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0174-ORD
07/29/98

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5085

AN ORDINANCE regarding Bellevue City Code Title 23, Construction Codes; adopting the 1997 Editions of the Uniform Building Code, Uniform Housing Code, Uniform Swimming Pool, Spa and Hot Tub Code, Uniform Building Security Code, Uniform Code for the Abatement of Dangerous Buildings, Uniform Mechanical Code, and Uniform Plumbing Code; adopting the 1996 Edition of the National Electrical Code; amending Bellevue City Code 23.05.030, 23.05.120, 23.10.010, 23.10.020, 23.16.010, 23.30.020, 23.30.025, 23.30.026, 23.30.100, 23.30.110, 23.30.130, 23.50.010, 23.60.010 and 20.60.025; amending Bellevue City Code 3.50.020 and 3.50.100 regarding the Board of Appeals; and repealing Bellevue City Code 23.10.121, 23.50.026 and 23.60.026.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code 23.05.030 is amended to read as follows:

23.05.030 Application to existing buildings and building service equipment.

A. Compliance with Technical Codes.

Buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the technical codes for new facilities, except as specifically provided in this section.

B. Additions, Alterations or Repairs.

1. Additions, alterations or repairs may be made to a building, structure, or its building service equipment without requiring the existing building, structure, or its building service equipment to comply with all the requirements of the technical codes, provided the addition, alteration or repair conforms to the requirements of the technical codes for a new building, structure, or new building service equipment. Additions, alterations or repairs shall not be made to an existing building, structure, or building service equipment which will cause the existing building, structure, or building service equipment to be in violation of the provisions of the technical codes nor shall such additions, alterations or repairs cause the existing building, structure, or building service equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition, alteration or repair will cause the existing building, structure, or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the

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building code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed its rated capacities; will create a health hazard; or will otherwise create conditions dangerous to human life. A building or structure so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted by the technical code requirements for new buildings or structures. A building plus new additions shall not exceed the height, number of stories and area specified by the building code for new buildings. Additions, alterations or repairs shall not be made to an existing building, structure or building service equipment when the existing building, structure or building service equipment is not in full compliance with the provisions of the technical code except when the addition, alteration or repair will result in the existing building or structure being no more hazardous based on life safety, fire safety and sanitation, than before such additions, alterations or repairs are undertaken.

Alterations or repairs to an existing building, structure or building service equipment which are nonstructural and do not adversely affect a structural member or a part of the building or structure having required fire resistance may be made with the same materials of which the building, structure or building service equipment is constructed, subject to approval of the building official. Installation or replacement of glass shall be as required for new installations.

EXCEPTION: Alterations of existing structural elements or additions of new structural elements which are initiated for the purpose of increasing the vertical or lateral load-carrying strength or stiffness of an existing building or structure need not be designed for forces conforming to these regulations provided that:

a. The capacity of existing structural elements to resist forces is not reduced; and

b. The load to existing structural elements is not increased; and

c. All new structural elements are detailed and connected to the existing structural elements as required by the technical codes; and

d. All new or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by the technical codes; and

e. An unsafe condition is not created.

2. Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the technical code provisions in effect at the time the original installation was made, subject to approval of the building official and provided such additions, alterations and repairs will not

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cause the existing building service equipment to become unsafe, unsanitary or overloaded.

C. Existing Installations. Building service equipment which was lawful under the technical codes current at the time such equipment was installed may be used, maintained or repaired if the use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

D. Existing Occupancy. A building or structure, the use and occupancy of which was lawful under the technical codes current when such building was first used and occupied, may have its existing use or occupancy continued provided continued use is not dangerous to life, health and safety. A change in the use or occupancy of any existing building or structure shall comply with the provisions of BCC 23.05.180 and 23.05.190.

E. Maintenance. Buildings, structures and building service equipment, existing and new, and all parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the technical codes shall be maintained in conformance with the technical code under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with the subsection, the building official may cause a building or structure to be reinspected.

F. Moved Buildings and Temporary Buildings.

1. Buildings or structures moved into or within the city shall comply with the provisions of this code for new buildings or structures.

EXCEPTION: Group R, Division 3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed, and
2. The original building is not substantially remodeled.

For the purposes of this section a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

2. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire resistive time periods required by this code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

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G. Historic Buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure or its building service equipment may be made without conforming to the requirements of the technical codes when authorized by the building official, provided:

1. The building or structure has been designated by official action of the legally constituted authority of the United States or the state of Washington as having special historical or architectural significance.

