ORDINANCE NO. 90

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING ORDINANCE NO. 17, THE CITY'S INTERIM BUILDING AND CONSTRUCTION STANDARDS, AND REPEALING ANY AMENDMENTS WHICH HAVE BEEN AUTOMATICALLY ADOPTED SINCE THE DATE OF INITIAL ADOPTION

WHEREAS, City of Shoreline Ordinance No. 17 adopted by reference Title 16 of the King County Code as the City's Interim Building and Construction Standards; and

WHEREAS, Ordinance No. 17 currently contains language which operates to automatically adopt amendments to Title 16 made by King County; and

WHEREAS, the City has found that there is no manageable method to monitor amendments made to Title 16 by King County and, therefore, City staff and the public may be unaware of amendments which have automatically occurred to Ordinance 17; and

WHEREAS, the City desires to maintain clarity in its ordinances and prevent possible confusion regarding City regulations; NOW, THEREFORE,

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

Section 1. Amendment of Ordinance No. 17. Section 1 of City Ordinance No. 17 is hereby amended to read as follows:

Authority to Adopt Interim Building and Construction Standards.

Pursuant to RCW 35.21.180, 35A.11.020, 35A.21.160, and RCW 19.27.03(1) the City adopts by reference Title 16, Building and Construction Standards, of the King County Code (Exhibit A, hereto), with the exception of 16.04.020, as presently constituted ((~~or hereinafter amended,~~)) as the Interim Building and Construction Standards. Exhibit A is hereby incorporated by reference as if fully set forth herein.

Section 2. Repeal of Amendments. Any amendments to King County Title 16 which have occurred since the date Ordinance No. 17 was adopted by the City are hereby repealed.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or

preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON JUNE 24, 1996.

Mayor Connie King

ATTEST:

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Janet E. Garrow
Interim City Attorney

Date of Publication: June 27, 2996
Effective Date: July 2, 1996

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Exhibit A
Ordinance No. 90
Title 16
King County Code

Title 16
BUILDING AND CONSTRUCTION STANDARDS

Chapters:

16.04 Building Codes
16.08 Roads Names and Addressing Buildings
16.32 King County Plumbing Code
16.70 Private Swimming Pool Construction Standards
16.74 Off-street Parking Facilities
16.78 Ornamental Pools
16.82 Grading

CROSS REFERENCES:

Road construction standards, see Chs. 14.20 and 14.24 of this code.
Public bench construction, see Ch. 14.32 of this code.
Mobile home park construction, see Chs. 18.08 - 18.24 of this code.
Nondelinquent property tax certification, see Ch. 4.68 of this code.

Chapter 16.04
BUILDING CODES[1]

Sections:

16.04.010 Adoption.
16.04.020 Term amendments.
16.04.040 Modifications to the code.
16.04.050 Modifications adopted.
16.04.060 Additional requirements.
16.04.070 Site improvement bond.
16.04.085 Heating degree days over 6000 per year.
16.04.098 Inspection and enforcement.
16.04.100 Severability.
16.04.110 Liability.

16.04.010 Adoption. The following volumes, as published by or jointly with the International Conference of Building Officials, together with amendments, additions and deletions hereinafter adopted by reference, together with King County modifications attached to Ordinance 10608* and referred to as Attachment A, are adopted as the building codes of King County and hereinafter referred to as "the code":

A. The Uniform Building Code, including Chapter 41 Uniform Building Security Code, 1991 Edition, with Appendices, and the Uniform Building Code Standards, 1991 Edition as amended in WAC 51-20 and 51-21 on November 8, 1991;

B. The Uniform Mechanical Code, 1991 Edition, with Appendices as amended in WAC 51-22 on November 8, 1991;

C. The Uniform Housing Code, 1991 Edition;

D. The Uniform Code for the Abatement of Dangerous Buildings, 1991 Edition.

This code also may be further clarified and implemented with administrative rules adopted in accordance with K.C.C. 2.98. (Ord. 10608 § 1, 1992: Ord. 8184 § 1, 1987: Ord. 6328 § 1, 1983: Ord. 3647 § 2, 1978).

16.04.020 Term amendments. Whenever the following words appear in the code, they are to be changed as follows:

A. City to county;

B. Cities to county;

C. City limits to county confines;

D. City of to King County;

E. City council to county council;

F. City treasurer to county comptroller;

G. Mayor to county executive;

H. Building official to manager, building and land development division, department of planning and community development. (Ord. 3647 § 3, 1978).

* Available in the office of the clerk of the council.

[1] [For statutory provisions authorizing counties to adopt by reference recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, see RCW 36.32.120(7).]

16.04.040 Modifications to the code. The county council hereby declares that amendments, additions, deletions, and administrative rules are necessary to modify and clarify the code for its application in King County. Such modifications and administrative rules shall be prepared by the manager, building and land development division, and, in the case of modifications, adopted by the council, or in the case of administrative rules, as specified in K.C.C. 2.98. These codes, modifications, and administrative rules constitute county regulation for any activity subject to the code. The manager shall make the adopted modifications and administrative rules readily available at reasonable cost to persons performing any activity subject to the code. (Ord. 8184 § 2, 1987: Ord. 3647 § 5, 1978).

16.04.050 Modifications adopted. WAC 51-11, the Washington State Energy Code, effective July 1, 1991, and WAC 51-13, the Washington State Ventilation Code, effective July 1, 1991, as amended November 8, 1991 and the King County modifications to the 1991 editions of the Uniform Building Code, Uniform Mechanical Code, Uniform Housing code, and Uniform Code for the Abatement of Dangerous Buildings are adopted as part of the code. (Ord. 10608 § 3, 1992).

