

Title 16

BUILDING¹

Chapters:

- 16.04 Building Code**
- 16.08 Plumbing Code**
- 16.10 Energy Efficiency and Conservation Standards**
- 16.16 *Repealed***
- 16.20 Dangerous Buildings**
- 16.28 Mechanical Code**
- 16.32 Floodplain Management**
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- 16.40 *Repealed***

1. Motion picture theater construction, requirements for fire, see MMC Title 9. Places of assembly, building requirements for fire, see MMC Title 9. Adoption of codes by reference, see RCW 35.21.180.

Chapter 16.04**BUILDING CODE¹**

Sections:

- 16.04.010 Adoption by reference.
- 16.04.020 Amendments – Subsequent.
- 16.04.030 Appendices adopted.
- 16.04.035 Section 204 amended – Board of appeals.
- 16.04.037 Section 220 Definitions amended – Story.
- 16.04.040 Washington State Energy Code – Nonresidential Energy Code and Ventilation and Indoor Air Quality Code adopted.
- 16.04.050 Section 107 amended – Plan review fees.
- 16.04.060 Section 904.2.3.3 amended – Sprinkler systems – Group A Occupancies.
- 16.04.070 Section 904.2.4.1 amended – Fire-extinguishing systems – Group E Occupancies.
- 16.04.080 Section 904.2.5.1 amended – Sprinkler systems – Group F Occupancies.
- 16.04.090 Section 904.2.6.1 amended – Fire-extinguishing systems – Group H Occupancies.
- 16.04.100 Section 904.2.8 amended – Sprinkler systems – Group M Occupancies.
- 16.04.110 Section 904.2.9 amended – Sprinkler systems – Group R, Division 1 Occupancies.
- 16.04.120 Section 904.2.10 added – Sprinkler systems – Group S Occupancies.
- 16.04.130 Section 904.2.11 added – Area separation walls.
- 16.04.140 Section 3303(a) amended – Number of exits.
- 16.04.160 Requirements for moved buildings.

16.04.010 Adoption by reference.

Certain documents, copies of which are on file in the office of the clerk of the city of Marysville, being marked and designated as the “Uniform Building Code and the Uniform Building Code Standards, 1997 Edition,” published by the International Conference of Building Officials, are adopted as the building code of the city of Marysville for regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment,

use, height, area and maintenance of buildings or structures in the city of Marysville, providing for the issuance of permits and the collection of fees therefor, and providing for penalties for the violation thereof. Each and all of the regulations, provisions, penalties, conditions and terms of said code are incorporated and made a part of this chapter as if fully set forth in this chapter. (Ord. 2204 § 1, 1998; Ord. 2062 § 1, 1996; Ord. 1948 § 1, 1993; Ord. 1475 § 1, 1986; Ord. 1375 § 1, 1984; Ord. 1076 § 1, 1979; Ord. 852 § 1, 1975).

16.04.020 Amendments – Subsequent.

All amendments or supplements to the Uniform Building Code hereinafter adopted by the International Conference of Building Officials and by the state of Washington as part of the State Building Code shall become a part of this code in all respects insofar as it is applied and enforced within the jurisdictional boundaries of the city of Marysville. (Ord. 852 § 2, 1975).

16.04.030 Appendices adopted.

All appendices to the Uniform Building Code, 1997 Edition, except Chapter 34 relating to life safety requirements for existing buildings other than high rise buildings and aviation control towers, are adopted, incorporated by this reference, and made a part of this chapter as if fully set forth in this chapter. (Ord. 2204 § 2, 1998; Ord. 2062 § 2, 1996; Ord. 1948 § 2, 1993; Ord. 1475 § 2, 1986; Ord. 1375 § 2, 1984; Ord. 1076 § 2, 1979; Ord. 852 § 3, 1975).

16.04.035 Section 204 amended – Board of appeals.

Section 204 of the Uniform Building Code is amended by adding the following additional subsection thereto:

(c) Procedure. An appeal to the Board of Appeals must be filed in writing within fifteen (15) days after the order, decision or determination of the building official which is being challenged. The filing fee shall be one hundred fifty dollars. Within twenty (20) days after the filing of an appeal the Board of Appeals shall hold a hearing on the same and shall render its decision. Continuances shall be allowed only with the consent of the appellant. The decision of the Board of Appeals shall be final on the date that it is reduced to writing and sent to the appellant, subject to the right of the appellant to file an appeal to the Sno-

1. Prior legislation: Ords. 478 and 528.

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homish County Superior Court within fifteen (15) days thereafter.
(Ord. 1766, 1990).

16.04.037 Section 220 Definitions amended – Story.

Section 220 of the Uniform Building Code is amended at that paragraph entitled “Story” by adding the following paragraph:

If any portion of a basement or usable under-floor space in a group R-1 occupancy consisting of five (5) units or more is used or intended to be used for human habitation or assemblage of person for any purpose, such basement or usable space shall be considered a story.

(Ord. 2100 § 1, 1996).

16.04.040 Washington State Energy Code – Nonresidential Energy Code and Ventilation and Indoor Air Quality Code adopted.

The Washington State Energy Code, Chapters 51-11, 51-12 and 51-13 WAC, the Nonresidential Energy Code, Chapter 51-11 WAC, and the Ventilation and Indoor Air Quality Code, Chapter 51-13 WAC, are each adopted and incorporated into and made a part of this chapter by reference. (Ord. 2062 § 3, 1996).

