

ORDINANCE NO. 1208

CITY OF LACEY

AN ORDINANCE ADOPTING THE INTERNATIONAL BUILDING CODE AND IN FURTHERANCE THEREOF, REPEALING CHAPTERS 12.11, 14.03, 14.10, AND 14.17 AND SECTIONS 14.04.025, 14.05.025, 14.07.017, 14.07.018, 14.07.021, 14.07.030, 14.07.040, 14.07.045, 14.07.050, 14.07.060, 14.07.070, 14.07.080, 14.07.085, 16.43.120, AND 16.81.020 OF THE LACEY MUNICIPAL CODE, AMENDING THE TITLES TO CHAPTERS 14.04, 14.05, 14.07, 14.15, 14.16, AND 14.18 OF THE LACEY MUNICIPAL CODE, AMENDING SECTIONS 2.30.010, 2.30.090, 12.04.050, 12.24.030, 12.28.010, 13.08.070, 13.32.010, 14.04.010, 14.04.015, 14.04.020, 14.05.010, 14.05.015, 14.05.020, 14.06.010, 14.07.010, 14.07.015, 14.07.020, 14.13.010, 14.13.020, 14.13.030, 14.15.010, 14.15.020, 14.16.020, 14.18.010, 14.18.020, 14.18.030, 14.20.020, 14.23.086, 14.24.160, 14.32.069, 14.36.215, 14.37.030, 14.37.180, 16.03.050, 16.06.315, 16.25.090, 16.41.070, 16.43.050, 16.53.070, 16.60.130, 16.61.050, 16.68.027, 16.70.040, 16.75.040, 16.80.090, AND 16.84.010 OF THE LACEY MUNICIPAL CODE, ADDING NEW CHAPTER 14.03 AND NEW SECTIONS 14.04.016 AND 14.14.050 TO THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, as follows:

Section 1: Section 2.30.010 of the Lacey Municipal Code is hereby amended to read as follows:

2.30.010 Creation of land use hearings examiner. Pursuant to RCW Chapter 35A.63, the office of land use hearings examiner, hereinafter referred to as “examiner,” is created. The examiner shall interpret, review and implement land use regulations as provided in this chapter or by other ordinance. In addition, the examiner shall hear appeals relating to the city’s ~~uniform~~ construction codes as described in Section 14.18.030 of this code. Unless the context requires otherwise, the term examiner, as used in this chapter, shall include deputy examiner and examiners pro tem.

Section 2: Section 2.30.090 of the Lacey Municipal Code is hereby amended to read as follows:

2.30.090 Powers of the examiner. The examiner shall receive and examine all available information, conduct public hearings and prepare a record thereof and enter decisions as provided for herein:

A. The decision of the hearings examiner on the following matters shall be final unless such decision is appealed to the city council pursuant to Section 2.30.160 of the Lacey Municipal Code:

1. Appeals of decisions made pursuant to limited administrative review as defined in Section 1.030 of the City of Lacey Development Guidelines and Public Works Standards;
2. Appeals of decisions made pursuant to full administrative review as defined in Section 1.030 of the City of Lacey Development Guidelines and Public Works Standards;

3. Variance requests;

4. Preliminary plat approval extension requests;

B. The decision of the hearings examiner on the following matters shall constitute a recommendation to the city council:

1. Preliminary plat applications;

2. Preliminary plat modification requests;

3. Shoreline substantial development, shoreline variance and shoreline conditional use permits and permit rescissions;

4. Planned residential development applications;

5. Conditional use permit applications.

C. The decision of the hearings examiner on any matters relating to the duties described in 14.18.030 for the building construction and life safety codes shall be final. Appeals of violation determinations by the city hearings examiner shall be appealable to Thurston County Superior Court. An appeal of the hearings examiner decision must be filed with Thurston County Superior Court within twenty calendar days from the date the hearings examiner decision was mailed to the person to whom the Notice of Civil Penalty was directed.

Section 3: Section 12.04.050 of the Lacey Municipal Code is hereby amended to read as follows:

12.04.050 Grid numbering system.

A. One Hundred Grid Block. The one hundred block for street naming and house numbering shall be determined by consulting the official grid map. Grid maps indicating the location of one-hundred block grid lines shall be prepared on one inch equals four hundred feet scale map and made available for use at a later date.

B. Numbering Interval.

1. The assignment of a number to a specific property location shall be determined by measuring distances from the one-hundred block grid lines.

2. A number shall be assigned each space of twenty feet, as measured from the one-hundred block grid line.

3. Measurements shall be taken from the grid line to the main entrance of the building or property for the purpose of assigning numbers.

C. Number Assignment. Number assignment shall be as follows:

1. Even numbers shall be assigned to north and east sides of streets; odd numbers shall be assigned to south and west sides of streets. Determination of street direction, north-south or east-west, can be decided by observing the overall length of a street and noting its general direction. The even and odd numbers shall be assigned consecutively and opposite one another wherever possible. Neither numeric fractions nor alphabetical letters shall be assigned as part of the unique address for stand-alone structures. All quadrant directionals (NW, SW, NE, SE) shall appear only after the street name. There will be no double directionals (e.g., E. Main Street NE). Where a street is prevented from being continuous by a natural barrier the addressing will be broken off at the barrier and continued again at the other side of the barrier consistent with the appropriate 100 grid block on the official grid map as described in Section 12.04.050.

2. Short loops and cul-de-sacs shall be numbered consecutively from that point where they originate and proceeding progressively around the loop or cul-de-sac.

3. Multi-family developments will have each building assigned a numbered address taken from the street each building fronts. Interior streets within multi-family developments will be named and such names will be approved as defined in Section 12.04.040. If the interior street is to remain private then the name will be qualified by designating that street as a Lane as specified in Section 12.04.040.I. Each of the multi-family buildings fronting that interior street will be numbered from said street. Each unit within a multi-family building will also be identified (e.g., 3515 Private Lane SE Unit #101). The unit numbering will be from left to right as seen from facing the building. The first digit of each unit number will indicate on which floor of the building each unit is located (i.e., #101 first floor, #201 second floor, etc.) ~~All such interior streets, whether public or private shall be provided with street signs complying with city standards prior to occupancy of the structures.~~

4. In large commercial development projects with a single access from a main street and a shared parking lot each building will be individually numbered from the main street. For those projects fronting on intersecting streets each building will be individually numbered from the intersecting street of which it fronts. Each tenant suite within a commercial building will also be identified (e.g., 3515 Main St SE Suite #201). The suite numbering will be from left to right as seen from facing the building. The first digit of each suite number will indicate on which floor of the building each suite is located (i.e., #101 first floor, #201 second floor, etc.)

D. Extension of Grid System. The grid system shall be extended at the rate of ten blocks per mile, or as determined by the grid pattern as shown on the official map. The grid shall increase by one-thousand at section lines, or as shown on the official map.

Section 4: Chapter 12.11 of the Lacey Municipal Code is hereby repealed.

Section 5: Section 12.24.030 of the Lacey Municipal Code is hereby amended to read as follows:

12.24.030 Submission of plans. Plans for the construction of sidewalks or sidewalks and curbs and gutters required by Sections 12.24.010 and 12.24.020 shall be submitted to the

department of public works as part of the plans submitted for obtaining a building permit. The fee to be paid to the city by the applicant for reviewing the plans and inspecting the construction shall be charged at rates established by resolution of the city council. ~~No certificate of occupancy under Chapter 14.04 of this code shall be issued until the improvements required by Sections 12.24.010 and 12.24.020 are completed or a performance bond with a surety qualified to do business in this state, a cash deposit, an assigned savings account or other security acceptable to the city, in an amount equal to one hundred fifty percent of the cost of the work is posted with the city.~~

Section 6: Section 12.28.010 of the Lacey Municipal Code is hereby amended to read as follows:

12.28.010 Adopted. Those certain guidelines and standards entitled “Development Guidelines and Public Works Standards” for the City of Lacey and first published in 1990 as the same have been or are in the future amended by specific action of the city council, shall constitute the official development guidelines and public works standards for use on all development projects within the city and on all development projects located within the city service areas, annexation areas or planning areas to the extent that the city has the authority to require such guidelines and standards. ~~In case of conflict between the Development Guidelines and Public Works Standards and other duly adopted ordinances, resolutions or policies of the city, the provisions of the Development Guidelines and Public Works Standards adopted by the ordinance codified in this section shall prevail.~~

Section 7: Section 13.08.070 of the Lacey Municipal Code is hereby amended to read as follows:

13.08.070 Private sewage disposal system--Connection to public sewer. Whenever a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be disconnected and abandoned. Inlets to abandoned facilities shall be sealed. This section shall control notwithstanding the provisions of ~~Section 1119~~ of the Uniform City’s adopted Plumbing Code.

Section 8: Section 13.32.010 of the Lacey Municipal Code is hereby amended to read as follows:

13.32.010 Standard service connection.

- A. The construction of a standard new service connection by the city for water shall include all labor, pipe and fittings up to the property line. The charges for the labor and materials, including the meter and its installation, shall be established by resolution of the city council.
- B. No water connection shall be made until the person desiring the same has signed an application at the office of the city water department, and paid the charges imposed. The

payment of such connection charges shall be in accordance with Lacey Municipal Code Chapter 13.02.

C. As a condition of service, all service lines from the building to the water meter shall be inspected by the city building department to insure compliance with all the requirements of the ~~Uniform~~ Plumbing Code as adopted in Chapter 14.08 of this code, or Chapter 19.27 Revised Code of Washington, if not within the city limits. No part of the water piping shall be covered, concealed or water meter installed until it has been tested, inspected and accepted.

Section 9: Chapter 14.03 of the Lacey Municipal Code is hereby repealed.

Section 10: A new Chapter 14.03 of the Lacey Municipal Code is hereby adopted to read as follows:

Chapter 14.03 ICC Performance Code for Buildings and Facilities

14.03.010 Adopted. There is adopted and by this reference made a part of this chapter as though fully set forth herein, at length, that certain code known as the International Code Council Performance Code for Buildings and Facilities, 2003 Edition, published by the International Code Council, as the performance code for the city, regulating and governing the performance-based design, construction, and quality of materials.

14.03.020 Violation deemed misdemeanor. Any violation of the provisions of the International Code Council Performance Code for Buildings and Facilities as herein adopted is a misdemeanor.

Section 11: The title of Chapter 14.04 of the Lacey Municipal Code is hereby amended to read as follows:

INTERNATIONAL ~~UNIFORM~~ BUILDING AND INTERNATIONAL RESIDENTIAL CODE

Section 12: Section 14.04.010 of the Lacey Municipal Code is hereby amended to read as follows:

14.04.010 Adopted. There is adopted and by this reference made a part of this chapter as though fully set forth herein, at length, that certain code, known as the International Uniform Building Code, 2003 1997 Edition, Volumes 1, 2, and 3 including the Appendix Chapters 3, Divisions I and II, and IV, 4, Div II; 9; 12, Division II; 15; 16 Div. I and II; 18; 29; 31, Div. I, II and III; 33E, F, G, I and J therein, and the International Residential Code, 2003 Edition, including Appendices A, B, C, D, G, H, J, K and L, as the Building Code and Standards of the city; provided that those sections of the International ~~Uniform~~ Building Code set forth in Section 14.04.015, and those sections of the International Residential Code set forth in Section 14.04.016 are amended to read as set forth in said section

Section 13: Section 14.04.015 of the Lacey Municipal Code is hereby amended to read as follows:

14.04.015 Amendments--Addition. The following sections of the International Uniform Building Code as adopted in Section 14.04.010 are amended to read as follows:

Section 101.1 These regulations shall be known as the *Building Code* of the City of Lacey, Washington, hereinafter referred to as "this code."

Section 101.2 Scope, Exception 1, amended as follows:

Detached one- through four-unit dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *International Residential Code*.

Section 101.4.1. Electrical. The provisions of the City of Lacey Electrical Code as adopted in Lacey Municipal Code Chapter 14.13 shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Section 101.4.4. Plumbing. The provisions of the City of Lacey Plumbing Code as adopted by Lacey Municipal Code Chapter 14.06 shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the State of Washington requirements for private sewage disposal shall apply to private sewage disposal systems.

Section 101.4.5 Property Maintenance. The provisions of the City of Lacey Property Maintenance Code adopted by Lacey Municipal Code Chapter 14.16 shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards, responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

Section 101.4.7. Energy. The provisions of the State of Washington Energy Code adopted by Lacey Municipal Code Chapter 14.09 and the State of Washington Ventilation and Indoor Air Quality Code adopted by Lacey Municipal Code Chapter 14.08 shall apply to all matters governing the design and construction of buildings for energy efficiency.

Section 104.1 General, is amended to read: The building official is hereby authorized and directed to enforce the provisions of this code, including any requirements or regulations imposed on a project as a condition of a land use approval process, as those conditions relate to permit issuance as required in Section 105.3.1.1 and issuance of a certificate of occupancy as required in Section 110.2.1. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies

and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Section 105.2, item 2 is amended to read:

Fences not over 6 feet (1829 mm) high, except fencing regulated by Section 419, subsection 3, Fencing.

Section 105.2, item 4 is amended to read:

Retaining walls which are not over 4 feet (1219mm) in height measured from the bottom of the footing to the top of the wall, provided the wall is set back from any adjacent property lines or structures a distance at least equal to the height of the wall and the material retained slopes 1 vertical to 2 horizontal (or less) up and away from the wall unless supporting a surcharge or impounding Class I, II or IIIA liquids.

Section 105.2, item 11 is amended to read:

11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

Section 105.3, Application for Permit, amended as follows:

Section 105.3 is hereby amended to read as follows:

105.3 Application for permit. To obtain a permit, the applicant shall first file a fully completed application therefore in writing on a form furnished by the City of Lacey building official for that purpose. To be considered as fully completed, every such application shall:

- A. Include the property owner's name, address and phone number.
- B. Include the prime contractor's business name, address, phone number, current state contractor registration number, including a copy of the valid contractor's registration.
- C. Identify and describe the work to be covered by the permit for which application is made.
- D. Describe the land on which the proposed work is to be done by legal description, the tax parcel number assigned pursuant to Chapter 84.40.160 of the Revised Code of Washington, street address and any additional description that will readily identify and definitely locate the proposed building or work.
- E. Indicate the use or occupancy for which the proposed work is intended.
- F. Be accompanied by plans, diagrams, computations and specifications, and other data as required in Section 302.2.
- G. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
- H. Include 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.

I. Be signed by the applicant, or the applicant's authorized agent.

J. Give such other data and information as may be required by the building official.

105.3.1 Action on application, amended to read: The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing.

If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto as required in Section 105.3.1.1 and that the fees specified have been paid, the building official shall issue a permit therefor as soon as practicable.

105.3.1.1 Prerequisites for issuance of permit: The building official shall determine whether the following requirements have been met prior to issuance of a permit:

1. Any requirements or regulations imposed on a project as a condition of a land use approval process;

2. The Site Plan Review Committee has approved the site plan;

3. The landscaping plans have been approved;

4. The required fire apparatus access roads are installed and approved;

5. Water supplies for fire protection are installed and made serviceable;

6. Address(es) are assigned in accordance with LMC 12.04;

7. Plans for the construction of sidewalks; or sidewalks, curbs and gutters have been submitted to the department of public works;

8. Public works construction improvements are completed, or a performance bond is posted with the city;

9. If direct traffic mitigation is required, approved financial security is posted with the city;

10. Any transportation mitigation fees are paid;

11. Approval of design review as required by Lacey Municipal Code Chapter 14.23;

12. Compliance with the state environmental policy act, as adopted by Lacey Municipal Code Chapter 14.24;

13. Compliance with the flood management requirements as adopted by Lacey Municipal Code Chapter 14.34;

14. Compliance with the geologically sensitive areas protection requirements as required by Lacey Municipal Code Chapter 14.37;

15. Compliance with all requirements for final plat as required by Lacey Municipal Code Chapters 15.16.060 C., and 15.28.050;

16. In Planned Residential Developments, construction of at least 50% of the residences in the PRD have been built before any permits can be issued for any commercial uses;

17. For wireless communication facilities (towers), approval of a lease agreement that (a) allows the landholder to enter into leases with other providers and, (b) specifies that if the provider fails to remove the facility upon eighteen months of its discontinued use, the responsibility for removal falls with the landholder;

Section 106.1 shall have a new sentence added to the end of the paragraph as follows:

All plans for construction, erection, enlargement, alteration or repairs of building or structures 4,000 square feet or over shall be designed, prepared and stamped by an architect licensed by the state of Washington.

Section 108.3 shall have a new sentence added to the end of the paragraph as follows:

The value for commonly built structures shall be determined by using the valuation table adopted by the Building Official by policy.

Section 110.2 Certificate issued, amended to read:

When the building and project site are completed as required in Sections 109.3.10 and 110.2.1, the permittee or authorized agent shall request a final inspection and issuance of the certificate of occupancy. This request shall be on a form provided by the building official. The form shall state that the building owner, building contractor, and where applicable, the building developer certify that “for the benefit of all users and occupants of this building, the building or portion for which this certificate of occupancy request applies meets all applicable codes and regulations of the City of Lacey. Such inspection request form, when submitted to the city, shall include the signatures of both the building owner and building contractor. After the building official inspects the building or structure and project site and finds no violations of the provisions of this code or other laws which are enforced by the code enforcement agency, including any other development regulation adopted by and contained within the Lacey Municipal Code either in whole or by reference, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
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, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

New Section 110.2.1 **Prerequisites for issuance of certificate of occupancy:** The building official shall determine whether the following requirements have been met, as verified by the appropriate department director or designee, prior to issuance of a certificate of occupancy:

1. All provisions of the codes as noted in Section 110.2.1
2. In multifamily developments, all street signs for all interior streets, whether public or private, complying with city standards, have been installed;
3. All improvements required in Lacey Municipal Code Sections 12.24.010 and 12.24.020, for sidewalk, curb and gutter construction are completed or an instrument of financial security acceptable to the City has been posted with the City;
4. If a property containing five or more dwelling units within the same complex, the property is registered in the Residential Building Rental Registration Program as detailed in Lacey Municipal Code Chapter 14.02;
5. All public works improvements are completed and approved, unless otherwise allowed by the director of public works;
6. All required landscaping improvements are completed or an acceptable instrument of financial security has been posted with the city;
7. If the permitted work is a townhouse development regulated by Lacey Municipal Code Chapter 16.61, final plat or final short plat approval has been completed;
8. All specific project conditions have been completed in accordance with the land use approval.

New Section 110.2.1.1 Financial Security. Financial Security means a method of providing surety of financial performance and may include provision of a bond, assignment of savings, letter of credit or other financial guarantee acceptable to the City. The financial security shall be in the amount equal to 150 percent of the estimated costs for completion of the work covered by the security. All such secured work shall be completed within six months of the date of the issuance of the certificate of occupancy. One six month extension may be granted by the enforcing officer if necessary to complete the work.

Section 110.3, amended as follows:

110.3 Partial Certificate. If the building official finds that substantial hazard will not result from occupancy of a building or portion thereof before the entire building is completed, a partial certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or structure. The partial certificate of occupancy shall not be issued unless all site

conditions imposed by an official land use approval process are complete and approved as required in Section 110.2.1 and all fire protection and life safety features are operational and approved.

110.6 Violation of requirements for certificate of occupancy. The City Council affirms that the issuance of any certificate of occupancy is of vital importance in the safeguarding of life safety, property safety and health of occupants of any structure; and further, that the enforcement of all city development regulations is of vital importance to the city's economic vitality and the public good. Any person allowing a building to be occupied without a certificate of occupancy first being issued as required by this Chapter shall be subject to the civil penalty provisions of Section 110.6 and is subject to be ordered abated in accordance with the abatement procedures specified in Lacey Municipal Code Chapter 14, including posting to prevent occupancy.

110.6.1 Notice of civil penalty--certificate of occupancy violation.

110.6.1.1. Issuance.

1. When the building official determines that a violation of the certificate of occupancy requirements specified in Chapter 14.03, LMC has occurred or is occurring, the building official shall issue a Notice of Civil Violation to the person responsible for the violation. The "person responsible" can be the property owner, project developer, project superintendent, business owner, corporate owner, an agent of any of those persons, or any other person responsible for the control of the building or structure. Any one or combination of those persons may be cited, either separately or jointly.

110.6.1.2. Content. The Notice of Civil Violation shall include the following information:

1. The name and address of the person responsible for the violation; and
2. The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
3. A description of the violation and a reference to Section 110 as amended herein; and
4. The required date and time by which the conditions preventing the issuance of a certificate of occupancy must be completed after which the city may order the building or structure vacated in accordance with the abatement procedure specified in Chapter 14.16, Lacey Municipal Code; and
5. A statement that the costs and expenses of abatement incurred by the city pursuant to Section 14.40.060(D) and a monetary penalty in an amount per day for each violation as specified in Section 110.6.1.5 may be assessed against the person to whom the Notice of Civil Violation is directed as specified and ordered by the building official.

110.6.1.3. Service of Notice. The building official shall serve the Notice of Civil Violation upon the person to whom it is directed, either personally or by mailing a copy of the Notice of Civil Violation to such person at their last known address. If the person to whom it is directed cannot after due diligence be personally served within Thurston County and if an address for mailed service cannot after due diligence be ascertained, notice shall be served by posting a copy of the Notice of Civil Violation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting the facts showing that due diligence was used in attempting to serve the person personally or by mail.

110.6.1.4. Extension. No extension of the time specified in the Notice of Civil Violation for correction of the violation may be granted, except by order of the hearings examiner.

110.6.1.5. Monetary Penalty. The monetary penalty for each separate violation shall be 1% of the permit value of the building or structure, with a minimum of \$500.00.

110.6.1.6. Continued Duty to Correct. Payment of the monetary penalty does not relieve the person to whom the Notice of Civil Violation was issued of the duty to correct the violation.