16.04.060 Additional requirements. All buildings having floors used for human occupancy located more than sixty-five feet above the lowest level of approved fire department vehicle access shall be provided with an approved automatic fire extinguishing system throughout. (Ord. 3647 § 8, 1978).

16.04.070 Site improvement bond. Site improvement bond refers to the bond or other approved security required as security for the applicant's guarantee of the construction, according to approved plans and county specifications, of roadway and right-of-way improvements, traffic requirements, appurtenances, off-street parking, curbing, drainage, retention/detention facilities, and erosion/sedimentation control and site restoration associated with commercial building permits. (Ord. 7990 § 17, 1987: Ord. 7025 § 1, 1984).

16.04.085 Heating degree days over 6000 per year. As permitted by the Washington State Energy Code Section 302, those areas in King County with heating Degree days over 6000 per year shall meet the requirements for Climatic Zone II. The building official may enforce such zone boundaries by Heating Degree Day data or by determination of an average elevation above which will be considered Zone II. (Ord. 7633 § 3, 1986).

16.04.098 Inspection and enforcement. A. Enforcement. The manager of the division of building and land development is authorized to enforce the provisions of this chapter and any rules and regulations promulgated thereunder, pursuant to the enforcement and penalty provisions of Title 23 of the King County code.

B. General. All construction or work for which a permit is required shall be subject to inspection by the manager of the division of building and land development.

C. Authority. The manager of the division of building and land development is authorized and directed to enforce this chapter. The manager of the division of building and land development is authorized to promulgate, adopt, and issue those rules and regulations necessary to the effective and efficient administration of this chapter, such rules and regulations to be adopted and maintained in accordance with the provisions for the rules of county agencies, K.C.C. 2.98.

D. Plan reviews and inspections. All buildings constructed under the provisions of this chapter are subject to a final inspection for compliance with this chapter. The manager of the division of building and land development has the authority to establish rules and procedures for accepting at the option of the applicant an affidavit of substantial compliance with this chapter in lieu of plan reviews and/or inspections. (Ord. 7990 § 16, 1987: Ord. 7853, 1986).

16.04.100 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to the other persons or circumstances shall not be affected. (Ord. 3647 § 7, 1978).

16.04.110 Liability. The express intent of the King County council is that responsibility for complete and accurate preparation of permit applications, plans and specifications, and for compliance with the provisions of the codes adopted by this chapter shall rest exclusively with permit applicants and their agents.

This chapter and the codes adopted herein are intended to protect the health, safety and welfare of the general public and are not intended to protect any particular class of individuals or organizations.

This chapter and the codes adopted by reference herein shall not be construed as placing responsibility for code compliance or enforcement upon King County or any officer, employee or agent of King County. Permit application reviews and inspections conducted pursuant to these codes are spot checks designed to foster and encourage compliance but are not guarantees or assurances that permits or work undertaken pursuant to permits complies with all applicable codes.

The King County council expressly recognizes that there are limited public funds available for implementation and enforcement of the codes adopted by this chapter. The King County council also recognizes that permit and inspection fees must be established at levels which balance the need for enforcement of codes adopted by this chapter against the economic impact of increases in permit and inspection fees. Consequently, the fees for permits and services authorized in these codes are those which, in the judgment of the King County council, best protect the overall health, safety and welfare interests of the public. (Ord. 6328 § 6, 1983).

Chapter 16.08
ROADS NAMES AND ADDRESSING BUILDINGS

Sections:

16.08.010 Purpose.
16.08.020 Road designations and redesignations.
16.08.030 Building address assignments and reassignments.
16.08.040 Uncertainty of road designations or addresses.
16.08.050 Maintenance.
16.08.060 Council redesignation of streets.
16.08.070 Enforcement.
16.08.080 Severability.
16.08.090 Records.

16.08.010 Purpose. The purpose of this chapter is to grant the department of development and environmental services, hereafter called the department, the authority to assign road names and numbers, and address the principal entrances of all buildings or other uses in conformance with the grid system adopted by King County Resolution 16622. (Ord. 10915 § 1, 1993: Ord. 8766 § 1, 1988).

16.08.020 Road designations and redesignations. A. Public or private roads shall be designated within the guidelines of the grid system as determined by the department. Named roads can only be assigned when the numbered grid is determined infeasible by the department. The department may redesignate existing private and county roads if such roads are determined to be inconsistent with the surrounding road designation system.

B. All roads shall carry a geographic suffix or prefix. Roads designated as avenues shall carry a geographic suffix and be in a north-south direction, and roads designated as streets shall carry a geographic prefix and be in an east-west direction. Diagonal roads are treated as being either north-south or east-west roads. Names such as lane, place, way, court, and drive may be used on a road running either direction.

C. Only entire street lengths or distinct major portions of streets, as defined in K.C.C. 16.08.060, shall be separately redisignated.

D. In determining the need for redesignation, the department shall consider consistency with the provisions of K.C.C. 16.08.020 A., the impact on existing businesses and residences, and emergency services responsiveness.

E. Redesignations of county roads shall be accomplished by the adoption of an ordinance directing such redesignation.

F. Notice of county road redesignations shall be mailed by the department at least twenty days prior to the public hearing on the ordinance to all property owners whose addresses would be affected.

G. Appeals of designations and redesignations shall be heard directly by the council. (Ord. 10915 § 2, 1993: Ord. 8766 § 3, 1988).

16.08.030 Building address assignments and reassignments. A. The assignment of addresses for new buildings shall occur in conjunction with the issuance of a building permit.

