

ORDINANCE NO. 2013-01-07

AN ORDINANCE relating to the state-mandated adoption of the 2012 International Fire Code, 2012 International Building Code, 2012 International Residential Code, 2012 International Mechanical Code, 2012 Uniform Plumbing Code, 2012 Washington Energy Code, Washington Accessibility Standards, Washington Indoor Ventilation and Air Quality Code, Washington Standards for Mobile Homes, and including local amendments thereto, by amending Clark County Code Titles 14 and 15.

WHEREAS, the Washington State Legislature has adopted amendments to the 2012 International Building Code, with certain revisions, including amendments to Chapter 51-50 WAC; and

WHEREAS, the Washington State Legislature has adopted amendments to the 2012 International Residential Code, with certain revisions, including amendments to Chapter 51-51 WAC; and

WHEREAS, the Washington State Legislature has adopted amendments to the 2012 International Mechanical Code, with certain revisions, including amendments to Chapter 51-52 WAC; and

WHEREAS, the Washington State Legislature has adopted amendments to the 2012 International Fire Code, with certain revisions, including amendments to Chapter 51-54 WAC; and

WHEREAS, the Washington State Legislature has adopted amendments to the 2012 Uniform Plumbing Code, with certain revisions, including amendments to Chapters 51-56 and 51-57 WAC; and

WHEREAS, the Washington State Legislature has adopted the 2012 Washington State Energy Code; and

WHEREAS, the Washington State Legislature has adopted Standards for Accessibility in accordance with ASNI A117.1; and

WHEREAS, the Washington State Legislature has adopted standards for Manufactured Homes, as contained in RCW 43.22.440 and WAC 296-150I and M; and

WHEREAS, the state-mandated revisions of all these building-related codes call for local jurisdictions to adopt the minimum standards set by each of these uniform codes on or before July 1, 2013; and

WHEREAS, the Clark County Chief Building Official and Clark County Fire Marshal have forwarded their recommendations for the implementation of certain additions and amendments

to the 2012 International Codes to the Board of County Commissioners and the Board has considered those recommendations; and

WHEREAS, this matter is being considered at a duly advertised hearing and held in Clark County for the purpose of adopting these state mandated amendments with local amendments thereto, and certain code clarifications ; and

WHEREAS, The Board of Clark County Commissioners finds and concludes that adoption of this ordinance will further the public health, safety and welfare of its citizens; now, therefore:

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:

Chapter 14.01
ADOPTION OF BUILDING SAFETY CODES

Section 1. Amendatory. Section 1 of Ordinance 2004-06-04 as most recently amended by Ord. 2010-06-15 and codified as CCC chapter 14.01., including any references to the title of the Chapter as necessary in tables of contents, are each amended to read:

14.01.010 Adoption by reference.

With the exceptions noted in this title, and the exceptions noted in the Washington Administrative Code and Statutes, the following documents are hereby adopted by reference:

- (1) The International Building Code (IBC), ~~2009~~ 2012 Edition, copyright ~~2011~~09 by the International Code Council, Inc. (see International Building Code Section 101.2.1, 2009 Edition), as adopted and amended by the state of Washington, Chapter 51-50 WAC;
- (2) Sections 101 through 106 of Appendix E, Supplementary Accessibility Requirements, of the International Building Code (IBC), ~~2009~~ 2012~~09~~ Edition, copyright ~~2009~~ 2011~~09~~ by the International Code Council, Inc., and as amended by the provisions of Clark County Code Chapter 14.07;
- (3) The International Residential Code (IRC) for One and Two-Family Dwellings, ~~2009~~ 2012~~09~~ Edition, copyright ~~2009~~ 2011~~09~~ by the International Code Council, Inc., as adopted and amended by the state of Washington, Chapter 51-51 WAC;
- (4) The International Mechanical Code (IMC), ~~2009~~ 2012~~09~~ Edition, copyright ~~2009~~ 2011~~09~~ by the International Code Council, Inc., as adopted and amended by the state of Washington, Chapter 51-52 WAC;
- (5) The International Fire Code (IFC), ~~2009~~ 2012~~09~~ Edition, copyright ~~2009~~ 2011~~09~~ by the International Code Council, Inc., as adopted and amended by the state of Washington, Chapter 51-54A WAC, and as amended by the provisions of Clark County Code Chapter 15.12;

