

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 23-0577**

AN ORDINANCE OF THE CITY OF KENMORE, WASHINGTON, ADDING A NEW CHAPTER 15.40 TO THE KENMORE MUNICIPAL CODE ENTITLED, THE KENMORE PROPERTY MAINTENANCE CODE; REPEALING CHAPTER 8.35, PUBLIC NUISANCES, OF THE KENMORE MUNICIPAL CODE; REPEALING SECTIONS 15.20.135, 15.20.140, 15.20.145, 15.20.150 AND 15.20.155 OF THE KENMORE MUNICIPAL CODE RELATING TO THE 1997 UNIFORM HOUSING CODE; REPEALING SECTIONS 15.20.200, 15.20.205, 15.20.210, 15.20.215 AND 15.20.220 OF THE KENMORE MUNICIPAL CODE RELATING TO THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS WHICH ARE SUPERCEDED BY THE NEW CHAPTER 15.40; AMENDING SECTIONS 15.05.015, 15.30.025 AND 15.30.605 OF THE KENMORE MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City is required to enforce the 2018 International Building Codes as adopted by the State Building Code Council becoming effective on February 1, 2021.

WHEREAS, the regulations related to the maintenance of buildings are currently found in the 1997 Uniform Housing Code and the 1997 Uniform Code for the Abatement of Dangerous Buildings as adopted in Chapter 15.20 of the Kenmore Municipal Code; and

WHEREAS, these older codes are no longer published and have been superseded by the International Property Maintenance Code which is harmonized with the City's International Construction Codes; and

WHEREAS, the City has amended the 2021 International Property Maintenance to better reflect the needs of the City and named it the Kenmore Property Maintenance Code; and

WHEREAS, the City Council has elected to replace the discontinued 1997 Uniform Housing Code and the 1997 Uniform Code for the Abatement of Dangerous Buildings with the Kenmore Property Maintenance Code which is based on the 2021 International Property Maintenance Code; and

WHEREAS, to avoid conflict and redundancy the City has incorporated the provisions of Chapter 8.35 of the Kenmore Municipal Code into the new Kenmore Property Maintenance Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Adoption. The City Council adopts a new Chapter 15.40 of the Kenmore Municipal Code, entitled the Kenmore Property Maintenance Code, to read as set forth on **Exhibit A** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 2. Repealed Chapter. Chapter 8.35 of the Kenmore Municipal Code, entitled Public Nuisances, is hereby repealed and replaced by a new Chapter 15.40 as set forth on **Exhibit A** to this Ordinance.

Section 3. Repealed Sections. Sections 15.20.135, 15.20.140, 15.20.145, 15.20.150 and 15.20.155 of the Kenmore Municipal Code relating to the adoption and amendment of the 1997 Uniform Housing Code are hereby repealed and replaced by a new Chapter 15.40 as set forth on **Exhibit A** to this Ordinance.

Section 4. Repealed Sections. Sections 15.20.200, 15.20.205, 15.20.210, 15.20.215 and 15.20.220 of the Kenmore Municipal Code relating to the adoption and amendment of the 1997 Uniform Code for the Abatement of Dangerous Buildings are hereby repealed and replaced by a new Chapter 15.40 as set forth on **Exhibit A** to this Ordinance.


Section 5. Amendment Sections. Sections 15.05.015, 15.30.025 and 15.30.605 of the Kenmore Municipal Code are hereby amended and replaced to read as set forth on **Exhibit A** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, phrase or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words be declared unconstitutional.

Section 7. Effective Date. This Ordinance shall take effect and be in force five (5) days after the date of publication of this Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON AT A REGULAR MEETING THEREOF THIS 16TH DAY OF OCTOBER, 2023.

CITY OF KENMORE


Nigel Herbig (Oct 20, 2023 08:47 PDT)

Nigel Herbig, Mayor

ATTEST/AUTHENTICATED:


Anastasiya Warhol (Oct 20, 2023 21:12 PDT)

Anastasiya Warhol, City Clerk

APPROVED AS TO FORM:



Dawn Reitan, City Attorney

Dawn Reitan, City Attorney

FILED WITH THE CITY CLERK: 10/06/2023

PASSED BY THE CITY COUNCIL: 10/16/2023

PUBLISHED: 10/20/2023

EFFECTIVE DATE: 10/25/2023

ORDINANCE NO. 23-0577

Chapter 8.35
PUBLIC NUISANCES

8.35.010 Unlawful public nuisances declared.

It shall be a public nuisance for any person owning, occupying, leasing or having charge or possession of any property in the City to maintain or allow to be maintained on such property where visible from a public street, right of way, Lake Washington, Sammamish River, or public/private ingress/egress easement any of the following conditions:

A. Public Nuisances.

1. The accumulation of weeds contained in the then current King County Noxious Weeds List or contained within then current Chapter [16.750 WAC](#), Noxious Weed List Classes A, B, C.
2. Neglected or improperly maintained landscaping, including but not limited to dead, debris laden, weed infested or overgrown vegetation, such as trees, shrubs, hedges, grass and ground covers, or vegetation dying as a result of physical damage, disease, insect infestation or lack of water. For purposes of this subsection, a lawn area shall be deemed overgrown if 50 percent or more of its area exceeds 12 inches in height.
3. Any vegetation that is growing rampant and unmaintained so as to provide unsightly, unsanitary and/or unsafe conditions, is destructive to other vegetation, that blocks public rights of way as described in KMC [12.70.040](#), that blocks the sight lines within the public rights of way, or that impacts or threatens to impact public utilities.
4. Except when placed there for removal for a period of less than 14 days, the exterior accumulation of broken, abandoned or discarded furniture or other household equipment or fixtures, packing boxes, lumber, junk, trash, rubbish or other materials or debris. Prohibited actions include the dumping, spillage or storage of solids or liquids, which may negatively impact the visual or olfactory nature of the area.
5. Storage or maintenance in a residential zone of any metal storage bin or container with a horizontal surface area of 120 square feet or greater (10 by 12).
6. Open storage of rubbish or junk including, but not limited to, refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth, not including compost bins.
7. Combustible material likely to become easily ignited or debris resulting from any fire and which constitutes a fire hazard, as defined in the fire code as adopted by the City pursuant to KMC [15.10.010](#).
8. Abandoned vehicles, wrecked, dismantled or inoperative vehicles or remnant parts thereof.
9. The exterior storage or maintenance of parts or machinery of any type or description unless specifically authorized by a City license or permit; building materials or merchandise unless specifically authorized by use permit; or construction equipment except while excavation, construction, or demolition operations covered by an active building permit or other City permit are in progress on the subject or adjoining property.

EXHIBIT A

10. The exterior storage of used tires in a manner that allows accumulation of water that may create a health hazard.

B. Unsafe Structures or Buildings.

1. Buildings, fences or other structures which are cracked, broken, leaning, fallen, decayed, deteriorated or defaced or in any condition that poses a life/safety hazard or attractive nuisance to children.

2. Any condition constituting a “substandard building” as defined in the adopted codes referenced in Chapter 15.20 KMC.

C. Vehicles, Boats, Trailers or Other Mobile Equipment Storage Which Presents Potential Public Health, Safety or Fire Hazards.

1. The parking or storage of any vehicle, boat, trailer, camper, motor home, or other mobile equipment, whether or not motorized, or portions or parts and components thereof, on property used or zoned for residential purposes, if:

a. Located on any front lawn or front yard; or

b. Located in any side or rear yard so as to prevent a three foot wide continuous fire access way from the front of the property.

D. Right of Way or Public Property Encroachment. Obstruction or encroachment upon any public property, including but not limited to any public street, sidewalk, highway, right of way, park or building, without prior City consent. Such obstructions or encroachments include but are not limited to overgrown trees and shrubs, building materials, merchandise or other personal property and buildings or portions of buildings or structures, fences or retaining walls protruding onto public property.

E. Other Nuisances.

1. Land, as a result of grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious to the public health, safety, and welfare or to public properties or rights of way.