B. The assignment of addresses shall be based on the following criteria:

1. Even numbers shall be used on the northerly side of roads named as east-west and on the easterly side of roads named as north-south.

2. Odd numbers shall be used on the southerly side of roads named as east-west and on the westerly side of roads named as north-south. Addresses shall be assigned whole numbers only.

C. Should the department find that any building, structure, or premise is not provided with an address, is not correctly addressed, or is not using the assigned address, it shall notify the owner, agent, or renter of the correct address. The address number shall be properly placed in accordance with the provisions of this section, by the effective date shown upon the notice. It shall be unlawful for any owner, agent, or renter to display, advertise or use the wrong address after notification by the department.

D. In determining the need for address reassignment, the department shall consider consistency with the provisions of K.C.C. 16.08.030 (B), consistency with the addressing needs of the area, and emergency services responsiveness.

E. Address reassignments shall be accomplished by notification of the affected property owner by the department at least twenty days prior to the effective date of the reassignment. (Ord. 10915 § 3, 1993: Ord. 8766 § 4, 1988).

16.08.040 Uncertainty of road designations or addresses. Whenever there is doubt or difference of opinion as to the correct road designation or correct address, the road designation or address shall be determined by the department and shall be guided by the specific provisions of this chapter or by rules promulgated pursuant to K.C.C. 2.98 to carry out the intent of this chapter. (Ord. 10915 § 4, 1993: Ord. 8766 § 5, 1988).

16.08.050 Maintenance. A. The owner, occupant, or renter of any addressed building or other structure shall maintain the address numbers in a conspicuous place over or near the principal entrance or entrances. If said entrance(s) cannot be easily seen from the nearest adjoining street, the address numbers shall be placed in such other conspicuous place on said building or structure as is necessary for visually locating such address numbers from the nearest adjoining street.

B. If the addressed building or structure cannot be easily seen or is greater than 50 feet from the nearest adjoining street, the address numbers shall be placed on a portion of the site that is clearly visible and no greater than 20 feet from the street.

C. The address numbers shall be easily legible figures, not less than three inches high if a residential use or individual multi-family unit, nor less than five inches high if a commercial use. Numbers shall contrast with the color of the structure upon which they are placed, and shall either be illuminated during periods of darkness, or be reflective, so they are easily seen at night. (Ord. 10915 § 5, 1993: Ord. 8766 § 6, 1988).

16.08.060 Council redesignation of streets. A. Notwithstanding the provisions of sections 16.08.010 and 16.08.020 of this chapter, the county council reserves the option of changing street names or changing numbered streets to named streets. Applications to the council for street renaming shall contain the signatures of the majority of persons having ownership in properties

addressed on the street to be renamed. Notice of proposed name changes shall be mailed to all property owners whose addresses would be changed at least twenty days prior to council action. A change of street names shall be accomplished by the adoption of an ordinance directing the change.

B. The council shall consider technical input from the department, locational and development characteristics relative to the street, and the impact of the change on existing businesses and residences, as well as on emergency vehicle responsiveness, in determining whether the change should be made. Only entire street lengths or distinct major portions of streets shall be separately renamed by the county. For purposes of this chapter, "distinct major portions" shall mean a separate portion of a street identifiable by either a directional shift of a least forty-five degrees or an interrupted interval of at least one quarter mile. (Ord. 10915 § 6, 1993: Ord. 8766 § 10, 1988).

16.08.070 Enforcement. The provisions of this chapter shall be enforced pursuant to Title 23. (Ord. 8766 § 8, 1988).

16.08.080 Severability. Should any section, subsection, paragraph, sentence, clause, or phrase be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions to the chapter. (Ord. 8766 § 9, 1988).

16.08.090 Records. The department shall maintain the official record of current addresses. (Ord. 10915 § 7, 1993: Ord. 8766 § 7, 1988).

Chapter 16.32
KING COUNTY PLUMBING CODE

Sections:

16.32.010 Purpose and policy.
16.32.020 Scope.
16.32.030 Adoption of Uniform Plumbing Code.
16.32.040 Administrative authority.
16.32.050 Enforcement.
16.32.060 Right of entry.
16.32.070 Existing installations.
16.32.080 Fees.
16.32.085 Gas piping permit and inspection fees.
16.32.090 Work not requiring a permit.
16.32.100 Permit application.
16.32.110 Requirements.
16.32.120 Work inspection.
16.32.130 Stop work notice.
16.32.140 Suspension or revocation of permits.
16.32.150 Liability claims.
16.32.170 Board of Appeals.
16.32.190 Section 102.
16.32.200 Section 105.
16.32.210 Section 105.
16.32.240 Section 113.
16.32.250 Section 117.
16.32.280 Section 203.
16.32.290 Section 308.
16.32.292 Section 310.
16.32.297 Section 315.
16.32.300 Section 318.
16.32.305 Section 401.
16.32.320 Section 410.
16.32.325 Materials of the Uniform Plumbing Code.
16.32.330 Section 608.
16.32.340 Section 611.
16.32.350 Section 616.
16.32.358 Section 802.
16.32.360 Section 803.
16.32.370 Section 910.

16.32.380 Section 1003.
16.32.390 Section 1003.
16.32.400 Section 1004.
16.32.410 Section 1007.
16.32.420 Appendix C.
16.32.430 Rainwater systems.
16.32.460 Severability.

16.32.010 Purpose and Policy. This code is enacted as an exercise of the police power of King County to protect and preserve the public peace, health, safety, and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

It is expressly the purpose of this code to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this code.