2. Unsafe conditions as described in this chapter or the technical codes are corrected.

3. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety and sanitation than the existing building or structure and its building service equipment.

H. Nonstructural. Alterations or repairs to an existing building or structure that are nonstructural and do not adversely affect any structural member or any part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed.

I. Change in Use. No change will be made in the character of occupancies or use of any building that would place the building in a different division of the same group or occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy.

EXCEPTION: The character of the occupancy of existing buildings may be changed subject to the approval of the building official, and the building may be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new ore proposed use is less hazardous, based on life and fire risk, than the existing use.

No change in the character of occupancy of a building shall be made without a certificate of occupancy, as required in Section 23.05.190 of this code. The building official may issue a certificate of occupancy pursuant to the intent of the above exception without certifying that the building complies with all provisions of this code.

Section 2. Bellevue City Code 23.10.010 is amended to read as follows:

23.10.010 Adoptions.

The following codes, all as amended, added to or excepted in this chapter, together with all amendments and additions provided in this title of this code, are adopted and shall be applicable within the city:

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A. Uniform Building Code, 1997 Edition, Volumes 1, 2 and 3 (except Sections 102, 103, 104, 105, 106.3, 106.4, 107, 109 and Table No. 1-A) published by the International Conference of Building Officials, and State-Wide Amendments, Chapter 51-40 Washington Administrative Code, issued pursuant to Chapters 19.27 and 70.92 RCW are adopted and shall be applicable within the city, as amended, added to and excepted in this chapter; provided that the appendix to the Uniform Building Code is not adopted, except that Appendix Chapter 31 Division II is adopted;

B. Uniform Housing Code, 1997 Edition, published by the International Conference of Building Officials except sections 104, 203, 302 and Chapters 12, 13, 14, 15 and 16.

C. Washington State Ventilation and Indoor Air Quality Code pursuant to Chapter 19.27A RCW and Chapter 15-13 WAC;

D. Washington State Energy Code, as provided in RCW 19.27A.010(6) and Chapter 51-11 WAC;

E. Uniform Swimming Pool, Spa and Hot Tub Code, 1997 Edition, published by the International Association of Plumbing and Mechanical Officials, except for Sections 105, 106,109, 110, 113, 114, 115, 117, which are not adopted;

F. Uniform Building Security Code, 1997 Edition, published by the International Conference of Building Officials;

G. Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, except for Chapters 5, 6, 7, 8 and 9.

All codes, standards, rules and regulations adopted by this section are adopted by reference thereto as though fully set forth in this chapter. Not less than one copy of each code, standard, rule or regulation, in the form in which it was adopted, and suitably marked to indicate amendments, additions, deletions and exceptions as provided in this chapter, shall be filed in the city clerk's office and be available for use and examination by the public.

Section 3. Bellevue City Code 23.10.020 is amended to read as follows:

23.10.020 Amendment adoption.

The following amendments, additions and exceptions to the Uniform Building Code, 1997 Edition, are adopted and shall be applicable within the city.

Section 4. Bellevue City Code 23.10.121 is repealed.

Section 5. Bellevue City Code 23.16.010 is amended to read as follows:

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23.16.010 Fences required - Specifications.

All outdoor swimming pools, spas and hot tubs heretofore or hereafter constructed or presently under construction within the city shall be enclosed with a pool or yard fence of strength and design sufficient to resist the penetration of children, designed as a guardrail per Section 509, 1997 Uniform Building Code, and not less than four feet high. A residence on the premises may be part of either of said fences. Any doors or gates in said fences, other than residential doors, shall be of the self-closing and self-latching type, with the opening device operable from the inside or located at least 54 inches from highest grade at the gate.
Exceptions:

1. Where access to the pool is subject to Regulations for Barrier-Free Facilities, provision for access to the pool shall be designed to comply with the barrier-free regulations.

2. Where a hot tub or spa is installed pursuant to Chapter 23.14 BCC, upon approval of the building official, a fence and gate may be replaced with a locking cover to assure supervised use of the spa or hot tub.
Provided, any outdoor swimming pool, spa or hot tub which was constructed prior to adoption of Section 509, 1997 Uniform Building Code under this chapter need not comply with the terms of this section if such swimming pool, hot tub or spa is enclosed with pool or yard fence which complies with the city code provision regarding enclosures which was in effect at the time the enclosure was constructed.