2. Maintenance of any substance which because of its quantity, concentration or physical, chemical or infectious characteristics may either cause, or substantially contribute to, an increase in mortality or serious illness or pose a significant present or potential hazard to human health or the environment if improperly managed.

3. The existence of any property condition which is unlawful or declared to be a public nuisance pursuant to any other provision of the Kenmore Municipal Code or the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC). This subsection shall be construed to place an affirmative duty on property owners and occupants to maintain their property in conformity with all applicable codes. Each day that any condition which constitutes a public nuisance continues shall be deemed to be a separate violation of this chapter.

8.35.020 Definitions.

EXHIBIT A

“Graffiti” means any unauthorized inscription, word, figure or design that is written, marked, etched, scratched or drawn or painted on any real or personal property regardless of its content or nature of the material used in the commission of the act.

“Junk” shall mean any cast off, damaged, discarded, obsolete, salvaged, scrapped, unusable, worn out or wrecked object, thing or material, including tires.

“Property” shall mean any real property or lot or parcel of land, including any alley, sidewalk or parkway abutting such lot or parcel of land.

“Substandard building” shall mean any building or portion thereof that is determined to be an unsafe building in accordance with the adopted codes referenced in Chapter 15.20 KMC, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard.

8.35.030 Enforcement and violations.

Violations of this chapter shall be processed pursuant to Chapter 1.20 KMC as now in effect, or as may be subsequently amended.

Chapter 15.05

GENERAL PROVISIONS

15.05.015 Copies of codes on file.

12. 1997 Uniform Housing Code, published by the International Conference of Building Officials;

13. 1997 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials;

Chapter 15.20 BUILDING CODES

15.20.135 1997 Uniform Housing Code adopted

The Uniform Housing Code issued by the International Conference of Building Officials, 1997 Edition, together with amendments and/or additions thereto, is adopted in its entirety by this reference as the housing code for the City except that references to the uniform codes shall be replaced with the appropriate technical codes and sections as adopted by the City.

15.20.140 UHC Section 203, Appeals—Amended.

Section 203 of the Uniform Housing Code is hereby amended to read:

SECTION 203—APPEALS

Appeals of orders, decisions or determinations made by the building official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better solution is proposed. The hearing examiner shall have not authority relative to interpretation of the administrative provisions of this code nor shall the hearing examiner be empowered to waive requirements of either this code or the technical codes which are the codes, appendices and referenced code standards adopted by the city.

15.20.145 UHC Section 1201.2, Processing of Appeals—Amended.

Section 1201.2 of the Uniform Housing Code is hereby amended to read:

1201.2 Processing of Appeal. Appeals of orders, decisions or determinations made by the building official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC.

15.20.150 UHC Section 1201.3 deleted.

Section 1201.3 of the Uniform Housing Code is deleted.

15.20.155 UHC Chapter 13 deleted.

Chapter 13, “Rules for Conduct of Hearing Appeals,” of the Uniform Housing Code is deleted.

15.20.200 Uniform Code for the Abatement of Dangerous Buildings adopted.

The Uniform Code for the Abatement of Dangerous Buildings, issued by the International Conference of Building Officials, 1997 Edition, together with amendments and/or additions thereto, is adopted in its entirety, by this reference as if fully set forth herein as the dangerous buildings code for the City, except that references to the uniform codes shall be replaced with the appropriate technical codes and sections as adopted by this City.

15.20.205 UCADB Section 205, Appeals, amended.

Section 205 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read:

SECTION 205—APPEALS

Appeals of orders, decisions or determinations made by the building official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better solution is proposed. The hearing examiner shall have not authority relative to interpretation of the administrative provisions of this code nor shall the hearing examiner be empowered to waive requirements of either this code or the technical codes which are the codes, appendices and referenced code standards adopted by the city.

15.20.210 UCADB Section 501.2, Processing of Appeals, amended.

Section 501.2 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read:

501.2 Processing of Appeal. Appeals of orders, decisions or determinations made by the building official shall be made to the hearing examiner in accordance with the requirements and process of Chapter 19.30 KMC.

15.20.215 UCADB Section 501.3 deleted.

Section 501.3 of the Uniform Code for the Abatement of Dangerous Buildings is deleted.

15.20.220 UCADB Chapter 6 deleted.

Chapter 6, “Procedures for Conduct of Hearing Appeals,” of the Uniform Code for the Abatement of Dangerous Buildings is deleted.

Chapter 15.30

CONSTRUCTION ADMINISTRATIVE CODE*

15.30.025 Definitions.

D. “Dangerous building code” means the 1997 Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Council of Building Officials as adopted by the City.

EXHIBIT A

ED. “Energy code” means the Washington State Energy Code promulgated by the Washington State Building Code Council as adopted by the City.

F. “Housing code” means the 1997 Uniform Housing Code promulgated by the International Council of Building Officials as adopted by the City.

GE. “IBC” means the latest edition of the International Building Code promulgated by the International Code Council as adopted by this City.

HE. “IEBC” means the latest edition of the International Existing Building Code promulgated by the International Code Council as adopted by this City.

IG. “IMC” means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by this City.

IH. “IRC” means the latest edition of the International Residential Code for One- and Two-Family Dwellings promulgated by the International Code Council as adopted by this City.

KI. “ISPSC” means the latest edition of the International Swimming Pool and Spa Code promulgated by the International Code Council as adopted by this City.

J. “KPMC” means Kenmore Property Maintenance Code.

LK. “Minor field change” means a change to an approved plan that does not change the building use, area, height, or location on a lot and does not affect the means of egress, accessibility, or structural design and does not add plumbing or mechanical fixtures or appliances.

ML. “NEC” means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association as adopted by this City.

NM. “Occupancy” means the purpose for which a building, or part thereof, is used or intended to be used.

ON. “Shall,” as used in this chapter, is mandatory.

PO. “Temporary growing structure” means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

QP. “Temporary worker housing” means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes “labor camps” under RCW 70.54.110.

EXHIBIT A

RQ. “UPC” means the latest edition of the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by this City.

SR. “Valuation” or “value,” as applied to a building or building service equipment, means and shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs. It shall also include the contractor’s overhead and profit.

Article XVI. Unsafe Structures and Equipment

15.30.605 General.

Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings or the 1997 Edition of the Uniform Housing Code Kenmore Property Maintenance Code (KMC 15.40). A vacant structure that is not secured against entry shall be deemed unsafe.

Chapter 15.40

KENMORE PROPERTY MAINTENANCE CODE

ARTICLE I--SCOPE AND ADMINISTRATION

15.40.101 Scope and General Requirements.

A. Title. These regulations shall be known as the Kenmore Property Maintenance Code, hereinafter referred to as "this code" or “KPMC.”

B. Scope. The provisions of this code shall apply to all existing residential and nonresidential *structures* and all existing *premises* and constitute minimum requirements and standards for *premises*, *structures*, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitation and maintenance; the responsibility of *owners*, an *owner’s* authorized agent, *operators* and *occupants*; the *occupancy* of existing *structures* and *premises*, and for administration, enforcement and penalties.

C. Purpose. The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, *property* protection and general welfare insofar as they are affected by the continued *occupancy* and/or maintenance of *structures* and *premises*. Existing *structures* and *premises* that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.

D. Diversity, Equity, Inclusion, and Accessibility (DEIA). Implementation of the KPMC reflects DEIA values by approaching enforcement holistically through a lens of compassion and equity. With the intent of helping all people love where they live, the KPMC promotes voluntary compliance and community-based services to assist vulnerable populations.

E. Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

15.40.102 Applicability.

A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

B. Maintenance. Equipment, systems, devices, safeguards and maintenance required by this code or a previous regulation or code under which the building, *structure* or *premises* was constructed, altered or repaired shall be maintained in good condition and working order. No *owner*, *owner's* authorized agent, *operator* or *occupant* shall cause any service, facility, equipment or utility that is required under this chapter to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing *structures*. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, *structures* and *premises*.

C. Application of Other Codes. Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of this code.

D. Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the *jurisdiction* or its officers or agencies relating to the removal or demolition of any *structure* that is dangerous, unsafe and insanitary.

E. Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's installation instructions.