It is the specific intent of this code to place the obligation of complying with its requirements upon the owner or operator of premises within its scope, and no provision of nor term used in this code is intended to impose any duty whatsoever upon King County or any of its officers or employees, for whom the implementation or enforcement of this code shall be discretionary and not mandatory.

Nothing contained in this code is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers, employees or agents, for any injury or damage resulting from the failure of the owner or operator of premises to comply with the provisions of this code, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this code on the part of King County by its officers, employees or agents. (Ord. 6746 § 3, 1984).

16.32.020 Scope. The provisions of this code shall apply to the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system except as specifically otherwise provided in this code. (Ord. 6746 § 4, 1984).

16.32.030 Adoption of Uniform Plumbing Code. The Uniform Plumbing Code, Chapters 1 through 10, with Appendices "A" through "D", 1991 Edition, IAPMO Installation Standards, 1991 Edition, 2-90, 3-89, 4-90, 5-90, 6-89, 7-90, 8-89, 9-90, 10-90, 11-87, 12-90, 13-84, 17-90, 18-85, 20-90, 21-89, 22-90, 23-90, 24-90, 25-90, and Chapter 22 of the 1991 Uniform Mechnical Code all published by the International Association of Plumbing and Mechanical Officials, are hereby adopted and together with the provisions of this chapter shall constitute the official Plumbing Code of King County. This chapter shall have precedence over documents adopted by reference. (Ord. 10589 § 1, 1992: Ord. 9151 § 1, 1989: Ord. 8008, 1987: Ord. 6746 § 5, 1984).

16.32.040 Administrative authority. The administrative authority is the Seattle-King County director of public health or his authorized representative who shall administer and enforce the provisions of the plumbing and mechanical code (Chapter 22 of the 1982 Uniform Mechanical Code) as adopted or amended except as provided herein. The water purveyor shall administer and enforce provisions relating to the inspection and approval of water meters, and where

applicable, the building supply piping. (Ord. 10589 § 2, 1992: Ord. 6746 § 6, 1984).

16.32.050 Enforcement. A. Authority to abate. Any portion of a plumbing system found by the administrative authority to be insanitary as defined in this code is hereby declared to be a nuisance.

B. Faulty plumbing system shall be abated. Where a nuisance exists or a plumbing system is maintained in violation of this code or any notice issued pursuant to this section, the administrative authority shall require such nuisance or violation to be abated and shall take such steps as may be necessary to abate the same in the manner provided by law.

C. Plumbing system shall comply with code. If at any time the administrative authority shall find that any plumbing system is not in compliance with this code, or is otherwise unlawful, or dangerous or insanitary, or a menace to life, health or property, he is authorized to give notice of the corrections to the agent, owner or occupant of personal service, or by mail, or by posting on the premises. (Ord. 6746 § 7, 1984).

16.32.060 Right of entry. Upon presentation of proper credentials, the administrative authority may, with the consent of the occupant or with the consent of the owner of an unoccupied building or pursuant to a lawfully issued warrant, enter at reasonable times any building or premises to perform any duty imposed upon him by this code. (Ord. 6746 § 8, 1984).

16.32.070 Existing installations. A. Any plumbing system lawfully installed prior to the effective date of this code may have its existing use continued and may be maintained or repaired if such use, maintenance or repair is in accordance with the original design and location and does not constitute a hazard to the public health, safety or welfare.

B. The owner or his designated agent shall be responsible for the maintenance of such existing plumbing system in a safe and sanitary condition. (Ord. 6746 § 9, 1984).

16.32.080 Fees. A. Permit Fees. Every applicant for a permit to do work under this code shall pay for each permit, at the time of issuance, a fee in accordance with the following schedule, and at the rate provided for each permit classification shown herein. Effective January 1, 1994.

SCHEDULE OF FEES

For issuing each plumbing permit (basic fee for one through four fixtures or traps) $57.00

For each additional plumbing fixture or trap (including water drainage vent piping and backflow protection therefor).....8.00

For each atmospheric vacuum breaker in irrigation systems, tanks, vats, etc. or for installation on unprotected plumbing fixtures including necessary water piping

Vacuum breaker - one to five - each device.....8.00

Vacuum breaker - over five - each device.....4.00

Pressure vacuum breaker or double check valve assembly.....8.00

Reduced pressure principle backflow prevention device - each.....8.00

FEES FOR MISCELLANEOUS INSPECTION SERVICES

Fees for inspection service outside regular working hours or for inspection service requested but not covered by a permit will be charged for at a rate equal to the cost of performing the service.

Fees for permanent location inspection of factory housing or modular unit containing plumbing - For each single family dwelling or each modular unit containing plumbing..... 18.00
Plumbing permit includes on site connections of building drain extensions, water service and necessary gas piping connections.

Additional plumbing fixtures installed after factory installation of plumbing for each plumbing fixture or trap..... 8.00

Fees for reconnection and retest of plumbing systems in relocated buildings - For each building containing plumbing..... 18.00
Plumbing permit includes on site connections of building drain extensions, water service and necessary gas piping connections.

Additional plumbing fixtures installed after relocation of building for each plumbing fixture or trap..... 8.00

For the purpose of this section "fixture" means and includes any appliance which is connected with a water, drain, or vent pipe, but no sillcock faucet or hose bibb shall be considered a fixture. A sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture.

B. Double permit fee requirements. Any person who commenced any work for which a permit is required by this code without first having obtained such permit, shall upon subsequent application for such permit pay double the fee fixed by the above schedule of fees for such work unless it shall be proved to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of the work. In all such emergency cases, a permit shall be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, a double fee shall be charged as provided herein.