- (6) The Uniform Plumbing Code and Standards (UPC), ~~2009~~ 2012~~09~~ Edition, copyright ~~2009~~ 2011~~09~~, by the International Association of Plumbing and Mechanical Officials, as adopted and amended by the state of Washington, Chapters 51-56 and 51-57 WAC;
- (7) The International Fuel Gas Code, ~~2009~~ 2012~~09~~ Edition, copyright ~~2009~~ 2011~~09~~ by the International Code Council, Inc., as adopted and amended by the state of Washington, Chapter 51-52 WAC;
- (8) The ~~2009~~ 2012~~09~~ Washington State Energy Code, Chapter 51-11 WAC; and

Chapter 14.05
CLARK COUNTY REVISIONS TO INTERNATIONAL BUILDING CODE

Section 2. Amendatory. Section 3 of Ordinance 2004-06-04 as most recently amended by Ord. 2010-06-15 and codified as CCC 14.05.020 are each amended to read:

14.05.020 Publication.

One complete copy of the Clark County Building Code, together with a complete copy of the International Building Code, ~~2009~~ 2012~~09~~ Edition, including the adopted appendices, shall be kept on file in the office of community development, and shall be made available during regular business hours for viewing and inspection by the general public.

Section 3. Amendatory. Section 3 of Ordinance 2004-06-04 as most recently amended by sec. 1 of Ord. 2010-06-15 and codified as CCC 14.05.070 are each amended to read:

14.05.070 Effective date.

The ordinance codified in this chapter and any rules, regulations, provisions, requirements, orders, and matters established and adopted shall take effect and be in full force and effect henceforth, from and after July 1, ~~2009~~ 2013~~09~~.

Chapter 14.06
CLARK COUNTY RESIDENTIAL CODE

Section 4. Amendatory. Section 3 of Ordinance 2004-06-04 as most recently amended by sec. 1 of Ord. 2010-06-15 and codified as CCC 14.06.020 are each amended to read:

14.06.020 Publication.

One complete copy of the Clark County Residential Code, together with a complete copy of the International Residential Code, ~~2009~~ 2012~~09~~ Edition, including any adopted appendices, shall be kept on file in the office of community development, and shall be made available during regular business hours for viewing and inspection by the general public.

Section 5 Amendatory. Section 4 of Ordinance 2004-06-04 as most recently amended by sec. 1 of Ord. 2010-06-15 and codified as CCC 14.06.020 are each amended to read:

14.06.070 Effective date.

The ordinance codified in this chapter and any rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect henceforth, from and after July 1, ~~2009~~ 2013 .

**Chapter 14.08
PLUMBING CODE**

Section 6. Amendatory. Ordinance 1974-07-51 as most recently amended by sec. 1 of Ord. 2010-06-15 and codified as CCC 14.08.020 are each amended to read:

14.08.020 Adoption by reference—Citation.

Except as hereinafter provided, the following document is adopted by reference: Uniform Plumbing Code, ~~2009~~ 2012~~09~~ Edition, copyright ~~2009~~ 2011~~09~~ by the International Association of Plumbing and Mechanical Officials as amended by the state of Washington, enacted at Chapters 51-56 and 51-57 WAC. This document may be cited as UPC.

Section 7. Amendatory. Ordinance 1974-07-51 as most recently amended by sec. 1 of Ord. 2010-06-15 and codified as CCC 14.08.990 are each amended to read:

14.08.990 Effective date.

The effective date of this chapter is July 1, ~~2010~~ 2013.