110.6.1.7. Collection of Monetary Penalty.

1. The monetary penalty constitutes a personal obligation of the person to whom the Notice of Civil Violation is directed. Any monetary penalty assessed must be paid to the city of Lacey at the department of community development within ten calendar days from the date of notice from the city that penalties are due.
2. The city shall contract with a collection agency in order to collect monetary penalties from individuals who do not pay within ten calendar days as specified above, or within ten days of the appeal hearing, if such hearing is held.

110.6.1.8. Civil penalties imposed under this chapter shall be paid to the city for deposit in the abatement fund established by LMC Chapter 14.16.

110.6.1.9. The notice of the civil penalty shall be a final order of the city unless, within five days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department of community development. If a notice of appeal is filed in a timely manner, a hearing shall be conducted by the hearings examiner. Such hearing shall be conducted in accordance with chapters 34.05 and 34.12 RCW, and Section 1D.010 of the Development Guidelines and Public Works Standards. At the conclusion of the hearing, the Hearings Examiner shall determine whether the penalty should be affirmed, reduced, or not imposed and shall issue a final order setting forth the civil penalty assessed, if any. The order issued by the Hearings Examiner may be appealed to superior court.

110.6.1.10. Failure to Appear. If the person to whom the Notice of Civil Penalty was issued fails to appear at the scheduled hearing, the examiner will enter an order finding that the violation occurred and assessing the appropriate monetary penalty. The city will carry out the hearings examiner's order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

110.6.1.11. Appeal to Superior Court. An appeal of the hearings examiner's decision must be filed with the Thurston County Superior Court within twenty calendar days from the date the final appeal decision was mailed to the person to whom the Notice of Civil Penalty was directed, or is thereafter barred.

Add new definition to Section 202: **FAMILY CHILD DAY CARE HOME**, is a child day care facility, licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

Section 310.1, R-3, amended: Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, adult family homes, or adult or family child day care homes or facilities that provide accommodations to five or fewer adults or twelve or fewer children for less than 24 hours. Adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

Add new section 310.3, as follows: Adult Family Homes.

310.3.1 General. This section shall apply to all newly constructed adult family homes and all existing single family homes being converted to adult family homes. This section shall not apply to those adult family homes licensed by the State of Washington Department of Social and Health Services prior to July 1, 2001.

310.3.2 Submittal Standards. In addition to those requirements in Section 106, the submittal shall identify the project as a Group R, Division 3 Adult Family Home Occupancy. A floor plan shall be submitted identifying the means of egress and the components in the means of egress such as stairs, ramps, platform lifts and elevators. The plans shall indicate the rooms used for clients and the sleeping room classification of each room.

310.3.3 Sleeping Room Classification. Each sleeping room in an adult family home shall be classified as:

1. Type S - where the means of egress contains stairs, elevators or platform lifts.

2. Type NS1 - where one means of egress is at grade level or a ramp- constructed in accordance with Chapter 11 is provided.

3. Type NS2 - where two means of egress are at grade level or ramps constructed in accordance with Chapter 11 are provided.

310.3.4 Types of Locking Devices. All bedroom and bathroom doors shall be openable from the outside when locked.

Every closet shall be readily openable from the inside.

310.3.5 Smoke Alarm Requirements. All adult family homes shall be equipped with smoke alarms installed as required for all R-3 occupancies. Alarms shall be installed in such a manner so that the fire warning may be audible in all parts of the dwelling upon activation of a single device.

310.3.6 Escape Windows and Doors. Every sleeping room shall be provided with emergency escape and rescue windows as required for R-3 occupancies.

310.3.7 Fire Apparatus Access Roads and Water Supply for Fire Protection. Adult family homes shall be served by fire apparatus access roads and water supplies meeting the requirements Chapter 5 of the Fire Code for new construction.

Add new Section 313, as follows:

SECTION 313 - REQUIREMENTS FOR GROUP LC OCCUPANCIES

313.1 Group LC Occupancies Defined. Group LC Occupancies shall include buildings, structures, or portions thereof, used for the business of providing licensed care to clients in one of the following categories regulated by either the Washington Department of Health or the Department of Social and Health Services:

1. Adult residential rehabilitation facility.
2. Alcoholism intensive inpatient treatment service.
3. Alcoholism detoxification service.
4. Alcoholism long term treatment service.
5. Alcoholism recovery house service.
6. Boarding home.
7. Group care facility.
8. Group care facility for severely and multiple handicapped children.
9. Residential treatment facility for psychiatrically impaired children and youth.

EXCEPTION: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a Group I, Division 1.1 hospital.

313.2 Construction, Height and Allowable Area.

313.2.1 General. Buildings or parts of buildings classed in Group LC because of the use or character of the occupancy shall be limited to the types of construction set forth in this section.

313.2.1.1 Type of construction. Except as provided herein, LC Occupancy buildings may be of any construction type allowed in this code and shall not exceed the limits specified in Sections 504, 505 and 506.

Group LC Occupancies which are licensed for more than six clients and which are more than two stories in height or which have more than 3,000 square feet (279 m²) above the first story shall not be less than one-hour fire-resistive construction throughout.

EXCEPTION: Buildings which are licensed for not more than 16 clients may be of Type V-B construction provided:

1. The entire building has an interior wall and ceiling covering consisting of 1/2 inch gypsum wall board or an approved equal installed in accordance with Section 2508; and,

2. An approved smoke-detection system, supervised by an approved central, proprietary or remote station service, is installed throughout the entire structure and is interconnected with any required sprinkler system.

For attic space partitions and draft stops, see Section 717.

313.2.1.2 Area and height. Buildings classified as Group LC Occupancy shall not exceed, in area or height, the limitations set forth in Table 503 for Group R, Division 2 Occupancies.

EXCEPTION: LC Occupancies licensed for six or fewer clients may be of unlimited area provided they are limited to 3 stories or less.

313.2.1.3 Mixed Occupancies. Group LC Occupancies shall be separated from Group H Occupancies by a four-hour fire-resistive occupancy separation and shall be separated from all other occupancies by a one-hour fire-resistive assembly.

EXCEPTIONS: 1. An occupancy separation need not be provided between a Group LC Occupancy licensed for 16 or fewer clients and a carport having no enclosed use above, provided the carport is entirely open on two or more sides.

2. In a Group LC Occupancy licensed for 16 or fewer clients, the one-hour occupancy separation between a Group LC Occupancy and a Group U, Division 1 Occupancy, may be limited to the installation of materials approved for one-hour fire-resistive construction on the garage side and a self-closing, tight-fitting solid-wood door 1 3/8 inches (35 mm) in thickness, or a self-closing tight-fitting door having a fire-protection rating of not less than 20 minutes when tested in accordance with NFPA 252 or UL 10C, without the hose stream test, is permitted in lieu of a one-hour fire assembly. Fire dampers need not be installed in air ducts passing through the wall, floor or ceiling separating a Group LC Occupancy from a Group U Occupancy, provided such ducts within the Group U Occupancy are constructed of

steel having a thickness not less than 0.019 inch (0.48 mm) (No. 26 galvanized sheet gage) and having no openings into the Group U Occupancy.

3. An occupancy separation need not be provided between a Group LC, Boarding Home Occupancy and a Group R, Division 2 Occupancy.

313.3 Location on Property. For fire-resistive protection of exterior walls and openings, as determined by location on property, see Section 503 and Chapter 6. For the purpose of this determination, LC Occupancies licensed for six or fewer clients shall comply with provisions for Group R, Division 3 Occupancies; and all other LC Occupancies shall comply with provisions for Group R, Division 2 Occupancies.

313.4 Access, Means of Egress, and Emergency Escape.

313.4.1 Evacuation capability. Evacuation capability is the ability of the clients of a licensed care facility to respond to an emergency situation and either evacuate a building or move to a point of safety. Clients shall be classified in one of the following levels:

I – persons physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, and capable of self-preservation, without the physical assistance of another person.

II – persons physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another person.

III – persons physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another person.

313.4.2 Means of egress. Means of egress shall be provided as specified in Chapter 10. For the purpose of determining egress requirements, Group LC Occupancies shall be considered to have an occupant load factor of 300. At least two means of egress shall be required when the number of occupants (clients and staff) is 10 or more. For all other requirements of Chapter 10, Group LC Occupancies licensed for six or fewer clients shall comply with provisions for Group R, Division 3 Occupancies; and all other Group LC Occupancies shall comply with provisions for Group R, Division 2 Occupancies.

EXCEPTIONS: 1. Means of egress illumination required by Section 1006 need not be provided in any Group LC Occupancy licensed for six or fewer clients.

2. In LC Occupancies with an approved automatic fire sprinkler system and approved automatic fire alarm system, waiting and resting areas may be open to the corridor provided:

2.1 Each rest area does not exceed 150 square feet, excluding the corridor width;
and

2.2 Walls defining the space shall continue the construction of the corridor's wall;
and

- 2.3 The floor on which the rest area or areas are located is divided into at least two compartments by smoke barrier walls of not less than one-hour fire-resistive construction meeting the requirements of Chapter 7; and
- 2.4 Combustible furnishings located within the rest area are flame resistant as defined by International Fire Code Section; and
- 2.5 Emergency means of egress lighting is provided as required by Section 1006 to illuminate the area.

313.4.3 Accessibility. In new construction, Group LC Occupancies regardless of the number of clients shall comply with accessibility standards for Group R, Division 2 apartment buildings or congregate residences as specified in Chapter 11.

Where a Group LC Occupancy is being established by change of occupancy in an existing building, the building shall be altered to comply with apartment building or congregate residence provisions of Chapter 11 if any client is a person with disability. The alterations shall provide the minimum necessary access appropriate for the disabilities of clients. Any alteration, whether to accommodate a client with disability or for another purpose, shall comply with Part III of Chapter 11.

313.4.4 Emergency escape.

313.4.4.1 Location of sleeping rooms. In every licensed care facility, all sleeping rooms occupied by clients with an evacuation capability of II or III shall be located on a grade level floor which provides not less than two means of egress which do not require clients to use stairs, elevator, or platform lift to exit the facility.

EXCEPTIONS: 1. In a Group LC Occupancy licensed to provide care to two or fewer clients with an evacuation capability of II or III and six or fewer total clients, only one means of egress which does not require clients to use stairs, elevator or platform lift to exit the facility need be provided.

2. Sleeping rooms for clients with an evacuation capability of II or III may be located on floors other than at grade level, provided the facility is divided into at least two compartments by smoke barriers of not less than one-hour fire-resistance meeting the requirements of Chapter 7.

313.4.4.2 Escape windows and doors. Every sleeping room below the fourth story (including basements) shall have at least one operable window or door approved for emergency escape or rescue which shall open directly into a public street, public alley, yard or exit court. The emergency window shall be operable from the inside to provide a full, clear opening without the use of separate tools.

EXCEPTION: The window or door may open into an atrium complying with Section 404 provided the window or door opens onto an exit access balcony and the sleeping room has an exit or exit-access doorway which does not open into the atrium.

Escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet (0.53 m²). The minimum net clear openable height dimension shall be 24 inches (610 mm). The minimum net clear openable width dimension shall be 20 inches (508 mm). When windows are provided as a means of escape or rescue, they shall have a finished sill height not more than 44 inches (1118 mm) above the floor.

Escape and rescue windows with a finished sill height below the adjacent ground elevation shall have a window well. Window wells at escape and rescue windows shall comply with the following:

1. The clear horizontal dimension shall allow the window to be fully opened and provide a minimum accessible net clear opening of 9 square feet (0.84 m²), with a minimum dimension of 36 inches (914 mm).

2. Window wells with a vertical depth of more than 44 inches (1118 mm) shall be equipped with an approved permanently affixed ladder or stairs that are accessible with the window in the fully open position. The ladder or stairs shall not encroach into the required dimensions of the window well by more than 6 inches (152 mm).

Bars, grilles, grates or similar devices may be installed on emergency escape windows, doors or window wells, provided:

1. The devices are equipped with approved release mechanisms which are operable from the inside without the use of a key or special knowledge or effort; and

2. The building is equipped with smoke detectors installed in accordance with Section 313.8.

313.5 Light, Ventilation and Sanitation.

313.5.1 General. For the purpose of determining the light and ventilation for Group LC Occupancies required by this section, any room may be considered as a portion of an adjoining room when one half of the area of the common wall is open and unobstructed and provides an opening of not less than one tenth of the floor area of the interior room or 25 square feet (2.3 m²), whichever is greater.

Exterior openings for natural light or ventilation required by this section shall open directly onto a public way or a yard or court as set forth in Section 313.5.4.

EXCEPTIONS: 1. Required exterior openings may open into a roofed porch where the porch:

1.1 Abuts a public way, yard or court; and

1.2 Has a ceiling height of not less than 7 feet (2134 mm); and

1.3 Has a longer side at least 65 percent open and unobstructed.

2. Skylights.

313.5.2 Light. Sleeping rooms and habitable rooms within Group LC Occupancies shall be provided with natural light by means of exterior glazed openings with an area not less than one tenth of the floor area of such rooms with a minimum of 10 square feet (0.93 m²).

EXCEPTION: Kitchens may be provided with artificial light.

313.5.3 Ventilation. Group LC Occupancies shall comply with provisions for Group R Occupancies as provided in the Washington State Ventilation and Indoor Air Quality Code (Chapter 51-13 of the Washington Administrative Code).

313.5.4 Yards and Courts.

313.5.4.1 General. This section shall apply to yards and courts adjacent to exterior openings that provide required light or ventilation. Such yards and courts shall be on the same property as the building.

313.5.4.2 Yards. Yards shall not be less than 3 feet (914 mm) in width for one-story and two-story buildings. For buildings more than two stories in height, the minimum width of the yard shall be increased at the rate of 1 foot (305 mm) for each additional story. For buildings exceeding 14 stories in height, the required width of the yard shall be computed on the basis of 14 stories.

313.5.4.3 Courts. Courts shall not be less than 3 feet (914 mm) in width. Courts having windows opening on opposite sides shall not be less than 6 feet (1829 mm) in width. Courts bounded on three or more sides by the walls of the building shall not be less than 10 feet (3048 mm) in length unless bounded on one end by a public way or yard. For buildings more than two stories in height, the court shall be increased 1 foot (305 mm) in width and 2 feet (610 mm) in length for each additional story. For buildings exceeding 14 stories in height, the required dimensions shall be computed on the basis of 14 stories.

Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two stories in height shall be provided with a horizontal air intake at the bottom not less than 10 square feet (0.93 m²) in area and leading to the exterior of the building unless abutting a yard or a public way. The construction of the air intake shall be as required for the court walls of the building but in no case less than one-hour fire resistive.

313.5.4.4 Eaves. Eaves over required windows shall extend no closer than 30 inches (762 mm) from the side and rear property lines.

313.5.5 Sanitation.

313.5.5.1 General. Sanitation facilities shall comply with Chapter 29 and the provisions of this section. Any room in which a water closet is located shall be separated from food preparation or storage rooms by a self-closing tight-fitting door.

313.5.5.2 Group LC Occupancies with six or fewer clients. Group LC Occupancies licensed for six or fewer clients shall be provided with not less than one water closet, one lavatory and one bathtub or shower.

313.5.5.3 Group LC Occupancies with more than six clients. Group LC Occupancies licensed for more than six clients shall provide not less than one water closet for each 10 male clients, or fractional part thereof, and not less than one water closet for each 8 female clients, or fractional part thereof.

In addition, not less than one lavatory shall be provided for each 12 male clients, or fractional part thereof, and not less than one lavatory for each 12 female clients, or fractional part thereof. Where the number of clients of either sex exceeds 12, one lavatory shall be added for each additional 20 males, or fractional part thereof, and one lavatory shall be added for each additional 15 females, or fractional part thereof.

In addition, not less than one bathtub or shower shall be provided for every eight clients, or fractional part thereof. Where there are female clients, one additional bathtub or shower shall be provided for each 30 female clients, or fractional part thereof. Where the number of total clients exceeds 150, one bathtub or shower shall be provided for each 20 clients, or fractional part thereof, over 150 clients.

313.6 Room Dimensions.

313.6.1 Ceiling heights. Habitable rooms, hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 7 feet (2134 mm). The required height shall be measured from the finished floor to the lowest projection from the ceiling.

EXCEPTIONS: 1. Beams and girders spaced not less than 4 feet (1219 mm) on center may project not more than 6 inches (153 mm) below the required ceiling height.

2. Ceilings in basements without habitable spaces may project to within 6 feet 8 inches (2032 mm) of the finished floor, and beams, girders, ducts or other obstructions may project to within 6 feet 4 inches (1931 mm) of the finished floor.

3. Not more than 50 percent of the required floor area of a room or space is permitted to have a sloped ceiling less than 7 feet (2134 mm) in height, with no portion of the required floor area less than 5 feet 9 1/2 (1754 mm) in height.

313.6.2 Floor area. Group LC Occupancies shall have at least one room which shall have not less than 120 square feet (11.2 m²) of floor area. Other habitable rooms except kitchens shall have an area of not less than 70 square feet (6.5 m²).

Portions of a room with a sloped ceiling measuring less than 5 feet (1524 mm) or a flat ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum habitable area for that room.

313.6.3 Width. Habitable rooms other than kitchens shall not be less than 7 feet (2134 mm) in any dimension.

313.7 Shaft and Exit Enclosures. Exits shall be enclosed as specified in Chapter 10.

Elevator shafts, vent shafts, dumbwaiter shafts, clothes chutes and other vertical openings shall be enclosed and the enclosure shall be as specified in Chapter 7.

313.8 Smoke Detectors and Sprinkler Systems.

313.8.1 Smoke detectors.

313.8.1.1 General. Rooms within Group LC Occupancies that are used for sleeping purposes shall be provided with smoke detectors. Detectors shall be installed in accordance with the approved manufacturer's instructions.

313.8.1.2 Additions, alterations or repairs. When the valuation of an addition, alteration or repair to a Group LC Occupancy exceeds \$1,000 and a permit is required, or when one or more sleeping rooms is added or created in an existing Group LC Occupancy, smoke detectors shall be installed in accordance with Sections 313.8.1.3 and 313.8.1.4 of this section.

EXCEPTION: Repairs to the exterior surfaces are exempt from the requirements of this section.

313.8.1.3 Power source. In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source and shall be equipped with a battery backup. The detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors may be solely battery operated when installed in existing buildings; or in buildings without commercial power; or in buildings which undergo alterations, repairs or additions regulated by Section 313.8.1.2.

313.8.1.4 Location. A detector shall be installed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. When the Group LC Occupancy has more than one story or in facilities with basements, a detector shall be installed on each story and in the basement. Where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. When sleeping rooms are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. Where the ceiling height of a room open to a hallway serving the bedrooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent

room. Detectors shall sound an alarm audible in all sleeping areas of the Group LC Occupancy in which they are located.

313.8.2 Sprinkler and standpipe systems.

313.8.2.1 Sprinkler Systems. An automatic sprinkler system shall be installed throughout every Group LC Occupancy three or more stories in height or licensed for more than 16 clients. Group LC Occupancies with 16 or fewer clients, licensed to provide care for more than two clients who have an evacuation capability of II or III, shall be provided with an automatic sprinkler system throughout the facility.

EXCEPTION: An automatic sprinkler system need not be installed in any Group LC Occupancy licensed for six or fewer clients regardless of the level of evacuation capability.

Where a sprinkler system is required, a system complying with NFPA 13 shall be installed.

EXCEPTIONS: 1. An automatic sprinkler system complying with NFPA 13-R may be installed in buildings of four stories or less.

2. Where a Group LC Occupancy is being established by change of occupancy in an existing building not protected by a sprinkler system as is required above for buildings of new construction, an automatic sprinkler system complying with NFPA Standard 13d may be installed provided the care facility is licensed for not more than 16 clients.

Residential or quick-response heads shall be used in all sprinkler systems.

313.8.2.2 Standpipe systems. Standpipe systems shall be provided where required by Section 905.

313.9 Fire Alarm Systems. Group LC Occupancies licensed for more than 16 clients shall be provided with an approved manual and automatic fire alarm system. The local alarm shall provide an alarm signal with a sound pressure level of 15 dBA above the average ambient sound level in every occupied space within the building. The minimum sound pressure level shall be 70 dBA. The maximum sound pressure level shall not exceed 110 dBA at the minimum hearing distance from the audible appliance.

313.10 Heating. Group LC Occupancies shall be provided with heating facilities capable of maintaining a room temperature of 70°F (21°C) at a point 3 feet (914 mm) above the floor in all habitable rooms.

313.11 Special Hazards. Chimneys and heating apparatus shall conform to the requirements of Chapter 31 and the Mechanical Code.

In Group LC Occupancies licensed for more than six clients, the storage, use and handling of flammable and combustible liquids shall be in accordance with the Fire Code.

In such facilities, doors leading into rooms in which Class I flammable liquids are stored or used shall be protected by a fire assembly having a one-hour fire-protection rating. Such fire assembly shall be self-closing and shall be posted with a sign on each side of the door in 1-inch (25.4 mm) block letters stating: FIRE DOOR—KEEP CLOSED.

In Group LC Occupancies licensed for more than 16 clients, rooms containing a boiler, central heating plant or hot-water supply boiler shall be separated from the rest of the building by not less than a one-hour occupancy separation.

Add new Section 419, Minimum Crime Prevention Elements.

Section 419 . In all Group R, Division 2 Occupancies consisting of five or more dwelling units, each unit shall be provided with the following crime prevention devices and design considerations:

1. Security locking devices:

- a. Single-cylinder deadbolt locks on all exterior hinged doors;
- b. A reinforced 4-inch strike-plate attached to the wood framing by not less than two No. 8 by 3-inch screws;
- c. A door viewer having a field of vision of not less than 180 degrees;
- d. Secondary security locking device on all sliding doors in addition to the factory-provided door locking device;
- e. Secondary security locking device on all sliding windows in addition to the factory-installed sash-type lock;
- f. Secondary security locking device on all crank-type or jalousie windows separate from the factory-installed crank device.