C. Fees for reinspection service. A reinspection fee of forty dollars ($40.00) may be assessed for each inspection or reinspection when such portion of work which inspection is called is not complete or when corrections called for are not made. This subsection is not to be interpreted as requiring inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspection or reinspection.

Reinspection fees may be assessed when the permit is not properly posted on the work site, the work to be inspected is not under test, for failure to provide access on the date for which inspection is requested, or for failure to make required corrections. To obtain a reinspection the applicant shall file an application therefore in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with this section. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

D. Refund of permit fees. Should the work for which a permit fee has been paid not be started, the administrative authority, upon proper application for refund and surrender of the permit for cancellation, shall issue a refund. In determining the amount of refund due, the administrative authority shall deduct the amount of the basic fee to cover the cost of administration of the permit. No refund shall be made for any expired permit. (Ord. 11134 § 1, 1993: Ord. 10174 § 1, 1991: Ord. 9716 § 1, 1990: Ord. 6746 § 10, 1984).

16.32.085 Gas piping permit and inspection fees. Health department gas piping permit and inspection fees. Effective January 1, 1994.

A. Additional outlets (each) $ 8.00

B. Each gas piping permit (basic fee for one through four outlets) $57.00

C. A reinspection fee of forty dollars ($40.00) may be assessed for each inspection or reinspection when such portion of work which inspection is called is not complete or when corrections called for are not made. This subsection is not to be interpreted as requiring inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspection or reinspection.

Reinspection fees may be assessed when the permit is not properly posted on the work site, the work to be inspected is not under test, for failure to provide access on the date for which inspection is requested, or for failure to make required corrections. To obtain a reinspection the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with this section. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid. (Ord. 11134 § 2, 1993: Ord. 10174 § 2, 1991: Ord. 9716 § 2, 1990: Ord. 8330 § 34, 1987).

16.32.090 Work not requiring a permit. A permit is not required for the repair or replacement of a plumbing fixture; the repair or replacement of a valve or faucet in a water supply system; the clearance of stoppages in drainage piping; the stopping of leaks; or the repair or replacement of domestic hot water tanks. (Ord. 6746 § 11, 1984).

16.32.100 Permit application. Applications for permits shall be made on forms provided by the administrative authority for such purpose and shall give a description of the work proposed to be done, the name of the contractor and permit applicant, and the location, ownership, and occupancy upon which such work is to be done. The administrative authority may require to be furnished plans, specifications or drawings and may require such other information as he shall deem necessary for the administration and enforcement of this code.

If the administrative authority determines that the plans, specifications, drawings, descriptions, and other information furnished by the applicant are in compliance with this code and that the applicant is licensed to perform the work to be permitted, he shall issue the permit applied for upon payment of the prescribed fee.

A. Owner's permit. Nothing contained in this code shall prohibit any bona fide owner from installing plumbing or making alterations or repairs in his own building as permitted under the following terms and conditions, but this exemption shall not apply to any person who constructs an improvement on his/her own property with the intention and for the purpose of selling the improved property:

1. Such owner shall apply in person, secure a permit, and pay the required fee as set forth in the schedule of fees in this code.

2. Such owner shall do the work in the manner required by this code subject to inspection and approval by the administrative authority.

It is unlawful for any person having an owner's permit to allow any other person, including a licensed plumber, to do any work under such owner's permit.

B. Existing permits. Any work authorized by a permit in effect on the effective date of this code shall be performed pursuant to the laws and ordinances under which such permit was issued, and any conflicting requirement of this code shall not apply to such work. (Ord. 10589 § 3, 1992: Ord. 6746 § 12, 1984).

16.32.110 Requirements. A. Permit requirements. Except as provided in K.C.C. 16.32.090 it is unlawful for any person to perform any work on any plumbing system without having obtained a permit in accordance with this code.

B. Separate permit for each building. A separate permit shall be obtained for each building or structure and such permit shall be posted on the building or structure wherein the work under such permit is being performed, and shall not be removed until the work has been finally approved by the administrative authority.

C. Permit violation. No person to whom a permit has been issued shall allow any other person to do or cause to be done any work under such permit except persons in the employ of such permittee.

D. Plumbing to be installed in accordance with code. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code, and no permit purporting to give authority to violate or cancel the provisions of this code shall be valid except insofar as the work or use authorized is in compliance with this code.

E. Plumbing code shall not be violated. The issuance or granting of a permit or approval of plans and specifications shall not prevent the administrative authority from thereafter requiring the correction of errors in said plans and specifications or from preventing work being carried on under any such permit when in violation of this code or of any other ordinance or from revoking any certificate of approval issued in error.

F. Plumbing permit shall be posted. Every plumbing permit shall be posted on the building, structure, or premises where the work permitted is being performed and shall not be removed until the work has been finally approved by the administrative authority.

G. Permits shall become null and void one year from issue. Every permit issued by the administrative authority under the provisions of this code shall expire by limitation and become null and void one (1) year from date of issue. Permits expired for not more than one year may be renewed for one-half (1/2) the original cost or fifty dollars ($50.00), whichever is less. Permits expired for more than one (1) year will require the regular scheduled fees. (Ord. 6746 § 13, 1984).

16.32.120 Work Inspection. A. All plumbing and drainage systems shall be inspected by the administrative authority for compliance with the requirements of this code.

B. Notification for inspection. It shall be the duty of the person doing the work authorized by a permit to notify the administrative authority that the work is ready for inspection. Such notification may be given either orally or in writing and shall be given not less than twenty-four (24) hours before the work is to be inspected. Before such notification is given it shall be the duty of the person doing the work to make sure that work to be inspected will stand the test or tests prescribed in this code. (Ord. 6746 § 14, 1984).