F. Structural analysis. Where structural analysis is used to determine if an unsafe structural condition exists, the analysis shall be permitted to use nominal strengths, nominal loads, load effects, required strengths and limit states in accordance with the requirements under which the *structure* was constructed or in accordance with any subsequent requirement.

G. Historic Buildings. The provisions of this code shall not be mandatory for existing buildings or *structures* designated as *historic buildings*, as defined in the International Existing Building Code, where such buildings or *structures* are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

H. Referenced Codes and Standards. The codes and standards referenced in this code and amended by the State and the City are considered part of the requirements of this code to the

EXHIBIT A

prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

1. Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

2. Provisions in Referenced Codes and Standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

I. Requirements Not Covered by Code. Requirements necessary for the strength, stability or proper operation of an existing fixture, *structure* or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

J. Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

K. Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

15.40.103 Code compliance agency

A. Appointment. The *code official* shall be appointed by the *City Manager*.

B. Deputies. In accordance with the prescribed procedures of this *jurisdiction* and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s), other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.

15.40.104 Fees

A. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the applicable governing authority.

B. Refunds. The *code official* is authorized to establish a refund policy.

15.40.105 Duties and powers of the code official.

A. General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code 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.

B. Inspections. The *code official* is authorized to make all of the required inspections or accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

EXHIBIT A

C. Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the *structure* or *premises* at reasonable times to inspect or perform the duties imposed by this code; provided, that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner*, *owner's* authorized agent, or other *person* having charge or control of the *structure* or *premises* and request entry. If entry is refused, entry shall be pursuant to a warrant or other remedy provided by law unless a public safety emergency justifies entry without a warrant or other lawful remedy.

D. Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

E. Notices and Orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

F. Department Records. The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

G. Liability. The *code official*, no provision or 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.

1. The procedures set forth in Chapter 2.50 *KMC*, "Indemnification of Employees and Appointed and Elected City Officials" shall apply to the defense of claims of liability arising from acts or omissions of officials or employees charged with the enforcement of this Chapter 15.40 *KMC*.

15.40.106 Approval.

A. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* authorized agent, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

B. Alternative Materials, Design and Methods of Construction and Equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code; provided, that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons why the alternative was not *approved*.

C. Required Testing. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the

EXHIBIT A

requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the *jurisdiction*.

1. Test Methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved agency*.

2. Test Reports. Reports of tests shall be retained by the *code official* for the period required for retention of public records.

D. Used Material and Equipment. The use of used materials that meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and *approved* by the *code official*.

E. Approved Materials and Equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

F. Research Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved sources*.

15.40.107 Means of appeal.

Any *person* directly affected by a decision of the *code official*, or a notice or order issued under this code shall have the right to appeal as set forth in Chapter 1.20 of the *KMC*.

15.40.108 Hearing Examiner.

All references to the Board of Appeals shall be deemed to refer to the City of Kenmore Hearing Examiner

15.40.109 Violations.

A. Unlawful acts. It shall be unlawful for a *person* to be in conflict with or in violation of any of the provisions of this code.

B. Notice of violation. For civil violations, the *code official* shall serve a notice of violation or order in accordance with Chapter 1.20 of the *KMC*.

C. Prosecution of violation. Any *person* failing to comply with a notice of violation or order served in accordance with Section 15.40.111.D shall be deemed guilty of a misdemeanor or civil infraction as determined by the City, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the *structure* in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having *jurisdiction* on such *premises* shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

D. Violation penalties. Any *person* who violates a provision of this code, or fails to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

EXHIBIT A

F. Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the *jurisdiction* from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, *structure* or *premises*, or to stop an illegal act, conduct, business or utilization of the building, *structure* or *premises*.

15.40.110 Stop work order. Stop work orders shall be issued per Chapter 15.30 of the *KMC*.

15.40.111 Unsafe structures and equipment.

A. General. When a *structure* or equipment is found by the *code official* to be unsafe, or when a *structure* is found unfit for human *occupancy*, or is found unlawful, the *code official* is authorized to *condemn* such *structure* pursuant to the provisions of this code.

1. Unsafe Structures. An unsafe *structure* is one that is found to be dangerous to the life, health, *property* or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.

2. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the *structure* which is in such disrepair or condition that such equipment is a hazard to life, health, *property* or safety of the public or *occupants* of the *premises* or *structure*.

3. Structure Unfit for Human Occupancy. A *structure* is unfit for human *occupancy* whenever the *code official* finds that such *structure* is unsafe, unlawful or, because of the degree to which the *structure* is in disrepair or lacks maintenance, is unsanitary, vermin- or rat-infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the *structure* constitutes a hazard to the *occupants* of the *structure* or to the public.

4. Unlawful Structure. An unlawful *structure* is one found in whole or in part to be occupied by more *persons* than permitted under this code, or that was erected, altered or occupied contrary to law.

5. Dangerous Structure or Premises. For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

a. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the *jurisdiction* as related to the requirements for existing buildings.

b. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

c. Any portion of a building, *structure* or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

EXHIBIT A

d. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place, so as to be capable of resisting natural or artificial loads of one and one-half times the original designed value.

e. The building or *structure*, or part of the building or *structure*, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or *structure* is likely to fail or give way.

f. The building or *structure*, or any portion thereof, is clearly unsafe for its use and *occupancy*.

g. The building or *structure* is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or *structure* to their danger, becomes a harbor for vagrants, criminals or immoral *persons*, or enables *persons* to resort to the building or *structure* for committing a nuisance or an unlawful act.

h. Any building or *structure* that has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or *structure* provided by the *approved* building or fire code of the *jurisdiction*, or of any law or ordinance to such an extent as to present either a substantial risk of fire or building collapse or any other threat to life and safety.

i. A building or *structure*, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

j. Any building or *structure*, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

k. Any portion of a building remains on a site after the demolition or destruction of the building or *structure* or whenever any building or *structure* is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

6. Drug Properties and Structures. It is hereby declared that any building, *structure* and/or associated *property* wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public, such building, *structure* and/or associated *property* is not only a dangerous *property* but is also of a classification of *property* calling for the special procedures set forth in this section. The *code official* is authorized to abate such dangerous buildings, *structures* and/or

EXHIBIT A

associated properties in accordance with the dangerous building procedures set forth in such code, with the following modifications:

- a. Due to public safety hazard in drug-production facilities, the utilities shall be disconnected;
- b. Building(s) and *structures* will be inspected to determine compliance with all City ordinances and codes;
- c. Building(s) and any entry gates to the *property* will be secured against entry. No reconnection of utilities or reoccupancy of the building(s), *structures* or *property* shall be allowed until all violations have been remedied and all dangerous conditions abated to the satisfaction of the *code official* and a notice of release for reoccupancy has been received from the King County Department of Public Health.

B. Closing of Vacant Structures. If the *structure* is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the *structure* closed up so as not to be an attractive nuisance. Upon failure of the *owner* or *owner's* authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private *persons* and the cost thereof shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate and may be collected by any other legal resource.

1. Authority to Disconnect Service Utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, *structure* or system regulated by this code and the referenced codes and standards set forth in Section 15.40.102(H) in case of emergency when necessary to eliminate an immediate hazard to life or *property* or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or *owner's* authorized agent and *occupant* of the building, *structure* or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, *owner's* authorized agent or *occupant* of the building, *structure* or service system shall be notified in writing as soon as practical thereafter.

2. Standards for Securing Buildings. To secure a building, all doors, window openings, or other openings on floors accessible from grade shall be closed and locked or shuttered to prevent third-party entry. If openings are damaged so they cannot be secured using normal building amenities, they shall be secured by covering with seven-sixteenths-inch minimum thickness structural panel cut to fit over the building opening and secured with No. 10 wood screws with fender washers. The screws shall penetrate the wood framing by a minimum of one and one-quarter inches and the screws shall be spaced around the perimeter of the opening at no less than twelve inches on center.

C. Record. The *code official* shall have authority to cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the *structure* and the nature of the unsafe condition.

D. Notice. Whenever the *code official* determines that there has been a civil violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Chapter 1.20 of the *KMC*.