All secondary security locks must meet the requirements of Section 310.4, to be openable without keys, any special knowledge or effort..

2. Lighting:

- a. All walkways, hallways, stairwells and entry areas shall be provided with lighting that provides a minimum illumination at floor/ground level of one foot-candle.
- b. All entrance foyers and entryway areas shall be provided with lighting that provides a minimum illumination of three foot-candles at the floor level.
- c. All parking lot lighting shall be provided with timers or photo-electric switching that turns the lighting on automatically at dusk.

3. Fences:

All fences constructed must be constructed to provide through-visibility. Sight-obscuring fencing is not permitted. Fences in Group R, Division 42 Occupancies are not exempt from building permit requirements.

4. Signs:

a. Address numbers shall be provided for all buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

b. One sign, located at an approved location at the entrance to the property shall be provided for a map of the entire complex. This site map shall include the roadway layout, building locations, building addresses.

c. Warning Signs: Each complex shall install a sign, located at an approved location at the entrance to the property containing the words: "No Trespassing On This Property. LMC 9.28.080 – .090."

Section 403.1 Scope. The provisions of this section shall apply to all buildings having occupied floors located more than fifty feet 75 feet (22 860 mm) above the lowest level of fire department vehicle access. Such buildings shall be provided with an approved automatic sprinkler system throughout in accordance with Section 403.2.

~~Add new Section 503.3.~~

~~503.3.1 Party walls. Any wall located on a property line between adjacent buildings which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with this section, without openings and shall create separate buildings.~~

~~503.3.1.1 General. Each portion of a building separated by one or more fire walls that comply with the provisions of this section shall be considered a separate building. The extent and location of such fire walls shall provide a complete separation. Where a fire wall also separates groups that are required to be separated by a fire barrier wall, the most restrictive requirements of each separation shall apply. Fire walls located on property lines shall also comply with this section. Such fire walls (party walls) shall be constructed without openings.~~

~~503.3.2 Structural stability. Fire walls shall have sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall for the duration of time indicated by the required fire resistance rating.~~

~~503.3.3 Materials. Fire walls shall be of any approved non-combustible materials.~~

~~Exception: Buildings of Type V construction.~~

~~503.3.4 Fire resistance rating. The walls shall have a fire resistance rating of not less than that required by Table 503.3.4. (See Table 14T-17)~~

~~503.3.5 Horizontal continuity. Fire walls shall be continuous from exterior wall to exterior wall and shall extend at least eighteen inches (457 mm) beyond the exterior surface of exterior walls.~~

~~Exceptions:~~

~~1. Fire walls shall be permitted to terminate at the interior surface of combustible exterior sheathing or siding provided the exterior wall has a fire resistance rating of at least one hour for a horizontal distance of at least four feet (1220 mm) on~~

both sides of the fire wall. Openings within such exterior walls shall be protected by fire assemblies having a fire protection rating of not less than $\frac{3}{4}$ hour.

- ~~— 2. Fire walls shall be permitted to terminate at the interior surface of noncombustible exterior sheathing, exterior siding or other noncombustible exterior finishes provided the sheathing, siding, or other exterior noncombustible finish extends a horizontal distance of at least four feet (1220 mm) on both sides of the fire wall.~~
- ~~— 3. Fire walls shall be permitted to terminate at the interior surface of noncombustible exterior sheathing where the building on each side of the fire wall is protected by an automatic sprinkler system installed in accordance with Section 904.1.2.~~
- ~~— 503.3.5.1 Exterior walls. Where the fire wall intersects the exterior walls, the fire-resistance rating for the exterior walls on both sides of the fire wall shall have a one hour fire resistance rating with $\frac{3}{4}$ hour opening protection where opening protection is required. The fire resistance rating of the exterior wall shall extend a minimum of four feet (1220 mm) on each side of the intersection of the fire wall to exterior wall. Exterior wall intersections at fire walls that form an angle equal to or greater than one hundred eighty degrees (3.14 rad) do not need exterior wall protection.~~
- ~~— 503.3.5.2 Horizontal projecting elements. Fire walls shall extend to the outer edge of horizontal projecting elements such as balconies, roof overhangs, canopies, marquees and architectural projections that are within four feet (1220 mm) of the fire wall.~~
- ~~— Exceptions:~~
 - ~~— 1. Horizontal projecting elements without concealed spaces provided the exterior wall behind and below the projecting element has not less than one hour fire-resistance rated construction for a distance not less than the depth of the projecting element on both sides of the fire wall. Openings within such exterior walls shall be protected by fire assemblies having a fire protection rating of not less than $\frac{3}{4}$ hour.~~
 - ~~— 2. Noncombustible horizontal projecting elements with concealed spaces provided a minimum one hour fire resistance rated wall extends through the concealed space. The projecting element shall be separated from the building by a minimum of one hour fire resistance rated construction for a distance on each side of the fire wall equal to the depth of the projecting element. The wall is not required to extend under the projecting element where the building exterior wall is not less than one hour fire resistance rated for a distance on each side of the fire wall equal to the depth of the projecting element. Openings within such exterior walls shall be protected by fire assemblies having a fire protection rating of not less than $\frac{3}{4}$ hour.~~
 - ~~— 3. For combustible horizontal projecting elements with concealed spaces, the fire wall need only extend through the concealed space to the outer edges of the projecting elements. The exterior wall behind and below the projecting element shall be of not less than one hour fire-resistance rated construction for a distance not less than the depth of the projecting elements on both sides of the fire wall. Openings within such exterior walls shall be protected by fire assemblies having a fire protection rating of not less than $\frac{3}{4}$ hour.~~

~~503.3.6 Vertical continuity. Fire walls shall extend from the foundation to a termination point at least thirty inches (762 mm) above both adjacent roofs.~~

~~Exceptions:~~

~~1. Stepped buildings in accordance with Section 503.3.6.1.~~

~~2. Two hour walls shall be permitted to terminate at the underside of the roof sheathing, deck, or slab provided:~~

~~2.1 The lower roof assembly within four feet (1220 mm) of the wall has not less than a one hour fire resistance rating and the entire length and span of supporting elements for a fire resistance rating of not less than one hour.~~

~~2.2 Openings in the roof shall not be located within four feet (1220 mm) of the fire wall.~~

~~2.3 Each building shall be provided with not less than a Class B roof covering.~~

~~3. In buildings of Type I or II construction, walls shall be permitted to terminate at the underside of noncombustible roof sheathing, deck, or slabs where both buildings are provided with not less than a Class B roof covering. Openings in the roof shall not be located within four feet (1220 mm) of the fire wall.~~

~~4. In buildings of Type III, IV, and V construction, walls shall be permitted to terminate at the underside of noncombustible roof sheathing, or decks where both buildings are provided with not less than a Class B roof covering. Openings in the roof shall not be located within four feet (1220 mm) of the fire wall.~~

~~5. In buildings of Type III, IV, and V construction, walls shall be permitted to terminate at the underside of fire retardant treated wood within four feet (1220 mm) of each side of the fire wall where both buildings are provided with not less than a Class B roof covering. Openings in the roof shall not be located within four feet (1220 mm) of the fire wall.~~

~~6. In Group R-3, walls shall be permitted to terminate at the roof sheathing or deck in Types III, IV and V construction provided:~~

~~6.1 The roof sheathing or deck is constructed of approved noncombustible materials or of fire retardant treated wood for a distance of four feet (1220 mm) on both sides of the wall, or~~

~~6.2 The roof is protected with 5/8 inch (15.9 mm) Type X gypsum board directly beneath the underside of the roof sheathing or deck, supported by a minimum of two inch (51 mm) ledgers attached to the sides of the roof framing members, for a minimum distance of four feet (1220 mm) on both sides of the fire wall, and~~

~~6.3 Openings in the roof shall not be located within four feet (1220 mm) of the fire wall, and~~

~~6.4 The roof is covered with a minimum Class C roof covering.~~

~~503.3.6.1 Stepped buildings. Where a fire wall serves as an exterior wall for a building and separates buildings having different roof levels, such wall shall terminate at a point not less than thirty inches (762 mm) above the lower roof level, provided the exterior wall for a height of fifteen feet (4572 mm) above the lower roof is not less than one hour fire resistance rated construction from both sides with openings protected by assemblies having a ¾ hour fire protection rating.~~

~~Exception: Where the fire wall terminates at the underside of the roof sheathing, deck or slab of the lower roof, provided:~~

~~1. The lower roof assembly within ten feet (3048 mm) of the wall has not less than a one hour fire resistance rating and the entire length and span of supporting elements for the rated roof assembly has a fire resistance rating of not less than one hour.~~

~~2. Openings in the lower roof shall not be located within ten feet (3048 mm) of the fire wall.~~

~~503.3.7 Combustible framing in fire walls. Adjacent combustible members entering into a concrete or masonry fire wall from opposite sides shall not have less than a four inch (102 mm) distance between embedded ends. Where combustible members frame into hollow walls or walls of hollow units, hollow spaces shall be solidly filled for the full thickness of the wall and for a distance not less than four inches (102 mm) above, below and between the structural members, with noncombustible materials approved for fireblocking.~~

~~503.3.8 Penetrations. Penetrations through fire walls shall comply with Section 709.~~

~~503.3.9 Joints. Joints made in or between fire walls shall comply with Section 706.~~

~~503.3.10 Ducts and air transfer openings. Ducts and air transfer openings shall not penetrate party walls.~~

~~Section 904.2.4.1 is replaced by Washington Administrative Code 51-40-904.2.4.1.~~

~~Sections 1004.1, 1004.2, 1004.8, 1004.9, 1006.7, 1006.9, 1006.16, 1007.4, 1007.5, 1014.5 and 1014.6.2 are replaced by WAC 51-30 sections 1004.1, 1004.2, 1004.8, 1004.9, 1006.7, 1006.9, 1006.16, 1007.4, 1007.5, 1014.5 and 1014.6.2.~~

~~Chapter 11. Accessibility is replaced by Chapter 51-40-1100 of the Washington Administrative Code.~~

~~Section 904.2.26 Subsection 904.2.93.6 is added to read as follows:~~

~~Notwithstanding any less restrictive provision of this section, this code, or any other adopted code, standard automatic sprinkler systems shall be installed throughout all buildings thirty five or more feet in height, or ten thousand or more square feet in gross floor area, provided, that one four hour fire area separation fire wall with no openings and provided with a thirty inch parapet as defined by Uniform Fire Code Appendix III A, Division III as defined by IBC Section 705, number 4(b), may be used to maintain the maximum gross floor area stated herein.~~

Table 9-A is amended to remove all references to fire hose, and delete references to Class II standpipes and change to Class I. (Ord. 1014 §3, 1995; Ord. 947 §1 (part), 1992; Ord. 875 §3 (part), 1990).

Section 105.3, Application for Permit, amended as follows:

Section 105.3 is hereby amended to read as follows:

~~105.3 Application for permit. To obtain a permit, the applicant shall first file a fully completed application therefore in writing on a form furnished by the City of Lacey Building division for that purpose. To be considered as fully completed, every such application shall:~~

- ~~A. Include the property owner's name, address and phone number.~~
- ~~B. Include the prime contractor's business name, address, phone number, current state contractor registration number, including a copy of the valid contractor's registration.~~
- ~~C. Identify and describe the work to be covered by the permit for which application is made.~~
- ~~D. Describe the land on which the proposed work is to be done by legal description, the tax parcel number assigned pursuant to the Revised Code of Washington 84.40.160, street address and any additional description that will readily identify and definitely locate the proposed building or work.~~
- ~~E. Indicate the use or occupancy for which the proposed work is intended.~~
- ~~F. Be accompanied by plans, diagrams, computations and specifications, and other data as required in Section 302.2.~~
- ~~G. State the valuation of any new building or structure or any addition, remodeling or alternation to an existing building.~~
- ~~H. Include 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.~~~~
- ~~I. Be signed by the applicant, or the applicant's authorized agent.~~
- ~~J. Give such other data and information as may be required by the building official.~~

Section 110.3, amended as follows:

~~110.3 Partial Certificate. If the building official finds that substantial hazard will not result from occupancy of a building or portion thereof before the entire building is completed, a partial certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or~~

~~structure. The partial certificate of occupancy shall not be issued unless all site conditions imposed by an official land use approval process are complete and approved and all fire protection and life safety features are operational and approved~~

~~Section 109.1 Amended. The exception to Section 109.1 reads as follows: Exception: Group U Occupancies.~~

~~Section 1003.3.3.3 amended. Rise and run. The rise of steps and stairs shall not be less than 4 inches (102mm) nor more than 7 inches (178mm). Except as permitted in Sections 1003.3.3.8.1, 1003.3.3.8.2, and 1003.3.3.8.3, the run shall not be less than 11 inches (279mm) as measured horizontally between the vertical planes of the furthest projection of adjacent treads or nosings. (Ord. 1166 §1, 2001; Ord. 1128 §1, 2000; Ord. 1097 §13, 1999).~~

Section 14: A new section 14.04.016 is hereby added to the Lacey Municipal Code to read as follows”

14.04.016 Amendments--Addition. The following sections of the International Residential Code as adopted in Section 14.04.010 are amended to read as follows:

Section R101.1 Title, amended to read as follows: These provisions shall be known as the *Residential Code for One- through Four-Unit Dwellings* of the City of Lacey, and shall be cited as such and will be referred to as “this code.”

Section R101.2 Scope, amended as follows: The provisions of the *International Residential Code for One- through Four-Unit Dwellings* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- through four-unit dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.

Table R301.2(a), Climatic and Geographic Design Criteria, to be filled-in as follows:

Ground Snow Load:	20 psf	
Wind Speed (mph):	85	
Seismic Design Category:	D1	
Subject to Damage From		
Weathering:	Moderate	
Frost Line Depth:	12”	
Termite:		Slight to Moderate
Decay:		Slight to Moderate
Winter Design Temp.:	17° F	
Ice Shield Underlayment Req.:	No	
Air Freezing Index:	N/A	
Mean Annual Temperature:	50° F	

Section 15: Section 14.04.020 of the Lacey Municipal Code is hereby amended to read as follows:

14.04.020 Violation deemed misdemeanor. Any violation of the provisions of the International Uniform Building Code or International Residential Code as herein adopted is a misdemeanor.

Section 16: Section 14.04.025 of the Lacey Municipal Code is hereby repealed.

Section 17: The title of Chapter 14.05 of the Lacey Municipal Code is hereby amended to read as follows:

UNIFORM INTERNATIONAL MECHANICAL CODE

Section 18: Section 14.05.010 of the Lacey Municipal Code is hereby amended to read as follows:

14.05.010 Adopted. There is adopted by this reference and made a part of this chapter as though fully set forth herein, at length, that certain code, known as the International Uniform Mechanical Code, 2003 1997 Edition, published by the International Conference of Building Officials Code Council, and the International Fuel Gas Code, 2003 Edition, except that the standards for liquified petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquified Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code)-; as amended by Washington Administrative Code 51-42 as the mechanical code of the city; provided that those sections of the International Uniform Mechanical Code set forth in Section 14.05.015 are amended or deleted as set forth in said section.

Section 19: Section 14.05.015 of the Lacey Municipal Code is hereby amended to read as follows:

14.05.015 Amendment. Section 202 Unusually Tight Construction, is amended to add a new subsection 4.: Buildings built in compliance with the 1986 or later editions of the Washington State Energy Code, Northwest Energy Code, or Super Good Cents weatherization standards or equivalent.

~~Section 509.3 is amended to read:~~

~~— 509.3 Type of System. The system used for the protection of commercial cooking equipment shall be a system complying with UL Standard 300.~~

~~— Systems shall be installed in accordance with this code, their listing and the manufacturer's installation instructions.~~

~~Section 509.4.2 and Section 509.5.2 are hereby deleted from this adoption. (Ord. 1097 §15, 1999).~~

Add new subsection, as follows: 901.5 HEATING

901.5.1 Definitions. For the purposes of this section only, the following definitions apply.

DESIGNATED AREAS are those areas designated by a county to be an urban growth area in Chapter 36.70A of the Revised Code of Washington and those areas designated by the US Environmental Protection Agency as being in nonattainment for particulate matter.

SUBSTANTIALLY REMODELED means any alteration or restoration of a building exceeding 60 percent of the appraised value of such building within a 12 month period.

901.5.2 Primary Heating Source. Primary heating sources in all new and substantially remodeled buildings in designated areas, shall not be dependent upon wood stoves.

901.5.3 Solid Fuel Burning Devices. No used solid fuel burning device shall be installed in new or existing buildings unless such device is United States Environmental Protection Agency certified or a pellet stove either certified or exempt from certification by the United States Environmental Protection Agency.

EXCEPTION: Antique wood cook stoves and heaters manufactured prior to 1940.

Sections 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011 relating to boilers and pressure vessels are not adopted. Boilers and pressure vessels are regulated by Chapter 70.79 of the Revised Code of Washington and chapter 296-104 of the Washington Administrative Code.

Section 20: Section 14.05.020 of the Lacey Municipal Code is hereby amended to read as follows:

14.05.020 Violation deemed misdemeanor. Any violations of the provisions of the International Uniform Mechanical Code as herein adopted constitute a misdemeanor.

Section 21: Section 14.05.025 of the Lacey Municipal Code is hereby repealed.

Section 22: Section 14.06.010 of the Lacey Municipal Code is hereby amended to read as follows:

14.06.010 Adopted. The Uniform Plumbing Code, 2000~~1997~~ Edition, published by the International Association of Plumbing and Mechanical Officials, as amended by the Washington Administrative Code 51-46, including Appendix M as amended, PROVIDED, That any provisions of such code affecting fuel gas piping are not adopted, is adopted as the plumbing code for the city, provided that Chapters 11 and 12 are not adopted; proved further that those requirements relating to venting and combustion of air of fuel fired appliances as found in Chapter 5 are not adopted. All requirements of the Uniform Plumbing Code relating to building sewers are adopted.

Section 23: The title of chapter 14.07 of the Lacey Municipal Code is hereby amended to read as follows:

UNIFORM INTERNATIONAL FIRE CODE

Section 24: Section 14.07.010 of the Lacey Municipal Code is hereby amended to read as follows:

14.07.010 Adopted. There is adopted, except as amended in this chapter, that certain code known as the Uniform International Fire Code, 1997/2003 Edition, Volumes I, and II, as amended by the Washington Administrative Code 51-44 including those standards of the National Fire Protection Association specifically referenced in the International Fire Code: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles. Sections 901.2.2.1 503 Fire Apparatus Access Roads; and 902.2 Fire Apparatus Access Roads, through 902.2.4.1 Obstruction and control of fire apparatus access roads are is also adopted. ~~Section 1003.3.1 and Section 1007 of said code are not adopted.~~ Finally, such adoption shall include Appendices I-C Stairway Identification; II-B, Protection of Flammable and Combustible Liquid Tanks in Locations Subject to Flooding; II-C, Marinas; II-D, Rifle Ranges; II-E, Hazardous Materials Management Plans and Hazardous Materials Inventory Statements; II-F, Protected Aboveground Tanks for Motor Vehicle Fuel dispensing Stations Outside Buildings; II-G, Secondary Containment for Underground Tank Systems Containing Flammable or Combustible Liquid Tank Leaks; II-J Storage of Flammable and Combustible Liquids in Tanks Located with Belowgrade Vaults; III-A, Fire Flow Requirements for Buildings; III-C, Inspection, Testing and Maintenance of Water-based Fire protection Systems; III-D, Basement Pipe Inlets; IV-A, Interior Floor Finish; IV-B, Hazard Ranking; VI-C Emergency Relief Venting for Fire Exposure for Aboveground Tanks; VI-E, Reference Tables from the Uniform Building Code; VI-F, Recommended Separation Distances for Explosive Materials; VI-G, Cryogenic Fluids Weight and Volume Equivalents; VI-H, Refrigerant Groups and Properties and VI-I, Unit Conversion Tables A, B, D, E, F, G.

Section 25: Section 14.07.015 of the Lacey Municipal Code is hereby amended to read as follows:

14.07.015 Definitions, Amendments---Additions

- A. ~~Wherever the word "jurisdiction" is used in the Uniform Fire Code, it means the city of Lacey.~~
 - B. ~~Wherever the term "corporate counsel" is used in the Uniform Fire Code, it means the attorney for the city.~~
 - C. ~~"Fire department" means Thurston County Fire Protection District No. 3, a municipal corporation, which agency is under contract to provide fire protection, inspection, and other related services to the city.~~
 - D. ~~"Fire chief" means the fire chief of Thurston County Fire Protection District No. 3.~~
- ~~(Ord. 947 §1 (part), 1992; Ord. 875 §6 (part), 1990).~~

Section 101.1 Title. [Amended section] These regulations shall be known as the Fire Code of the City of Lacey, hereinafter referred to as “this code.”

- A. Wherever the word “jurisdiction” is used in the International Fire Code, it means the City of Lacey
- B. Wherever the term “corporate counsel” is used in the International Fire Code, it means the attorney for the City.
- C. “Fire Department” means Thurston County Fire Protection District No. 3, a municipal corporation, which agency is under contract to provide related services to the City.
- D. “Fire Chief”, for the purpose of Section 104.11 means the fire chief of Thurston County Fire Protection District No. 3. For all other purposes in the code, “fire chief” means the fire code official.

Section 103.1 General. [Amended section] The department of fire prevention, also known as the Fire Marshal Office, is established within the jurisdiction under the direction of the fire code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

Section 105.1.1 Permits required. [Amend section] Permits required by this code shall be obtained from the Lacey Community Development, Building Department. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official and the building code official.