16.32.130 Stop work notice. Whenever any work is being done contrary to the provisions of this code, the administrative authority may order the work stopped by giving notice in writing to the person or persons doing or causing such work to be done, and any such person or persons shall forthwith stop such work until authorized by the administrative authority to proceed therewith. (Ord. 6746 § 15, 1984).

16.32.140 Suspension or revocation of permits. A. In addition to other penalties provided by law, any permit issued under this code may be suspended or revoked where the same was issued in error or on the basis of incorrect information supplied by the applicant, or for the violation of any of the provisions of this code or other ordinances or any rules and regulations adopted by the administrative authority.

B. Permittee shall be notified by certified mail of suspension or revocation of permit. Actions to suspend or revoke any permit shall be commenced by mailing by certified mail to the permittee at the address shown on the permit records of the administrative authority, a written notice setting forth in specific terms the basis for such suspension or revocation.

C. Permittee shall file with administrative authority within ten (10) days. The permittee shall, within ten (10) days after the mailing of such notice, file with the administrative authority his written answer which shall admit or deny the allegations of such notice and may set forth such defenses and/or additional matter as said permittee shall deem appropriate. If the permittee desires a hearing in such action, he shall request the same in his answer.

D. Should cause exist, administrative authority may suspend or revoke permit. Upon failure of any such permittee to file an answer as herein provided, or in the event no hearing is requested, the administrative authority shall investigate and make findings and if cause exists therefore may suspend or revoke such permit.

E. Hearing examiner shall give notice of hearing. If a hearing is requested by the permittee, the administrative authority shall forward such request together with the notice of suspension or revocation and the permittee's answer thereto to the hearing examiner who shall give notice and conduct such hearing and thereafter recommend to the administrative authority a proposed decision in accordance with King County Code Title 23. (Ord. 6746 § 16, 1984).

16.32.150 Liability claims. The administrative authority or any employee performing duties in connection with the enforcement of this code and acting in good faith and without malice in the performance of such duties shall be relieved from any personal liability for any damage to persons or property as a result of any act or omission in the discharge of such duties, and in the event of claims and/or litigation arising from any such act or omission, the prosecuting attorney shall, at the request of and on behalf of said administrative authority or employee, investigate and defend such claims and/or litigation and if the claim be deemed by the prosecuting attorney a proper one or if judgment be rendered against such administrative authority or employee, said claim or judgment shall be paid by King County. (Ord. 6746 § 17, 1984).

Chapter 16.70
PRIVATE SWIMMING POOL[1] CONSTRUCTION STANDARDS

Sections:

16.70.010 Location of pool.
16.70.020 Fence required - Exception.
16.70.030 Submission of plans prior to construction - Inspection and approval of pool - Use before approval constitutes violation.
16.70.040 Scope of code.
16.70.050 Conformance of existing pools - Time limit for compliance with code - Failure to comply.
16.70.060 Enforcement.

16.70.010 Location of pool. A swimming pool may not be located in any front yard required by the zoning code of the county, nor closer than five feet measured from the edge of the water surface to any exterior property line. (Res. 21284 § 1, 1960).

16.70.020 Fence required - Exception. Every person who owns real property, or any person who is in possession of real property either as owner, purchaser under contract, as the lessee, tenant or licensee, and which real property is located within the boundaries of any residential single-family district zone or which is located within the boundaries of any suburban residential district, under the zoning code, and which property is located within the unincorporated area of King County, and upon which real property there is situated a manmade, hard-surfaced swimming pool; or, any such person above named who hereinafter constructs upon any real property, as above designated, a manmade, hard-surfaced swimming pool, shall erect thereon and maintain thereupon a solid structure or a fence not less than five feet in height with no opening therein, other than doors or gates, larger than six inches square. The fence or other solid structure shall completely surround such swimming pool in such a manner as to minimize, as near as possible, the danger of unsupervised children gaining access thereto. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such doors or gates securely closed at all times when not in actual use, and all latches shall be placed at least four and one-half feet above the ground or shall be

1. [For statutory provisions regarding construction standards for swimming pools, see RCW Chapter 70.90.]

made inaccessible to small children from the outside; provided, however, that the door to any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped. Such fencing and latches shall be installed prior to the filling of the pool with water for use.

When a swimming pool is located within a yard enclosed by a fence which meets the requirements of this chapter, and when the gates or doors in said fence meet the requirements of this chapter, no fence immediately surrounding said swimming pool shall be required. (Res. 21284 § 2, 1960).

CROSS REFERENCE:

Construction of public and semipublic swimming pools, see § 8.56.110 of this code.

16.70.030 Submission of plans prior to construction - Inspection and approval of pool - Use before approval constitutes violation. Plans for swimming pools to be constructed shall be submitted to the building and land development division, and shall show on their face the form of proposed compliance with the requirements of this chapter and the final inspection and approval of all pools hereafter constructed shall be withheld until all requirements of this chapter have been complied with. Use of the swimming pool before final inspection and approval constitutes a violation of this chapter. (Res. 21284 § 3, 1960).

16.70.040 Scope of code. The provisions of this chapter shall not apply to public swimming pools for which a charge or admission price is required to be paid for the use thereof, nor to swimming pools which are a part of and located upon the same premises as a hotel or motel, nor to swimming pools operated by a school district when the pools are made unavailable except at times when attended by adult supervisors or guards. (Res. 21284 § 4, 1960).

