

ORDINANCE NO. 1293

CITY OF LACEY

AN ORDINANCE RELATING TO BUILDING AND CONSTRUCTION CODES OF THE CITY, AMENDING SECTIONS 14.03.010, 14.04.010, 14.04.015, 14.05.010, 14.05.015, 14.06.010, 14.07.010, 14.07.015 AND 14.15.010, ADDING A NEW CHAPTER, 14.17 ALL OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 14.03.010 of the Lacey Municipal Code is hereby amended to read as follows:

**14.03.010 Adopted.** There is adopted and by this reference made a part of Chapter 14.03 as though fully set forth herein, at length, that certain code known as the International Code Council Performance Code for Buildings and Facilities, 20036 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.

Section 2. 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 Building Code, 20036 Edition, as amended by the Washington Administrative Code 51-50, including the Appendix Chapters E ~~as further amended by the Washington Administrative Code 51-50, G, I, and J therein, and Appendix M as adopted and amended by Washington Administrative Code 50-50,~~ and Appendix M as adopted and amended by Washington Administrative Code 50-50, and the International Residential Code, 2003 Edition, as amended by the Washington Administrative Code 51-51, including ~~Appendixes G, H, J, and K,~~ as the Building Code and Standards of the city; provided that those sections of the International 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 3. 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 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 101.4.1 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.

**Enforcement.**

Recognizing the authority and responsibility vested in the building official under the codes adopted by this title, the building official is authorized to promulgate such rules, policies and/or procedures as deemed necessary to carry out the intent of this title and provide for the efficient operation of the permit process as it may be administered by the building official and

staff. The building official is also authorized to enforce the provisions of this title. As part of such enforcement activities, the building official may, from time to time, record with the county auditor's office notices of building permit for land use violations or notices and orders as specified within the city's dangerous buildings code where said site has not been brought into compliance despite reasonable efforts included by the city.

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:

Swings and other playground equipment.

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. Plans that are not designed to prescriptive structural methods shall require a design, prepared and stamped by an engineer 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, is amended to read as follows:

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.

Add 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.

**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.

Section 419. In all rental unit complexes 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 2 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 1007.6.3 amended as follows:

Two-way communication.

A telephone with controlled access to the fire alarm control system for two-way communications shall be provided between each area of refuge 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 refuge.

Section 4. 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 Mechanical Code, 2003~~6~~ Edition, published by the International Code Council, as amended by the Washington Administrative Code 51-52 and the International Fuel Gas

Code, 2003~~6~~ Edition, as the mechanical code of the city; provided that those sections of the International Mechanical Code set forth in Section 14.05.015 are amended or deleted as set forth in said section.

Section 5. Section 14.05.015 of the Lacey Municipal Code is hereby amended to read as follows:

**14.05.015 Amendment**

Sections 1003, 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 6. Section 14.06.010 of the Lacey Municipal Code is hereby amended to read as follows:

**14.06.010 Adopted.** The Uniform Plumbing Code, 2003~~6~~ Edition, published by the International Association of Plumbing and Mechanical Officials, as amended by the Washington Administrative Code 51-56 and 51-57, ~~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. All requirements of the Uniform Plumbing Code relating to building sewers are adopted.

Section 7. 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 International Fire Code, 2003~~6~~ Edition, as amended by the Washington Administrative Code 51-54: PROVIDED, that, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying



hand-held candles. Section 503 Fire Apparatus Access Roads, as amended herein, is also adopted. Finally, such adoption shall include Appendices B,C,D,E,F,G.

Section 8. Section 14.07.015 of the Lacey Municipal Code is hereby amended to read as follows:

**14.07.015 Amendments--Additions.**

Section 101.1 Title.

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 the Revised Code of Washington 19.28 and the Washington Administrative Code 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 105.7.34 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 charged 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 allows 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 Specifications.

Fire apparatus access roads shall be installed and arranged in accordance with sections 503.2.1 through 503.2.7. See 503.2.1, Exception, for fire apparatus access roads which are public rights of way.

**Section 503.2.1. Dimensions.**

Fire apparatus access roads shall have an unobstructed width of not less than twenty feet (6,096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than thirteen feet six inches (4,115 mm).