**Chapter 14.12
MECHANICAL CODE**

Section 7. Amendatory. Ordinance 1974-07-51 as most recently amended by sec. 1 of Ord. 2010-06-15 and codified as CCC 14.12.020 are each amended to read:

14.12.020 Adoption by reference.

Except as hereinafter provided, the following document is adopted by reference: International Mechanical Code, ~~2009~~ 2012~~09~~ Edition, by the International Code Council, Inc. This document may be cited as: IMC.

Section 8. Amendatory. Ordinance 1974-07-51 as most recently amended by sec. 1 of Ord. 2010-06-15 and codified as CCC 14.08.020 are each amended to read:

14.12.920 Effective date.

This chapter shall go into effect on July 1, ~~2009~~ 20139 .

**Chapter 15.12
FIRE CODE**

Section 9. Amendatory. Ordinance 1976-09-2 as most recently amended by sec. 1 of Ord. 2010-06-15 and codified as CCC 15.12.020 are each amended to read:

15.12.020 Adoption by reference.

Except as hereinafter provided, the following documents are adopted by reference:

International Fire Code, ~~2009~~ 20129 Edition, copyright ~~2010~~ 20119 by the International Code Council, Inc., including the appendices adopted in CCC Section 15.12.9000. This document may be referred to as "the IFC."

Section 10. Amendatory. Ordinance 1976-09-2 as most recently amended by sec. 3 of Ord. 2010-06-15 and codified as CCC 15.12.109.3 are each amended to read:

15.12.109.43 Amendment of Section 109.43

Section ~~109.43~~ of the International Fire Code is amended to read as follows:

109.43 Violation Penalties. The Clark County Fire Marshal is authorized to post property for the purpose of fire investigation and protection of persons from entering hazardous locations. It is unlawful to enter or tamper with a fire scene after the fire scene has been posted by the Clark County Fire Marshal, or its designee.

Section 11. Amendatory. Ordinance 1976-09-2 as most recently amended by sec. 1 of Ord. 2010-06-15 and codified as CCC 15.12.109.5 are each amended to read:

15.12.109.54 Amendment of Section 109.54.

Section 109.54 of the International Fire Code is amended to read:

Appeal from abatement order. Any person receiving the notice described in Section 15.12.109.3 may file a notice of appeal with the Clark County fire marshal within ten (10) days of receipt of such notice, or thereafter be barred from administrative appeal or court action. Appeals shall be heard by the Clark County Land Use Hearings Examiner. The determination of the examiner shall be final unless appealed pursuant to Chapter 36.70C RCW.

Section 12. Amendatory. Ordinance 1976-09-2 as most recently amended by sec. 1 of Ord. 2004-06-05 and codified as CCC 15.12.109.6 are each amended to read:

15.12.109.65 Amendment of Section 109.65.

Section 109.65 of the International Fire Code is amended to read:

Emergency abatement. Notwithstanding any other section of the Clark County Fire Code or the International Fire Code, the Clark County fire marshal shall be authorized to cause the immediate summary abatement of any dangerous or hazardous condition which constitutes a fire hazard or which poses an immediate prospect of irreparable harm to life and property; PROVIDED, that the Clark County fire marshal shall make reasonable efforts to notify the owner or occupant of the abatement orally or in writing before the condition has been abated.

The costs to the county of such summary abatement shall be and become a charge against the owner of the real property on which the hazardous or dangerous condition was located and a lien against such real property to be enforced in the manner provided for in Section 15.12.109.43; PROVIDED, that no charge or lien shall occur unless within ten (10) days following summary abatement the fire marshal mails written notice thereof to the record owner of such real property at his last known address as shown by the records in the office of the treasurer of Clark County. Such notice shall specify the condition summarily abated, the costs of such abatement which are charged against the owner and real property, and the method of appeal specified in Section 15.12.109.54.