16.04.050 Section 107 amended – Plan review fees.

Section 107 of the Uniform Building Code is amended to read as follows:

1. When a plan or other data are required to be submitted by Section 107.3, a plan review fee shall be paid at the time of submitting plans and specifications for review. Except as provided below, said plan review fee shall be 65 percent (65%) of the building permit fee as shown in Table No. 1-A.

2. Provided, however, in cases where an applicant has previously received plan review, approval and permits for a residential plan and the applicant intends to construct the same structure on another lot within the City, a reduced plan check fee will apply. Said reduced fee shall be subject to the following conditions and limitations:

i. The reduced fee shall be One Hundred Dollars (\$100.00) for structures constructed under the R-3 zoning classification.

ii. The reduced fee for structures constructed in the R-1 and R-2 zoning classification shall be one-half of the original plan check fee.

iii. Such plans shall be filed as “basics” at the City Building Department.

iv. The plan submittal must be identical in all material respects, including the structural details and materials identified in the plan.

v. No changes, modifications or alterations to the previously approved plan shall be made without authorization of the Building Official. In such cases where there are modifications which in the sole discretion of the Building Official are minor in nature, a minimum fee of Forty-Seven Dollars (\$47.00) will be added to the basic fee for review of said changes, modifications or alterations. If, in the discretion of the Building Official, the modifications, changes or alterations are substantial in nature, the normal plan review fee schedule as referenced in paragraph 1 above shall apply.

vi. The basic plan review fee shall apply only in cases where the applicant is the same person or entity who submitted the previously approved plan.

vii. In the event the City adopts any revised version of the Uniform Building Code, the basic plan review fee shall not be applied until after one plan review, approval and permits have been issued for a residential plan under the new Code. For subsequent plans the basic plan review fee may then be applied.

viii. The application of the basic plan review fee shall in no way relieve any applicant from obtaining all inspections required under Sections 108 and 108.5 of the Uniform Building Code.

3. Table 1-A of the 1997 Uniform Mechanical Code, “Mechanical Permit Fees,” is hereby adopted.

(Ord. 2204 § 3, 1998; Ord. 2062 § 4, 1996; Ord. 1974 § 1, 1993).

16.04.060 Section 904.2.3.3 amended – Sprinkler systems – Group A Occupancies.

Section 904.2.3.3 of the Uniform Building Code as enacted by the city and previously amended is

hereby repealed and a new Section 904.2.3.3 is enacted to be added to the building code reading as follows:

Section 904.2.3.3 Group A Occupancies. An automatic sprinkler system shall be installed in all Group A Occupancies, other than those rooms used by the occupants for the consumption of alcoholic beverages, that have 10,000 square feet (929.03 m²) or more of floor area.

(Ord. 2377 § 10, 2001).

16.04.070 Section 904.2.4.1 amended – Fire-extinguishing systems – Group E Occupancies.

Section 904.2.4.1 of the Uniform Building Code as enacted by the city and previously amended is hereby repealed and a new Section 904.2.4.1 is enacted to be added to the building code reading as follows:

Section 904.2.4.1 General. An automatic fire-extinguishing system shall be installed in all newly constructed buildings classified as Group E, Division 1 Occupancy, and an automatic fire-extinguishing system shall be installed in all newly constructed buildings classified as Group E, Division 2 and Group E, Division 3 that have 10,000 square feet (929.03 m²) or more of floor area. A minimum water supply meeting the requirements of Uniform Building Code Standard 9-1 shall be required. The Fire Marshall may reduce fire flow requirements for buildings protected by an approved automatic sprinkler system.

For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a 12-month period that exceeds 100% of the value of such building or structure shall be considered new construction.

EXCEPTION: Portable school classrooms, provided:

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

When not required by other provisions of this chapter, a fire-extinguishing system installed in accordance with UBC Standard

9-1 may be used for increases and substitutions allowed in Sections 505, 506, and 508.

(Ord. 2377 § 11, 2001).

16.04.080 Section 904.2.5.1 amended – Sprinkler systems – Group F Occupancies.

Section 904.2.5.1 of the Uniform Building Code as enacted by the city and previously amended is hereby repealed and a new Section 904.2.5.1 is enacted to be added to the building code reading as follows:

Section 904.2.5.1 Group F occupancies. An automatic fire sprinkler system shall be installed in Group F occupancies over 2,500 square feet (232.3 m²) in area that use equipment, machinery or appliances that generate finely divided combustible waste or that use finely divided combustible materials. All other Group F occupancies that have 10,000 square feet (929.03 m²) or more of floor area shall be provided with an automatic fire sprinkler system.

(Ord. 2377 § 12, 2001).

16.04.090 Section 904.2.6.1 amended – Fire-extinguishing systems – Group H Occupancies.

Section 904.2.6.1 of the Uniform Building Code as enacted by the city and previously amended is hereby repealed and a new Section 904.2.6.1 is enacted to be added to the building code reading as follows:

Section 904.2.6.1 General. An automatic fire-extinguishing system shall be installed in Group H, Divisions 1,2,3, and 7 Occupancies. Group H, Division 5 occupancies that have 10,000 square feet (929.03 m²) or more of floor area shall be provided with an automatic fire sprinkler system.

(Ord. 2377 § 13, 2001).

16.04.100 Section 904.2.8 amended – Sprinkler systems – Group M Occupancies.

Section 904.2.8 of the Uniform Building Code as enacted by the city and previously amended is hereby repealed and a new Section 904.3.8 is enacted to be added to the building code reading as follows:

Section 904.2.8 Group M Occupancies. An automatic sprinkler system shall be installed in rooms classed as Group M Oc-

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occupancies where the floor area is 10,000 square feet (929.03 m²) or more on any floor 20,000 square feet (1858.06 m²) or more on all floors or in Group M Occupancies more than three stories in height. The area of mezzanines shall be included in determining the areas where sprinklers are required.