Section 105.4.1 Submittals. [Amend section] Submittals shall be made to the Lacey Community Development, Building Department. Construction documents shall be submitted in one or more sets and in such form and detail as required by the fire code official. More specifically, for fire alarm systems three sets are required and for automatic sprinkler systems four sets are required. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed and have licenses and credentials as required by the State of Washington. All companies installing fire protection systems within the City of Lacey shall have a City of Lacey business license.

In addition to the requirements of this section fire alarm equipment shall be installed and maintained by individuals who are in compliance with RCW 19.28 and WAC 296-401-060 as approved by the electrical authority having jurisdiction. All companies installing fire alarm systems shall have a state electrical contractor’s license.

Section 105.7.3 Fire alarm and detection systems and related equipment. [amend section] A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment.

Exception: Household fire warning equipment installed in Group Use R-3 occupancies.

Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Section 202 GENERAL DEFINITIONS. [Add the following definition:]

FIRE APPARATUS. See Section 502.1.

FIRE CODE OFFICIAL. The designated authority charge with the administration of the code, or a duly authorized representative.

Section 501.4 Timing of Installation. [Amended section] When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to issuance of any building permit for the project, except grading permits, and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allow passage by vehicles in accordance with Section 505.2.

Section 502.1 Definitions. [Add the following definition:]

FIRE APPARATUS. Fire apparatus is a vehicle such as a fire pumper, aerial ladder truck, fire tender, elevated platform, rescue squad, fire ground support vehicle or similar firefighting or reserve equipment, including emergency medical response vehicles.

Section 503.1.1 Buildings and facilities. [Amend section] Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45.72 m) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimensions of 150 feet (45.72 m) where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies. This exception does not apply to Adult Family Homes.

In addition to the provision of Exception "3" of this section, adult family homes shall be served by fire apparatus access roads as if new construction.

Section 503.1.4 Obstruction prohibited. [Add new section] Parking of motor vehicles or otherwise obstructing marked fire lanes is prohibited and the violation of the prohibition constitutes a misdemeanor.

Section 503.2.8 Distance from Structures. [Add new section] Fire apparatus access roadways shall be a minimum of 10 feet away from the exterior wall of structures, or as otherwise required due to construction type.

Section 503.6 Security gates. [Amend section] The installation of security gates across a fire apparatus access road shall be approved by the code official. Where security gates are installed, they shall have an approved means of emergency operation:

All residential, commercial, or industrial developments which are to be constructed with their access points containing locking gates shall be constructed in a manner which includes the installation of an emergency vehicle preemption system to open all such gates to allow for immediate entry of emergency vehicles into the development. Such system shall be a priority control system that employs data-encoded infrared communication to identify the emergency response vehicle. The type of system to be installed must be compatible with the traffic signal priority control system used by the City of Lacey. The design and final installation of the system must be approved by the City of Lacey. Further, such system must be maintained in proper working order by the owners of the development or the proper homeowners or business owners association, whichever shall be the case.

The security gates and the emergency operation shall be maintained operational at all times.

Section 503.7 Enforcement. [Add new section] Enforcement of Section 503.1.4 of the International Fire Code shall be the responsibility of the city police department which shall have the authority to impound or otherwise cause such obstruction to be removed, and said remedies shall be in addition to the criminal penalties provided by the Lacey Municipal Code.

Section 508.5.1 Where required. [Amend section] Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. (183 m) and need only provide water supply in accordance with this section when required as a condition of a modification or installation of a public water system, or a condition of platting and/or other land use approval.
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 the distance requirement shall be 600 feet (183 m).

Adult family homes shall be provided with fire flow as if new construction for a Group R-3 occupancy.

Section 508.5.7 Fire hydrant locations and distribution. [Add new section] Public and private fire hydrants shall be provided as required in Sections 508.5.7.1 through 508.5.7.8. Fire hydrants shall be placed in locations approved by the code official and along fire apparatus access roads and adjacent public streets.

508.5.7.1 Spacing on public and private roads. Fire hydrants shall be placed on public and private roads every 330 feet when serving all occupancies other than Group Use R-3 and U. For Group Use R-3 and U occupancies fire hydrants shall be placed every 660 feet.

508.5.7.2 At intersections. Fire hydrants shall be placed at all intersections of public and private roads.

Exception: A fire hydrant may be omitted at the discretion of the code official from an intersection where there is an adjacent intersection with a hydrant that is separated by not more than one residential lot.

508.5.7.3 Minimum number of hydrants. There shall never be less than two fire hydrants available for any occupancy other than Group R-3 and U occupancies, larger than five hundred square feet of ground floor area. Where water supply for fire protection is required the minimum number of fire hydrants shall be determined by a ratio of one fire hydrant per each 1,000-gpm water flow or fraction thereof.

508.5.7.4 Fire Department Connections. A fire hydrant shall be located within 40 feet of a fire department connection.

508.5.7.5 Distance from buildings. Fire hydrants shall be placed no closer than 40 feet from the building or structure protected.

508.5.7.6 On-site hydrants. Buildings or structures having a water flow requirement of 2,500 gpm or more shall be protected by hydrants spaced an average of 300 feet and supplied by looped 8 inch or larger water mains around the building.

508.5.7.7 Arterial Roads. In no case shall hydrants which are located across any roadway designated as an arterial by the Department of Public Works be considered available.

508.5.7.8 Existing fire hydrants. Existing fire hydrants on public streets are allowed to be considered as available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.

Section 903.2 Where required. [Amend section] Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by a wall with a fire-resistance rating of not less than 1 hour and a floor/ceiling assembly with a fire-resistance rating of not less than 2 hours.

Notwithstanding any less restrictive provision of this section, this code, or any other adopted code, standard automatic sprinkler systems shall be installed throughout all buildings thirty-five or more feet in height, or ten thousand or more square feet in gross floor area, provided, that one four-hour fire resistive fire wall without openings as

defined in Section B104.2 of Appendix B may be used to maintain the maximum gross floor area stated herein.

Section 903.2.2 Group E [Amend section] Notwithstanding any other requirements of this section, an automatic fire-extinguishing system shall be installed in all newly constructed buildings classified as Group E Occupancies used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a twelve-month period that exceeds 100 percent of the value of such building or structure shall be considered new construction. In the case of additions, area separation walls shall define separate buildings.

Exception: Portable school classrooms, provided:

1. Aggregate area of clusters of portable school classrooms does not exceed 5,000 square feet (465 m²); and
2. Clusters of portable school classrooms shall be separated as required in the International Building Code.

When not required by other provisions of this chapter, a fire-extinguishing system installed in accordance with NFPA 13 may be used for increases and substitutions allowed in Sections 504, 506 and 507 of the International Building Code.

Section 903.2.14 Group LC occupancies [Add new section] An automatic sprinkler system shall be installed throughout every Group LC Occupancy three or more stories in height or licensed for more than 16 clients. Group LC Occupancies with 16 or fewer clients, licensed to provide care for more than two clients who have an evacuation capability of II or III, shall be provided with an automatic sprinkler system throughout the facility.

Exception: An automatic sprinkler system need not be installed in any Group LC Occupancy licensed for six or fewer clients regardless of the level of evacuation capability.

Where a sprinkler system is required, a system complying with NFPA 13 shall be installed.

Exceptions:

1. An automatic sprinkler system complying with NFPA 13-R may be installed in buildings of four stories or less.
2. Where a Group LC Occupancy is being established by change of occupancy in an existing building not protected by a sprinkler system as is required above for buildings of new construction, an automatic sprinkler system complying with NFPA Standard 13D may be installed provided the care facility is licensed for not more than 16 clients.

Residential or quick-response heads shall be used in all sprinkler systems.

Section 903.3.7 Fire department connections. [Amend section] The location of fire department connections shall be approved by the fire code official. A fire department connection shall be located within 40 feet of a fire hydrant.

Section 903.4.1 Signals. [Amend section] Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, with central station service-remote supervising station or proprietary supervising station-as defined NFPA 72.

Exceptions:

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.
2. Backflow prevention device test valves, located in limited area sprinkler system supply piping, shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

Section 905.3 Required installations. [Amend section] Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.6 and in the locations indicated in Sections 905.4, 905.5 and 905.6. Standpipe systems shall be combined with automatic sprinkler systems and each standpipe connection or station shall be provided with the greater of the flow requirements as stipulated in NFPA 13 and NFPA 14.

Exception: Standpipe systems are not required in Group R-3 occupancies.

Section 906.2 General requirements. [Amend section] Fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.

Exceptions:

1. The travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A-5 occupancies.
2. In addition to the maintenance requirements of NFPA 10, all portable fire extinguishers shall be subject to internal maintenance at least annually and at such additional times as shall be indicated by an inspection. However, internal maintenance is not required on portable CO₂ fire extinguishers provided that they are maintained per the NFPA 10.

Section 907.1.2 Equipment. [Amend section] Systems and their components shall be listed and approved for the purpose for which they are installed.

The fire alarm control panel, remote annunciator panel and access keys to locked fire alarm equipment shall be installed and maintained in locations approved by the fire code official.

Section 907.2 Where required – new buildings and structures. [Amend section] An approved manual, automatic, or manual and automatic fire alarm system shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.24.

Fire alarm systems required by Sections 907.2.1 through 907.2.24 shall be of an addressable type.

Exception: Group R-3 occupancies.

Where automatic sprinkler protection is installed in accordance with Section 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required. Automatic sprinkler protection installed in accordance with Section 903.1.1 or 903 3.1.2 shall be ~~provided with monitored by central station, with central station service remote supervising station or proprietary supervising station monitoring service~~ as defined in NFPA 72.

In addition to the requirements of this section an approved addressable fire alarm system shall be provided in all buildings containing 7,500 square feet of gross floor area or greater.

Exception: Group U occupancies.

An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall comply with Section 907.1.2. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

[The remainder of this section is as printed in the International Fire Code and as amended by Chapter 14.07 of the Lacey Municipal Code.]

Section 907.2.10.1.2 Groups R-2, R-3, R-4, I-1 and Adult Family Homes. [Amend section] Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4, I-1 and Adult Family Homes regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

In addition to the above requirements Adult Family Home alarms shall be installed in such a manner so that the fire warning may be audible in all parts of the dwelling upon activation of a single device.

Section 907.2.24 LC occupancies. [New section] Notwithstanding other requirements of Section 907 the following applies to LC occupancies:

Section 907.2.24.1 Smoke detectors. Smoke detectors shall be provided as required in sections 907.2.24.1.1 through 907.2.24.1.4.

Section 907.2.24.1.1 General. Rooms within Group I.C Occupancies that are used for sleeping purposes shall be provided with smoke detectors. Detectors shall be installed in accordance with the approved manufacturer's instructions.

Section 907.2.24.1.2 Additions, alterations or repairs. When the valuation of an addition, alteration or repair to a Group I.C Occupancy exceeds \$1,000 and a permit is required, or when one or more sleeping rooms is added or created in an existing Group LC Occupancy, smoke detectors shall be installed in accordance with Section 907.2.24.1.3 and 907.2.23.1.4 of this section.

Section 907.2.24.1.3 Power source. In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source and shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors may be solely battery operated when installed in existing buildings; or in buildings without commercial power; or in buildings which undergo alterations, repairs or additions regulated by Section 907.2.24.1.2.

Section 907.2.24.1.4 Location. A detector shall be installed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. When the Group LC Occupancy has more than one story or in facilities with basements, a detector shall be installed on each story and in the basement. Where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. When sleeping rooms are on a upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. Where the ceiling height of a room open to a hallway serving the bedrooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the Group LC Occupancy in which they are located.

Section 907.2.24.2 Fire alarm systems. Group LC Occupancies licensed for more than 16 clients shall be provided with an approved manual and automatic fire alarm system. The local alarm shall provide an alarm signal with a sound pressure level of 15 dBA above the average ambient sound level in every occupied space within the building. The minimum sound pressure level shall not exceed 110 dBA at the minimum hearing distance from the audible appliance.

Section 907.3 Where required – retroactive in existing buildings and structures. [Amend section] An approved manual, automatic or manual and automatic fire alarm system shall be installed in existing buildings and structures in accordance with Sections 907.3.1 through 907.3.1.8. Where automatic sprinkler protection is provided in accordance with Section 903.3.1.1 or 903.3.1.2 and connected to the building fire alarm system, automatic heat detection required by this section shall not be required.

Buildings with fire alarm systems that were required by previously adopted editions of the Lacey Fire Alarm Code shall continue to operate and maintain such fire alarm

systems in accordance with the authorized Lacey Fire Alarm Code edition, this code, NFPA 72 and nationally recognized standards

An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall be approved. The automatic fire detectors shall be smoke detectors, except an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

Automatic sprinkler protection shall be ~~provided with~~ monitored by central station, with central station service ~~remote supervising station or proprietary supervising station monitoring service~~ as defined in NFPA 72.

[The remainder of this section is as printed in the International Fire Code.]

Section 907.9.2 Separate Zones. [Amend section] In buildings that have floors located above or below the lowest level of fire department vehicle access that are occupied for human occupancy, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:

1. Smoke detectors.
2. Sprinkler water-flow devices.
3. Manual fire alarm boxes
4. Other approved types of automatic fire detection devices or suppression systems.

Section 907.10.1.5 Accessibility. [New section] Notwithstanding the requirements of Section 907.10 additional visual alarm devices shall be provided in locations as required by the Washington State Building Code requirements for accessibility by persons with disabilities.

Section 907.15 Monitoring. [Amend section] Where required by this chapter or by the International Building Code, an approved central station, with central station monitoring ~~remote supervising station or proprietary supervising station~~ in accordance with NFPA 72 shall monitor fire alarm systems.

Exception: Supervisory service is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings.

A copy of the monitoring contact agreement between companies that provide central or remote supervising services and the protected premise, shall be provided to the fire code official prior to the issuance of a Certificate of Occupancy. Any change in the service agreement shall be provided to the Fire Code Official within 10 working days.

Section 907.20.5 Maintenance, inspection and testing. [Amend section] The building owner shall be responsible for insuring that the fire and life safety systems are maintained

in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made submitted, within two weeks, to the fire code official.

New and existing fire alarm systems in the City of Lacey shall have a maintenance contract in effect with a fire alarm company or qualified person(s) approved by the fire code official. Maintenance contracts shall specify all required inspections/tests and shall specify that fire alarm repairs be made within 24 hours of a notification trouble signal. A copy of the maintenance contract and testing agreement, signed by the building owner, shall be on record with the fire code official prior to scheduling of final acceptance testing.

Section 907.21 False alarms. [New section] For any fire alarm system having two false alarms occurring within and one calendar year starting January 1st and ending December 31st, a response fee of \$50.00 (fifty dollars) shall be charged for the second false alarm. With the invoice of the response fee for the second false alarm, the fire code official shall notify the responsible party in writing that they will be held responsible for the actual fire department response cost for any subsequent false alarms occurring within that same calendar year. The cost to respond shall be based on the fee schedule established by Lacey Fire District Three. All fees shall be payable to the responding fire department authority.

Section 907.22 Areas of evacuation assistance. [New section] A telephone with controlled access to the fire alarm control system for two-way communications shall be provided between each area for evacuation assistance and the fire alarm monitoring center. The telephone or other two-way communication system shall be located within the reach ranges as specified in the Washington State Building Code requirements for accessibility by persons with disabilities. The emergency communication system must be visible when the telephone is activated. This non-verbal means must enable the fire alarm monitoring center to determine the area or areas of evacuation assistance.

Section 912 Location. [Amend section] With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus. The location of the fire department connection shall be approved and shall not be greater than 40 feet from a fire hydrant.

[The remainder of this section is as printed in the International Fire Code.]

Section 3404.2.9.5.1 Locations where above-ground tanks are prohibited. [Clarification of section] The limits referred to in Section 3404.2.9.5.1 of the International Fire Code in which storage of Class I and Class II liquids outside in aboveground storage tanks is prohibited are established as all areas of the City, except for tanks that comply with Section 3404.2.8 Vaults.

Section 3404.3.4.5 LC occupancies. [New section] In Group LC Occupancies licensed for more than six clients, the storage, use and handling of flammable and combustible liquids shall be in accordance with the this code. In such facilities, doors leading into rooms in which Class I flammable liquids are stored or used shall be protected by a fire

assembly having a one-hour fire protection rating. Such fire assembly shall be self-closing and shall be posted with a sign on each side of the door in 1-inch (25.4 mm) block letters stating: FIRE DOOR - KEEP CLOSED.

Section 3804.2 Maximum capacity within established limits. [Clarification of section] The limits referred to in Section 3804.2 of the International Fire Code in which liquefied petroleum gas is restricted are established as all areas of the City with the zoning designation other than that of light industrial when referring to above-ground containers.

Section B105.1 One- and two-family dwellings. [Amend section] The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 M²) shall be 750 gallons per minute for each hydrant providing fire flow. Fire flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 (344.5 M²) square feet shall not be less than that specified in Table B105.1.

Section B105.2 Buildings other than one- and two-family dwellings. [Amend section] The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.

Exception:

1. A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the International Fire Code. Where buildings are also of Type I or II construction and are a light-hazard occupancy as defined by NFPA 13, or where buildings are also provided with quick response sprinkler heads throughout, the reduction may be up to 75 percent. The resulting fire flow shall not be less than 1,500 gallon per minute (5678 l/min) for the prescribed duration as specified in Table B105.1.
2. For buildings not equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the International Fire Code throughout the minimum fire flow obtained in Table B105.1 shall be further modified by Table B 105.2. The resulting fire flow shall not be less than 1,500 gallon per minute (5678 l/min) for the prescribed duration as specified in Table B105.1.

TABLE B105.2

OCCUPANCY FIRE FLOW MODIFIERS

<u>Percentage of Base Fire Flow</u>	<u>Occupancy Groups</u>
Credits	
-25%	I-1, I-2, I-3, R- 1 ⁽¹⁾ , R-2 ⁽¹⁾ , R- 3 ⁽¹⁾ (> 3,600 Sq. Ft.)

<u>-20%</u>	<u>A-1, A-3, A-4, A-5, I-4</u>
<u>-15%</u>	<u>A-2, E</u>
<u>-10%</u>	<u>B, F-2</u>
<u>0%</u>	<u>H-4, M</u>

Surcharges:

<u>+10%</u>	<u>(High Piled Stock), F-1, S-2</u>
<u>+15%</u>	<u>S-1</u>
<u>+20%</u>	<u>H-3</u>
<u>+25%</u>	<u>II-1, H-2, II-5</u>

(1) The 25% reduction for Use Group R occupancies is the same reduction per footnote "a." of Table B105.1. The 25% reduction may only be used once.

Section D103.6 amended as follows:

Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING – FIRE LANE—TOW AWAY ZONE signs complying with Figure D 103.6, with the additional words "Tow Away Zone." [remainder of section unchanged.]

Section D103 amended by adding a new Section D103.7 Curbs and Striping, as follows:

Where required by the fire code official, curbs along fire apparatus access roads shall be painted red, with the words "No Parking—Fire Lane—Tow Away Zone" stenciled in 4-inch tall letters in white. Such curb painting shall be provided at the beginning and end of the fire land as determined by the fire code official. Where no curb is provided, the traffic surface may be painted with high-visibility red diagonal striping of not less than 4-inches in width with an unpainted clear space of 12-inches between the painted stripes. High visibility white painted words indicating "No Parking—Fire Lane—Tow Away Zone" shall be painted within the striped area as determined by the fire code official.

Section 26: Section 14.07.017 of the Lacey Municipal Code is hereby repealed.

Section 27: Section 14.07.018 of the Lacey Municipal Code is hereby repealed.

Section 28: Section 14.07.020 of the Lacey Municipal Code is hereby amended to read as follows:

14.07.020 Section 1002--Portable fire extinguishers, amended. There is added to Section 1002 of the Uniform Fire Code adopted by this chapter, Section 1002.3 to read as follows:

—In addition to the maintenance requirements of Section 1002.1, all portable fire extinguishers shall be subject to internal maintenance at least annually and at such additional times as shall be indicated by an inspection. However, internal maintenance is not required on portable CO₂ fire extinguishers provided that they are maintained per Uniform Fire Code Standard 10-1, as adopted by this code.

Violation--Misdemeanor. Any person who violates any of the provisions of this chapter or the International Fire Code adopted herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council, or by a court of competent jurisdiction, within the time fixed therein, is for each and every violation or failure to comply, guilty of a misdemeanor. The imposition of a criminal penalty shall not excuse the violation or permit it to continue and shall not be held to prevent the enforced removal of prohibited conditions.

Section 29: Section 14.07.021 of the Lacey Municipal Code is hereby repealed.

Section 30: Section 14.07.030 of the Lacey Municipal Code is hereby repealed.

Section 31: Section 14.07.040 of the Lacey Municipal Code is hereby repealed.

Section 32: Section 14.07.045 of the Lacey Municipal Code is hereby repealed.

Section 33: Section 14.07.050 of the Lacey Municipal Code is hereby repealed.

Section 34: Section 14.07.060 of the Lacey Municipal Code is hereby repealed.

Section 35: Section 14.07.070 of the Lacey Municipal Code is hereby repealed.

Section 36: Section 14.07.080 of the Lacey Municipal Code is hereby repealed.

Section 37: Section 14.07.085 of the Lacey Municipal Code is hereby repealed.

Section 38: Chapter 14.10 of the Lacey Municipal Code is hereby repealed.

Section 39: Section 14.13.010 of the Lacey Municipal Code is hereby amended to read as follows:

14.13.010 Adopted. Those certain National and State Electrical Codes and Standards adopted by RCW Chapter 19.28.010 of the Revised Code of Washington as modified and supplemented by the rules and regulations of the State Department of Labor and Industries and as further supplemented in this chapter are adopted as the electrical code of the city of Lacey.