EXHIBIT A

E. Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

F. Transfer of Ownership. It shall be unlawful for the *owner* of any *dwelling unit* or *structure* who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or *structure* to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or *owner's* authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

G. Placarding. Upon failure of the *owner*, *owner's* authorized agent or *person* responsible to comply with the notice provisions within the time given, the *code official* is authorized to post on the *premises* or on defective equipment a placard bearing the word(s) "Restricted Use" or "Condemned" or "Unsafe" or similar language and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard. Such notice shall be posted in a conspicuous place in or about the *structure* affected by such notice. If the notice pertains to equipment, it shall be placed on the *condemned* equipment.

1. Placard Removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any *person* who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

H. Prohibited Occupancy. Any occupied *structure condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any *person* who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, *owner's* authorized agent who shall let anyone occupy a placarded *premises* or operate placarded equipment, shall be liable for the penalties provided by this code.

I. Restoration or abatement. The *structure* or equipment determined to be unsafe by the *code official* is permitted to be restored to a safe condition. The *owner*, *owner's* authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions, either by repair, rehabilitation, demolition or other *approved* corrective action. To the extent that repairs, alterations, or additions are made or a change of *occupancy* occurs during the restoration of the *structure*, such repairs, alterations, additions, or change of *occupancy* shall comply with the requirements of the International Existing Building Code.

15.40.112 Emergency measures.

A. Imminent Danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or *structure* that endangers life, or when any *structure* or part of a *structure* has fallen and life is endangered by the occupation of the *structure*, or when there is actual or potential danger to the building *occupants* or those in the proximity of any *structure* because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises*

EXHIBIT A

forthwith. The *code official* is authorized to cause to be posted at each entrance to such *structure* a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any *person* to enter such *structure* except for the purpose of securing the *structure*, making the required repairs, removing the hazardous condition or of demolishing the same.

B. Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* is authorized to order the necessary work to be done, including the boarding up of openings, to render such *structure* temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

C. Closing Streets. When necessary for public safety, the *code official* is authorized to temporarily close *structures* and close, or order the authority having *jurisdiction* to close, sidewalks, streets, *public ways* and places adjacent to unsafe *structures*, and prohibit the same from being utilized.

D. Emergency Repairs. For the purposes of this section, the *code official* is authorized to employ the necessary labor and materials to perform the required work as expeditiously as possible.

E. Costs of Emergency Repairs. Costs incurred by the City in the performance of emergency work shall be paid by the *owner* of the *premises*. The legal counsel of the *jurisdiction* is authorized to institute appropriate action against the *owner* of the *premises* or *owner's* authorized agent where the unsafe *structure* is or was located for the recovery of such costs.

F. Hearing. Any *person* ordered to take emergency measures shall comply with such order forthwith. Any affected *person* shall thereafter, upon appeal directed to the hearing examiner, be afforded a hearing as set forth in Chapter 1.20 of the *KMC*.

15.40.113 Demolition.

A. General. The *code official* is authorized to order the *owner* or *owner's* authorized agent of any *premises* upon which is located any *structure*, which in the *code official's* or *owner's* authorized agent's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the *structure*, to demolish and remove such *structure*; or if such *structure* is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any *structure* for a period of more than two years, the *code official* is authorized to order the *owner* or *owner's* authorized agent to demolish and remove such *structure*, or board up until future repair. Boarding the building up for future repair shall not extend beyond six months, unless *approved* by the *code official*.

B. Notices and Orders. Notices and orders shall comply with Chapter 1.20 of the *KMC*.

C. Failure to Comply. If the *owner* of a *premises* or *owner's* authorized agent fails to comply with a demolition order within the time prescribed, the *code official* is authorized to cause the *structure* to be demolished and removed, either through an available public agency or by contract or arrangement with private *persons*, and the cost of such demolition and removal shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

EXHIBIT A

D. Salvage Materials. When any *structure* has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the *person* who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

15.40.114 Unlawful public nuisances declared.

A. It shall be a public nuisance for any *person* owning, occupying, leasing, or having charge or possession of any *property* in the City to maintain or allow to be maintained on such *property* where visible from a *public way*, *right-of-way*, Lake Washington, Sammamish River, or public/private ingress/egress *easement* any conditions prohibited in the following *KMC* sections:

1. *KMC* 15.40.302.D.2.a;
2. *KMC* 15.40.302.D.2.b;
3. *KMC* 15.40.302.D.2.c;
4. *KMC* 15.40.302.D.2.d;
5. *KMC* 15.40.302.E
6. *KMC* 15.40.302.F
7. *KMC* 15.40.302.G.1;
8. *KMC* 15.40.302.G.2;
9. *KMC* 15.40.302.H.1.a;
10. *KMC* 15.40.302.H.1.b;
11. *KMC* 15.40.302.H.1.c;
12. *KMC* 15.40.302.I;
13. *KMC* 15.40.302.J;
14. *KMC* 15.40.302.K;
15. *KMC* 15.40.302.L;
16. *KMC* 15.40.302.M;
17. *KMC* 15.40.302.N;
18. *KMC* 15.40.302.O;
19. *KMC* 15.40.302.P;
20. *KMC* 15.40.302.Q
21. *KMC* 15.40.302.R;
22. *KMC* 15.40.302 S; and
23. *KMC* 15.40.111

B. The existence of any *property* condition which is unlawful and/or declared to be a public nuisance pursuant to the *KMC*, the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC) is prohibited. This subsection shall be construed to place an affirmative duty on *property owners* and *occupants* to maintain their *property* in conformity with all applicable codes.

C. Violations of this section are enforced by the *code official* and processed pursuant to Chapter 1.20 *KMC* as now in effect, or as may be subsequently amended.

ARTICLE II--DEFINITIONS

15.40.201 General.

EXHIBIT A

A. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

B. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

C. Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Residential Code, International Fire Code, Uniform Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

Exception: When used within this code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this code and shall not have the meanings ascribed to them by the International Existing Building Code.

D. Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

E. Parts. Whenever the words "*dwelling unit*," "*dwelling*," "*premises*," "*building*," "*rooming house*," "*rooming unit*," "*housekeeping unit*" and "*story*" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

15.40.202 General Definitions.

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

A. "Anchored" means secured in a manner that provides positive connection.

B. "Approved" means acceptable to the *code official*.

C. "Basement" means that portion of a building which is partly or completely below grade.

D. "Bathroom" means a room containing plumbing fixtures including a bathtub or shower.

E. "Bedroom" means any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

F. "City Manager" means the City of Kenmore *City Manager* or his or her designee(s).

G. "Code Official" means the official who is charged with the administration and enforcement of this code or portion of this code, or any duly authorized representative of the *City Manager*.

H. "Condemn" means to adjudge unfit for *occupancy*.

I. "Cost of such demolition or emergency repairs" means the actual costs of the demolition or repair of the *structure* less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees

EXHIBIT A

expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by the *code official*, the governing body or board of appeals.

J. "Detached" means when a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

K. "Deterioration" means to weaken, disintegrate, corrode, rust or decay and lose effectiveness.

L. "Dwelling unit" means a single unit providing complete, independent living facilities for one or more *persons*, including permanent provisions for living, sleeping, eating, cooking and sanitation.

M. "Easement" means that portion of land or *property* reserved for present or future use by a *person* or agency other than the legal fee *owner(s)* of the *property*. The *easement* shall be permitted to be for use under, on or above said lot or lots.

N. "Emergency escape and rescue opening" means an operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

O. "Exterior property" means the open space on the *premises* and on adjoining *property* under the control of *owners* or *operators* of such *premises*.

P. "Garbage" means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Q. "Graffiti" means unauthorized inscription, word, figure or design that is written, marked, etched, scratched or drawn or painted on any real or personal *property* regardless of its content or nature of the material used in the commission of the act.

R. "Guard" means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

S. "Habitable space" means space in a *structure* for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas* are not considered *habitable spaces*.

T. "Historic building" means any building or *structure* that is listed in the State or National Register of Historic Places; designated as a historic *property* under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the *property* is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

U. "Housekeeping unit" means a room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

V. "Imminent danger" means a condition which could cause serious or life-threatening injury or death at any time.

EXHIBIT A

W. "Infestation" means the presence, within or contiguous to a *structure* or *premises*, of insects, rats, vermin or other pests.