16.70.050 Conformance of existing pools - Time limit for compliance with code - Failure to comply. Swimming pools of a type subject to the provisions of this chapter which were in existence on June 6, 1960 but which swimming pools do not possess the safety features required herein shall, within a period of not to exceed six months from June 6, 1960, be brought into conformity with the provisions and requirements of this chapter. Swimming pools not brought into conformity within the period of time herein stipulated are declared to be a public nuisance and a public hazard, and the owner of the premises upon which such pools exist shall be subject to the penalties prescribed herein. (Res. 21284 § 5, 1960).

16.70.060 Enforcement. The director of the department of planning and community development is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 2910 § 4 (part), 1976; Res. 21284 (part), 1960).

Chapter 16.74
OFF-STREET PARKING FACILITIES

Sections:

16.74.010 Regulations adopted - Engineer to inspect.
16.74.020 Enforcement.

16.74.030 Applicability.
16.74.040 Severability.

16.74.010 Regulations adopted - Engineer to inspect. The document entitled "King County Specifications for Off-Street Parking - 1982" is hereby adopted and approved by the King County council and made an integral part of this chapter. The document contains the plans, rules and specifications regulating construction of off-street parking areas. The department of public works shall print copies of the 1982 document and shall make these copies available to anyone proposing to install off-street parking facilities. (Ord. 6575 § 1, 1983).

16.74.020 Enforcement. The manager of the building and land development division is authorized to enforce the provision of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 7990 § 18, 1987: Ord. 2910 § 3 (part), 1976: Res. 23316 (part), 1961).

16.74.030 Applicability. The "King County Specifications for Off-Street Parking - 1982" shall apply to all land use development permits which require off-street parking pursuant to K.C.C. 21.50, except single family dwellings. (Ord. 6575 § 2, 1983).

16.74.040 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 6575 § 3, 1983).

Chapter 16.78
ORNAMENTAL POOLS

Sections:

16.78.010 Definitions.
16.78.020 Fence required - Construction.
16.78.030 Fence - Waiver of requirements.
16.78.040 Application - Exemptions.
16.78.050 Alternate methods of protection.
16.78.060 Enforcement.

16.78.010 Definitions. A. "Depth" means a perpendicular measurement from the top lip of the pool to the deepest point.

B. "Drainage facility" means the system of collection, conveying and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water runoff conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and man-made.

C. "Ornamental pool" means any manmade structure, basin, chamber, tank or pool except drainage facilities containing an artificial body of water and having a depth of more than six inches and less than two feet and whose primary function is for other than swimming, diving or recreational bathing.

D. "Wading pool" means any artificial structure, basin, chamber, tank or pool of water intended and constructed for wading purposes which is not over two feet in depth at any point;

E. "Persons" means any individual or a firm, partnership, company, corporation, trustee, association or any public or private entity. (Ord. 9613, 1990: Ord. 1283 § 1, 1972).

16.78.020 Fence required - Construction. Every person, whether as owner, purchaser under contract, lessee, tenant, or licensee in possession of land upon which is situated an ornamental pool shall at all times maintain on the lot or premises upon which such pool is located and completely surrounding such pool, lot or premises a fence or other solid structure designed to prevent small children from inadvertently wandering into the pool. Such fence or other solid structure shall be not less than three feet in height and shall be constructed as follows:

A. For a fence or other solid structure whose chief covering members are constructed in a vertical direction there shall be no openings in a horizontal direction of more than four inches. For a fence of this type there shall be no more than two horizontal members;

B. For a fence or other solid structure whose chief covering members are constructed in a horizontal direction there shall be no openings in either a horizontal or vertical direction;

C. All gates or doors opening through such enclosures shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such doors or gates securely closed at all times when not in actual use. To prevent a small child from opening such door or gate, the latch shall be installed on the pool side of the gate; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure need not be so equipped.

No self-closing gate required by this section shall have a width in excess of four feet. In no event shall a gate which serves as a driveway qualify as a self-closing gate for the protection of ornamental pools under the requirements of this section. (Ord. 1283 § 2, 1972).

16.78.030 Fence - Waiver of requirements. The requirements of this chapter relating to a fence or other solid structure surrounding an ornamental pool on all sides may be waived to the extent that the topographical features of the land upon which the pool is constructed or is proposed to be constructed are such as to make the land inaccessible and unapproachable by an unescorted child from any portion thereof which is unfenced and unenclosed. (Ord. 1283 § 3, 1972).

16.78.040 Application - Exemptions. This chapter applies to ornamental pools on residential dwelling sites on lots of less than two and one-half acres or any other such ornamental pools which would create an unreasonable risk to small children.

Further exemptions are provided as follows:

A. Any and all ornamental pools that are under six inches in depth are exempted from this chapter.

B. Any pool deeper than two feet is required to comply with section 16.70.020 of the King County code for fencing of swimming pools. (Ord. 1283 § 4, 1972).

16.78.050 Alternate methods of protection. Notwithstanding any precise requirements of this chapter, alternate methods of protection and construction of ornamental pools may be utilized, provided such alternative methods meet the same essential safety requirements of this chapter, and it can be demonstrated that such alternate methods are better suited because of peculiar or unusual circumstances and that it is not practical to meet the precise requirements of this chapter. Such alternates, however, must meet one of the following criteria:

A. For one reason or another the ornamental pool is essentially inaccessible and unapproachable by an unescorted child.

B. The deepest point of the pool is made inaccessible by methods of noncorrosive screening with openings no greater than two inches in diameter or other solid foundation inside the pool, but not deeper than six inches from the top of the lip of the pool; provided, however, that such screening must be

building, structure, premises, or portion thereof at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided, that if such building, land, structure, premises or portion thereof is occupied, he shall first present proper credentials and demand entry; and if such land, building, structure, premises, or portion thereof be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the land, building, structure, premises, or portion thereof and demand entry.