Section 40: Section 14.13.020 of the Lacey Municipal Code is hereby amended to read as follows:

14.13.020 Appointment of inspector--Powers and duties. The building official ~~city manager~~ shall appoint an electrical inspector and such assistant inspectors as shall be deemed necessary, all meeting the qualifications set forth in RCW Chapter -19.28.070 of the Revised Code of Washington, and upon such appointment being made, the inspector or inspectors appointed shall have full power and authority to issue permits and make such inspections as are called for in this chapter and the codes and standards adopted by this chapter.

Section 41: Section 14.13.030 of the Lacey Municipal Code is hereby amended to read as follows:

14.13.030 Right of entry. The building official, inspector, or authorized designee or an authorized member of the fire prevention bureau as outlined in Section 2.107 of the Uniform International Fire Code adopted by Chapter 14.08 shall have the same right of entry to any building to enforce or inspect pursuant to this chapter as is set forth for the building official in Section 202(c) of the Uniform International Building Code adopted in Chapter 14.04 of this code.

Section 42: A new section 14.14.050 is hereby added to the Lacey Municipal Code to read as follows:

14.14.050 Violation deemed misdemeanor. Any violation of this chapter or the codes or standards adopted herein shall constitute a misdemeanor.

Section 43: The title of chapter 14.15 of the Lacey Municipal Code is amended to read as follows:

INTERNATIONAL EXISTING BUILDING CODE~~UNIFORM CODE FOR BUILDING CONSERVATION~~

Section 44: Section 14.15.010 of the Lacey Municipal Code is hereby amended to read as follows:

14.15.010 Adopted. There is adopted and by its reference made a part of this chapter as though fully set forth herein, at length, that certain code known as the Uniform Code for Building Conservation, 1997 International Existing Building Code, 2003 Edition, published by the International Conference of Building Officials ~~Code Council~~.

Section 45: Section 14.15.020 of the Lacey Municipal Code is hereby amended to read as follows:

14.15.020 Violations deemed misdemeanor. Any violations of the provisions of the International Existing Building Code Uniform Code for Building Conservation as herein adopted constitute a misdemeanor.

Section 46: The title of Chapter 14.16 of the Lacey Municipal Code is hereby amended to read as follows:

PROPERTY MAINTENANCE CODE MINIMUM BUILDING AND STRUCTURES CODE

Section 47: Section 14.16.020 of the Lacey Municipal Code is hereby amended to read as follows:

14.16.020 Violations deemed misdemeanor. Unless otherwise provided in the City of Lacey Maintenance Code, any ~~violations of the provisions of the City of Lacey Property Maintenance Code as herein adopted constitutes~~ violations of the provisions of the City of Lacey Property Maintenance Code as herein adopted constitute a misdemeanor.

Section 48: Chapter 14.17 of the Lacey Municipal Code is hereby repealed.

Section 49: The title of Chapter 14.18 of the Lacey Municipal Code is hereby amended to read as follows:

BUILDING CONSTRUCTION AND LIFE SAFETY UNIFORM CODES GENERALLY

Section 50: Section 14.18.010 of the Lacey Municipal Code is hereby amended to read as follows:

14.18.010 Conflict of building construction and life safety uniform codes. If there exists or should arise a conflict between the provisions or interpretations of the various construction and life safety uniform codes adopted in those chapters of this title preceding this chapter, the provisions of Chapter 14.04 shall prevail, and any sections or provisions of other codes in conflict therewith shall be considered to be amended to be in conformity with Chapter 14.04, provided, however, that in case of conflict between the ventilation requirements of Chapter 12 of the Uniform International Building Code and the ventilation requirements of the city's energy code contained in Chapter 14.09, said Chapter 14.09 shall govern and in case of conflict between the duct insulation requirements of Section 605 of the Uniform International Mechanical Code and the duct insulation requirements of Chapter 14.09, the provisions of Chapter 14.09 shall govern.

Section 51: Section 14.18.020 of the Lacey Municipal Code is hereby amended to read as follows:

14.18.020 Permits--Term--Extension. Every permit issued under the provisions of the codes adopted by those chapters of this title preceding this chapter, shall expire and

become null and void if the building or work authorized by such permit is not commenced within one hundred eighty days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work has commenced for a period of one hundred eighty days. For the purposes of this section, the one hundred eighty days will be deemed to have expired if no inspections have been called for within one hundred eighty days of the date of permit issuance or within one hundred eighty days after a validly called inspection. For an inspection to be a validly called inspection, for the purposes of this section, the work being inspected must be complete, ready for the inspection, and noted "approved" by the building official. Before such work can be recommenced, a new permit shall first be obtained and the fee therefor shall be one-half of 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 year. Any permittee holding an unexpired permit may apply for an extension of time within which he may commence work under that permit, when he is unable to commence work within the time required by this section for good and satisfactory reasons satisfactory to the building official. The building official, for all permits authorized by prior chapters of this title except Chapter 14.07, Fire Code, or the fire code official, chief, for all fire code permits authorized by Chapter 14.07 of this code, may extend the time for action by the permittee for a period not exceeding one hundred eighty days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. The permittee shall pay a new full permit fee except for such fire code permits for which no fee is charged. All permits expire after eighteen months and must be renewed if the work is not yet completed.

Section 52: Section 14.18.030 of the Lacey Municipal Code is hereby amended to read as follows:

14.18.030 Hearings examiner--Powers and duties. All appeals authorized by those codes adopted by chapters of this title, preceding this chapter as to the suitability of alternate materials and methods of construction and from other rulings, interpretations or enforcement actions of those officials charged with enforcing said codes shall be to the city's hearings examiner pursuant to the provisions of Chapter 2.30 of this code. The hearings examiner shall serve in lieu of all boards of appeals mentioned or described in the ~~uniform~~ codes adopted by this title and said codes are hereby amended to the extent necessary to provide for such substitution.

Section 53: Section 14.20.020 of the Lacey Municipal Code is hereby amended to read as follows:

14.20.020 Performance bond required. Plans submitted to the public works department for review and approval, for the construction of any public works improvements, shall comply with the specifications in Section 14.20.010. The fee to be paid to the city by the applicant for reviewing the plans and inspecting the construction shall be charged at rates established by resolution of the city council. ~~No building permit shall be issued until the~~

~~improvements are completed or, with the approval of the director of public works, a performance bond with a surety qualified to do business in this state, a cash deposit, assigned savings account or other security acceptable to the city, in an amount equal to one hundred fifty percent of the cost of the public works improvements is posted with the city. No certificate of occupancy shall be issued until all public works improvements are completed and approved unless otherwise allowed by the director of public works.~~

Section 54: Section 14.23.086 of the Lacey Municipal Code is hereby amended to read as follows:

14.23.086 Design requirements for zones with pedestrian emphasis and key multimodal corridors and intersections. A major emphasis of the comprehensive plan is to create more opportunities for pedestrians and multimodal transportation. Key multimodal corridors and intersections designated in the comprehensive plan and zoning map will be the heart of the city's circulation system. If the city's goals of a more pedestrian-friendly city are to be realized, these multimodal corridors and intersections and surrounding road networks must develop with amenities and designs that will entice pedestrians, bicyclists and transit riders.

A. Applicability. Standards listed under Chapter 14.23.086(B) and (C) below apply to all zones with pedestrian emphasis. Standards for circulation and design for multimodal corridors and key pedestrian intersections apply to all zones along such corridors and at key pedestrian intersections. Provided multifamily condominium and townhouse development with less than 5 units and all single family short plats and permits for individual single family detached homes and accessory uses shall be exempt.

B. General Requirements

1. Increase pedestrian amenities and function along key multimodal corridors, at intersections, and in pedestrian-oriented zones.
2. Provide a network of comfortable and interesting pedestrian streets which link residential areas with commercial zones throughout the growth area.
3. Reduce dependence on the automobile in zones with pedestrian emphasis by providing increased emphasis on other modes of transportation, such as walking, bicycling and transit through the provision of pedestrian-oriented, multimodal streets.
4. Provide a high quality, compact pedestrian-oriented street environment that is easily and pleasantly traversed on foot.
5. Increase architectural continuity and compatibility within and between zones.
6. Encourage business and pedestrian areas and spaces that are active throughout the day and evening.
7. Improve sidewalk and building integration, which increases human comfort and activity.
8. Incorporate "human-scaled" elements into building design.
9. Provide direct visual contact between activities occurring inside buildings and the street environment. (See also Chapter 14.23.086 C (4) blank wall limitation.)

C. Specific Pedestrian Requirements

1. **Reduced Setbacks.** Placement of building walls shall be such that they enclose and define the street space. The location, height, and massing of walls shall provide human-scaled street enclosure and building edge continuity on pedestrian-oriented streets (multimodal corridors). To provide a more continuous building edge, buildings shall be placed forward on lots adjacent to designated multimodal corridors. Street wall location adjacent to the sidewalk shall bring building activities into physical and visual contact with the sidewalk environment and increase the liveliness of the street.

a. Key commercial designations with pedestrian emphasis (central business districts, neighborhood commercial and mixed use corridors) have maximum front yard setbacks of fifteen feet and allow zero feet. Residential zones allowing moderate to high densities also provide for reduced setbacks.

b. **Exceptions to Reduced Setbacks.** The street wall may be set back to provide transition to residential neighborhoods, to provide more separation of public and private space in residential development, to meet centerline setback requirements, for building entrances, for pedestrian plazas, and to allow existing setback buildings as conforming uses.

(1) **Building Entrances Allowance.** Large entryways which are integral to a building design may be set back more than 15 feet.

(2) Pedestrian Plazas

2. **Pedestrian Plazas.** Pedestrian plazas are intended to be open to the public (but are not required to be). They are spaces which people will use along intensively developed streets (multimodal corridors) and in some commercial and all mixed use corridors. Facilities and buildings can be grouped around small pedestrian plazas to create places where people may congregate.

All commercial subdivisions or binding site plans in mixed use zones or zones with pedestrian emphasis are expected to provide plazas unless the city determines the provision of such is not consistent with the intent of this chapter due to special circumstances of the site or project. Commercial or multifamily building projects in the mixed moderate or high density corridors may provide plazas to obtain bonus building or development coverage. Pedestrian plaza designs must meet the following criteria:

a. **Size and dimension.** The maximum width of the pedestrian plaza shall normally be sixty feet. (See Table 14T-13.)

b. **Access.** The surface of all pedestrian plazas must be visually and physically accessible from the public right-of-way. Allowances may be made for sites with steep topography.

c. **Surface.** Paved walking surfaces must be provided.

d. **Landscaping.**

(1) At least ten percent of the plaza area must be landscaped with living plants.

(2) The landscaping must be planted and maintained according to Chapter 16.80.

(3) Landscaping shall not block visual access to the pedestrian plaza.

e. **Seating.**

(1) Seating shall be provided in all pedestrian plazas.

(2) Tops of walls and steps may be considered seating if designed to accommodate this function.

f. Exposure to sunlight. (See Table 14T-13.)

(1) Southern locations are encouraged to allow direct sunlight to enter the space and strike the plaza floor.

(2) Pedestrian plazas shall be designed to allow some direct sunlight to enter the plaza.

(3) Pedestrian plaza landscaping shall be designed in a manner that does not block the entrance of direct sunlight.

g. Plaza edges.

(1) Plaza enclosure. All pedestrian plazas must be enclosed on at least two sides by a structure or by landscaping which creates a wall-like effect.

(2) Prohibited Edge Conditions.

(a) Unscreened parking lots, chain link fences and other inhibiting conditions are prohibited adjacent to pedestrian plazas.

(b) Blank walls in pedestrian plazas are subject to the blank wall limitation standards of subsection 4 below.

h. Uses in pedestrian plazas.

(1) Permitted uses: playground equipment, fountains, waterfalls, pools, sculptures, works of art, arbors, trellises, benches, trees, planting beds, trash receptacles, drinking fountains, bicycle racks, open air cafes, kiosks, vending carts, outdoor furniture, lighting, flagpoles, public telephones, temporary exhibits, canopies, awnings, and similar uses which encourage pedestrian use of these spaces.

(2) Allowed motor vehicle use. Motor vehicle use of pedestrian plazas for passenger drop off and pick up at plaza edge. All other loading or motor vehicle access is prohibited.

i. Exceptions. The site plan review committee may grant exceptions to the Pedestrian Plaza Standards if the proposed design meets the intent of this chapter.

3. Awnings, Marquees and Arcades. Continuous canopies, awnings, marquees, and arcades keep pedestrians out of the rain and contribute to overall integration of individual buildings within the streetscape. This pedestrian weather protection also helps define the pedestrian zone on the sidewalk.

a. Requirements.

(1) All commercial uses in zones with pedestrian emphasis shall provide some weather protection for their patrons.

(2) Awnings, marquees, and arcades must meet ~~Uniform-City's~~ adopted Building Code requirements.

(3) Awnings, marquees, and arcades are encouraged along the street wall, or that portion of the street wall that abuts or is parallel to the sidewalk. The maximum depth (projection

from street wall) is regulated in the applicable section of the ~~Uniform~~ City's adopted Building Code.

(4) The lower edge of all awnings, marquees, and arcades must be between the heights of eight and twelve feet above finished grade. Awnings on a given block shall be the same or similar height.

(5) Canopies, awnings, marquees and arcades may project into the public right-of-way with approval of the site plan review committee.

4. Blank Wall Limitation. A successful pedestrian environment will provide varied, pedestrian-friendly building facades and sidewalk activities. Blank walls and dull building facades can degrade a pedestrian streetscape and the business environment as they deaden the surrounding space and break the continuity of the building edge. Therefore, the construction of blank walls shall be limited to prevent the disruption of existing building patterns and to avoid an uninviting street environment. The regulations in this section are intended to reduce blank wall impacts on the pedestrian and business environment.

a. Blank Wall Limitation Requirements.

(1) All commercial ground level walls within fifty feet of a street or pedestrian area shall feature pedestrian-friendly facades. Sixty percent of the street wall facade within fifty feet of the street or pedestrian area is regulated between two and eight feet in height. (See Table 14T-14.) This dimension applies to all options for blank wall treatments (transparent windows, art and architectural treatment, and trellis and planting techniques).

(2) At least sixty percent of a wall facing a street shall consist of transparent window area or display windows which provide visibility into building interiors. Maximum wall coverage with windows is recommended.

(3) In addition to 14.23.086C(4)a(1 and 2), two or more of the following techniques shall be employed to provide interest on non-window areas.

(a) Sculpture, mosaic, glass block opaque art glass, as relief artwork, or similar features of visual interest which are incorporated into the street wall or blank building wall. Structural architectural elements may be acceptable if the design meets the intent of this section.

(b) Installation of a permanent vertical trellis in front of the wall with climbing plants or plant materials.

(c) Pedestrian plazas may meet this requirement if the design complies with the intent of this section.

(d) Any other architectural techniques that meet the intent of Chapter 14.23.086 to provide a pedestrian-friendly, comfortable street environment with architectural interest.

b. Retaining walls. Retaining walls on pedestrian streets are considered blank walls and are subject to the regulations in Chapter 14.23.086 with the exception of 14.23.086 (4)(a)(2). Retaining wall treatment may include a stone wall, landscaping treatment, special texture or design. Blank concrete is prohibited.

c. Exceptions. Where this section is in conflict with the ~~Uniform~~ City's adopted Fire Code, the ~~Uniform~~ Fire Code shall govern.

5. Primary Building Entrance. Primary building entrances are required on the street or pedestrian and transit access from street to allow people to arrive by foot, by transit, or by other means (in addition to the car), and to increase pedestrian and street activity. For buildings adjacent to a sidewalk entrances shall meet the following minimum requirements:

- a. The primary entrance to all buildings shall face the street or central pedestrian plaza.
- b. All primary building entrances shall be clearly visible from the sidewalk or pedestrian plaza.
- c. Direct access shall be provided either
 - (1) from the sidewalk if the building facade is adjacent to the sidewalk, or
 - (2) from a pedestrian plaza if the building facade is not directly adjacent to the sidewalk. (See Table 14T-13.)

D. Circulation and design for multimodal corridors and key pedestrian intersections.

1. Multimodal corridors and key pedestrian intersections are intended to provide a focus for multimodal activity in each neighborhood. The corridor shall provide an area of convergence for the pedestrian sidewalk network that interconnects all dwelling units with other units, non-residential uses, common open space, bus stops and sensitive area tracts. Mid-block crossings shall be utilized where necessary to promote more efficient or strategic interconnections with pedestrian corridors or trail systems. Sidewalk systems shall be separate and distinct from motor vehicle circulation to the greatest extent possible, provide a pleasant route for users, promote enjoyment of the development, and encourage incidental social interaction among pedestrians. Sidewalks shall be of barrier-free design.

The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping, and other street furniture where appropriate. Sidewalks along the corridors and at key intersections shall promote pedestrian activity.

2. Sidewalks shall be a minimum of six feet in width, expanding to eight feet or more along major pedestrian routes. Sidewalks in commercial areas shall normally be ten to fifteen feet in width depending upon location of major pedestrian routes and significance of the sidewalk for pedestrian use. The specified sidewalk dimensions shall be in addition to land area used for street functions or the placement of objects in the sidewalk area.

Standard material for sidewalk construction is acceptable, provided however, key pedestrian intersections shall use special materials. See Section 14.23.086D(5).

3. Bikeways shall be provided to link key components of each neighborhood with the corridor. Bikeways do not have to be marked on local residential streets with low average daily traffic. Bikeways are required on portions of multimodal corridor designations, collectors and arterials. The width of bikeways shall be in accordance with the minimum dimensions specified for class 1,2, and 3 bikeways as defined in the Regional Transportation Program and the Lacey Urban Transportation Plan. Bikeways may use

asphalt paving or other approved surface. Bike racks shall be provided at strategic destination locations along the corridors such as commercial areas, open spaces and other neighborhood focus points.

4. Key pedestrian intersections shall be located at the focal point of neighborhoods as shown on the Lacey Comprehensive Plan Land Use Map. All key pedestrian intersections shall have street furniture as well as other significant pedestrian areas along the corridor.

Elements of street furniture, such as benches, waste containers, drinking fountains, planters, phone booth, bus shelters, bicycle racks, and bollards should be carefully selected to ensure compatibility with the architecture of surrounding buildings, the character of the area, and with other elements of street furniture. Consistency in the selection and location of the various elements of street furniture is critical for maximum effect and functional usage. Street furniture shall meet all city guidelines for strength, durability, maintenance and safety.

5. At key pedestrian intersections and other areas of special significance to pedestrians along corridors, sidewalks shall be constructed of brick, colored/textured concrete pavers, concrete containing accents of brick, colored stamped concrete or some combination thereof that is compatible with the style, materials, colors and details of the surrounding buildings and neighborhood. The functional, visual, and tactile properties of the paving materials shall be appropriate to the proposed functions of pedestrian circulation in the immediate area. Such techniques are also recommended for public or semi-public plazas, courtyards, or open spaces along the corridor.

6. Bus stops shall be located along collectors and arterials on the corridor in consultation with Intercity Transit and North Thurston School District and shall be integrated as part of the pedestrian network. Bus stops may also be provided along strategic sections of local access streets if the City of Lacey, North Thurston School District and Intercity Transit determine such location will provide the most convenient coverage for residents. Locations for bus stops shall be designed to make transit services accessible to all residents of the neighborhood.

7. Transit passenger pads and shelters may be provided at focal points in the neighborhood along corridors, such as commercial areas and key pedestrian intersections, if deemed necessary by the city in consultation with Intercity Transit and North Thurston School District. Design and size of shelters and pads will be determined in consultation with Intercity Transit.

8. Bus stops shall be illuminated at night to enhance passengers' safety and sense of security.

9. Decorative human scale lighting is recommended on all local access streets, pedestrian walkways, sidewalks, courtyards, community greens internal open spaces and along corridors at intervals adequate to provide pedestrians with safe and comfortable lighting. Light poles may use a staggered pattern when measured and spaced using both sides of the street. Lighting fixtures and poles shall generally be between 12-24 feet in height and constructed from steel, cast iron, or aluminum, with poles and fixtures complementing the human scale and architectural character of the neighborhood.

10. Street lights should be decorative and blend with the architectural style of the plat or development project. (See Design Vocabulary in Table 14T-10.)

Section 55: Section 14.24.160 of the Lacey Municipal Code is hereby amended to read as follows:

14.24.160 Substantive authority.

A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city.

B. The city may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probably significant adverse environmental impacts identified in environmental documents prepared pursuant to this chapter;

2. Such conditions are in writing;

3. The mitigation measures included in such conditions are reasonable and capable of being accomplished;

4. The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts;

5. Such conditions are based on one or more policies in subsection 14.24.160(D) and cited in the license or other decision document.

C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probably significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this chapter;

2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact;

3. The denial is based on one or more policies identified in subsection 14.24.160(D) and identified in writing in the decision document.

D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:

1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

- d. Preserve important historic, cultural, and natural aspects of our national heritage;
- e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;
- g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

3. The city adopts by reference the policies in the following city codes, ordinances and plans:

- a. Lacey zoning ordinance;
- b. Lacey comprehensive plan and associated elements;
- c. Lacey platting and subdivision ordinance;
- d. Six-year street plan;
- e. Shoreline master program for the Thurston region;
- f. Transportation system plan for the Thurston metropolitan area;
- g. ~~Uniform~~ The Building Code (as adopted by the city);
- h. Lacey bikeway plan;
- i. Comprehensive plan for outdoor recreation;
- j. Land clearing code (Chapter 14.32 of Lacey Municipal Code);
- k. Wetlands protection ordinance (Chapter 14.28 of Lacey Municipal Code).

