CMC Chapter 9.06.

**Section 11. New Section.** A new section 19.06.090 entitled "Fees" is added to the Cheney Municipal Code as follows:

**19.06.090 - Fees.**

The fees and costs provided in the codes adopted herein shall and are established as the fees and costs to be charged by the city unless otherwise amended by the city council through resolution.



**Section 12. New Section.** A new section 19.06.095 entitled "Technology fee" is added to the Cheney Municipal Code as follows:

**19.06.095 - Technology fee.**

In addition to the permit fees authorized by this chapter, each building permit shall be charged an additional fee as established through city council resolution to be used for computer equipment and training to support the activities under this chapter.

**Section 13. New Section.** A new section 19.06.100 entitled "Unlawful acts" is added to the Cheney Municipal Code as follows:

**19.06.100 - Unlawful acts.**

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

**Section 14. New Section.** A new section 19.06.110 entitled "Violation—Penalty" is added to the Cheney Municipal Code as follows:

**19.06.110 - Violation—Penalty.**

Section 15. Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00, or imprisonment in jail for not more than 90 days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

**Section 16.** This Ordinance shall be in full force and effect five (5) days after passage, approval and publication pursuant to RCW 35A.11.090(7).

Introduced this 14 day of August, 2018.

Passed by the Council this 22 day of January, 2019.

Approved by the Mayor this 22 day of January, 2019.

  
Chris Grover, Mayor

ATTEST:

  
Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

  
Stanley M. Schwartz, City Attorney