**EXCEPTIONS:**

1. All fire apparatus access roadways which are also public rights of way shall comply with the City of Lacey Public Street Standards as set forth in the Development Guidelines and Public Works Standards and shall be considered as approved fire apparatus access roads. Such roads shall be constructed with a minimum of sixteen feet of unobstructed travel lanes.
2. Any development complying with the Lacey Municipal Code Chapter 14.31, Zero Effect Drainage Discharge, in order to meet the intent of Subsection 14.31.030.C, shall have roads complying with this section or the development or structures constructed within that development shall be provided with fire protection systems as approved by the fire code official to mitigate any public safety risk created by the installation of streets not meeting the requirements of this section.

**Section 503.2.4 Turning Radius.**

The required turning radius of a fire apparatus access road shall be as shown in the Figures in Appendix D, or as determined by the fire code official due to local conditions.

Section 503.2.8 Distance from Structures. [Add new section]

Fire apparatus access roadways except public rights of way shall be a minimum of ten 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:

The main entry gate of ~~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. Other gates, as approved by the fire code official, may be provided with locks or other approved devices.

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 seven thousand five hundred (7,500) 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 903.3.7 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 Sprinkler system monitoring and alarms.**

All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures, and water-flow switches on all sprinkler systems shall be electrically supervised.

**EXCEPTIONS:**

1. Automatic sprinkler systems protecting one and two-family dwellings.
2. Limited area systems serving fewer than twenty sprinklers.
3. Automatic sprinkler systems installed in accordance with NFPA13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.

4. Jockey pump control valves that are sealed or locked in the open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
7. Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.

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 by sprinkler water flow devices connected to and monitored by the fire alarm system.

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 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 903.4.3 Floor Control Valves.**

Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor level.

**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 CO<sub>2</sub> 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 monitored by central station, with central station 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. For the purposes of this requirement, fire walls shall not define separate buildings.

**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 907.3 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 monitored by central station, with central station 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 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 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~~ refuge. [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~~ of refuge 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 refuge ~~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 above-ground 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-R-2~~ LC-R-2 Licensed care Occupancies. [New section]

In Group ~~LC-R-2~~ 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 M<sup>2</sup>) 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 M<sup>2</sup>) 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* of the International Fire Code.

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 (5,678 l/min) for the prescribed duration as specified in *Table B105.1* of the International Fire Code.

~~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* of the International Fire Code shall be further modified by *Table B105.2*. The resulting fire flow shall not be less than 1,500 gallon per minute (5,678 l/min) for the prescribed duration as specified in *Table B105.1* of the International Fire Code.~~

TABLE B105.2

OCCUPANCY FIRE FLOW MODIFIERS

Percentage of Occupancy Groups

Base Fire-Flow

Credits:

-25%	<del>I-1, I-2, I-3, R-1<sup>(H)</sup>, R-2<sup>(H)</sup>, R-3<sup>(H)</sup> (&gt;3,600 Sq. Ft.)</del>
-20%	<del>A-1, A-3, A-4, A-5, I-4</del>
-15%	<del>A-2, E</del>
-10%	<del>B, F-2</del>
0%	<del>H-4, M</del>

Surcharges:

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

~~(1) The 25% reduction for Use Group R Occupancies is the same reduction per footnote "a." of *Table B105.1* of the International Fire Code. 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 lane 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 D107.1 is amended as follows:

D107.1 One or two-family dwelling residential developments.

Developments of one or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

**EXCEPTIONS:**

~~1. Where the number of dwelling units exceeds 30 on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.~~

12. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

Section 9. 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 International Existing Building Code, 2003~~6~~ Edition, as amended by Washington Administrative Code 50-50, published by the International Code Council.

Section 10. There is hereby added to the Lacey Municipal Code a new chapter, 14.17 to read as follows:

**Chapter 14.17 Violations and Enforcement.**

**Sections:**

14.17.010 Violations.

14.17.020 Enforcement.

14.17.030 Investigation and notice of violation.

14.17.040 Time to comply.

14.17.050 Stop work order.

14.17.060 Emergency order.

14.17.070 No administrative appeal of notices of violation.

14.17.080 Penalties.

14.17.090 Additional relief.

**14.17.010 Violations.**

A. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by any code adopted in this title, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

B. Additional Violations. In addition to the above, it is a violation of this title to:

1. Remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter;
2. Misrepresent any material fact in any application, plans or other information submitted to obtain any building or construction authorization;
3. Fail to comply with any of the requirements of this title, including any requirement of the city's codes and state codes adopted by reference herein.