4. The city establishes the following additional policies: The city may apply any mitigation conditions necessary to properly mitigate identified adverse environmental impacts associated with license or permit applications. In implementation of this policy for each individual license application the city shall review all of the elements of the environment listed in WAC 197-11-444 and shall attempt to apply conditions as appropriate to mitigate identified adverse environmental impacts under all elements of the environment. Mitigation conditions may include but shall not be limited to: timing and scheduling of construction and operation, modification of site design, project design or location, modification of the physical environment, installation of physical and vegetative improvements, mitigation of pollution sources, installation of pollution abatement equipment or safety equipment or improvements, providing of or upgrading of on and offsite infrastructure improvements, preservation or protection of specified habitat and species of flora and fauna, provision for buffers and open spaces, layout and design of open space including centralization and consolidation, provision of safe and attractive pedestrian improvements, provision of bus stop improvements to Intercity Transit and North Thurston School District Standards, site restoration and improvements after surface

mining or mineral extraction or other activity, provision for lot owners or homeowners maintenance associations, and requiring of conditions identified in a wetlands mitigation plan or report for protection of wetlands or wetland buffers.

E. The legislative appeals authorized by RCW 43.21C.060 are eliminated from this chapter.

Section 56: Section 14.32.069 of the Lacey Municipal Code is hereby amended to read as follows:

14.32.069 Revegetation option. Based upon recommendations in a report by the city's tree protection professional, removal of areas of vegetation that might normally be saved may be permitted if extensive revegetation is accomplished. Such alternative may be desirable for sites with significant physical limitations such as topography, soil type or proposed small lot sizes. Additionally, limitations of existing trees such as particular species or deteriorated health of a particular tree stand may make such options desirable.

On a site with documented special circumstances, an alternative allowing removal of vegetation normally saved may be approved with a comprehensive revegetation plan developed by the city's tree protection professional. At a minimum, the plan shall include:

- A. Information required under Section 14.32.060 of this chapter;
- B. Consideration of the standards provided in Section 14.32.065 of this chapter;
- C. An evaluation of what circumstances are present in specific areas of the site to make incorporation of topography and existing vegetation undesirable and recommendations on what areas if any can be designed to accommodate existing vegetation;
- D. Consideration of overstory and understory vegetative species to provide wildlife habitat and meet specific purposes important to the neighborhood environment and project design such as buffers, green belts, open spaces, street trees, urban beautification, solar access, and other functions and purposes deemed desirable and appropriate to the anticipated use;
- E. A comprehensive map showing location, number, types of species and size of planned vegetative improvements;
- F. A time line for completion of improvements;
- G. An estimate of the value of vegetation that would normally be saved but that is being removed under this option. Said estimate must be accomplished pursuant to the most recent guidelines established by the International Society of Arboriculture in its "Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens".
- H. Said plan shall provide for a commensurate value of vegetation to be installed as is to be taken out under this option. Said amount shall be above and beyond what is normally required for landscaping in the projects not utilizing this option. The calculated value of the revegetation shall include only vegetative material and shall not include the applicant's administrative or labor costs, or the costs of the city's tree protection professional;

I. A maintenance plan including provision for an irrigation system, and a grass, shrub and tree maintenance program;

J. If any existing vegetation is to be saved, a plan shall be provided for the protection of said vegetation during construction activity, including fencing and other protective measures deemed necessary by the city's tree protection professional.

K. If the project involves a subdivision of property or a binding site plan, the landscaping plan should include a comprehensive treatment of open space areas, green belt areas, buffers, common areas, and street frontages (street trees and parkways). All common improvements shall be completed prior to final plat approval or financial security provided to the city in a form acceptable to the city in the amount of one hundred fifty percent of the estimated costs including two years maintenance and twenty percent replacement.

If a developer desires to clear individual lots within the subdivision or binding site plan at the same time as road areas, this may be done if it is consistent with the approved plans and the following conditions are satisfied:

1. An average valuation of vegetation on individual lots shall be provided with a conceptual plan of typical yard landscaping of equal value. Such conceptual plan shall contain specific guidelines for revegetation of individual lots and said guidelines shall be incorporated into protective covenants and lot owner's association articles of incorporation;

2. Financial security is provided to the city in a form acceptable to the city at one hundred fifty percent of the estimated costs of improvements of individual lots based upon the conceptual typical yard landscaping plan;

~~3. Prior to building permits being issued on individual lots, a specific landscaping plan shall be prepared for each lot and submitted to the city at the time of building permit application. The specific plan shall follow the general parameters of the required conceptual yard landscaping plan. All improvements shall be completed prior to occupancy or in accordance with financial security agreements provided under herein.~~

~~L. If the lot or parcel is not associated with a subdivision or binding site plan approved under subsection 14.32.069(K), no clearing or brushing of lots shall take place under this option until a specific lot landscaping plan has been approved and a building permit issued. Improvements shall be completed prior to occupancy or financial security provided to the city in a form acceptable to the city in the amount of one hundred fifty percent of the estimated costs of improvements.~~

Section 57: Section 14.36.215 of the Lacey Municipal Code is hereby amended to read as follows:

14.36.215 Wellhead protection area standards for new uses.

A. The following uses shall be prohibited within the designated one-year time of travel zone:

1. Land spreading disposal facilities (as defined by Washington Administrative Code 13-304 and Washington Administrative Code 173-308 disposed above agronomic rates);

2. Animal operations with over 200 animal units. For purposes of this section, one animal unit is the equivalent number of livestock and/or poultry as defined by the U.S. Department of Agriculture Natural Resource Conservation Service Animal Waste Field Handbook;

3. Gas Stations, petroleum products refinement, reprocessing, and storage (except underground storage of heating oil or agricultural fueling in quantities less than 1,100 gallons for consumptive use on the parcel where stored), and liquid petroleum products pipelines;

4. Automobile wrecking yards;

5. Wood waste landfills; and

6. Dry cleaners, excluding drop-off only facilities.

B. The following uses shall be prohibited within the designated one, five and ten-year time of travel zones;

1. Landfills (municipal sanitary solid waste and hazardous waste);

2. Hazardous waste transfer, storage and disposal facilities;

3. Wood and wood products preserving; and

4. Chemical manufacturing.

C. For any use proposed within the designated one, five and ten-year time of travel zone which uses, stores, handles or disposes of hazardous materials above the minimum quantities listed below, the applicant shall submit for review and approval documentation that AKART are proposed to be used to prevent impact to the source water. The health officer, in consultation with the water purveyor, will review this documentation to determine whether the application shall be approved, denied or approved with conditions to ensure adequate protection of the source water supply.

Notwithstanding the minimum quantity thresholds listed below, the health officer may, at the health officer's discretion and with reasonable expectation of risk to ground water, require pollution prevention plans and MPCs on any use proposed within the one, five, and ten-year time of travel zones.

1. Types of chemical substances regulated by the Hazardous Materials provisions of the City's adopted in Table 8001.15 a.b.c.d. of the Uniform Fire Code, and as subsequently amended. Minimum cumulative quantity; 60 pounds (or the equivalent 20 gallons).

2. Cleaning substances for janitorial use or retail sale present in the same size, packaging, and concentrations as a product packaged for use by the general public. Chlorinated solvents and no n-chlorinated solvents which are derived from petroleum or coal tar will not be considered a cleaning substance under this subsection, but rather a chemical substance under subsection 14.36.215.C.1. above. Minimum cumulative quantity: 800 pounds (or the equivalent 100 gallons, not to exceed 55 gallons for any single package).

3. Businesses which use, store, handle or dispose of chemicals listed in Washington Administrative Code 173-303-9903 as "P" chemicals. Minimum cumulative quantity: 2.2 pounds.

Section 58: Section 14.37.030 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.030 Definitions. For the purposes of this chapter, the following definitions shall apply:

A. "Applicant" means a person who files an application for approval under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such a person.

B. "Artificially created hazard area" means artificially created areas of potential hazard such as fills and steep cuts. Such areas are reviewed during application for building permits or excavation and grading permits through a process provided in the Grading Chapter 70 of the City's adopted Uniform Building Code, which allows application of specific conditions to insure the public health, safety and welfare. Such areas are not subject to review under this chapter.

C. "Bluff" means a steeply rising, near vertical slope which abuts and rises from Puget Sound. Bluffs occur in the area at the extreme north end of Lacey's long term growth area north of the Beachcrest area. The toe of a bluff is the beach of Puget Sound. The top of a bluff is typically a distinct line where the slope abruptly levels out. Where there is no distinct break in slope, the top is either the line of vegetation separating the unvegetated steep slope from the vegetated uplands plateau or, when the bluff is vegetated, the point where the bluff slope diminishes to less than fifteen percent.

D. "Buffer" means an area adjacent to hillsides which provides the margin of safety through protection of slope stability, attenuation of surface water flows and landslide, seismic, and erosion hazards reasonably necessary to minimize risk to the public from loss of life, well-being or property damage resulting from natural disasters.

E. "Clearing" means the destruction and removal of vegetation by burning, mechanical, or chemical methods.

F. "Director" means the director of community development or his/her designee.

G. "Erosion hazard area" means an area designated by the city of Lacey Environmental Protection and Resources Conservation Plan which, according to the United States Department of Agriculture Soil Conservation Service Soil Survey of Thurston County, Washington, have severe erosion hazard potential. These soil map units are described in Table 11 of the Environmental Protection and Resource Conservation Plan.

H. "Financial security" means a method of providing surety of financial performance and may include provision of a bond, assignment of savings, letter of credit or other financial guarantee approved by the city attorney.

I. "Geologically sensitive area" means an area that because of its susceptibility to erosion, sliding, earthquake or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns. Geologically sensitive areas do not include artificially created hazard areas.

J. "Hillsides" means geological features of the landscape having slopes of fifteen percent and greater. To differentiate between levels of hillside protection and the application of development standards, the city of Lacey categorizes hillsides into four groups: hillsides of at least fifteen percent but less than twenty-five percent slope; hillsides of twenty-five percent but less than forty percent slope; hillsides of forty percent slope and greater; and hillsides which are defined as ravine sidewalls or bluffs.

K. "Landslide" means an episodic downslope movement of a mass of soil or rock that includes but is not limited to rockfalls, slumps, mudflows, and earthflows.

L. "Landslide hazard area" means an area potentially subject to landslides because of the combination of geologic, topographic, and hydrologic factors. These areas are typically susceptible to landslides because of a combination of factors, including bedrock, soil, slope gradient, slope aspect, geologic structure, ground water, or other factors. The following areas are considered to be subject to landslide hazard:

1. Any area with a combination of:

a. Slopes greater than fifteen percent; and

b. Impermeable soils (usually silt and clay) frequently interbedded with granular permeable soils (usually sand and gravel); and

c. Springs or ground water seepage.

2. Steep slopes of forty percent or greater.

3. Any area which has shown movement during the Holocene epoch (from ten thousand years ago to present) or which is underlain by mass wastage debris of that age.

4. Any area potentially unstable as a result of rapid stream incision, stream bank erosion, or undercutting by wave action.

5. Any area with slope stability designated as "I", "U", "Urs" or "Uos" by the Coastal Zone Atlas of Washington.

M. "Native vegetation" means plant species which are indigenous to the area in question.

N. "Ravine sidewall" means a steep slope which abuts and rises from the valley floor of a stream and which was created by the wearing action of the stream. Ravine sidewalls contain slopes predominantly in excess of forty percent, although portions may be less than forty percent. The toe of a ravine sidewall is the stream valley floor. The top of a ravine sidewall is typically a distinct line where the slope abruptly levels out. Where there is no distinct break in slope, the top is where the slope diminishes to less than fifteen percent. Minor natural or manmade breaks in the slope of ravine sidewalls shall not be considered as the top. Benches with slopes less than fifteen percent and containing developed or developable areas shall be considered as the top.

O. "Seismic hazard areas" means those areas subject to severe risk of earthquake damage as a result of seismically induced settlement or soil liquefaction. These conditions occur in areas underlain by cohesionless soils of low density usually in association with a shallow ground water table.

P. "Slope" means an inclined ground surface, the inclination of which is expressed as a ratio (percentage) of vertical distance to horizontal distance by the following formula:

vertical distance

horizontal distance x 100 = % slope

Another method of measuring the inclination of the land surface is by measuring the angle, expressed in degrees, of the surface above a horizontal plane. The following chart shows the equivalents between these two methods of measurement for several slopes:

Slope in Angle in

Percent Degrees

8.7 5.0

15.0 8.5

25.0 14.0

30.0 16.7

40.0 21.8

50.0 26.6

100.0 45.0

Q. "Soil Survey of Thurston County Washington" is a soil survey published by the U.S. Department of Agriculture Soil Conservation Service. The survey contains information that can be applied in land use management. All the soils of the Thurston County Area are shown on detailed maps and described in text.

Section 59: Section 14.37.180 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.180 Standards for geologically sensitive areas--Specific.

A. Undevelopable Geologically Sensitive Areas. Ravine sidewalls, bluffs and their buffers and hillsides with a slope greater than forty percent shall remain undeveloped except as otherwise provided in this chapter. The top, toe, and edges of ravine sidewalls, bluffs and the outside edge of their buffers and hillsides with forty percent slope or greater shall be determined and field marked by a qualified geotechnical engineer.

B. Landslide Hazard Areas. Hillsides containing or adjacent to landslide hazard areas shall be altered only when the site plan review committee concludes, based on required reports, the following:

1. There will be no increase in surface water discharge or sedimentation to adjacent properties; and
2. There will be no decrease in slope stability on adjacent properties; and
3. The alteration conforms to all other requirements of subsection 14.37.180(E); and
4. Either:

- a. There is no hazard as proven by evidence of no landslide activity in the past in the vicinity of the proposed development and a quantitative analysis of slope stability indicates no significant risk to the development proposal and adjacent properties; or
- b. The landslide hazard area can be modified or the development proposal can be designed so that the landslide hazard is eliminated or mitigated so that the site is as safe as a site without a landslide hazard; or
- c. The alteration is so minor as not to pose a threat.

C. Ravine Sidewalls and Bluffs.

1. **Buffers.** A fifty-foot undisturbed buffer of native vegetation shall be established from the top, toe, and sides of all ravine sidewalls and bluffs.

2. **Buffer Reduction.** The buffer may be reduced when expert verification and environmental information demonstrate to the satisfaction of the site plan review committee or hearings examiner, whichever is applicable, that the proposed construction method will:

- a. Not adversely impact the stability of ravine sidewalls and bluffs; and
- b. Not increase erosion and mass movement potential of ravine sidewalls and bluffs; and
- c. Use construction techniques which minimize disruption of the existing topography and vegetation; and
- d. Include measures to overcome any geological, soils, and hydrological constraints of the site. The buffer may be reduced by no more than fifty percent.

3. **Additional Buffers.** The site plan review committee may require increased buffers if environmental studies indicate such increases are necessary to mitigate landslide, seismic and erosion hazards, or as otherwise necessary to protect the public health, safety and welfare.

4. **Building Setback Lines.** A building setback line of ten feet is required from the edge of any buffer of a ravine sidewall or bluff. Minor structural intrusions into the area of the building setback line may be allowed if it is determined that such intrusions will not negatively impact the geologically sensitive area.

5. A

ll buffers shall be measured from the top, toe, and sides of all ravine sidewalls or bluffs.

D. Developable Geologically Sensitive Areas. Hillsides other than ravine sidewalls and bluffs and their buffers and hillsides greater than forty percent slope are developable pursuant to the provisions of this chapter. The applicant shall clearly and convincingly demonstrate to the satisfaction of the site plan review committee or hearings examiner, whichever is applicable, that the proposal incorporates measures protecting the public health, safety, and welfare.

E. Hillsides of Fifteen Percent Slope and Greater--Disturbance Limitations. Development on hillsides shall comply with the following requirements regarding disturbance limitations, development location, development design, construction techniques and landscaping.

1. Amount of Disturbance Allowed. The following chart sets forth the maximum slope disturbance allowed on a development site:

<u>Slope</u>	<u>Amount of Slope Which Can be Disturbed</u>	<u>Factor</u>
0-15%	100%	1.00
15-25%	60%	.60
25-40%	45%	.45
40%+	0%	.00

The overall amount of disturbance allowed on development sites which have any combination of the above slope categories shall be determined by the following formula:

(Square footage of site having 0-15% slopes) x 1.00 + (Square footage of site having 15-25% slopes) x .60 + (Square footage of site having 25-40% slopes) x .45 = Total Amount of Allowable Site Disturbance.

The intent of this section shall be to provide reasonable flexibility in site development while promoting the intent of working with existing topography as opposed to against it.

2. Development Location.

- a. Structures and improvements shall be clustered to retain as much open space as possible and the natural topographic character of the slope; and
- b. Structures and improvements shall conform to the natural contour of the slope, foundations must be tiered to generally conform to the existing topography of the site; and
- c. Structures and improvements shall be located to preserve the most sensitive portion of the site and its natural land forms and vegetation.

3. Development Design.

- a. The footprint of buildings and other disturbed areas shall be minimized. The least number of buildings is desirable in order to consolidate the development; and
- b. Use of common access drives and utility corridors is required where feasible; and
- c. Impervious lot coverage shall be minimized. With the exception of detached single family structures, under-structure parking and multi-level structures shall be incorporated where feasible; and
- d. Roads, walkways and parking areas shall be designed to parallel the natural contours of the hillsides while maintaining consolidated areas of natural topography and vegetation. Access shall be located in the least sensitive area feasible; and
- e. Use of retaining walls which allow the maintenance of existing natural slope areas is preferred over graded artificial slopes.

4. Construction Techniques.

a. Use of foundation walls as retaining walls is preferable to rock or concrete walls built separately and away from the building. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation; and

b. Structures shall be tiered to conform to existing topography and to minimize topographic modification.

5. Excavation and Grading.

a. All requirements of the Grading Chapter 70 of the Uniform City's adopted Building Code (UBC) shall be satisfied. Requirements under Chapter 14.37 shall be consolidated with review requirements of the Grading Chapter 70 of the UBC Building Code to provide a coordinated review process.

6. Landscaping. The disturbed area of a development site not used for buildings and other improvements shall be landscaped according to a landscape design which will achieve a minimum forty percent coverage by the canopy of trees and shrubs within ten years to provide habitat desirable to native western Washington birds. The trees and shrubs shall be a mix of shade, flowering, and coniferous and broad-leaf evergreens that are either native to the Puget Sound region or are valuable to western Washington birds. The Department of Wildlife "Plants for Wildlife in Western Washington" shall be used as a general guide.

a. Trees shall be the following size at time of planting and shall conform to the "American Standard for Nursery Stock":

(1) Single-stem shade and flowering trees shall be a minimum one and one-half inch to two inch caliper trunk as measured six inches above the ground.

(2) Multi-stem shade and flowering trees shall be a minimum height of eight feet as measured from the ground level to the average uppermost point of growth of the plant.

(3) Coniferous evergreen trees shall be a minimum height of six feet as measured from the ground to the midpoint between the uppermost whorl and the tip of the leader. For species of trees without whorls, minimum height shall be measured to the uppermost side growth. The ratio of height to spread shall not be less than five to three.

(4) Broad-leaf evergreen trees shall be a minimum height of four feet as measured from the ground level to where the main part of the plant ends, not to the tip of a thin shoot.

b. Shrubs shall be the following size at time of planting and shall conform to the "American Standard for Nursery Stock":

(1) Dwarf and semi-dwarf deciduous shrubs shall be a minimum height of two to two and one-half feet above grade, and either a number three container size for container grown plants, ten inch diameter root ball for balled and burlapped plants, or eleven inch root spread for bare root plants.

(2) Strong-growing deciduous shrubs shall be a minimum height of two to three feet above grade, and either a number three container size for container grown plants, ten inch diameter root ball for balled and burlapped plants, or eleven inch root spread for bare root plants.

(3) Coniferous and broad-leaf evergreen shrubs (Types 1, 2, and 3) shall be a minimum height of two to two and one-half feet spread or height, and either a minimum number three container size for container grown plants or twelve inch diameter root ball for balled and burlapped plants.

7. Erosion Control. A special drainage and erosion control plan shall be prepared outlining measures being taken to effectively control drainage and erosion. Landscaping activities and grading and excavation activities may be limited to specific times of the year based upon an analysis of soil types, proximity of wetlands, or other factors that may indicate an unacceptable risk of erosion hazards and related impacts.

F. Seismic Hazard Areas. The city of Lacey acknowledges it is in a seismic hazard zone and shall pursue more specific identification of those areas in the city at the greatest risk. Once said areas are identified, specific criteria designed to protect the public safety shall be developed.

Section 60: Section 16.03.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.03.050 Permitted intrusions into required yards.

- A. Cornices, eaves and other similar architectural features may project from the foundation wall into any minimum yard setback requirement a maximum distance of two and one-half feet.
- B. Open, unwallled and uncovered steps, ramps, not more than four feet in height may extend into the required front or rear yard setback requirement not more than five feet.
- C. Decks and patio covers may be permitted to encroach into all residential district rear yard setbacks, provided a minimum setback of five feet is retained, and provided such deck be not more than sixteen inches above existing natural grade measured at deck floor from the highest point, and provided that such patio cover is not enclosed in any manner. A building permit is required.
- D. Awnings and marquees may be allowed within required front yards and over sidewalks or public right-of-way in commercial and industrial zones if all the following requirements are satisfied:
 - 1. The director of the department of community development and the director of the department of public works or their designees determine that placement of the awning or marquee within the setback areas or over the public sidewalk does not impede vehicular or pedestrian traffic flow or create any other type of hazard to the public.
 - 2. The awning or marquee is specifically designed to benefit pedestrians by the providing of shelter and creating a friendlier pedestrian environment.
 - 3. That development of an awning or marquee within the setback area or over public sidewalk is consistent with goals of the comprehensive development plan, the standards of the specific zone in which it is proposed to be located and consistent with the character of the surrounding neighborhood.