(Ord. 2377 § 14, 2001).

16.04.110 Section 904.2.9 amended – Sprinkler systems – Group R, Division 1 Occupancies.

Section 904.2.9 of the Uniform Building Code as enacted by the city and previously amended is hereby repealed and a new Section 904.2.9 is enacted to be added to the building code reading as follows:

Section 904.2.9 Group R, Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every apartment house three or more stories in height or containing 5 or more dwelling units, every congregate residence three or more stories in height or having an occupant load of 5 or more, and every hotel three or more stories in height or containing 5 or more guest rooms. Residential or quick-response standard sprinklers shall be used in the dwelling units and guest room portions of the building.

(Ord. 2377 § 15, 2001).

16.04.120 Section 904.2.10 added – Sprinkler systems – Group S Occupancies.

A new Section 904.2.10 is hereby enacted and added to the Uniform Building Code as previously enacted and amended by the city reading as follows:

Section 904.2.10 Group S Occupancies. An automatic sprinkler system shall be installed throughout all Group S occupancies that have 10,000 square feet (929.03 m²) or more of floor area.

(Ord. 2377 § 16, 2001).

16.04.130 Section 904.2.11 added – Area separation walls.

A new Section 904.2.11 is hereby enacted and added to the Uniform Building Code as previously enacted and amended by the city reading as follows:

Section 904.2.11. For the purposes of section 904, area separation walls shall not define separate buildings.

(Ord. 2377 § 17, 2001).

16.04.140 Section 3303(a) amended – Number of exits.

Section 3303(a) of the Uniform Building Code is amended in part to read as follows:

(a) Number of Exits. Every building or usable portion thereof shall have at least one (1) exit, and shall have not less than two (2) exits where required by Table No. 33-A.

In all occupancies, floors, balconies and mezzanines above the main story having an occupant load of more than ten (10) shall have not less than two (2) exits.

Each mezzanine used for storage purposes, if greater than 2,000 square feet or more than 60 feet in any dimension, shall have not less than two (2) stairways to an adjacent floor.

All remaining portions of Section 3303(a) shall remain unamended.

(Ord. 1375 § 9, 1984; Ord. 852 § 15, 1975).

16.04.160 Requirements for moved buildings.

The term “moved building” shall mean any structure designed for human occupancy that is moved horizontally or vertically for 10 feet or more when either the original site or its new site is located within the city of Marysville; it does not mean factory-built housing which is being moved into the city directly from the factory, or mobile/manufactured homes. In addition to all requirements of the Uniform Building Code, the following provisions shall apply to moved buildings:

(1) Before any building shall be moved into or within the city of Marysville, a moving permit shall be obtained from the city building official. The fee for said permit shall be the minimum building permit fee specified in the Uniform Building Code, plus the state surcharge. The application for the moving permit shall state the proposed moving date, the proposed moving route and the location of the new site for the building. A moving permit shall be issued only upon approval by both the building official and the street superintendent;

(2) No building shall be moved to or stored upon any site in the city of Marysville which is not a location approved in a moving permit issued by the city;

(3) Within 10 days after a building is moved to a new site in the city of Marysville, the owner shall apply for a building permit to place it on a permanent foundation and to bring it into compliance with the Uniform Building Code;

(4) Within 90 days after a building is moved to a new site within the city of Marysville, it shall be brought into full compliance with all applicable city codes and be ready for final approval by the building official. In hardship cases involving unforeseen circumstances, the building official shall be authorized to extend this time period for up to 60 additional days. (Ord. 1559, 1987).

Chapter 16.08

PLUMBING CODE¹

Sections:

- 16.08.010 Adoption.
- 16.08.015 Subsequent amendments.
- 16.08.075 Table 1-1 adopted – Schedule of fees.
- 16.08.080 Section 20.14 amended – Board of plumber appeals.
- 16.08.120 Section 20.17 added – Appendices.
- 16.08.130 Water conservation performance standards.
- 16.08.140 Pressure-regulating valves.

16.08.010 Adoption.

A certain document, not less than one copy of which is on file in the office of the clerk of the city of Marysville, being marked and designated as the “Uniform Plumbing Code, 1997 Edition” published by the International Association of Plumbing and Mechanical Officials, and all appendices thereto, are adopted as the plumbing code of the city of Marysville for regulating the installation, removal, alteration or repair of plumbing and drainage systems and fixtures and water heating and treating equipment. Each and every one of the regulations, provisions, conditions and terms of the code are incorporated and made a part of this chapter as if fully set forth in this chapter. (Ord. 2204 § 4, 1998; Ord. 2062 § 5, 1996; Ord. 1948 § 5, 1993; Ord. 1372 § 1, 1984; Ord. 1077 § 1, 1979; Ord. 853 § 1, 1975).

16.08.015 Subsequent amendments.

All amendments or supplements to the Uniform Plumbing Code which are hereinafter adopted by the International Association of Plumbing and Mechanical Officials and by the state of Washington as a part of the State Building Code shall become a part of this code in all respects insofar as it is applied and enforced within the jurisdictional boundaries of the city of Marysville. (Ord. 853 § 2, 1975).

16.08.075 Table 1-1 adopted – Schedule of fees.

The schedule of fees specified in Table 1-1 entitled “Plumbing Permit Fees” is hereby adopted. (Ord. 2204 § 6, 1998; Ord. 1948 § 7, 1993; Ord. 1719, 1989).

