

CITY OF WINLOCK, WASHINGTON
ORDINANCE NO. 1174

AN ORDINANCE OF THE CITY OF WINLOCK, WASHINGTON, REPEALING AND REPLACING SECTIONS OF WINLOCK MUNICIPAL CODE CHAPTER 15.05; REPEALING AND REPLACING SECTIONS OF ORDINANCE NO. 902 AS NECESSARY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Winlock, Washington (the “City”) is a Code City under the laws of the State of Washington; and

WHEREAS, pursuant to RCW 35A.11.020, the City may adopt and enforce ordinances of all kinds relating to and regulating the City’s local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, all references herein to “WMC” shall mean the “Winlock Municipal Code,” and

WHEREAS, Chapter 15.05 WMC is entitled “INTERNATIONAL BUILDING CODES”; and

WHEREAS, Ordinance No. 902, as codified at Chapter 15.05 of the Winlock Municipal Code, was enacted in 2004; and

WHEREAS, the State has mandated the use of the State Building Code as required in Chapters 19.27 and 19.27A RCW; and

WHEREAS, the Council desires to amend Chapter 15.05 WMC as set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINLOCK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The following sections of Chapter 15.05 of the Winlock Municipal Code, as last amended by Ordinance No. 902, are hereby repealed and replaced as follows:

15.05.010 Building Codes – Adopted.

- A. Except as otherwise provided in this chapter, the City hereby adopts by reference the most current version of the Washington State Building Code as promulgated and adopted by the Washington Building Code Council in Title 51 WAC pursuant to Chapter 19.27 RCW and

Chapter 19.27A RCW, as may be amended from time to time, which shall include Chapters 51-04 through 51-56 WAC, as may be amended.

- B. All supplements and appendices to codes enumerated in Chapters 19.27 and 19.27A RCW are adopted and in force as part of this code.
- C. One copy of each of these codes is on file with the city's building official, and with the city clerk as provided for by RCW 35.21.180.

15.05.020 Code conflicts.

- A. In case of conflict between the codes adopted in this chapter, the provisions of RCW 19.27.031 shall govern.
- B. In case of conflicts between other codes and provisions adopted by this chapter, the code or provision that is most restrictive, as determined by the city's building official, shall apply.

15.05.030 Definitions.

- A. Unless the context requires otherwise, any reference to "jurisdiction," "department of building safety," "department of mechanical inspection," "department of inspection," "department of prevention," or "department of property maintenance inspection" shall be construed to mean the city of Winlock.
- B. Unless the context requires otherwise, any reference to "building official" or "code official" shall be construed to mean the city's building official in the absence of any specific written designation from the city council.
- C. Unless the context requires otherwise, any reference to "fire code official" shall be construed to mean the city's fire code official in the absence of any specific written designation.
- D. Unless the context requires otherwise, any reference to "board of appeals" shall be construed to mean the hearing examiner. All appeals authorized by the codes adopted in the chapter shall be to the city's hearing examiner.

15.05.040 Amendments to the Building Code.

- A. International Building Code. The following local amendments to the International Building Code, including all amendments enacted by the state of Washington, are hereby adopted and incorporated into the International Building Code:
 - 1. Duties and powers of building official – Lot lines and setback lines. Section 104 of the International Building Code, entitled "Duties and Powers of Building Official," is amended by adding the following new subsection 104.12:
Sec. 104.12. Lot lines and setback lines. Notwithstanding the authority of the building official to administer and enforce the building code, the building official shall have no duty to verify or establish lot lines or setback lines. No such duty is created by this code, and none shall be implied.
- B. International Existing Building Code. The following local amendments to the International Existing Building Code, including all amendments enacted by the state of Washington, are hereby adopted and incorporated into the International Existing Building Code:
 - 1. Duties and powers of building official – Lot lines and setback lines. Section 104 of the International Existing Building Code, entitled "Duties and Powers of Code Official," is amended by adding the following new subsection 104.12:

Sec. 104.12. Lot lines and setback lines. Notwithstanding the authority of the building official to administer and enforce the building code, the building official shall have no duty to verify or establish lot lines or setback lines. No such duty is created by this code, and none shall be implied.

C. International Residential Code.

The following local amendments to the International Residential Code, including all amendments enacted by the state of Washington, are hereby adopted and incorporated into the International Residential Code:

1. Duties and powers of building official – Lot lines and setback lines. Section R104 of the International Residential Code, entitled “Duties and Powers of the Building Official,” is amended by adding the following new subsection R104.12:

Sec. R104.12. Lot lines and setback lines. Notwithstanding the authority of the building official to administer and enforce the building code, the building official shall have no duty to verify or establish lot lines or setback lines. No such duty is created by this code, and none shall be implied.

15.05.070 Building codes – Fees.

- A. General. The city council shall, by resolution, establish the fees and charges to be assessed to implement and operate the codes adopted in this chapter.
- B. Special Investigation Fee. Whenever any work for which a permit or approval is required by applicable law has commenced without a permit or approval, the city may perform a special investigation before issuance of a permit or approval. The building official is authorized to impose an investigation fee in an amount that compensates the city for performing the investigation. The subject of investigation shall pay the fee whether or not a permit or approval is subsequently issued.