4. ~~Uniform~~The City's Building Codes and ~~Uniform~~Fire Codes are satisfied for the structure and location.

Section 61: Section 16.06.315 of the Lacey Municipal Code is hereby amended to read as follows:

16.06.315 Factory-built home. "Factory-built home" means a structure constructed in a factory of assembled parts and transported to the building site, in whole or in units, which meets the requirements of the ~~Uniform~~State of Washington Building Code. The completed structure is not a mobile/manufactured home.

Section 62: Section 16.25.090 of the Lacey Municipal Code is hereby amended to read as follows:

16.25.090 Pedestrian circulation requirements.

A. It shall be the responsibility of the property owner/developer to ensure the provision of a safe and convenient pedestrian circulation linkage system as described in Section 16.25.090 and consistent with the designation identified on Table 16T-10 and Table 14T-16.

B. The pedestrian linkage system is a network including the major pedestrian corridor, landscaped walkways and perimeter sidewalks. It is established to provide safe pedestrian routes; enhance the appearance of buildings and their settings; provide a unified design element to offset varying architectural styles; and to soften the appearance of parking lots and service storage areas.

C. The various components of the linkage system shall be provided as property is developed or redeveloped by the property owner/developer as noted on Table 16T-10 and Table 14T-16.

D. When zero foot setbacks are utilized, landscaping requirements for planter strips may require sidewalks to be located outside of the normal right of way. In such cases, an unrestricted easement across sidewalks shall be granted to the city.

E. To maximize a pedestrian-friendly environment by providing an adequate separation between pedestrians and automobile traffic, development of a planter strip with street trees and grass between the curb and sidewalk shall be a primary goal and shall be required unless specifically stated otherwise below.

F. In cases where a sidewalk exists adjacent to the curb, the sidewalk must be moved back to accommodate a new planter strip, provided that improvements to the property necessitating site plan review and requiring conformance with this title exceed twenty-five percent of the fair market value of existing improvements at the site and the site has one hundred feet or more of lineal feet of frontage. In cases where only minor improvements to a project site are requested that do not exceed twenty-five percent of the fair market value of existing improvements at the site or the site has less than one hundred feet of frontage, the requirement for moving the sidewalk shall not be

mandatory, provided, however, that in consideration of the twenty-five percent threshold all improvements at the site since the effective date of this provision shall be included in calculating the total value. The twenty-five percent value shall be determined using the valuation procedures provided for in Chapter 14.04 adopting the tables of the Uniform Building Code for proposed improvements and assessors office values for current structures.

G. Where adjacent properties do not have a planter strip and the sidewalk abuts the street, the new sidewalk shall be meandered to interconnect with the existing sidewalk and will provide the required planter strip for the project's street frontage.

H. In cases where provision of a planter strip would necessitate removal or moving of a building, provision of a planter strip shall not be required unless the site is to be redeveloped and the building removed and reconstructed as part of the proposal.

I. In cases where parking must be removed to provide the planter strip and landscaping, this shall be required, provided it leaves the site with at least seventy-five percent of the number of parking stalls required by the city zoning code or parking can be obtained on an adjacent site.

J. In cases where a minimum six and one-half foot planter strip area cannot be provided because of limitations discussed above, options for different dimensions of the planter area discussed below under Section 16.25.090.U., Street Tree Planting Requirements, may be used if approved by the department of Community Development. Minimum planter strip requirements may not be reduced when a zero foot front setback is proposed. Where the zero foot front yard setback is proposed, the front of the building shall have a main pedestrian entrance.

K. Because of identified financial impacts of requirements to move existing sidewalks, the city of Lacey shall establish a local grant program for very small businesses that would otherwise not be able to afford to move the sidewalk. Very small businesses shall be defined as those businesses with less than four employees. The grant program shall provide that the city will share up to fifty percent of the costs of landscaping and sidewalk improvements. The grant may be in the form of cash, city labor, city services or other real contribution resulting in cost reduction to the recipient. The director of community development is authorized to develop administrative policies and procedures in carrying out the intent and requirements of Section 16.25.090.

L. Where a linkage system exists or is required outside of a public right of way, an easement to the city of Lacey shall be required to provide continuity of public access to adjoining properties.

M. A structure may extend into or over a required linkage system or walkway only when:

1. The encroachment is integrated into the linkage system by providing a covered walkway, arcade, marquee, etc. or it otherwise complements pedestrian activities; and

2. The required width of the linkage system is maintained or when compensation is provided at another location.

N. Where a linkage system adjoins a public street, the system's width shall be measured from the edge of the existing or proposed curb.

O. Construction standards for the major pedestrian corridor, walkways, sidewalks and landscaping shall be as specified by the city engineer or as otherwise provided for in Chapter 16.25. In no case shall the width be less than the standards under Section 14.23.087.H and Table 14T-16.

P. A pedestrian-oriented facility may utilize a zero foot front yard setback if it meets all of the following criteria:

1. Use is pedestrian-oriented as determined by the director of community development or designee;

2. Façade has pedestrian-friendly features, such as awnings, main entrances, and pedestrian scale;

3. Pedestrian entrance is direct to building with no parking or vehicle access lane between sidewalk and the main pedestrian entrance to the building;

4. A planter strip is provided between the street and the sidewalk which meets requirements of Section 14.23.087.H and Table 14T-16.

Q. Each segment of walkways, perimeter sidewalks and landscaping shall be maintained by the property owner, unless a special assessment district is duly established for the specific purpose of maintaining a portion of or all such pedestrian linkage and landscaping improvements. The city shall maintain the intersections of all public streets adjoining any portion of the pedestrian linkage system.

R. A plot plan of all proposed pedestrian linkage improvements identifying all dimensions and pedestrian features shall be submitted along with the site plan for review to the city.

S. The property owner shall install street trees, in addition to any other landscaping requirements, in accordance with Table 14T-16 and as follows:

Where a six and one-half foot planter strip is to be provided, street trees must be planted four feet back from the curb edge between the street and walkway. Trees may be protected by a decorative metal grate or some other protective device. Street trees at least two inches in caliper measured six inches above existing grade must be planted not more than thirty-five feet on center. A street tree planting area may also include decorative paving other plant materials and street furniture as required. Street trees must be planted as specified in Section 16.25.090.U.

T. Outdoor exhibits, displays, sales, service of food or drinks, or other activities may be conducted in pedestrian open space and linkage systems, including plazas, whether or not such facilities or activities are customarily accessory to the adjacent principal use; provided, free pedestrian movement through the area without unreasonable interruption by such facilities or activities is available and provided, said activities comply with the city's regulations for street merchants. Areas, activities and facilities so approved may be used for regular, intermittent, or temporary special events without further permitting under these zoning regulations, but shall not be exempted hereby from requirements for other permits.

U. The volume of exploitable soil in the pit of an urban street tree planting spot is critical to the long-term survival and health of the tree. Due to increased bulk density and difficulty for roots to penetrate the interface between the planting media placed in the pit and the surrounding subsurface soils, many tree's roots do not effectively utilize growing space beyond the pit. Therefore, total pit volume and exposed surface area are the two most important elements of pit design.

In consideration of these points, the following pit design is required for Lacey street trees:

Minimum surface area shall be six-foot by six-foot with a depth excavated to at least four feet and replaced with appropriate soil media. Variations in the shape of the surface opening are acceptable, however the total pit volume achieved by the six-foot by six-foot by four-foot pit design (one hundred forty-four cubic feet) shall not be compromised; see Tables 16T-24 and 16T-25.

A six-inch layer of gravel shall be placed in the bottom of the pit for drainage and a layer of fabric placed over the top of the gravel. The pit should then be filled with planting media and the media firmed before setting the balled and burlapped tree. A four-inch diameter perforated PVC percolator tube shall be placed vertically in the pit to allow deep irrigation penetration. The top of the root ball shall be set just above the surface of the planting media, two to three inches. Barriers shall be installed at an angle near the pit edges by sidewalks to deflect the roots downward to prevent heaving of the concrete. These barriers may be made from sheet metal, tin, fiberglass sheets, or wood.

The top of the pit shall be covered with two inches of pea gravel to prevent soil disturbance while irrigating. A two-inch lip shall be cut in the surrounding concrete to allow placement of metal grates with perforations.

Another option allowed is to place a four-inch bed of sand over the planting media and lay brick pavers that would be at the same level as the sidewalk. This technique also allows for aeration of the tree's root system.

Section 63: Section 16.41.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.41.070 Landscaping.

A. General.

1. The site plan review committee shall have the authority to waive specific requirements or to impose additional requirements in unique or special circumstances. The waiver is not intended to reduce fulfillment of those requirements but rather to allow for flexibility and innovation of design. Special circumstances or unique conditions shall be reviewed with the city prior to submittal of a landscape plan. Examples of special conditions might include:

- a. Preservation of unique wildlife habitat;
- b. Preservation of natural or native areas;
- c. Compliance with special easements;
- d. Renovation of existing landscaping;
- e. Unique site uses;
- f. Urban beautification plan.

2. Plot Plan.

a. A plot plan of the proposed landscaping and screening shall be submitted with the site plan review application.

b. Plan Requirements. The site plan shall be accurately drawn, using an appropriate engineering or architect scale, and showing the following:

- (1) Proposed landscaping including location, species and size at time of planting;
- (2) Existing vegetation in general and identifying all evergreen and deciduous trees four inches and greater in diameter measured at twenty-four inches above grade level;
- (3) Location of existing and proposed driveways and parking surfaces, curbs and sidewalks.

B. Landscape Plan Approval.

~~1. A building permit shall not be issued until the landscaping plan has been approved.~~

2. At the time of site plan review, the committee shall review specific landscape requirements with the owner or their representative.

C. Landscape Performance Bond.

1. A bond shall be required to guarantee the completion of the landscaping per the approved plan. The bond shall be posted with the city prior to issuance of the building permit. The bond shall be in the amount of one hundred fifty percent of the estimated landscaping and installation costs.

2. Types of landscape bonds which are acceptable:

a. Cash bonds;

b. Assignment of savings account;

c. Insurance company performance bond;

d. Letter of guarantee from lender with attached approved plan.

3. Bonding forms shall be as follows:

a. Cash bond: city of Lacey cash bond form;

b. Assignment of savings account: city of Lacey bond form;

c. Insurance company performance bond: Bond form as prescribed by the bonding company. This form must include the following:

(1) The amount of the bond,

(2) The name of the project and address as assigned by the city,

(3) The following statement of purpose: "Landscaping required by the city of Lacey Zoning Code and in accordance with the approved landscape plan on file with the city of Lacey,"

(4) All applicable signatures,

(5) Name, address and telephone number of the party to whom the bond is to be released;

d. City of Lacey guarantee form.

4. Failure to complete all of the required landscaping or part of it within six months of the building occupancy shall constitute a building violation, and the city shall use the bond to complete the required landscaping.

5. It shall be the responsibility of the project manager or business owner to contact the city upon completion of the landscaping work and request an inspection.

D. General Landscape Requirements.

1. All parking areas of under ten thousand square feet shall have a minimum of eight percent of the parking, maneuvering area, and loading space landscaped as a means to

reduce the barren appearance of the lot and to reduce the amount of stormwater runoff. Perimeter landscaping, required adjacent to property lines, shall not be calculated as part of the eight percent figure. Landscaping adjacent to building may be calculated as part of that area.

2. All parking areas of over ten thousand square feet shall have a minimum of fifteen percent of the parking, maneuvering area, and loading space landscaped as a means to reduce the barren appearance of the lot and to reduce the amount of stormwater runoff. Perimeter landscaping, required adjacent to property lines, shall not be calculated as part of the fifteen percent figure. Landscaping adjacent to building may be calculated as part of that area.

3. All ingress/egress easements which provide corridors to a lot not adjacent to a public right-of-way shall be considered the same as public right-of-way. Landscape requirements for easement corridors shall be the same as those required adjacent to public rights-of-way.

4. All outside storage areas shall be screened by masonry walls or wood fencing or landscaping to a minimum of ten feet in depth. The site plan review committee may eliminate the need for screening when the stored materials are not visually obtrusive or when the storage yard abuts another storage yard.

5. All portions of a lot not devoted to building, future building, parking, storage, or accessory uses shall be landscaped in a manner appropriate to the stated purpose of this chapter.

6. All required landscaping areas shall extend to the curb line or the street edge.

7. Required landscaping areas which are inappropriate to landscape due to the existence of rail lines or other features shall be provided first along another lot line, or second, to an equalized area in another portion of the lot, to be determined by the site plan review committee.

8. Bark mulch, gravel, or other nonvegetative material shall be used only in conjunction with landscaping to assist vegetative growth and maintenance or to visually complement plant material. Nonvegetative material is not a substitute for plant material.

9. Required landscape areas shall be provided with adequate drainage.

10. Slopes shall not exceed a three to one ratio (width to height) in order to decrease erosion potential and assist in ease of maintenance.

11. Landscaping shall not conflict with the safety of those using adjacent sidewalks or with traffic safety. Safety features of landscaping shall be discussed at the time of site plan review, if necessary.

12. Quantity, arrangement and types of plants installed shall be appropriate to the size of the required landscape area and purpose of planting area as noted in subsection 16.41.070(E).

13. All refuse containers shall be screened from abutting properties and/or streets by one hundred percent sight-obscuring wood fencing or masonry walls and appropriate landscaping.

Refuse container screening shall be required and be of a material and design compatible with the overall architectural theme of the associated structure, shall be at least as high as the refuse container, and shall in no case be less than six feet high. Refuse collection areas shall be designed to contain all refuse generated on site and deposited between collections. Deposited refuse shall not be visible from outside the refuse enclosure.

14. Landscaping shall be placed outside of sight-obscuring fences or walls unless it is determined by the site plan review committee that such arrangement would be detrimental to the stated purpose of this chapter.

15. All property abutting an arterial, flanking, or collector street shall be landscaped with a thirty foot average depth.

E. Types of Landscaping.

1. Type I: Solid Screen. Purpose. Type I landscaping is intended to provide a solid sight barrier to totally separate incompatible uses.

Description. Type I landscaping shall consist of evergreen trees or tall shrubs with a minimum height of six feet at planting, which will provide a one hundred percent sight-obscuring screen within two years from the time of planting; or a combination of evergreen and deciduous trees and shrubs backed by one hundred percent sight-obscuring fence.

2. Type II: Visual Screen. Purpose. Type II landscaping is intended to create a visual separation that is not necessarily one hundred percent sight-obscuring from incompatible uses.

Description. Type II landscaping shall be evergreen or a mixture of evergreen and deciduous trees with large shrubs and ground cover interspersed with the trees. A sight-obscuring fence will be required unless it is determined by the site plan review committee that such a fence is not necessary. The plants and fence must not violate the sight area safety requirements at street intersections.

Evergreen trees shall be an average height of six feet at planting. Deciduous trees shall be the following sizes based on their spacing:

One inch caliper/ten feet on center;

Two inch caliper/twenty feet on center;

Three inch caliper/thirty feet on center;

Three and one-half to five inch caliper/forty feet on center.

Ground cover shall be of sufficient size and spacing to form a solid cover within two years from the time of planting.

3. Type III: Visual Buffer. Purpose. Type III landscaping is intended to provide visual separation of uses from streets and main arterials and between compatible uses so as to soften the appearance of streets, parking lot and building facades.

Description. Type III landscaping shall be evergreen and deciduous trees planted not more than thirty feet on center, interspersed with large shrubs and ground cover. Where used to separate parking from streets, plantings must create a visual barrier of at least forty-two inches in height at time of planting and form a solid screen two years after planting. The planting shall not violate the sight area safety requirements at street intersections or driveways.

Evergreen trees shall be an average height of six feet at planting. Deciduous trees shall be the following sizes based on their spacing:

One inch caliper/ten feet on center;

Two inch caliper/twenty feet on center;

Three inch caliper/thirty feet on center;

Three and one-half to five inch caliper/forty feet on center.

Ground cover shall be sufficient size and spacing to form a solid cover within two years from the time of planting.

4. Type IV: Low Cover. Purpose. Type IV landscaping is intended to provide visual relief where clear sight is desired.

Description. Type IV landscaping shall consist of a mixture of evergreen and deciduous shrubs and/or ground cover, to provide solid covering of the entire landscaping area within two years of planting.

5. Type V: Open Area Landscaping. Purpose. Type V landscaping is primarily intended to visually interrupt large open spaces of parking areas.

Description. Type V landscaping shall consist of trees planted with supporting shrubs, sod or ground cover. Each landscape area shall be sufficient size to promote and protect growth of plantings, one hundred square foot minimum.

Evergreen trees shall be an average height of six feet at planting. Deciduous trees shall be the following sizes based on their spacing:

One inch caliper/ten feet on center;

Two inch caliper/twenty feet on center;

Three inch caliper/thirty feet on center;

Three and one-half inch to five inch caliper/forty feet on center.

Ground cover shall be of sufficient size and spacing to form a solid cover within two years from the time of planting.

F. Landscape Area Requirements for BP Zone.

1. **Front Yard.** The front twenty feet shall be improved with permanent Type III landscaping. All ground cover to be sod in this yard.

2. **Side Yard.** At least ten feet of each side yard shall be improved with permanent Type III landscaping. Where property lines are located at the centerline of a driveway, the required landscaping shall be placed adjacent to the building face. In no case shall this area be less than the minimum required. Where property lines pass through a building, the minimum landscaped area shall be located elsewhere. All landscape areas are to be located on that lot.

3. **Building Wall Landscaping.** Except at service yards, storage yards and loading dock faces there shall be a ten foot landscape area adjacent to the building walls. This area may be counted as landscaping. In no case shall it be counted as the minimum area for displaced property line landscaping.

4. **Parking Lot Landscaping.** Provide a minimum of one, five foot by twenty foot landscape island within the parking area for each ten cars. Provide a five foot by twenty foot island at the end of each row of parking stalls. Provide Type V landscaping.

5. **Storage Yards.** Provide Type I landscaping on all sides except as noted.

6. **Service Yards and Loading Docks.** Where loading docks and service doors are visible to the street, provide a Type II landscape screen.

7. All portions of lots not developed with buildings or paving shall be landscaped with a minimum Type IV landscaping.

8. **Enclosure of Activities.** Predominant activities and operations shall be completely enclosed within buildings or structures, except for customary appurtenances, such as loading and unloading areas. The site plan review committee shall be authorized to determine the reasonable application of this provision in cases of operational hardship or other showing of uncommon circumstances when reviewing outdoor crane or lift operations.

9. Outside Storage or Operations Yard. Outside storage or operations yards shall be confined to the area to the rear of the principal building or the rear two-thirds of the property, and screened from view from any property line by appropriate masonry walls, wood fencing, earth mounds, and landscaping. Outside storage exceeding a height of fifteen feet shall be so placed on the property as to not detract from the reasonable accepted appearance of the district.

10. Loading Areas. Loading areas must be located in such a manner that no loading, unloading and/or maneuvering of trucks associated therewith takes place on public rights-of-way. A forty-five foot clear area is to be provided in front of all drive-in doors. A one hundred foot apron with a maneuvering hammer head is to be provided at all dock height doors. In no case when a vehicle is parked in the loading/unloading position adjacent to the building shall it block the movement of other vehicles.

11. Improvement and Maintenance of Yards and Open Space. All required yards, parking areas, storage areas, operations yards, and other open uses on the site shall be maintained in a neat orderly manner appropriate for the district at all times. The city shall be authorized to reasonably pursue the enforcement of these provisions where a use is in violation, and to notify the owner or operator of the use, in writing, of such noncompliance. The property owner or operator of the use shall be given a reasonable length of time to correct the condition.

G. Maintenance Requirements.

1. Whenever landscaping is or has been required in accordance with the provisions of this code or any addition or amendments hereto, or in accordance with the provisions of any previous code or ordinance of the city, said requirements shall be set forth in a recorded document sufficient to bind the land. The landscaping shall be permanently maintained in such a manner as to accomplish the purpose for which it was initially required.

2. The city is hereby authorized and empowered to notify the owner of any property required to be landscaped, or the agent of any such owner, that said landscaping is not being adequately maintained and the specific nature of such failure to maintain. The notice shall specify the date by which said maintenance must be accomplished, and shall be sent by registered mail, addressed to the owner at the owner's last known address.

3. Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to perform the required maintenance within the time specified in the written notice, or within fifteen days after the date of such notice, the city is hereby authorized and empowered to cause the required maintenance to be done and provide for payment of the cost thereof, with said cost, together with interest at the rate then in effect for interest on judgments in the state of Washington, to be charged against the property owner.

4. Recorded Statement Constitutes Lien. If the full amount due the city is not paid by such owner within thirty days after being informed of said charge then, in that case, the city may cause to be recorded in the Thurston County auditor's office a sworn statement

showing the cost and expense incurred for the work, the date the work was done and the legal description of the property on which said work was done. The recording of such sworn statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest, plus court costs and attorney fees if any, until final payment has been made. Said lien shall be foreclosed in the manner provided by RCW Chapter 60.04 for the foreclosure of liens for the improvement of real property.

5. **Alternative Methods of Collection of Damages.** In addition to or in lieu of foreclosure of the lien provided for in this subsection, the city may seek personal judgment against the property owner for charges, costs and attorney fees incurred and any civil penalties assessed pursuant to the Lacey Municipal Code.