X. "Inoperative vehicle" means a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Y. "Junk" means old or scrap copper; brass; rope; rags; batteries; paper; trash; rubber; debris; wastes; machinery; scrap wood; *junked*, dismantled or wrecked automobiles, or parts thereof; iron; steel; and other old or scrap ferrous or nonferrous material.

Z. "Jurisdiction" means the "City".

AA. "Labeled" means equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved* agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above *labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

BB. "KMC" means the Kenmore Municipal Code.

CC. "Let for occupancy" or "let" means to permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, *premises* or *structure* by a *person* who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

DD. "Neglect" means the lack of proper maintenance for a building or *structure*.

EE. "Occupancy" means the purpose for which a building or portion thereof is utilized or occupied.

FF. "Occupant" means any individual living or sleeping in a building or having possession of a space within a building.

GG. "Openable area" means that part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

HH. "Operator" means any *person* who has charge, care or control of a *structure* or *premises* which is *let* or offered for *occupancy*.

II. "Owner" means any *person*, agent, *operator*, firm or corporation having a legal or equitable interest in the *property*; or recorded in the official records of the state, county or municipality as holding title to the *property*; or otherwise having control of the *property*, including the guardian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real *property* by a court.

JJ. "Person" means an individual, corporation, partnership or any other group acting as a unit.

KK. "Pest elimination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

EXHIBIT A

LL. "Premises" means a lot, plot or parcel of land, tract, *easement* or *public way*, including any *structures* thereon.

MM. "Property" shall mean any real *property* or lot or parcel of land, tract, including any alley, sidewalk or parkway abutting such lot or parcel of land.

NN. "Public way" means any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than ten (10) feet.

OO. "Right-of-way" means land and the space above and below, *property* or *property* interest, such as a *right-of-way* use *easement*, as well as bridges, trestles, or other *structures*, dedicated to, or otherwise acquired by the City of Kenmore for public motor vehicle, pedestrian, bicycle, or other nonmotorized transportation purposes, including, but not limited to, roads and trails, whether or not opened, improved or maintained for public transportation purposes.

PP. "Rooming house" means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

QQ. "Rooming unit" means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RR. "Rubbish" means combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SS. "Sleeping unit" means a room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

TT. "Strict liability offense" means an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

UU. "Structure" means that which is built or constructed.

VV. "Substandard building" shall mean any building or portion thereof that is determined to be an unsafe building pursuant to this Chapter, or any building or portion thereof, including any *dwelling unit*, guest room or suite of rooms, or the *premises* on which the same is located, in which there exists any of the conditions referenced in *KMC 15.40.114*, which endangers life, limb, health, *property*, safety or welfare of the public or the *occupants* thereof, shall be deemed and hereby are declared to be substandard.

WW. "Tenant" means a *person*, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

XX. "Toilet room" means a room containing a water closet or urinal but not a bathtub or shower.

EXHIBIT A

YY. "Ultimate deformation" means the deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to eighty percent or less of the maximum strength.

ZZ. "Ventilation" means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

AAA. "Workmanlike" means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

BBB. "Yard" means an open space on the same lot with a *structure*.

ARTICLE III--GENERAL REQUIREMENTS

15.40.301 General.

A. Scope. The provisions of this article shall govern the minimum conditions and the responsibilities of *persons* for maintenance of *structures*, equipment and *exterior property*.

B. Responsibility. The *owner* of the *premises* shall maintain the *structures* and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this article. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

C. Vacant Structures and Land. Vacant *structures* and *premises* thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

15.40.302 Exterior property areas.

A. Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

Examples of prohibited actions include but are not limited to accumulation of *junk*, *rubbish*, new or used tires, auto parts, construction equipment, appliances, etc.

B. Grading and Drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any *structure* located thereon.

Examples of prohibited actions include but are not limited to stockpiling materials (soil, gravel, sand, *yard debris*, etc.), large holes that accumulate or hold water, uncovered and/or unmaintained swimming pools, etc.

Exception: *Approved* retention areas, reservoirs, or similar areas.

C. Sidewalks and Driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. It shall be the responsibility of the *owner of property* abutting upon a public sidewalk to maintain the sidewalk at all times in a safe condition, free of any and all obstructions or defects as described in Chapter 12.70 of the *KMC*.

D. Control of Overgrown Vegetation. Overgrown vegetation shall comply with subsections (D)(1) and (D)(2) of this section.

1. Removal of Overhanging Vegetation and Fire Hazards.

a. The *owner* of any *property* in the City shall remove or destroy, in a manner permitted by law, all vegetation growing or which has grown and died or debris upon *property* owned or occupied by them that is a fire hazard or a menace to public health, safety, or welfare. Such work, when proposed in a critical area or its buffer, requires prior approval from the City. Prior authorization is also required from the City to the extent removal of trees is required.

2. Weeds, Grass Neglected or Improperly Maintained Landscaping.

a. *Premises* and *exterior property* shall be maintained free from weeds and grass in excess of twelve inches.

b. The accumulation of weeds on *premises* or *property* contained in the current King County Noxious Weeds List or contained within current Chapter 16-750 WAC, Noxious Weed List Classes A, B, C shall be prohibited.

c. *Neglected* or improperly maintained landscaping, including but not limited to dead, debris-laden, weed-infested or overgrown vegetation, such as trees, shrubs, hedges, grass and ground covers, or vegetation dying as a result of physical damage, disease, insect *infestation*, lack of water, or other factors is prohibited.

d. Any vegetation that is growing rampant and unmaintained so as to provide unsightly, unsanitary and/or unsafe conditions, is destructive to other vegetation, that blocks public *rights-of-way* as described in Chapter 12.70 of the *KMC*, that blocks the sight lines within the public *rights-of-way*, or that impacts or threatens to impact public utilities is prohibited.

Upon failure to comply with this section, any duly authorized employee of the *jurisdiction* or contractor hired by the *jurisdiction* shall be authorized to enter upon the *property* in violation and cut and destroy the *neglected* or improperly maintained landscaping, weeds or grass growing thereon that are over twelve inches tall, and the costs of such removal shall be paid by the *owner* or agent responsible for the *property*; provided, however, that such entry and removal shall be pursuant to a warrant or other remedy provided by law unless a public safety emergency justifies entry without a warrant or other lawful remedy.

E. Rodent Harborage. *Structures* and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

F. Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private *property* or that of another *tenant*.

G. Accessory Structures.

EXHIBIT A

1. Accessory *structures*, including *detached* garages, outbuildings, fences and walls, shall be maintained structurally sound and in good repair.

2. Storage or maintenance in a residential zone of any metal storage bin or container with a horizontal surface area of 120 square feet or greater is prohibited, unless otherwise permitted by the City (e.g., special use permit, temporary use permit, etc.).

H. Vehicles, Boats, Trailers or Other Mobile Equipment Storage Which Presents Potential Public Health, Safety or Fire Hazards are prohibited.

1. The parking or storage of any vehicle, boat, trailer, camper, motor home, or other mobile equipment, whether or not motorized, or portions or parts and components thereof, on *property* used or zoned for residential purposes are prohibited, if:

a. Located on any front lawn or front *yard*; or

b. Located in any side or rear *yard* so as to prevent a three-foot-wide continuous fire access way from the front of the *property*.

c. Projecting into *right-of-way*.

I. Abandoned Vehicles. Except as provided for in Chapter 8.25 of the *KMC*, abandoned vehicles, wrecked, dismantled or *inoperative vehicles* or remnant parts thereof are prohibited.

J. Defacement of Property. No *person* shall willfully or wantonly damage, mutilate or deface any exterior surface of any *structure* or building on any private or public *property* by placing thereon any marking, carving or *graffiti*. It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

K. Except when placed there for removal for a period of less than 7 days, the exterior accumulation of broken, abandoned or discarded furniture or other household equipment or fixtures, packing boxes, lumber, *junk*, trash, *rubbish* or other materials or debris is prohibited. Prohibited actions include the dumping, spillage or storage of solids or liquids, which may negatively impact the visual or olfactory nature of the area.