15.05.080 Appeals.

- A. Appeals generally. All appeals arising from this chapter shall be to the city’s hearing examiner as established by Chapter 18.25 WMC. The hearing examiner shall serve in lieu of all boards of appeals mentioned or described in the codes as adopted and amended by the city.
- B. Appeals to the hearing examiner.
 1. Jurisdiction. The city hearing examiner has been designated as the board of appeals and shall have jurisdiction over all matters concerning the application of the building codes cited in this chapter. The city hearing examiner, however, shall have no authority relative to interpretation of the administrative provisions of these codes, nor shall the city hearing examiner be empowered to waive requirements of these building codes.
 2. Filing. Appeals shall be filed with the hearing examiner by 5:00 p.m. of the fourteenth calendar day following the date of the order, determination, or decision being appealed. When the last day of the appeal period so computed is a Saturday, Sunday, or city holiday, the period shall run until 4:30 p.m. on the next business day. The appeal shall be accompanied by payment of the filing fee. Specific objections to the building official’s decision and the relief sought shall be stated in the written appeal.
 3. Standing. Standing to bring an appeal under this chapter is limited to the following persons:
 - a. The applicant and the owner of property to which the permit decision is directed.
 - b. Another person aggrieved or adversely affected by the order, determination, or decision, or who would be aggrieved or adversely affected by a reversal or modification

of the order, determination, or decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

- i. The order, determination, or decision has prejudiced or is likely to prejudice that person;
- ii. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the order, determination, or decision; and
- iii. The appellant has exhausted his or her administrative remedies to the extent required by law.

C. Appeals to superior court. Appeals to the hearing examiner shall be made pursuant to Chapter 18.25 WMC. The decision of the hearing examiner shall be final and conclusive unless, within twenty-one (21) calendar days of the hearing examiner's decision, an appeal is filed with the Lewis County superior court. When the last day of the appeal period so computed is a Saturday, Sunday, or city holiday, the period shall run until the next business day.

15.05.090 Violations and enforcement.

A. It is unlawful for any person or entity to violate any provision of this chapter, or any code adopted herein, or to erect, construct, enlarge, alter, repair, move, improve, remove, change, convert, demolish, equip, use, occupy, or maintain any building, structure, or equipment, or to use any land contrary to, or in violation of, any of the provisions of this chapter, or any code adopted herein.

B. Violations—Civil Infraction—Misdemeanor—Gross Misdemeanor.

1. Notwithstanding any of the provisions of any code, rule or regulation herein adopted by reference, any person, firm or corporation who violates or fails to comply with any term or provision of this chapter shall be deemed to have committed the following:

- a. First Offense. Constitutes a Class 1 civil infraction, as set forth in RCW 7.80.120, as it now exists or is hereafter amended, with the maximum assessment not to exceed the amount of two hundred fifty dollars, not including statutory assessments.
- b. Second Offense. Constitutes a misdemeanor and, if found guilty, shall be subject to a fine not to exceed one thousand dollars, plus costs and assessments, and/or imprisonment not to exceed ninety days or to both such fine and imprisonment. A second offense shall mean a violation of this chapter which is committed at the same location by the same individual within one calendar year of the first offense.
- c. Third or Subsequent Offenses. Constitutes a gross misdemeanor and, if found guilty, shall be subject to a fine not to exceed five thousand dollars, plus costs and assessments, and/or imprisonment not to exceed three hundred and sixty-four days or both such fine and imprisonment. A third or subsequent offense shall mean a violation of this chapter which is committed at the same location by the same individual within one calendar year of the first offense.

C. In addition to fines or penalties, a violator shall be liable for all costs and expenses occasioned by such violation.

D. The permit or approval of a violator may be revoked by the city.

E. The building official reserves the right to refer violations to the city prosecuting attorney.

F. Liability for Continuing Violation. Every successive owner or occupant of property who neglects to abate a continuing violation upon or in the use of such property caused by a former owner is liable thereof in the same manner as the owner who created it.

Section 2. Repealer. Ordinance No. 902 as codified at Chapter 15.05 WMC, Sections 3 and 4 of Ordinance No. 294, enacted in 1948, as codified at WMC 15.10.030 and WMC 15.10.040 are hereby repealed in their entirety. All other ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 4. Effective Date. This ordinance shall take effect five (5) days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

Section 5. Corrections. Upon approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

PASSED by the Council of the City of Winlock, Washington, and **APPROVED** by the Mayor of the City of Winlock at a regularly scheduled open public meeting thereof, this 12th day of August, 2024.



Brandon Svenson, Mayor

Attest:



Penny Jo Haney, City Clerk

Approved as to form:



Marissa Y. Jay, WSBA # 55593
City Attorney

Approved Reading: 8/12 /2024
Publication Date: 8/15 /2024
Effective Date: 8/20 /2024