Section 64: Section 16.43.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.43.050 Development standards. Site development plans shall conform with the following standards:

- A. **Relationship of PID Site to Adjacent Areas.** The design of a PID shall take into account the relationship of the site to the surrounding areas. The perimeter of the PID shall be so designed as to minimize undesirable impact of the PID on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PID.
- B. **Site Acreage.** The minimum site for a planned industrial development shall be ten acres.
- C. **Access to Public Right-of-Way.** Access serving the PID shall be subject to Chapter 16.73.
- D. **Lot Size.** The minimum lot size provisions of other chapters of the zoning title are waived in a planned industrial development.
- E. **Setback and Side Yard Requirements.** Setbacks from the exterior boundary line of the PID area shall be comparable to or compatible with those of existing development of adjacent properties or, if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given the existing zoning of such properties or the projections of the comprehensive plan. In no event shall such setback be less than fifteen feet.
- F. **Off-Street Parking.** Off-street parking shall be provided in a PID in the same ratios for types of buildings and uses as required for the underlying zoning district and as described in Chapter 16.72 of this title.
- G. **Height Limits.** Height limits will be imposed if necessary to prevent detrimental effects upon the surrounding properties.
- H. **Transportation Terminals.** Transportation terminals shall not be located within one thousand feet of any residential district, and any newly constructed roads or drives

accessing terminal areas shall not be located within five hundred feet of any residential district.

I. Landscaping.

1. Yard Setback Landscaping. All exterior minimum yard setback areas shall be landscaped with suitable ground cover and deciduous or evergreen trees, not to be less than:

- a. Front yard, fifteen feet,
- b. Side yard(s), five feet,
- c. Rear yard, five feet;

The sum total of the site shall have no less than twenty percent landscaping. Landscaping must be included within the interior of the lot. Suitable ground cover may be grass, ivy, bark, river rock, and the like. Natural vegetation or stands of trees existing prior to development of the site may be acceptable to meet all or part of the landscape requirements. All deciduous trees shall have a minimum of one-and-one-half inch caliper measured six inches above existing grade and all evergreen trees shall be six to eight feet tall at time of planting.

2. Adjacent Areas. Parcels or lots which share a common boundary with properties in a residential or open space/institutional district shall, in lieu of the exterior boundary setback required in Section 16.43.050(E), provide a twenty-five foot strip for landscaping along said common boundary.

The exterior edge(s) of the common boundaries shall be densely planted with site screening vegetation having a minimum height of four feet at the time of planting.

3. The perimeters of all parking areas shall be landscaped in such a way as to create a diversion between streets and parking areas, at the same time not obstructing the view of any walkways, driveways, or streets around entrances or exits to the site.

4. Refuse.

a. Refuse container screening shall be required and be of a material and design compatible with the overall architectural theme of the associated structure, shall be at least as high as the refuse container, and shall in no case be less than six feet high.

b. No refuse container shall be permitted between a street and the front of a building.

c. Refuse collection areas shall be designed to contain all refuse generated on site and deposited between collections. Deposited refuse shall not be visible from outside the refuse enclosure.

5. Plot Plan.

~~a. A plot plan of the proposed landscaping and screening shall be submitted before building permits are issued. The plan may be incorporated into plans submitted for site plan review or hearings examiner review.~~

b. Plan Requirements. The site plan shall be accurately drawn, using an appropriate engineering or architect scale, and showing the following:

- (1) Boundaries and dimensions of the site;
- (2) Location and identification of all streets, alleys and easements on or abutting the site;
- (3) Location and approximate dimension of all conforming structures within one hundred feet of the site on abutting properties;
- (4) Proposed location and dimensions of all on-site buildings;
- (5) Existing and proposed topography at a maximum of five-foot contours, or by an alternate method approved by the manager;
- (6) Proposed landscaping including location, species and size at time of planting;
- (7) Existing vegetation in general and identifying all evergreen and deciduous trees four inches and greater in diameter measured at twenty-four inches above grade level;
- (8) Details of any proposed architectural barriers;
- (9) Location of existing and proposed driveways and parking surfaces, curbs and sidewalks.

6. Installation and Security Requirements.

- a. Landscaping required pursuant to this chapter must be installed to the satisfaction of the enforcing officer, in accordance with the approved site plan, no later than three months after issuance of a certificate of occupancy for the project. The enforcing officer may extend the time limit for compliance up to six months after issuance of a certificate of occupancy when circumstances beyond the control of the applicant warrant an extension.
- b. The enforcing officer may require performance bonds or other appropriate security, including letters of credit and set aside letters, to insure landscaping will be installed and maintained for one year, according to the approved plan and specifications.

7. Maintenance and Enforcement. All landscaped areas required by this code shall be planted according to accepted practice in good soil with a water source within seventy-five feet (except for self-sustaining natural-type growth commonly occurring in the vicinity of the development) and maintained with respect to pruning, trimming, watering or other requirements to create an attractive appearance and a healthy growing condition. Dead, diseased, stolen or vandalized plantings shall be replaced within three months. Property owners shall keep the planting area reasonably free of weeds and trash. Lack of maintenance shall constitute a violation of this code. The enforcing officer shall have the authority to enforce the standards set forth in this chapter and the conditions attached to all permits for development pursuant to application of this chapter, in accordance with the provisions of Chapter 16.102 of this title.

Section 65: Section 16.43.120 of the Lacey Municipal Code is hereby repealed.

Section 66: Section 16.53.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.53.070 Provisions not to affect ~~Uniform Building or Fire Codes.~~ The regulating language contained in this chapter shall not be interpreted to supersede the rules and regulations pertaining to historical structures as outlined in either the ~~Uniform Building or Fire Codes.~~

Section 67: Section 16.60.130 of the Lacey Municipal Code is hereby amended to read as follows:

16.60.130 Secondary use limitations.

A. Commercial uses are subject to full administrative review procedures contained in Section 1C.040 of the City of Lacey Development Guidelines and Public Works Standards and shall be provided for in the original, finally approved version of the PRD application for the development within which the commercial use is to be integrated. "Original," as is used in this subsection, refers to the PRD application as it existed at the time of its final approval by the city council.

B. The gross floor area of the commercial use shall not exceed the product of thirty square feet multiplied by the number of dwelling units within the development.

The purpose of restricting commercial development is to prevent the PRD process from being used as a vehicle for rezoning to commercial use which may not be at all related to the commercial needs of the area. Once a relatively large number of dwelling units have been completed or occupied, the need for such commercial development may be justified.

~~C. Construction of at least fifty percent of the residences in the PRD must be completed before any building permits will be issued for the construction of commercial uses.~~

Section 68: Section 16.61.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.61.050 Review and approval procedure. Townhouse developments shall be approved pursuant to the regulations and procedures established in the platting and subdivision ordinance, as modified below, and the standards of this chapter.

A. Review. The site plan review committee shall review and approve the creation of nine or fewer townhouse lots. The site plan review committee approval does not involve a public hearing, but will be subject to notification of adjacent property owners. The decision of the site plan review committee is subject to the appeal process as identified in Chapter 16.84.

The hearings examiner will review the creation of ten or more lots as provided for through the subdivision process.

B. Platting. A subdivision plat or short plat shall be required for all townhouse developments so that individual dwelling units are divided into lots with common walls located on lot lines.

When a townhouse development is platted, construction of townhouse dwellings may commence prior to final plat or final short subdivision approval, provided:

1. The proposed subdivision has received preliminary approval or the short subdivision has received conditional approval, and the necessary legal instruments have been filed to assure construction of required public improvements;
2. Partial or complete construction of structures shall not relieve the subdivider from, nor impair city enforcement of conditions of subdivision approval;
- ~~3. Units may not be rented or sold, nor occupancy permits issued until final plat or final short plat approval.~~

C. Site Plans. An application for a townhouse development shall include the following:

A site plan drawing or drawings at a scale not smaller than one hundred feet to the inch, showing all the information required for a preliminary plat plus the following:

1. Site boundaries;
2. Streets bounding or abutting the site;
3. Proposed building including dimensions, setbacks, identification of types and the number of dwelling units in each residential type;
4. Location and dimensions of open spaces;
5. Location and dimensions of garbage disposal areas;
6. The location and design of off-street parking facilities, showing their size;
7. Circulation plan, vehicular and pedestrian, and points of ingress and egress from the site, and their relationship to ingress and egress of neighborhood properties;
8. Existing buildings and indication of future use or disposition;
9. Landscaping plan;
10. Typical front and side elevations and exterior architectural treatment of the proposed units;
11. The existing and proposed contours at two foot intervals and which locates existing streams, lakes, marshes and other natural features.

D. Townhouse developments are subject to design review requirements of Chapter 14.23.

Section 69: Section 16.68.027 of the Lacey Municipal Code is hereby amended to read as follows:

16.68.027 Submittal requirements.

A. Applications proposed under Chapter 16.66 of the Lacey Municipal Code. In addition to the information requested in the conditional use application the following items shall be required for a WCF application:

1. A diagram or map showing the viewshed of the proposed facility.
2. Photosimulations of the proposed facility from affected residential properties and public rights-of-way at varying distances.
3. A map showing the service area of the proposed WCF and an explanation of the need for that facility.
4. A map showing the locations and service areas of other WCF sites operated by the applicant and those that are proposed by the applicant which are close enough to impact service within the city.
5. A site/landscaping plan showing the specific placement of the WCF on the site; showing the location of existing structures, trees, and other significant site features; and indicating type and locations of plant materials used to screen WCF components and the proposed color(s) for the WCF.
6. A signed statement indicating:
 - a. The applicant agrees to allow for the potential co-location of additional WCF requirement by other providers on the applicant's structure or within the same site location; and
 - b. That the applicant agrees to remove the facility within eighteen months after that site's use is discontinued.
7. A lease agreement with the landholder or letter of authorization from the owner allowing the provider to act as an agent for the landowner in a land use application.
- ~~8. Prior to issuance of the building permit, the applicant shall provide a lease agreement that:
 - a. Allows the landholder to enter into leases with other providers; and,
 - b. Specifies that if the provider fails to remove the facility upon eighteen months of its discontinued use, the responsibility for removal falls upon the landholder.~~
98. Evaluation of reasonable stealth technology that could be proposed to lessen the visual land use impacts from the facility.
109. Justification must be provided that the structure is necessary and essential, that other methods are not possible, such as use of existing structures (other towers, buildings, etc.) or use of other technological methods such as microcell technology where systems are built as part of cable systems and no towers are needed.

B. Applications submitted under Chapter 16.84 of the Lacey Municipal Code. In addition to information listed on the site plan review application, the following information may be required:

1. Those items listed under Section 16.68.027.A of the Lacey Municipal Code that the administrator deems necessary to properly evaluate the application.

Section 70: Section 16.70.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.70.040 Design and development standards for retail stands. A small retail stand shall generally comply with the following requirements:

- A. Retail stands will normally not be more than sixty square feet provided the site plan review committee may approve any size of retail stand it determines meets the spirit and intent of this chapter.
- B. A canopy or umbrella may be included with the stand. The canopy or umbrella shall be of vinyl, canvas, or similar durable material. All parts of such umbrella or canopy must have a minimum of seven feet of vertical clearance to the ground.
- C. Retail stand materials shall be low maintenance and cleanable, preferably painted and of non-corrosive metal.
- D. Temporary/seasonal retail stands may be of the size necessary to carry out their temporary operations as approved by the site plan review committee.
- E. Each retail stand shall be a self-contained unit; provided, however that self-contained electrical power generators are not permitted unless the site plan review committee determines noise impacts can be mitigated. Utility service connections may be permitted at permanent street merchant pads at the discretion of the City. Electrical service connections may be permitted by a property owner leasing space to a street merchant or by the adjacent property owner and when the following requirements are met:
 - 1. Electrical lines are not allowed overhead or lying on the sidewalk.
 - 2. The outlet location must be placed outside the walkways which are accessible to public and private use.
 - 3. Length of electrical hookup must be within fifteen feet of the stand.
 - 4. No extension cords will be allowed.
 - 5. Hookup must be permanently wired to the retail stand and meet National Electrical Code requirements as to type, size and grounding, terminating in an approved outside weatherproof type receptacle.
 - 6. Each retail stand shall require an electrical permit unless previously approved, and will require inspection prior to operation of the stand.

- F. Advertising signs may only be placed on the cart. Provided street merchants selling food or non-alcoholic beverages within pedestrian plazas may have one sandwich board sign with a menu and prices which would be limited to two feet wide and four feet high. Such sandwich board sign must be located within the pedestrian plaza and oriented to pedestrians at the site.
- G. All required licenses and permits issued by the City of Lacey must be displayed in a prominent, visible manner.
- H. Retail stand operations must have a permit from the Thurston County Health Department when required and must comply with all applicable Health Department requirements.
- I. All persons conducting a retail stand business within the City must keep the site clean and orderly at all times and pick up any refuse or debris and clean up liquid spillage deposited by any person using the business location. Additionally, all such persons shall provide a refuse container for litter. This container shall be of a design approved by the City and must be emptied on a regular basis.
- J. Support equipment and accessories shall generally be self-contained within the retail stand. Support equipment and accessories must not be placed so as to impede pedestrian or vehicular traffic or distract from the pedestrian experience.
- K. Retail stands selling food within a pedestrian plaza may have accessory seating and tables. Retail stands selling art and crafts may have merchandise displays set up adjacent to the retail stand for pedestrian view only. Art and craft displays shall be approved by the site plan review committee only when the site plan review committee determines such accessories will enhance the pedestrian experience at the site and be compatible with the intent of the zone and neighborhood in which it is located.
- L. Noise-making devices designed to attract attention and loud shouting or yelling to attract attention are prohibited.
- M. All persons conducting a retail stand business shall obey any order of a police officer to temporarily move such retail stand to avoid congestion or obstruction of the surrounding area for pedestrian and/or vehicular traffic.
- N. All retail stands shall have fire extinguisher(s) available according to currently adopted ~~Uniform~~ Fire Code requirements.

Section 71: Section 16.75.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.75.040 Installation requirements.

- A. Structural requirements. The structure and erection of signs or flag poles within the city shall be governed by the Uniform City's adopted Building Code, 1994 Edition (or any superseding edition adopted by the city). Compliance with the ~~Uniform~~ Building Code shall be a prerequisite to issuance of a sign permit under this code.

- B. Electrical requirements. Electrical requirements for signs within the city shall be governed by the National Electrical Code. Compliance with the National Electrical Code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under this code.
- C. Illumination. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street. Illumination, if used, shall be what is known as white or yellow and shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign or upon the property within the premises and shall not spill over the property lines, in any direction, except by indirect reflection.
- D. Maintenance. All signs, including signs heretofore installed shall be constantly maintained in a state of security, safety, appearance and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving notice from the sign code administrator. The premises surrounding a free-standing sign shall be free and clear of rubbish and landscaping area maintained in a tidy manner.
- E. Landscaping for free-standing and monument signs. All free-standing and monument signs shall include as part of their design landscaping about their base so as to prevent vehicles from hitting the sign and to improve the overall appearance of the installation.
- F. Inspection. All sign users shall permit the periodic inspection of their signs by the city upon city request.
- G. Location. All monument and temporary freestanding signs (such as construction signs and property "for sale" signs) must be set back a minimum of five feet from any property lines, or outside the sight triangle established by the vision clearance ordinance, whichever is greater.

Section 72: Section 16.80.090 of the Lacey Municipal Code is hereby amended to read as follows:

16.80.090 Performance assurance.

~~A. Prior to issuance of a building permit a performance assurance device such as assignment of savings, letter of credit or performance bond shall be required to assure completion of required landscaping. Landscaping is expected to be completed prior to occupancy. In no case may the property owner/developer delay performance for more than one year after occupancy.~~

BA. The city may accept, as an alternative to a performance assurance device, a contractual agreement or bond between the owner/developer and a licensed landscape architect, Washington-certified nurseryperson, or Washington-certified landscaper, along

with a rider or endorsement specifically identifying the city as a party to the agreement for purposes of enforcement. Nothing in this alternative shall be interpreted to in any way modify the conditions of subsection 16.80.090(A).

€B. If a performance assurance device or evidence of a similar device is required under subsections 16.80.090(A,B), the enforcing officer shall determine the specific type of assurance device required in order to insure completion of the required landscaping in accordance with the approved landscaping plan. The value of this device must equal one hundred fifty percent of the estimated cost of the landscaping to be performed, and shall be utilized by the city to perform any necessary work, and to reimburse the city for documented administrative costs associated with action on the device. If costs incurred by the city exceed the amount provided by the assurance device, the property owner shall reimburse the city in full, or the city may file a lien against the subject property for the amount of any deficit.

ƉC. If a performance assurance device or evidence of a similar device is required under subsections 16.80.090(A,B), the property owner shall provide the city with an irrevocable notarized agreement granting the city and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.

€D. Upon completion of the required landscaping by the property owner, at or prior to expiration of the assurance device, the city shall promptly release the performance assurance device or evidence thereof.

Section 73: Section 16.81.020 of the Lacey Municipal Code is hereby repealed.

Section 74: Section 16.84.010 of the Lacey Municipal Code is hereby amended to read as follows:

16.84.010 Site plan review required, application and committee membership.

A. Site plan review and approval shall be required for any of the following activities.

1. The use of land for the location of any commercial, industrial or public building or activity, and for the location of any building containing more than two dwelling units or lot with more than one residential structure other than a permitted accessory dwelling.

2. A change of land use at an existing site or structure when the new activity requires either a change of occupancy according to the ~~Uniform~~ Building Code or is a change of land use according to the Standard Industrial Classification code and, in the opinion of the community development director, results in an intensification of land use and will require new development conditions to comply with existing regulations. This provision may not apply to malls (buildings with ten or more tenants sharing common parking) where original conditions to establish the mall complex anticipated a range of tenants and existing facilities and where it can be shown existing infrastructure can accommodate the new intensified use.

3. Expansion of an existing commercial, industrial, public or multifamily structure or use. Provided residential duplexes are exempt.

4. A remodel of an existing structure where the remodel is fifty percent or more of the assessed valuation of existing structures. The remodel value shall be calculated according to methodology described in ~~Section~~ Chapter 14.04.015 of the Lacey Municipal Code adopting the Building Code. The value of existing structures shall be the most recent value assigned by the County Assessor. The fifty percent threshold shall be cumulative over the most recent five years, including calculations of all previously exempt remodels, but shall not include life/safety improvements or normal maintenance not requiring a building permit. Remodels of residential duplex, triplex, and quadraplex shall be exempt from site plan review.

5. Uses and activities within designated environmentally sensitive areas or their buffers pursuant to the requirements of Chapter 14 of the Lacey Municipal Code.

B. An application, in completed form, shall be filed for site plan review and approval with the department of public works. An application shall not be in completed form under this section if it fails to contain any of the information and material required under Section 16.84.060 of the Lacey Municipal Code.

C. The site plan review committee shall consist of the following members: Lacey staff planner, who shall serve as chairman; city manager; and the city director of public works, or their designees in their temporary absence.

Section 75: The summary attached hereto is approved for publication.


PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, this 14TH day of August, 2003.

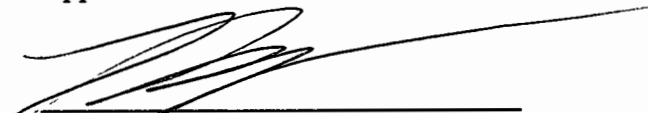
CITY COUNCIL

By 
Mayor

Attest:


City Clerk

Approved as to form:


City Attorney

City Attorney

Published: Summary - August 18, 2003
Monday

SUMMARY FOR PUBLICATION

ORDINANCE 1208

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on August 14, 2003, Ordinance No. 1208, entitled "AN ORDINANCE ADOPTING THE INTERNATIONAL BUILDING CODE AND IN FURTHERANCE THEREOF, REPEALING CHAPTERS 12.11, 14.03, 14.10, AND 14.17 AND SECTIONS 14.04.025, 14.05.025, 14.07.017, 14.07.018, 14.07.021, 14.07.030, 14.07.040, 14.07.045, 14.07.050, 14.07.060, 14.07.070, 14.07.080, 14.07.085, 16.43.120, AND 16.81.020 OF THE LACEY MUNICIPAL CODE, AMENDING THE TITLES TO CHAPTERS 14.04, 14.05, 14.07, 14.15, 14.16, AND 14.18 OF THE LACEY MUNICIPAL CODE, AMENDING SECTIONS 2.30.010, 2.30.090, 12.04.050, 12.24.030, 12.28.010, 13.08.070, 13.32.010, 14.04.010, 14.04.015, 14.04.020, 14.05.010, 14.05.015, 14.05.020, 14.06.010, 14.07.010, 14.07.015, 14.07.020, 14.13.010, 14.13.020, 14.13.030, 14.15.010, 14.15.020, 14.16.020, 14.18.010, 14.18.020, 14.18.030, 14.20.020, 14.23.086, 14.24.160, 14.32.069, 14.36.215, 14.37.030, 14.37.180, 16.03.050, 16.06.315, 16.25.090, 16.41.070, 16.43.050, 16.53.070, 16.60.130, 16.61.050, 16.68.027, 16.70.040, 16.75.040, 16.80.090, AND 16.84.010 OF THE LACEY MUNICIPAL CODE, ADDING NEW CHAPTER 14.03 AND NEW SECTIONS 14.04.016 AND 14.14.050 TO THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. Pursuant to adoption by the State of Washington of the International Building Code as the official Building Code of the State of Washington, the City of Lacey by enacting the above entitled ordinance has also adopted the International Building Code as the official Building Code of the City of Lacey;
2. Several Sections of the Lacey Municipal Code, as listed above, have been amended to correspond to the newly adopted International Building Code;
3. New Chapter 14.03 and new Sections 14.04.016 and 14.14.050 have been added to the Lacey Municipal Code in furtherance of the adoption of the International Building Code; and
4. Chapters 12.11, 14.03, 14.10, and 14.17 and Sections 14.04.025, 14.05.025, 14.07.017, 14.07.018, 14.07.021, 14.07.030, 14.07.040, 14.07.045, 14.07.050, 14.07.060, 14.07.070, 14.07.080, 14.07.085, 16.43.120, AND 16.81.020 of the Lacey Municipal Code have been repealed in furtherance of the adoption of the International Building Code.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: August 18, _____, 2003.

Charlotte M. Taylor
Lacey City Clerk