Section 6. Bellevue City Code 23.30.020 is amended to read as follows:

23.30.020 National Electrical Code - Adopted as amended, added to and excepted.

The National Electrical Code, 1996 Edition, and Laws, Rules and Regulations for Installing Electrical Wires and Equipment, issued pursuant to Chapter 19.28 RCW are adopted and shall be applicable within the city, as amended, added to or excepted in this chapter.

Section 7. Bellevue City Code 23.30.025 is amended to read as follows:

23.30.025 Permit exemptions.

A. An electrical permit shall not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the National Electrical Code;

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2. Repair or replacement of fixed motors, transformers or fixed approved appliances or devices rated 50 amps or less with the same type and rating in the same location;

3. Temporary decorative lighting;

4. Repair or replacement of current-carrying parts of any switch, conductor or control device;

5. Reinstallation of attachment plug receptacles, but not the outlets therefor;

6. Repair or replacement of any over current device of the required capacity in the same location;

7. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems;

8. Taping joints;

9. Removal of electrical wiring;

10. Temporary wiring for experimental purposes in suitable experimental laboratories;

11. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

Exceptions:

a. Electrical systems required by the technical codes for fire protection and building occupant safety (fire alarms, nurse call, public address systems, fire pump controls, smoke control system etc.),

b. Electrical systems installed in hazardous locations as defined in the National Electrical Code, Article 500

c. Electrical systems installed within 20 feet of swimming pools;

12. A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

B. Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of the National Electrical Code or other laws or ordinances of the city.

Section 8. Bellevue City Code 23.30.026 is amended to read as follows:

23.30.026 Inspections.

A. The installation, alteration or extension of any electrical system, fixtures or components for which a permit is required by this code shall be subject to inspection by the building official and such electrical systems, fixtures and components shall remain accessible and exposed for inspection purposes until approved by the building official. It shall be the duty of the permit applicant to cause the electrical systems to remain accessible and exposed for inspection purposes. The city shall not be liable for expense entailed in the removal or replacement of material required to permit inspection. When the installation of an electrical system is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by the National Electrical Code shall not be connected to the energy source until authorized by the building official.

B. The Building Official may require special inspection of equipment or wiring methods where the installation requires special training, equipment, expertise, or knowledge. Where such special inspection is required, it shall be performed by an independent third party acceptable to the Building Official. The special inspection person/agency shall be designated and approved prior to beginning the installation of wiring or equipment. A written report from the designated special inspection agency indicating that the installation conforms to the appropriate codes and standards shall be received by the Building Official prior to that installation being approved. All costs for such testing and reporting shall be the responsibility of the permit holder

C. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the National Electrical Code or of other ordinances of the city. Inspections presuming to give authority to violate or cancel the provisions of the National Electrical Code or other ordinances of the city shall not be valid.

Section 9. Bellevue City Code 23.10.100 is amended to read as follows:

23.30.100 Service entrance conductors.

Service entrance conductors shall be installed in the following manner:

A. Where current limiters are permitted, they shall be installed in an approved enclosure, and labeled "current limiters."
B. In other than single-family dwellings the capacity of installed conductors shall be labeled on service distribution equipment when not of the same rating, and

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C. Single-family dwellings may be served with approved direct burial cable; provided such cable shall be sleeved under paving, and installed to conform to Sections 230(d) and 300-5 of the National Electrical Code.

Section 10. Bellevue City Code 23.30.110 is amended to read as follows:

23.30.110 Grounding procedures.

Electrical systems shall be grounded in conformance with Article 250 of the National Electrical Code.

A. Where rod or pipe electrodes are installed, a minimum of two shall be required. The two electrodes shall be installed no less than 16 feet apart. Concrete encased electrodes per National Electrical Code Section 250-81(c), shall be accepted only if inspected and approved prior to placing of concrete. Electrodes placed horizontally in a trench, and plate electrodes, shall not be approved without written approval from the building official.

EXCEPTION: Only one rod or pipe electrode is required for temporary power.

B. All required grounding shall be fully installed and visible at rough-in inspection.

C. Flexible metal conduit shall contain an equipment grounding conductor sized per National Electrical Code Section 250-95.