1. Prior legislation: Ords. 507, 556, and 621.

16.08.080 Section 20.14 amended – Board of plumber appeals.

Section 20.14 of the administration chapter of the Uniform Plumbing Code is amended to read as follows:

Board of Plumber Appeals. A Board of Plumber Appeals shall consist of five (5) members: two (2) qualified Plumbing Contractors, two (2) qualified Journeyman Plumbers, and one (1) member from the public at large. One (1) member of the administrative authority shall act as Secretary and serve as an ex officio member.

The Board shall be appointed by and serve at the pleasure of the appointing authority of the City.

The members of said Board shall serve for one year, unless sooner removed for cause.

The Board of Plumber Appeals shall have the following duties:

(1) It shall be the duty of the Board to act as a Board of Appeals in making a correct determination of any appeal arising from actions of the administrative authority.

(2) Said Board shall keep an accurate record of all its official transactions and render such reports and statistics as the administrative authority may require and direct.

(3) Said Board shall elect annually a Chairman from the members who shall preside at all meetings. It shall adopt such rules and regulations as it sees fit for the proper and efficient discharge of its official duties.

Appeals shall be made in writing and the appellant may appear in person before the Board or be represented by an attorney and may introduce evidence to support his claims. Appeals shall be heard at reasonable times at the convenience of the Board but not later than thirty (30) days after receipt thereof.

The appellant shall cause to be made at their own expense any tests or research required by the board to substantiate their claims.

Appeals shall be timely filed within thirty (30) days of a determination by the administrative authority.

(Ord. 853 § 5, 1975).

16.08.120 Section 20.17 added – Appendices.

There is added to the administration chapter of the Uniform Plumbing Code a new Section 20.17, which shall read as follows:

20.17 Appendices. All appendices of the 1991 Edition of the Uniform Plumbing Code are incorporated by reference and made a part of this chapter.

(Ord. 1948 § 8, 1993; Ord. 1476 § 2, 1986; Ord. 1372 § 5, 1984; Ord. 1077 § 7, 1979; Ord. 853 § 9, 1975).

16.08.130 Water conservation performance standards.

The water conservation performance standards specified in RCW 19.27.170, and the rules for the implementation of the same adopted by the State Building Code Council in WAC 51-18, and any and all amendments or supplements to the same, are hereby adopted by reference as part of the plumbing code of the city of Marysville. (Ord. 1807 § 2, 1990).

16.08.140 Pressure-regulating valves.

Where static water service pressure exceeds 80 pounds per square inch, a pressure-regulating valve shall be installed and maintained in the consumer's piping between the meter and the first point of water use, and set at not more than 50 pounds per square inch when measured at the highest fixture in the structure served. This requirement may be waived if the consumer presents evidence satisfactory to the city that excessive pressure has been considered in the design of water-using devices and that no water will be wasted as a result of high pressure operation. (Ord. 1807 § 2, 1990).

Chapter 16.10

**ENERGY EFFICIENCY AND
CONSERVATION STANDARDS**

Chapter 16.16

SIGN CODE¹

(Repealed by Ord. 2131)

Sections:

- 16.10.030 Washington State Energy Code adopted.
- 16.10.040 Violations – Penalties.

16.10.030 Washington State Energy Code adopted.

The Washington State Energy Code, Chapters 51-11, 51-12 and 51-13 WAC, is adopted and incorporated into and made a part of this chapter by reference. Said code shall apply to all heated residential and nonresidential construction. (Ord. 1948 § 11, 1993; Ord. 1762 § 2, 1990).

16.10.040 Violations – Penalties.

It is unlawful for any person, firm or corporation to erect or construct any building, or remodel or rehabilitate any existing building or structure in the city, or allow the same to be done, contrary to or in violation of any of the provisions of this chapter. Violations of this chapter are misdemeanors and shall be punished pursuant to MMC 1.01.080. (Ord. 1762 § 2, 1990).

1. See Chapter 19.20 MMC.

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Chapter 16.20**DANGEROUS BUILDINGS**

Sections:

- 16.20.010 Defective conditions enumerated.
- 16.20.020 Administration and enforcement by building official and city engineer – Powers and duties.
- 16.20.030 Hearing by city engineer – Findings of fact – Order to abate – Compliance.
- 16.20.040 Standards to be followed in ordering abatement.
- 16.20.050 Appeals commission established – Appointment of members.
- 16.20.060 Appeals – Findings of commission – Failure to comply with final order.
- 16.20.070 Appeal to Superior Court.
- 16.20.080 Failure to comply – Assessment of costs.
- 16.20.090 Civil and criminal enforcement.

16.20.010 Defective conditions enumerated.

All buildings or structures which have any or all of the following defects shall be deemed “dangerous buildings.”

- (1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;
- (2) Those which, exclusive of the foundation, show 33 percent, or more, or damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering;
- (3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- (4) Those which have become damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city of Marysville;
- (5) Those which have become or are so dilapidated or decayed or unsafe or unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;
- (6) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein;

(7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication;

(8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property;

(9) Those which because of their condition are unsafe or unsanitary, or dangerous to the health, morals, safety or general welfare of the people of the city. (Ord. 578 § 1, 1967).

16.20.020 Administration and enforcement by building official and city engineer – Powers and duties.

The building official shall be charged with the primary responsibility for the administration and enforcement of this chapter and shall be assisted by the building inspector and city engineer, and each, as well as the appeals commission hereinafter established, shall have and exercise, in addition to those powers herein enumerated, such other powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter.