L. Open storage of *rubbish* or *junk* including, but not limited to, refuse, *garbage*, scrap metal or lumber, concrete, asphalt, tin cans, tires and piles of earth, not including compost bins shall be prohibited.

M. Combustible material likely to become easily ignited or debris resulting from any fire and which constitutes a fire hazard, as defined in the fire code as adopted by the City pursuant to Chapter 15.10 of the *KMC* shall be prohibited.

N. The exterior storage or maintenance of parts or machinery of any type or description unless specifically authorized by a City license or permit; building materials or merchandise unless specifically authorized by use permit; or construction equipment except while excavation, construction, or demolition operations covered by an active building permit or other City permit are in progress on the subject or adjoining *property* shall be prohibited.

O. The exterior storage of new or used tires in a manner that allows accumulation of water that may create a health hazard.

P. Right-of-Way or Public Property Encroachment. Obstruction or encroachment upon any public *property*, including but not limited to any public street, sidewalk, highway, *right-of-way*, park or building, without prior City consent is prohibited. Such obstructions or

EXHIBIT A

encroachments include but are not limited to overgrown trees and shrubs, building materials, merchandise or other personal *property* and buildings or portions of buildings or *structures*, fences or retaining walls protruding onto public *property*.

Q. Land, as a result of grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious to the public health, safety, and welfare or to public properties or *rights-of-way*.

R. Maintenance of any substance which because of its quantity, concentration or physical, chemical or infectious characteristics may either cause, or substantially contribute to, an increase in mortality or serious illness or pose a significant present or potential hazard to human health or the environment if improperly managed.

S. The existence of any *property* condition which is unlawful or declared to be a public nuisance pursuant to any other provision of the KMC or the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC). This subsection shall be construed to place an affirmative duty on *property owners* and *occupants* to maintain their *property* in conformity with all applicable codes.

15.40.303 Swimming pools, spas, and hot tubs.

A. Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

B. Enclosures. Private swimming pools, hot tubs and spas, containing water more than twenty-four inches in depth shall be completely surrounded by a fence or barrier not less than forty-eight inches in height above the finished ground level measured on the side of the barrier away from the pool. Openings in the barrier shall not allow passage of a 4-inch-diameter sphere. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than fifty-four inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 and swimming pools equipped with a powered safety cover that complies with ASTM F1346, in compliance with the International Swimming Pool and Spa Code, shall be exempt from the provisions of this section.

15.40.304 Exterior structure.

A. General. The exterior of a *structure* shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

1. Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations, is not capable of resisting all nominal loads or load effects;

EXHIBIT A

- c. *Structures* or components thereof that have reached their limit state;
- d. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather-resistant or watertight;
- e. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
- f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
- g. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
- h. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration* or fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
- i. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
- j. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
- k. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
- l. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
- m. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- i. Where substantiated otherwise by an *approved* method.

EXHIBIT A

ii. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

B. Protective Treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, and balconies, shall be maintained in good condition or in a manner that does not create a public nuisance.

C. Premises Identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the *property*. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than four inches (one hundred two millimeters) high with a minimum stroke width of one-half inch.

Exception: Buildings constructed under the International Residential Code, prior to July 1, 2010, are permitted to have the address number size be a minimum of three inches high.

D. Structural Members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

E. Foundation Walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

F. Exterior Walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

G. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged directly onto any other private *property*, public *right-of-way* or in a manner that creates a public nuisance.

H. Decorative Features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

I. Overhang Extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

J. Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

K. Chimneys and Towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

EXHIBIT A

L. Handrails and Guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

M. Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

1. Glazing. Glazing materials shall be maintained free from cracks and holes.

2. Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

N. Doors. Exterior doors, door assemblies, *operator* systems if provided and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 15.40.702(C).

15.40.305 Interior structure.

A. General. The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition. *Occupants* shall keep that part of the *structure* that they occupy or control in a clean and sanitary condition. Every *owner* of a *structure* containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential *occupancies* shall maintain, in a clean and sanitary condition, the shared or public areas of the *structure* and *exterior property*.

1. Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations, is not capable of resisting all nominal loads or load effects;

c. *Structures* or components thereof that have reached their limit state;

d. Structural members are incapable of supporting nominal loads and load effects;

e. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

i. Where substantiated otherwise by an *approved* method.

EXHIBIT A

ii. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

B. Structural Members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

C. Interior Surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition. A safe, continuous, and unobstructed path of travel shall be provided from any point in a building or *structure* to the *public way*. Means of egress shall comply with the International Fire Code.

D. Stairs and Walking Surfaces. Every stair, ramp, landing, balcony, porch or other walking surface shall be maintained in sound condition and good repair.

E. Handrails and Guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

F. Adequate Light, Ventilation, Sanitation and Occupancy. Adequate light, *ventilation*, sanitation and *occupancy* shall be provided, maintained and in compliance with the code in effect at the time of construction.

15.40.306 Component serviceability.

General. The components of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

A. Unsafe Conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:

- a. Collapse of footing or foundation system;
- b. Damage to footing, foundation, concrete or other structural element due to soil expansion;
- c. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
- d. Inadequate soil as determined by a geotechnical investigation;
- e. Where the allowable bearing capacity of the soil is in doubt; or
- f. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

- a. *Deterioration*;
- b. *Ultimate deformation*;
- c. Fractures;

EXHIBIT A

- d. Fissures;
- e. Spalling;
- f. Exposed reinforcement; or
- g. *Detached*, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

- a. *Deterioration*;
- b. Corrosion;
- c. Elastic deformation;
- d. *Ultimate deformation*;
- e. Stress or strain cracks;
- f. Joint fatigue; or
- g. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

- a. *Deterioration*;
- b. *Ultimate deformation*;
- c. Fractures in masonry or mortar joints;
- d. Fissures in masonry or mortar joints;
- e. Spalling;
- f. Exposed reinforcement; or
- g. *Detached*, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

- a. *Deterioration*;
- b. Elastic deformation;
- c. *Ultimate deformation*;
- d. Metal fatigue; or
- e. *Detached*, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

- a. *Ultimate deformation*;
- b. *Deterioration*;
- c. Damage from insects, rodents and other vermin;
- d. Fire damage beyond charring;
- e. Significant splits and checks;
- f. Horizontal shear cracks;
- g. Vertical shear cracks;
- h. Inadequate support;
- i. *Detached*, dislodged or failing connections; or
- j. Excessive cutting and notching.

Exceptions:

- a. Where substantiated otherwise by an *approved* method.
- b. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

15.40.307 Handrails and guardrails.

A. General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than thirty inches above the floor or grade below shall have *guards*. *Guards* and handrails in disrepair shall be repaired or replaced to comply with the current adopted International Building Code or the International Existing Building Code as required for existing buildings.

15.40.308 Rubbish and garbage.

A. Accumulation of Rubbish or Garbage. *Exterior property* and *premises*, and the interior of every *structure*, shall be free from accumulation of *rubbish* or *garbage*.

B. Disposal of Rubbish. Every *occupant* of a *structure* shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

- 1. Refrigerators. Refrigerators and similar equipment/appliances not in operation shall not be discarded, abandoned, or otherwise stored on *premises*.

C. Disposal of Garbage. Every *occupant* of a *structure* shall dispose of *garbage* in a clean and sanitary manner by placing such *garbage* in an *approved garbage* disposal facility or *approved garbage* containers.

15.40.309 Pest elimination.

A. Infestation. *Structures* shall be kept free from insect and rodent *infestation*. *Structures* in which insects or rodents are found shall be promptly exterminated by *approved* processes

EXHIBIT A

that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

B. Owner. The *owner* of any *structure* shall be responsible for extermination within the *structure* prior to renting or leasing the *structure*.

C. Single Occupant. The *occupant* of a one-family dwelling or of a single-tenant nonresidential *structure* shall be responsible for extermination on the *premises*.