Section 11. Bellevue City Code 23.30.130 is amended to read as follows:

23.30.130 Raceways.

All premises shall be wired with approved raceways or metal clad (M.C.) cable except as further provided in this section. Raceways are not required for:

A. Single-family, duplex or multifamily dwellings not exceeding three stories above grade. For purposes of this section, grade is defined in the currently adopted Uniform Building Code;

B. Installations under Articles 720, 725, 770, 800, 810 and 820 where installed in conformance with the applicable provisions of the National Electrical Code, except that where fire-detection and mechanical smoke-control systems required by Section 905.1 of the Uniform Building Code are installed, all wiring for those systems, regardless of voltage, shall be fully enclosed within continuous electrical raceways and installed in conformance to the requirements for that raceway Metal clad (M.C.) cable shall not be smaller than #14 AWG copper, with a grounding conductor contained within the outer jacket, approved per National Electrical Code for use only with approved fittings.

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Section 12. Bellevue City Code 20.50.010 is amended to read as follows:

23.50.010 Uniform Mechanical Code adopted, as amended, added to and excepted.

Uniform Mechanical Code, 1997 Edition (except Sections 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 115, Table 1-A) as published by the International Conference of Building Officials, and Chapter 51-42 WAC, State Building Code Adoption and Amendment of the 1997 Edition of the Uniform Mechanical Code issued pursuant to Chapter 19.27 RCW, are adopted and shall be applicable within the city, as amended, added to and excepted in this chapter.

Section 13. Bellevue City Code 25.50.026 is repealed.

Section 14. Bellevue City Code 23.60.010 is amended to read as follows:

23.60.010 Uniform Plumbing Code adopted as amended, added to and excepted.

The Uniform Plumbing Code, 1997 Edition (except Sections 101.3,101.4, 101.5, 102.2, 102.3, 102.4, 103.1, 103.2. 103.3. 103.4, Table 1-1) as published by the International Association of Plumbing and Mechanical Officials, and Chapters 51-46 and 51-47 WAC, State Building Code Adoption and State-Wide Amendments to the Uniform Plumbing Code issued pursuant to Chapter 19.27 RCW, are adopted and shall be applicable within the city, as amended, added to and excepted in this chapter. Appendices to the Uniform Plumbing Code are not adopted, except Appendix M Sections M 1.2, 1.3, 1.4, 1.11, 1.12, 2.0, 5.0, 6.0, 8.0, Tables M-1, M-2, M-3 Storm Drainage. is adopted.

Section 15. Bellevue City Code 23.60.025 is amended to read as follows:

23.60.025 Permit exemptions.

A. A permit will not be required for the following:

1. Stopping of leaks in drains, soils, waste or vent pipe; provided, however, that should any concealed trap, drainpipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this chapter.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the removal and reinstallation of water closets; provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures;

3. Replacement of plumbing fixtures with fixtures of similar kind. This exemption does not apply to plumbing appliances.

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B. Exemptions from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in violation of the provisions of this chapter or any other laws or ordinances of the city.

Section 16. Bellevue City Code 23.05.120 is amended to read as follows:

23.05.120 Board of Appeals

General. The board of appeals created in Bellevue City Code Chapter 3.50 will hear and decide appeals of interpretations of the technical codes made by the building official, as provided in Bellevue City Code Chapter 3.50.

Section 17. Bellevue City Code 3.50.020 is amended to read as follows:

3.50.020 Purpose - Function and jurisdiction

A. The board shall hear all appeals of technical code interpretations by the building official as provided in BCC 23.05.120.

B. The board shall have jurisdiction and advisory authority to determine the suitability of alternate materials or alternate types of construction, if an alternate is contemplated or recognized by the express terms of the codes or ordinances of the city; and

C. The board shall have authority to make recommendations to the city council for such new legislation as will expedite or improve the administration of such codes or ordinances; and

D. The board shall have no authority to consider or determine any matter arising under the zoning or land use ordinances.

E. The board shall have no authority over civil violations under BCC 1.18.

Section 18. Bellevue City Code 3.50.100 is amended to read as follows:

3.50.100 General Provisions and Rules.

A. Procedures before the Board shall be a provided in Uniform Housing Code, 1997 Edition, Chapter 13, as now or hereafter amended or readopted, except where inconsistent with any provision of this code.

B. The board shall have the right, by two-thirds affirmative vote, to make any rule of procedure it may desire, so long as the rule is not in conflict with the spirit or expressed provisions of this chapter.

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C. The report of the board may also be in the nature of a recommendation to the appellant.

Section 19. Bellevue City Code 23.60.026 is repealed.

Section 20. This ordinance shall take effect and be in force thirty days after its final passage by the Council.

PASSED by the City Council this 3rd day of August, 1998, and signed in authentication of its passage this 3rd day of August, 1998.

(SEAL)

Mike Creighton, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

Published August 7, 1998