Section 13. Amendatory. Ordinance 1976-09-2 as most recently amended by sec. 1 of Ord. 2004-06-05 and codified as CCC 15.12.109.6 are each amended to read:

15.12.109.76 Amendment of Section 109.76.

Section 109.76 of the International Fire Code is amended to read:

Legal Action. Notwithstanding any other provision of law, the Clark County fire marshal, with the written approval of the board of county commissioners, shall be authorized to initiate any legal action in any court of competent jurisdiction to enforce the provisions of this chapter, including seeking mandatory or prohibitory injunctions and damages.

Section 14. New. A new section 15.12.503 is added to the Clark County Code to read:

15.12.503 Amendment of Section 503

Fire Apparatus Access Roads

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the *fire code official*. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, *approved barriers, approved signs* or both shall be installed and maintained when required by the *fire code official*. Privately owned bridges shall comply with the requirements of the Clark County Road Standards.

Section 15. Amendatory. Sec. 13 of Ord. 1996-02-02 as most recently amended by Sec. 33 of Ord. 2007-06-19 and codified as 15.12.503.4 are each amended to read:

503.4.21 Gates obstructing fire access. All gates hereafter constructed which are obstructing required fire apparatus access roads shall be subject to the approval of the Fire Marshal.

503.4.2.1 Plans for gates. Plans for gates that obstruct fire apparatus access roads shall be submitted to and approved by the Fire Marshal prior to their installation.

503.4.2.23 Manually operated gates. Manually operated gates shall be easily opened by a single individual without the use of any special equipment, knowledge, effort or operation. Locking devices on manually operated gates shall either be of a type and common key as approved by the Fire Marshal or shall be provided with a security box in accordance with 506.1 containing a key capable of opening the locking device.

503.4.2.34 Power assisted, power operated or card-locked gates. Power assisted, power operated or card-locked gates shall be provided with mechanisms that, in the event of a power failure open the gate to its fully opened position. Alternatively, back-up power supply capable of operating the gate under normal circumstances and use for a period of not less than twenty-four hours shall be provided. Once the back-up power supply has been exhausted, or in the event of a simultaneous failure of both the primary and back-up power sources, the gate locking or latching mechanisms shall be opened or released.

503.4.2.45 Override mechanism for power or card-locked gates. All power assisted, power operated or card locked gates shall be provided with an override mechanism that allows immediate access through the gate. The override mechanism may consist of a key, an override switch or other mechanism approved by the Fire Marshal. Such overriding mechanism shall be located in a security box in accordance with Section 506.1. Once activated, the override mechanism shall immediately open the gate to its fully open position and maintain the gate in this position until the gate is returned to its normal operating condition by deactivation of the override mechanism.

Section 16. Amendatory. Sec. 1 of Ord. 204-06-05 codified as 15.12.503.6 is amended to read:

15.12.503.6 Amendment of Section 503.6.

Section 503.6 of the International Fire Code shall be amended to read as follows:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained and operational at all times. Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200. Where security key boxes are required, they shall be of a type and a common key as approved by the Fire Marshall. Such boxes shall be located immediately adjacent to the gate in a location that is readily visible and accessible from either side of the gate.

Section 17. Amendatory. Sec. 15 of Ord. 1996-02-02 as most recently amended by Sec. 1 or Ord. 2006-06-15 and codified as 15.12.507.5.1 are each amended to read:

507.5.1.1 Hydrants for fire sprinkler and standpipe systems. Buildings equipped with a fire sprinkler and/or standpipe system installed in accordance with Chapter 9 shall have a fire hydrant within 100 feet (30 m) of the fire department connections. Exception: The distance shall be permitted to exceed 100 feet (30 m) where approved by the fire code official.

507.5.1.21 Number of Hydrants. The number of fire hydrants required shall be one fire hydrant for the first 1000 gallons and one hydrant for each subsequent 1000 gallons per minute of required fire flow or portion thereof. Except for Group R Division 3 Occupancies or when otherwise exempted by the fire marshal, a property which is protected with an automatic fire sprinkler system shall be provided with a minimum of two (2) fire hydrants.