The city building official and/or his authorized representative shall:

(1) Inspect or cause to be inspected all buildings including, but not necessarily limited to, schools, halls, churches, theaters, hotels, all family, commercial, manufacturing or loft buildings which may be brought to his attention by the fire chief or any one of his duly authorized representatives or the police chief or any one of his duly authorized representatives for the purpose of determining whether any conditions exist which render such places “dangerous buildings” within the terms of MMC 16.20.010;

(2) Inspect or cause to be inspected any building, wall or structure about which complaints are made by any person to the effect that a building, wall or structure is, or may be, existing in violation of this chapter;

(3) After such inspection, if he finds any dwelling, building or other structure to be a “dangerous building,” he shall cause to be served, either personally or by certified mail, with a return receipt requested, on all persons having any interest therein, as shown upon the records of the auditor’s office of Snohomish County, and shall post in a conspicuous place on such property, a complaint stating in what respect such dwelling, building or structure is a “dangerous building.” If the whereabouts of such persons is unknown, and the same cannot be ascertained by the building inspector in

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the exercise of reasonable diligence, and the building inspector shall make an affidavit to that effect, then the serving of such complaint or order upon such person may be made by publishing the same once each week for two consecutive weeks in a legal newspaper published in the city. Such complaint shall contain a notice that a hearing will be held before the city engineer, at a place therein fixed, not less than 10 days nor more than 30 days after the serving of said complaint; or in the event of publication, not less than 15 days nor more than 30 days from the date of the first publication; that all parties in interest shall be given the right to file an answer to the complaint, and to appear in person, or otherwise, and to give testimony at the time and place fixed in the complaint. Rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the city engineer. A copy of such complaint shall also be filed with the auditor of Snohomish County, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law;

(4) Appear at all hearings conducted by the city engineer and the appeals commission, hereinafter established, and testify as to the condition of such “dangerous buildings”;

(5) The city engineer and the city building official and/or their authorized representatives shall be empowered to enter any building or structure for the purpose of making inspection thereof when said officers have reasonable grounds for believing that said buildings or structures are “dangerous buildings”; provided, that such entry shall be made in such a manner as to cause the least possible inconvenience to the persons in possession. (Ord. 1948 § 13, 1993; Ord. 1102 § 2, 1980; Ord. 578 § 2, 1967).

16.20.030 Hearing by city engineer – Findings of fact – Order to abate – Compliance.

The city engineer shall:

(1) Hold a hearing to adduce such testimony as may be presented by any department of the city of Marysville, or the owner, occupant, mortgagee, lessee or any other person having an interest in such building or premises designated a “dangerous building,” as shown by the records of the Snohomish County auditor;

(2) Make written findings of fact from the testimony offered pursuant to subsection (1) as to whether or not the building in question is a “dangerous building” within the terms of MMC 16.20.010;

(3) After a complete investigation of the “dangerous building,” issue an order based upon said findings of fact commanding the occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown by the records of the Snohomish County auditor, to repair and/or vacate and/or demolish such building found to be a “dangerous building” within the terms of this chapter;

(4) Send a copy of said order and findings of fact via certified mail to the owner, lessee, mortgagee, agent and all other persons having an interest in the said building, as shown by the records of the Snohomish County auditor, of any building found by the city engineer to be a “dangerous building” within the standards set forth in MMC 16.20.010, and a copy of the said order shall be posted in a conspicuous place on said building. The order and findings of fact shall cover the following information:

(a) Name of the owner or other persons interested, as provided hereinabove,

(b) Street address and legal description of the property on which said building, wall or structure is located,

(c) General description of type of building, wall or structure deemed unsafe,

(d) A complete, itemized statement or list of particulars which caused the building, wall or structure to be a “dangerous building” as defined in MMC 16.20.010,

(e) Whether or not the defects specified in the statement or list of particulars, as provided for in paragraph D above, can be removed or repaired,

(f) Whether or not said building should be vacated by the occupants, and the date of such vacation,

(g) Whether or not the said building constitutes a fire menace,

(h) Whether or not it is unreasonable to repair the said building and whether or not the said building should be demolished,

(i) A statement of the reasonable time to commence to vacate and/or make repairs and/or demolish the building, as provided in said order. A reasonable time shall not exceed 30 days except in cases of an unusually large building. The time to commence may be extended by the city engineer or the appeals commission for an additional period of 60 days; provided, however, the extension is applied for by the owner or other persons interested in the property as hereinabove defined at least five days before the expiration of the time to commence vacation, repair or demolition,

(j) A reasonable time to complete the vacation, repairs or demolition as provided in said order, and said reasonable time for completion shall not exceed 60 days, unless the time is extended by resolution of the city council;

(5) If the owner, mortgagee, lessee or other person having an interest in said building fails to comply with the order provided for in subsection (3) within 30 days or any reasonable time ordered by the city engineer, then the city engineer shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant under the standards herein before provided in MMC 16.20.010, and the costs of such repair, vacation or demolition shall be a lien charged against the land on which said building or structure existed in favor of the city of Marysville, to be foreclosed in the manner provided for in the foreclosure of mechanics' and materialmen's liens, or shall be recovered in a suit at law or equity against the owner; provided, however, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the people of this city, the city engineer may notify the city attorney to take legal action to force the owner to make all necessary repairs, vacate or demolish the building or structure;

(6) If no appeal is filed as hereinafter provided, a copy of the order and findings of fact shall be filed with the Auditor of Snohomish County. (Ord. 578 § 3, 1967).