D. Multiple Occupancy. The *owner* of a *structure* containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential *structure* shall be responsible for extermination in the public or shared areas of the *structure* and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for extermination.

E. Occupant. The *occupant* of any *structure* shall be responsible for the continued rodent-free and pest-free condition of the *structure*.

Exception: Where the *infestations* are caused by defects in the *structure*, the *owner* shall be responsible for extermination.

F. Affected Properties. Where adjacent properties are affected by rodent harborage and/or *infestation*, the City may, in its sole discretion, abate the *infestation* to preserve the health and safety of the neighborhood. The costs of any abatement action taken by the City shall be charged to the *property owner* in the same manner as set forth in *KMC* 1.20.230 and/or *KMC* 1.20.200. If the *owner* fails to pay the City's cost to abate, the cost shall be a lien against the *property* which is the source of the rodent harborage and/or *infestation* and may be collected by the City under any enforcement and penalty provisions of Chapter 1.20 *KMC*.

ARTICLE IV--LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

15.40.401 General.

A. Scope. The provisions of this article shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a *structure*.

B. Responsibility. The *owner* of the *structure* shall provide and maintain light, *ventilation* and space conditions in compliance with the code that the structure was permitted under. A *person* shall not occupy as *owner-occupant*, or permit another *person* to occupy, any *premises* that does not comply.

C. Alternative Devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the International Building Code or International Residential Code shall be permitted.

15.40.402 Light.

Habitable Rooms. Adequate and sufficient light, either natural or artificial, shall be provided, maintained and in compliance with the code in effect at the time of construction for all habitable rooms.

15.40.403 Ventilation.

Habitable Rooms and Other Spaces. Adequate and sufficient *ventilation*, shall be provided, maintained and in compliance with the code in effect at the time of construction for all habitable rooms and other spaces.

15.40.404 Occupancy limitations.

A. Minimum Ceiling Heights. *Habitable spaces* and *habitable basement* areas shall have a clear ceiling height of not less than seven feet.

B. Bedroom Requirements. Every *bedroom* 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 units shall be operable from the inside to provide a full clear opening without the use of separate tools.

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

Exception: *basement rooms*

C. Access from Bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

D. Overcrowding: The number of *persons* occupying a *dwelling unit* shall not create conditions that, in the opinion of the *code official*, endanger the life, health, safety or welfare of the *occupants*.

ARTICLE V--PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

15.40.501 General.

A. Scope. The provisions of this article shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

B. Responsibility. The *owner* of the *structure* shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *structure* or *premises* which does not comply with the requirements of this article.

15.40.502 Required facilities.

A. Dwelling Units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition.

B. Hotels, Motels, and Temporary Lodging. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

C. Public Toilet Facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance the Uniform Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

15.40.503 Toilet rooms.

A. Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking

EXHIBIT A

device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

B. Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units*, dormitory units or *housekeeping units* shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

C. Floor Surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

15.40.504 Plumbing systems and fixtures.

A. General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing shall be maintained in a safe, sanitary and functional condition.

B. Plumbing System Hazards. Where it is found that a plumbing system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* is authorized to require the defects to be corrected to eliminate the hazard.

15.40.505 Water system.

A. General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Uniform Plumbing Code.

B. Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place shall be protected by an *approved* atmospheric-type vacuum breaker or an *approved* permanently attached hose connection vacuum breaker.

C. Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

D. Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than one hundred ten degrees Fahrenheit. A gas burning water heater shall not be located in any *bathroom*, *toilet room*, *bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

E. Nonpotable Water Reuse Systems. Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with subsection (E)(1) of this section.

1. Abandonment of Systems. Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the *owner* ceases use of the system, the system shall be abandoned in accordance with the 2021 Uniform Plumbing Code.

15.40.506 Sanitary drainage system.

A. General. Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

B. Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

C. Grease Interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the *code official*.

15.40.507 Storm drainage.

A. General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall be discharged in a manner consistent with the requirements of Title 13 of the *KMC* and shall not be discharged in a manner that creates a public nuisance.

B. Private Property Drainage. Drainage from roof, paved areas, *yards*, or courts shall not be intentionally discharged directly onto any other private *property* or public *rights-of-way* in a manner that creates a public nuisance.

ARTICLE VI--MECHANICAL AND ELECTRICAL REQUIREMENTS

15.40.601 General.

A. Scope. The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to be provided.

B. Responsibility. The *owner* of the *structure* shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that does not comply with the requirements of this article.

15.40.602 Heating facilities.

A. Facilities Required. Heating facilities shall be provided in *structures* as required by this section.

B. Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit in all habitable rooms, *bathrooms* and *toilet rooms*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, to provide space heating to meet the requirements of this section. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

C. Heat Supply. Every *owner* and *operator* of any building who rents, leases or *lets* one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to

the *occupants* thereof shall supply heat to maintain a temperature of not less than sixty-eight degrees Fahrenheit in all habitable rooms, *bathrooms* and *toilet rooms*.

D. Room Temperature Measurement. The required room temperatures shall be measured three feet above the floor near the center of the room and two feet inward from the center of each exterior wall.

15.40.603 Mechanical equipment.

A. Mechanical Equipment and Appliances. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

B. Removal of Combustion Products. Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances that are *labeled* for unvented operation.

C. Clearances. Required clearances to combustible materials shall be maintained.

D. Safety Controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.

E. Combustion Air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

F. Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

15.40.604 Electrical facilities.

A. Facilities Required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 15.40.605.

B. Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the electrical code. *Dwelling units* shall be served by what the code required at the time of permit.

C. Electrical System Hazards. Where it is found that the electrical system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* is authorized to require the defects to be corrected in compliance with the latest edition of the state adopted electrical code.

15.40.605 Electrical equipment.

A. Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

B. Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every

EXHIBIT A

bathroom shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

C. Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 volts shall have ground fault circuit interrupter protection.

D. Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

15.40.606 Elevators, escalators, and dumbwaiters.

A. General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the Building *Operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the Washington State Department of Labor and Industries.

B. Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

15.40.607 Duct systems.

A. General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

ARTICLE VII--FIRE SAFETY REQUIREMENTS

15.40.701 General.

A. Scope. The provisions of this article shall govern the minimum conditions and standards for fire safety relating to *structures* and exterior *premises*, including fire safety facilities and equipment to be provided.

B. Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that do not comply with the requirements of this article.

15.40.702 Means of egress.

A. General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or *structure* to the *public way*. Means of egress shall comply with the International Fire Code.

B. Aisles. The required width of aisles in accordance with International Fire Code shall be unobstructed.

C. Locked Doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to International Building Code.

D. Emergency Escape and Rescue Openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following:

1. Required *emergency escape and rescue openings* shall be operational from the inside of the room without the use of keys or tools.

2. Bars, grilles, grates or similar devices are permitted to be placed over *emergency escape and rescue openings*, provided the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with the International Building Code. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

15.40.703 Fire-resistance ratings.

A. Fire-Resistance-Rated Assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

B. Unsafe Conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with the applicable section of the International Fire Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, *structure* or portion thereof presents an *imminent danger* to the *occupants* of the building, *structure* or portion thereof, the fire *code official* shall act in accordance with the applicable section of the International Fire Code.

C. Maintenance. The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the *owner* and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.

1. Fire Blocking and Draft Stopping. Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

2. Smoke Barriers and Smoke Partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

EXHIBIT A

3. Fire Walls, Fire Barriers, and Fire Partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

D. Opening Protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

1. Signs. Where required by the *code official*, a sign shall be permanently displayed on or near each fire door in letters not less than one inch high to read as follows:

a. For doors designed to be kept normally open: "FIRE DOOR--DO NOT BLOCK." Where the *code official* is aware of a language barrier, a translation may be required in addition to English (e.g., Spanish, Russian, Braille).

b. For doors designed to be kept normally closed: "FIRE DOOR--KEEP CLOSED." Where the *code official* is aware of a language barrier, a translation may be required in addition to English (e.g., Spanish, Russian, Braille).

2. Hold-Open Devices and Closers. Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

3. Door Operation. Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

E. Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

F. Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

G. Vertical Shafts. Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the International Fire Code. New floor openings in existing buildings shall comply with the International Building Code.