507.5.1.32 Location of Fire Hydrants. The location of fire hydrants provided on public or private streets or on site premises shall be approved by the appropriate Fire District Chief, or his designee. Lateral spacing between hydrants shall be measured along approved fire apparatus access routes.

507.5.1.43 Plans. Detailed plans or drawings accurately indicating the location of water mains, valves and fire hydrants shall be submitted with the water surveyor's approval prior to installation.

~~507.5.1.4 Fire department connections. Unless exempted by the fire marshal, a fire hydrant shall be located within 100 feet of all required and approved fire department connections.~~

Section 18. Amendatory. Sec. 21 of Ord. 1996-02-02 as most recently amended by Sec. 35 of Ord. 2007-06-19 and codified as 15.12.901.10 are each amended to read:

15.12.901.4011 Amendment of Section 901.4011.

901.110. Accidental fire alarm activations. All installed fire alarms systems regardless of whether or not the installation was or was not required by this or any other code, shall be maintained and operated in a manner as to assure to the greatest extent possible that accidental alarm activations will be avoided.

901.110.1. Accidental fire alarm activations—Definition. For the purpose of this section, accidental fire alarm activation shall be defined as the accidental creation and/or transmission of an alarm signal, or system trouble signal when an emergency condition does not exist.

901.110.2. Accidental fire alarm activations—Penalties. The fire marshal may assess a civil penalty of \$200 plus the costs incurred by the responding fire district against the owner or lessee of a property for each subsequent accidental fire alarm activation beyond four (4) in any twelve-month period received by the Clark Regional Emergency Services Agency (CRESA) for any single location.

901.110.3. Recovery of penalties. The fire marshal is authorized to seek the recovery of penalties in accordance with any method allowed by law. Penalties recovered on behalf of fire districts shall be paid to the appropriate fire district.

901.110.4.2.2. Penalty waiver. The fire marshal may waive all or a portion of the assessed penalty upon application in writing from the affected party if the owner or lessee can provide documentation that a technician qualified to accomplish such work has remedied the cause of the accidental fire alarm activation. Rendering an alarm activation device inoperable shall not be considered a remedy to the cause of the activations.

901.110.5. Penalty appeals. The assessment of any penalty established in this section may be appealed in writing to the Fire Marshal for administrative review within ten (10) working days of receipt of the notice of penalty assessment. Such appeal shall include a statement of all facts relevant to the activation, a description of the corrective action that has been taken to limit future accidental activations and a specific request that outlines what action the appellant is requesting of the Fire Marshal. The Fire Marshal shall make a written response to the appeal within ten (10) days of the receipt of the written appeal. The decision of the Fire Marshal may be appealed to the fire code board of appeals in accordance with Section 108 provided that a written request for appeal to the board of appeals is received by the Fire Marshal within ten (10) days of the mailing of the Fire Marshal's written response.

(Sec. 21 of Ord. 1996-02-02; amended by Sec. 30 of Ord. 1999-01-23; amended by Sec. 1 (Exh. A) of Ord. 2004-06-05; amended by Sec. 35 of Ord. 2007-06-19)

Section 19. Amendatory. Sec. 17 of Ord. 1996-02-02 as most recently amended by Sec. 1 of Ord. 2004-06-05 and codified as 15.12.903.2.10 are each amended to read:

15.12.903.2.10 Amendment of Section 903.2.10.

Section 903.2.10 of the International Fire Code shall be amended to read as follows:

903.2.10 All occupancies except Groups R-3 and U. Notwithstanding any other provision of this code an automatic sprinkler system shall be installed:

1. Throughout all buildings containing a total floor area, above or below grade, exceeding 12,000 sq. feet.
2. Throughout all buildings which are more than 27 feet in height above or below the lowest level of vehicle access.
3. In the locations set forth in Sections 903.2.10.1 through 903.2.10.1.3 of the IFC.