16.20.040 Standards to be followed in ordering abatement.

The following standards shall be followed in substance by the city engineer and appeals commission in ordering repair, vacation or demolition of any "dangerous building,":

(1) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired by the city engineer or the appeals commission;

(2) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated by the city engineer of the appeals commission;

(3) If the "dangerous building" is 50 percent damaged or decayed or deteriorated in value, it shall be demolished. Value as used herein shall be the valuation placed upon the building for purposes of general taxation;

(4) If the "dangerous building" cannot be repaired so that it will no longer exist in violation

of the terms of this chapter, it shall be demolished. (Ord. 1102 § 3, 1980; Ord. 578 § 4, 1967).

16.20.050 Appeals commission established – Appointment of members.

(1) There is hereby created and established a body to be known as the appeals commission of the city of Marysville, which shall consist of three members, residents of the city of Marysville to be appointed by the mayor with the approval of the city council, one of whom shall be elected by said members to serve in the capacity of chairman. The members shall be appointed for a term of three years; provided, however, that of the members first appointed, one member shall be appointed for a term of one year, one member for a term of two years and one member for a term of three years. Thereafter, all such appointments shall be for a term of three years.

(2) In the event of the death, resignation or removal of any member of the appeals commission, the mayor shall appoint a successor to serve his unexpired term, which appointment shall be made in the manner herein provided. Any member of the appeals commission shall be eligible for reappointment and all shall serve without compensation. The city of Marysville shall furnish to the appeals commission such clerical help as may be required. (Ord. 578 § 5, 1967).

16.20.060 Appeals – Findings of commission – Failure to comply with final order.

(1) The owner or any party of interest, within 30 days from the date of service upon the owner and posting of an order issued by the city engineer under the provisions of MMC 16.20.030, may file an appeal in writing with the appeals commission setting forth with particularity the alleged errors of the order and findings of fact issued by the city engineer. Upon receipt of such written appeal the matter shall be promptly set down for hearing before the appeals commission, and all such appeals shall be resolved by the appeals commission within 60 days from the date of filing therewith.

(2) The findings of fact and orders of the appeals commission shall be reported in the same manner and shall bear the same legal consequences as if issued by the city engineer. A transcript of the findings of fact and orders of the appeals commission shall be made available to the owner or the party in interest upon demand and shall be filed with the auditor of Snohomish County. (Ord. 1102 § 4, 1980; Ord. 578 § 6, 1967).

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16.20.070 Appeal to Superior Court.

Any person affected by an order issued by the appeals commission may, within 30 days after the posting and service of the order, petition to the Superior Court for an injunction restraining the city from carrying out the provisions of the order. In all such proceedings, the Superior Court shall have authority to affirm, reverse or modify the city's order, and the Superior Court trial shall be heard de novo. (Ord. 1102 § 5, 1980).

16.20.080 Failure to comply – Assessment of costs.

(1) If the owner or party in interest, following exhaustion of his rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove or demolish the dwelling, building or structure, the city council may direct and cause such dwelling, building or structure to be repaired, altered, improved, vacated and closed, removed or demolished by city employees or by city contract. The amount of the cost of such repairs, alterations, improvements or vacating and closing, or removal and demolition, shall be assessed against the real property upon which such cost was incurred, unless such amount is previously paid. Upon certification to him by the city treasurer of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the city of Marysville. If the dwelling, building or structure is removed or demolished by the city, the city shall, if possible, sell the materials of such dwelling, building or structure and credit the proceeds of such sale against the cost of the removal or demolition, and if there be any balance remaining, it shall be paid to the parties entitled thereto, after deducting the costs incident thereto. The demolition assessment shall constitute a lien against the property of equal rank with state, county and municipal taxes.

(2) The remedies and procedures provided for herein shall be cumulative with all other remedies and procedures available to the city for the enforcement of compliance with its ordinances. (Ord. 1102 § 6, 1980).

16.20.090 Civil and criminal enforcement.

(1) Any dwelling, building or structure which is found pursuant to procedures of this chapter to be a "dangerous building," and which is not repaired, altered, improved, vacated, closed, removed or demolished as required herein, is hereby declared to be a public nuisance. The city shall have the authority to commence civil proceedings for the abatement thereof, and to enforce compliance with the orders entered pursuant to this chapter, in the Snohomish County Superior Court. The cost of such proceedings, including reasonable attorney's fees, shall be assessed against the property owners or other party in interest.

(2) It is unlawful for any person to maintain a public nuisance, as defined above, or to willfully omit or refuse to comply with an order entered pursuant to this chapter to repair, alter, improve, vacate, close, remove or demolish a "dangerous building." Any person found guilty of such criminal acts or omissions, by judgment of the Marysville police court, shall be punished by imposition of a fine not to exceed \$300.00. Each day's violation shall constitute a separate offense punishable hereunder. (Ord. 1102 § 8, 1980).

Chapter 16.28**MECHANICAL CODE**

Sections:

- 16.28.010 Adoption by reference.
- 16.28.020 Subsequent amendments.
- 16.28.035 Solid-fuel-burning appliances.
- 16.28.040 Penalty for violation.