**14.17.020 Enforcement.**

A. The building official/fire marshal shall have the ability to enforce this chapter. The building official/fire marshal may call upon the police, fire, planning and community development or other appropriate city departments to assist in enforcement. As used in this chapter, "building official/ fire marshal" shall mean the building official or the fire marshal or the duly authorized representative of the building official, fire marshal or the combined building official/fire marshal.

B. Upon presentation of proper credentials, the building official/fire marshal may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued



inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant, in order to perform the duties imposed by this title.

C. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

D. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this title.

E. No provision of or any term used in this chapter is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

**14.17.030 Investigation and notice of violation.**

A. Investigation. The building official/fire marshal shall investigate any structure or use which the building official/fire marshal reasonably believes does not comply with the standards and requirements of this title.

B. Notice of Violation. If, after investigation, the building official/fire marshal determines that the standards or requirements of this title have been violated, the building official/fire marshal shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall contain the following information:

1. A separate statement of each standard, code provision or requirement violated;
2. What corrective action, if any, is necessary to comply with the standards, code provision or requirements;
3. A reasonable time for compliance;
4. A statement that if the violation is not already subject to criminal prosecution, any subsequent violations may result in criminal prosecution.

C. Service. The notice shall be served on the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the building official/fire marshal makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:

1. Publishing the notice once each week for two consecutive weeks in the city's official newspaper; and
2. Mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address as shown on the official Thurston County assessor's parcel data, or if unknown, to the address of the property involved in the proceedings.

D. Posting. A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

E. Other Actions May Be Taken. Nothing in this section shall be deemed to limit or preclude any action or proceeding pursuant to the Lacey Municipal Code.

F. Optional Notice to Others. The building official/fire marshal may mail, or cause to be delivered, to all residential and/or nonresidential rental units in the structure or post at a conspicuous place on the property, a notice which informs each recipient or resident about the notice of violation, stop work order or emergency order and the applicable requirements and procedures.

G. Amendment. A notice or order may be amended at any time in order to:

1. Correct clerical errors; or
2. Cite additional authority for a stated violation.

H. Withdrawal. The city may choose to withdraw a notice of violation at any time, without prejudice to the city's ability to reissue it, if a certificate of compliance has not been obtained for the specific violations.

**14.17.040 Time to comply.**

A. Determination of Time. When calculating a reasonable time for compliance, the building official shall consider the following criteria:

1. The type and degree of violation cited in the notice;
2. The stated intent, if any, of a responsible party to take steps to comply;
3. The procedural requirements for obtaining a permit to carry out corrective action;
4. The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and
5. Any other circumstances beyond the control of the responsible party.

B. A copy of the notice shall be filed with the Thurston County auditor. The building official/fire marshal may choose not to file a copy of the notice or order if the notice or order is directed only to a responsible person other than the owner of the property.

**14.17.050 Stop work order.**

Whenever a continuing violation of this code will materially impair the building official/fire marshal's ability to secure compliance with this code, or when the continuing violation threatens the health or safety of the public, the building official/fire marshal may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. A failure to comply with a stop work order shall constitute a violation of this chapter.

**14.17.060 Emergency order.**

Whenever any use or activity in violation of this title threatens the health and safety of the occupants of the premises or any member of the public, the building official/fire marshal may

issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected.

The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an emergency order shall constitute a violation of this chapter. Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance and the building official/fire marshal is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible or both in the manner provided by law.

**14.17.070 No administrative appeal of notices of violation.**

There is no administrative appeal of a notice of violation issued pursuant to this chapter.

**14.17.080 Penalties.**

A. Criminal Penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person, firm or corporation who violates any provision of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of up to \$5,000 and/or imprisonment for a period of up to one year, or both such fine and imprisonment (as provided in RCW 35A.11.020).

B. Criminal Penalties for Violations of the IMC, IFGC, UPC and IFC. Any person, firm or corporation who violates any provision of the International Mechanical Code, International Fuel Gas Code, the Uniform Plumbing Code and the International Fire Code, as adopted in this title, is subject to the criminal penalties as set forth in subsection A of this section.

**14.17.090 Additional relief.**


The building official/fire marshal may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this title. The

filing or pendency of any criminal action or such violations shall not be a bar to such legal or equitable relief.

Section 11. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this 25th day of OCTOBER, 2007.

CITY COUNCIL

By:   
Mayor

Approved as to form:

  
City Attorney

Attest:

  
City Clerk