Exceptions:

1. This subsection shall not apply to agricultural, single-family or duplex residential buildings, or to buildings or portions of buildings used solely for Group S Division 2 open parking garages.
2. Automatic sprinkler systems may be omitted from areas over swimming pools, tennis courts and other such areas when authorized by the Building Official and the County Fire Marshal consistent with the standards of this amendatory ordinance.
3. Each portion of a building separated from other portions by one or more fire walls may be considered a separate building if such separation walls are constructed of concrete or masonry in accordance with the appropriate provisions of the IBC.

Section 20. Amendatory. Sec 12 of Ord. 1993-06-38 as most recently amended by Sec. 1 of Ord. 2004-06-05 are each amended to read:

15.12.335601.2.3.1 Amendment of Section 335601.2.3.1.

Section 335601.2.3.1 of the International Fire Code is amended to read:

335601.2.3.1 The manufacture or storage of explosives or explosive materials shall be prohibited except where permitted by the Clark County Zoning Ordinance. Exception: Temporary storage of explosives or explosive material at job sites for periods not to exceed one year. Storage of such explosives or explosive materials is subject to the provisions of a conditional use permit.

Section 21. Amendatory. Sec. 27 of Ord. 1996-02-02 as most recently amended by Sec. 1 (Exh. A) of Ord. 2004-06-05 and codified as 15.12. 3406.2.4.4 are each amended to read:

15.12.345706.2.4.4 Amendment of subsection 345706.2.4.4.

Subsection 345706.2.4.4 of the International Fire Code is amended to read as follows:

345706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class 1 and Class 2 liquids in above-ground tanks is prohibited except where permitted by the Clark County Zoning Ordinance.

Section 22. Amendatory. Sec. 2 of Ord. 2002-07-22 as most recently amended by Sec. 1 of Ord. 2010-06-15 and codified as 15.12.3406.5.4.5 are each amended to read:

15.12.345706.5.4.5 Amendment of subsection 345706.5.4.5—Mobile fueling.

A new subsection shall be added to 3457.5.4.5 of the IFC to read as follows:

345706.5.4.5 (26) Insurance. Fueling companies shall present proof of an insurance policy in effect in the amount of not less than two million dollars (\$2,000,000) per incident that covers the following activities:

1. Property and casualty.
2. Fuel loading and unloading.
3. Fuel transportation.
4. Remedial environmental mitigation.
5. Malicious actions.

The insurance shall name Clark County as an additional insured. The fueling company shall notify the fire marshal, in writing, not less than thirty (30) days prior to the effective date of any termination or material change to the policy or bond.

Section 23. Amendatory. Sec. 15 of Ord. 1993-06-38 as most recently amended by Sec. 1 of Ord. 2004-06-05 and codified as 15.12.3804.2 are each amended to read:

15.12.386104.2 Amendment of Section 386104.2.

Section ~~386~~104.2 of the International Fire Code is amended to read:

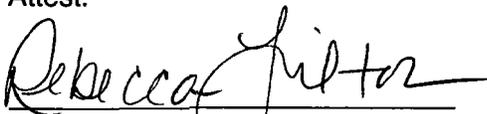
386104.2 Maximum Capacity Within Established Limits.

The storage of LP-Gas, where the aggregate water capacity at any one installation exceeds 2,000 gallons, is prohibited outside of those areas where the storage of Class 1 and Class 2 liquids in above-ground tanks is permitted by the Clark County Zoning Ordinance.

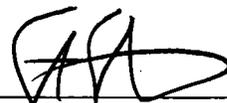
Effective Date. The effective date of this ordinance shall be July 1, 2013.

ADOPTED this 9th day of July, 2013.

Attest:


Clerk to the Board

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, WASHINGTON

By 
Steve Stuart, Chair



Approved as to Form Only:
ANTHONY GOLIK
Prosecuting Attorney

By _____
Tom Mielke, Commissioner

By 
Christopher Horne, WSBA #12557
Chief Civil Deputy

By _____
David Madore, Commissioner