16.28.010 Adoption by reference.

A certain document, not less than one copy of which is filed in the office of the clerk of the city of Marysville, being marked and designated as the "Uniform Mechanical Code, 1997 Edition," including the appendices thereto, published by the International Conference of Building Officials, is adopted as the mechanical code of the city of Marysville for regulating the installation and maintenance of heating, ventilating, cooling and refrigeration systems, providing for the issuance of permits and the collection of fees therefor, and providing penalties for the violation thereof. Each and all of the regulations, provisions, penalties, conditions and terms of said code are incorporated and made a part of this chapter as if fully set forth herein. (Ord. 2204 § 5, 1998; Ord. 2062 § 7, 1996; Ord. 1948 § 14, 1993; Ord. 1477 § 1, 1986; Ord. 1374 § 1, 1984; Ord. 1080 § 1, 1979; Ord. 849 § 1, 1975).

16.28.020 Subsequent amendments.

All amendments or supplements to the Uniform Mechanical Code or the appendices thereto hereinafter adopted by the International Association of Plumbing and Mechanical Officials shall become a part of the code in all respects insofar as it is applied and enforced within the jurisdictional boundaries of the city of Marysville. (Ord. 1080 § 2, 1979; Ord. 849 § 2, 1975).

16.28.035 Solid-fuel-burning appliances.

A certain document, not less than one copy of which is filed with the office of the clerk of the city of Marysville, being marked and designated as "Standards for the Installation and Care of Solid Fuel Burning Appliances," published by the Washington Association of Building Officials, March, 1984 Edition, is adopted by this reference and incorporated herein as if fully set forth in this chapter. Standards provided therein shall be considered as an integral part of the Uniform Mechanical Code, and shall supersede any inconsistent provisions in the Uniform Mechanical Code insofar as

the same relates to solid-fuel-burning appliances. (Ord. 1374 § 2, 1984; Ord. 1189, 1981).

16.28.040 Penalty for violation.

Any person willfully violating or failing to comply with any of the provisions of this chapter shall, upon conviction, be punished according to the provisions set forth in MMC 1.01.080. (Ord. 731 § 3, 1971).

Chapter 16.32

FLOODPLAIN MANAGEMENT

Sections:

Article I. Purpose and Definitions

- 16.32.010 Statement of purpose.
- 16.32.020 Definitions.

Article II. General Provisions

- 16.32.030 Lands to which this chapter applies.
- 16.32.040 Basis for establishing the areas of special flood hazard.
- 16.32.050 Penalties for noncompliance.
- 16.32.060 Abrogation and greater restrictions.
- 16.32.070 Interpretation.
- 16.32.080 Warning and disclaimer of liability.

Article III. Administration

- 16.32.090 Establishment of development permit.
- 16.32.100 Designation of the building official.
- 16.32.110 Duties and responsibilities of building official.

Article IV. Variance Procedure

- 16.32.120 Appeal board.
- 16.32.130 Conditions for variances.

Article V. Provisions for Flood Hazard Protection

- 16.32.140 General standards.
- 16.32.150 Review of building permits.
- 16.32.160 Specific standards.
- 16.32.170 Encroachments.
- 16.32.180 Manufactured homes.
- 16.32.190 Recreational vehicles.
- 16.32.200 Floodways.
- 16.32.210 Critical facility.

Article I. Purpose and Definitions

16.32.010 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;

(2) To minimize expenditure of public money and costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and

(8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 1339, 1984).

16.32.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

(1) "Appeal" means a request for a review of the building official's interpretation of any provision of this chapter or a request for a variance.

(2) "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

(3) "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

(4) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

(5) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

(6) "Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to,

schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

(7) "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

(8) "Elevated building" means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

(9) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

(10) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(11) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; and/or

(b) The unusual and rapid accumulation of runoff of surface waters from any source.

(12) "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(13) "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(14) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(15) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or floor resistant enclosure, used solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this code.

(16) "Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles. The term "manufactured home" does not include a "recreational vehicle."

(17) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(18) "New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

(19) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the adopted floodplain management regulations.

(20) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(21) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the per-

mit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(22) "Structure" means a walled and roofed building or mobile home that is principally above ground.

(23) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(24)(a) "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(i) Before the improvement or repair is started; or

(ii) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(b) The term does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or any alteration of a "historic structure," provided, that the alteration will not preclude the structure's continued designation as a "historic structure."

(ii) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(25) "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(26) "Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 2325 § 1, 2000).

Article II. General Provisions

16.32.030 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Marysville. (Ord. 1339, 1984).

16.32.040 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Marysville" dated February 15, 1984, as amended, with accompanying Flood Insurance Rate Maps (FIRM), as amended, is adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at Marysville City Hall, 4822 Grove Street, Marysville, Washington. The best available information for flood hazard area identification as outlined in MMC 16.32.110(2) shall be the basis for regulation until a new FIRM is issued which incorporates the date utilized under MMC 16.32.110(2). (Ord. 2325 § 2, 2000).

16.32.050 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from

taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 2325 § 3, 2000).

16.32.060 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 1339, 1984).

16.32.070 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body;
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 1339, 1984).

16.32.080 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 1339, 1984).

Article III. Administration

16.32.090 Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in MMC 16.32.040. The permit shall be for all structures, including manufactured homes, as set forth in MMC 16.32.020, Definitions, and for all other development, including fill and other activities, also as set forth in MMC 16.32.020, Definitions. Application for a development permit shall be made on forms furnished by the building official

and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in MMC 16.32.160; and
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of the proposed development. (Ord. 2325 § 4, 2000; Ord. 1339, 1984).

16.32.100 Designation of the building official.

The building official is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 1339, 1984).

16.32.110 Duties and responsibilities of building official.

Duties of the building official shall include, but not be limited to:

- (1) Permit Review.
 - (a) Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 - (b) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
 - (c) Review all development permits in the area of special flood hazard, except in the coastal high hazard area, to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

(2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with MMC 16.32.040, Basis for establishing the areas of special flood hazard, the building official shall obtain, review and reasonably

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utilize any base flood elevation data available from a federal, state or other source, in order to administer MMC 16.32.160(1), Specific standards, residential construction, and MMC 16.32.160(4), Specific standards, nonresidential construction.