H. Opening Protective Closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds one hundred thirty-five degrees Fahrenheit.

15.40.704 Fire protection systems.

A. Inspection, Testing and Maintenance. Fire protection and life safety systems shall be maintained in accordance with the International Fire Code in an operative condition at all times, and shall be replaced or repaired where defective.

EXHIBIT A

1. Fire Protection and Life Safety Systems. Fire protection and life safety systems shall be installed, repaired, operated and maintained in accordance with this code the International Fire Code and the International Building Code.

2. Required Fire Protection and life Safety Systems. Fire protection and life safety systems required by this code, the International Fire Code or the International Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the International Fire Code or the International Building Code has been granted shall be considered to be a required system.

3. Fire Protection Systems. Fire protection systems shall be inspected, maintained and tested in accordance with the following International Fire Code requirements:

- a. Automatic sprinkler systems, see Section 903.5.
- b. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.12.5.
- c. Automatic water mist extinguishing systems, see Section 904.11.
- d. Carbon dioxide extinguishing systems, see Section 904.8.
- e. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
- f. Clean-agent extinguishing systems, see Section 904.10.
- g. Dry-chemical extinguishing systems, see Section 904.6.
- h. Fire alarm and fire detection systems, see Section 907.8.
- i. Fire Department connections, see Sections 912.4 and 912.7.
- j. Fire pumps, see Section 913.5.
- k. Foam extinguishing systems, see Section 904.7.
- l. Halon extinguishing systems, see Section 904.9.
- m. Single- and multiple-station smoke alarms, see Section 907.10.
- n. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
- o. Smoke control systems, see Section 909.20.
- p. Wet-chemical extinguishing systems, see Section 904.5.

B. Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

Table 704.2

FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

1. Records. Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.
2. Records Information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

C. Systems Out of Service. Where a fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an *approved* fire watch shall be provided for all *occupants* left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with at least one means for notification of the fire department and their only duty shall be to perform constant patrols of the protected *premises* and keep watch for fires. Actions shall be taken in accordance with Section 901 of the International Fire Code to bring the systems back in service.

Exception: Exception: Facilities with an *approved* notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

1. Emergency Impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the International Fire Code.

D. Removal of or Tampering with Equipment. It shall be unlawful for any *person* to remove, tamper with or otherwise disturb any fire protection or life safety system required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

1. Removal of or Tampering with Appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the Fire Code Official shall not be removed, unlocked, destroyed or tampered with in any manner.

EXHIBIT A

2. Removal of Existing Occupant-Use Hose Lines. The Fire Code Official is authorized to permit the removal of existing *occupant*-use hose lines where all of the following apply:

- a. The installation is not required by the International Fire Code or the International Building Code.
- b. The hose line would not be utilized by trained personnel or the Fire Department.
- c. The remaining outlets are compatible with local Fire Department fittings.

3. Termination of Monitoring Service. For fire alarm systems required to be monitored by the International Fire Code, notice shall be made to the Fire Code Official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

E. Fire Department Connection. Where the Fire Department connection is not visible to approaching fire apparatus, the Fire Department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than six inches high and words in letters not less than two inches high or an arrow to indicate the location. Such signs shall be subject to the approval of the Fire Code Official.

1. Fire Department Connection Access. Ready access to Fire Department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to Fire Department connections shall be *approved* by the Fire Code Official.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the International Fire Code and a means of emergency operation. The gate and the means of emergency operation shall be *approved* by the Fire Code Official and maintained operational at all times.

2. Clear Space Around Connections. A working space of not less than thirty-six inches in width, thirty-six inches in depth and seventy-eight inches in height shall be provided and maintained in front of and to the sides of wall-mounted Fire Department connections and around the circumference of free-standing Fire Department connections, except as otherwise required or *approved* by the Fire Code Official.

F. Single- and Multiple-Station Smoke Alarms. Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R *occupancies* in accordance with subsections (F)(1) through (F)(3) of this section.

1. Where Required. Existing Group I-1 and R *occupancies* shall be provided with single-station smoke alarms in accordance with subsections (F)(1)(a) through (F)(1)(d) of this section. Interconnection and power sources shall be in accordance with subsections (F)(2) and (F)(3) of this section.

- a. Exceptions:

EXHIBIT A

- i. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
 - ii. Where smoke alarms have been installed in *occupancies* and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required; provided, that the existing smoke alarms comply with requirements that were in effect at the time of installation.
 - iii. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.
- b. Group R-1. Single or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:
- i. In sleeping areas.
 - ii. In every room in the path of the means of egress from the sleeping area to the door leading from the *sleeping unit*.
 - iii. In each story within the *sleeping unit*, including *basements*. For *sleeping 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.
- c. Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of *occupant* load at all of the following locations:
- i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
 - ii. In each room used for sleeping purposes.
 - iii. In each story within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In dwellings or *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.
- d. Installation Near Cooking Appliances. Smoke alarms shall be installed according to manufacturer's recommendations.
- e. Installation Near *Bathrooms*. Smoke alarms shall be installed not less than three feet horizontally from the door or opening of a *bathroom* that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by subsection (F)(1)(a) or (F)(1)(b) of this section.
2. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling or *sleeping unit*, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the

EXHIBIT A

alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

Exceptions:

a. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.

b. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the *structure*, unless there is an attic, crawl space or *basement* available that could provide access for interconnection without the removal of interior finishes.

3. Power Source. Single-station smoke alarms shall receive their primary power from the building wiring; provided, that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

a. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.

b. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

c. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the *structure*, unless there is an attic, crawl space or *basement* available that could provide access for building wiring without the removal of interior finishes.

4. Smoke Detection System. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

a. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.

b. Activation of a smoke detector in a dwelling or *sleeping unit* shall initiate alarm notification in the dwelling or *sleeping unit* in accordance with Section 907.5.2 of the International Fire Code.

c. Activation of a smoke detector in a dwelling or *sleeping unit* shall not activate alarm notification appliances outside of the dwelling or *sleeping unit*; provided, that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the International Fire Code.

EXHIBIT A

G. Single- and Multiple-Station Smoke Alarms. Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than ten years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

15.40.705 Carbon monoxide alarms and detection.

A. General. Carbon monoxide alarms shall be installed in dwellings in accordance with the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

B. Carbon Monoxide Alarms and Detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.












Ordinance No. 23-0577

Final Audit Report

2023-10-21

Created:	2023-10-18
By:	Michelle Kang (mkang@kenmorewa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAJ5hAW2z7CMgudTks2QnBfkdlbvfcHzcn

"Ordinance No. 23-0577" History

-  Document created by Michelle Kang (mkang@kenmorewa.gov)
2023-10-18 - 8:16:58 PM GMT
-  Document emailed to nherbig@kenmorewa.gov for signature
2023-10-18 - 8:18:58 PM GMT
-  Document emailed to Anastasiya Warhol (awarhol@kenmorewa.gov) for signature
2023-10-18 - 8:18:58 PM GMT
-  Document emailed to Dawn Reitan (dreitan@insleebest.com) for signature
2023-10-18 - 8:18:58 PM GMT
-  Email viewed by Dawn Reitan (dreitan@insleebest.com)
2023-10-18 - 8:25:11 PM GMT
-  Document e-signed by Dawn Reitan (dreitan@insleebest.com)
Signature Date: 2023-10-18 - 8:25:30 PM GMT - Time Source: server
-  Email viewed by nherbig@kenmorewa.gov
2023-10-20 - 3:46:35 PM GMT
-  Signer nherbig@kenmorewa.gov entered name at signing as Nigel G. Herbig
2023-10-20 - 3:47:06 PM GMT
-  Document e-signed by Nigel G. Herbig (nherbig@kenmorewa.gov)
Signature Date: 2023-10-20 - 3:47:08 PM GMT - Time Source: server
-  Document e-signed by Anastasiya Warhol (awarhol@kenmorewa.gov)
Signature Date: 2023-10-21 - 4:12:52 AM GMT - Time Source: server
-  Agreement completed.
2023-10-21 - 4:12:52 AM GMT



Powered by
Adobe
Acrobat Sign