(3) Information to Be Obtained and Maintained.

(a) Where base flood elevation data is provided through the Flood Insurance Study or required as in subsection (2) of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

(b) For all new or substantially improved floodproofed structures:

(i) Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and

(ii) Maintain the floodproofing certifications required in MMC 16.32.090(3);

(c) Maintain for public inspection all records pertaining to the provisions of this chapter.

(4) Alteration of Watercourses.

(a) Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

(b) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

(5) Interpretation of FIRM Boundaries. Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in MMC 16.32.120. (Ord. 2325 § 5, 2000).

Article IV. Variance Procedure

16.32.120 Appeal board.

(1) The city council shall hear and decide appeals and requests for variances from the requirements of this chapter.

(2) The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the building official in the enforcement or administration of this chapter.

(3) Those aggrieved by the decision of the city council, or any taxpayer, may appeal such decision to the Snohomish County Superior Court, as provided by law.

(4) In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location, where applicable;

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) The safety or access to the property in times of flood for ordinary emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of the wave action, if applicable, expected at the site; and

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(5) Generally, the only condition under which a variance from elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (4)(a) through (4)(k) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(6) Upon consideration of the factors of subsection (4) of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(7) The building official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 2325 § 6, 2000).

16.32.130 Conditions for variances.

(1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(2) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in MMC 16.32.120(4), or conflict with existing local laws or ordinances.

(5) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(6) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except MMC 16.32.120(5), and otherwise complies with MMC 16.32.140(1) and (2) of the general standards.

(7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 2325 § 7, 2000).

Article V. Provisions for Flood Hazard Protection

16.32.140 General standards.

In all areas of special flood hazards, the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) All manufactured homes shall be installed using methods and practices which minimize flood damage. For purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame tie to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;

(c) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the building official that this standard has been met.

(2) Construction Materials and Methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;

(c) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

(d) The proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171).

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(4) Subdivision Proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less). (Ord. 2325 § 8, 2000).

16.32.150 Review of building permits.

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (MMC 16.32.110(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates. (Ord. 2325 § 9, 2000).

16.32.160 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in MMC 16.32.040, Basis for establishing the areas of special flood hazard, or MMC 16.32.110(2), Use of Other Base Flood Data, the following provisions are required:

(1) Construction or reconstruction of residential structures is prohibited within designated floodways except for: (a) repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either (i) before the repair, reconstruction or improvement is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary or safety codes or to structures identified as historic places shall not be included in the 50 percent determination.

(2) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

(3) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) New construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated to or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that for up to one foot below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the building official as set forth in MMC 16.32.110(3)(b);

(i) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (6) of this section;

(ii) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

(5) Encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

(6) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a regis-

tered professional engineer or architect, or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvres or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters. (Ord. 2325 § 10, 2000).

16.32.170 Encroachments.

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. 1339, 1984).

16.32.180 Manufactured homes.

(1) All manufactured homes to be placed or substantially improved on sites:

- (a) Outside of a manufactured home park or subdivision;
- (b) In a new manufactured home park or subdivision;
- (c) In an expansion to an existing manufactured home park or subdivision; or
- (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "subdivision damage" as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

(2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions be elevated so that either:

- (a) The lowest floor of the manufactured home is elevated one foot above the base flood elevation; or
- (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement. (Ord. 2325 § 11, 2000).

16.32.190 Recreational vehicles.

Recreational vehicles placed on sites are required to either:

- (1) Be on the site for fewer than 180 consecutive days;
- (2) Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- (3) Meet the requirements of MMC 16.32.180 and the elevation and anchoring requirements for manufactured homes. (Ord. 2325 § 12, 2000).

16.32.200 Floodways.

Located within areas of special flood hazard established in MMC 16.32.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) Construction or reconstruction of residential structures is prohibited within designated floodways, except for (a) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area, and (b) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either (i) before the repair, or reconstruction is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the 50 percent.

(3) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V, Provisions for Flood Hazard Protection. (Ord. 2325 § 13, 2000).

16.32.210 Critical facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation (100-year) at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. (Ord. 2325 § 14, 2000).

Chapter 16.36

**BUILDING SPECIFICATIONS
FOR THE HANDICAPPED**

Sections:

16.36.010 Adoption.

16.36.020 Subsequent amendments.

16.36.010 Adoption.

A certain document, not less than three copies of which are on file in the office of the clerk of the city of Marysville, being marked and designated as Chapters 51-20 and 51-21 WAC (“Rules and Regulations Setting Barrier-Free Design Standards”), and Chapter 70.92 RCW (“Public Buildings – Provision for Aged and Handicapped”), are hereby adopted by reference, and incorporated herein as if the same were fully set forth in this chapter. (Ord. 1948 § 15, 1993; Ord. 1081 § 1, 1979; Ord. 848 § 1, 1975).

16.36.020 Subsequent amendments.

All amendments or supplements to Chapter 51-10 WAC, and Chapter 70.92 RCW, shall become a part of this code in all respects insofar as the same are applied and enforced within the jurisdictional boundaries of the city of Marysville. (Ord. 1081 § 2, 1979; Ord. 848 § 2, 1975).

Marysville Municipal Code

Chapter 16.40

FACTORY-BUILT HOUSING

(Repealed by Ord. 2131)