No owner or occupant or any other person having charge, care or control of any building, land, structure, premises, or portion thereof shall fail or neglect, after proper demand, to promptly permit entry thereon by the director for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection is guilty of a misdemeanor. (Ord. 3108 § 2, 1977: Ord. 1488 § 3, 1973).

16.82.040 Hazards. Whenever the director determines that an existing site, as a result of clearing or grading, excavation, embankment, or fill has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the clearing, grading, excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the director, shall within the period specified therein restore the site affected by such clearing or grading or repair or eliminate such excavation or embankment or fill so as to eliminate the hazard and be in conformance with the requirements of this chapter. (Ord. 9614 § 99, 1990: Ord. 3108 § 3, 1977: Ord. 1488 § 4, 1973).

16.82.050 Clearing and grading permit required - Exceptions. A. No person shall do any clearing or grading without first having obtained a clearing and grading permit from the director except for the following:

1. An on site excavation or fill for basements and footings of a building, retaining wall, parking lot, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure;

2. The depositing or covering of any garbage, rubbish or other material at any solid waste facility operated by King County;

3. Maintenance of existing driveways or private access roads within their existing road prisms, provided that the performance and restoration requirements of this chapter are met and best management practices are utilized to protect water quality.

4. Any grading within a publicly owned road right-of-way;

5. Clearing or grading by a public agency for the following routine maintenance activities:

a. Roadside ditch cleaning provided the ditch does not contain salmonids;

b. Pavement maintenance;

c. Normal grading of gravel shoulders;

d. Maintenance of culverts;

e. Maintenance of flood control or other approved surface water management facilities;

f. Routine clearing within road right-of-way.

6. Any clearing or grading for roads within a preliminary or finally approved residential plat which has been approved by the director and for which a bond has been posted;

7. Maintenance or reconstruction of the facilities of a common carrier by a rail in interstate commerce within its existing right-of-way; provided restoration is consistent with the requirements of Section 16.82.110; provided that this exception does not apply if the clearing or grading is within a sensitive area as regulated in K.C.C. Chapter 21.54.

8. Cemetery graves; provided that this exception does not apply except for routine maintenance if the clearing or grading is within a sensitive area as regulated in K.C.C. Chapter 21.54;

9. Clearing or grading within a preliminarily or finally approved residential plat not involving any excavation exceeding five feet in vertical depth or any fill exceeding three feet in vertical depth, regardless of the amount of material to be removed; provided that this exception does not apply if the clearing or grading is within a sensitive area as regulated in K.C.C. Chapter 21.54;

10. Excavation less than five feet in vertical depth not involving more than one hundred cubic yards of earth or other material on a single site; provided that the exception does not apply if the clearing or grading is within a sensitive area as regulated in K.C.C. Chapter 21.54;

11. Fill less than three feet in vertical depth not involving more than one hundred cubic yards of earth or other material on a single site; provided that the exception does not apply if the clearing or grading is within a sensitive area as regulated in K.C.C. Chapter 21.54;

12. Minor stream restoration projects for fish habitat enhancement by a public agency, utility or tribe as set out in K.C.C. 21.54.

13. Clearing or grading for construction of livestock manure storage facilities or associated nonpoint source pollution facilities designed to the standards of and approved in a conservation plan by the King County conservation district, and constructed and maintained to those standards or livestock flood sanctuaries constructed and maintained to the standards approved by the Soil Conservation Service and conservation district and the best management practices approved by King County.

14. Clearing and grading, performed as Class I, II, III or IV Special forest practice in the F (Forestry) zone, that is conducted in accordance with RCW 76.09 and WAC 222.

15. Any clearing or grading for construction which has been approved by the director as part of a Commercial Site Development permit and for which a bond has been posted.

16. The following activities are exempt from the clearing requirements of this chapter and no permit shall be required:

a. Clearing outside of sensitive areas and buffers as regulated in K.C.C. Chapter 21.54 unless the development proposal site is within an area subject to clearing restrictions contained in a critical drainage area administrative rule or in p-suffix conditions in an adopted community plan.

b. Within sensitive areas, as regulated in K.C.C. Chapter 21.54, the following activities are exempt from the clearing requirements of this chapter and no permit shall be required.

(1) Normal and routine maintenance of existing lawns and landscaping subject to the limitations on the use of pesticides in sensitive areas as set out in K.C.C. Chapter 21.54.

(2) Permitted agricultural uses; provided the clearing is consistent with the agricultural exemptions in sensitive areas as regulated in K.C.C. Chapter 21.54.

(3) Emergency tree removal to prevent imminent danger or hazard to persons or property.

(4) Normal and routine horticultural activities associated with commercial orchards, nurseries, or Christmas tree farms in existence on the effective date of Ordinance 9614 (November 27, 1990) subject to the limitations on the use of pesticides in sensitive areas as set out in K.C.C. Chapter 21.54. This does not include clearing or grading in order to develop or expand such activities.

(5) Normal and routine maintenance of existing public parks and private and public golf courses. This does not include clearing or grading in order to develop or expand such activities in sensitive areas.

(6) Removal of noxious weeds from steep slope hazard areas and the buffers of streams and wetlands subject to the limitations on the use of pesticides in sensitive areas as set out in K.C.C. Chapter 21.54.

(7) Pruning and limbing of vegetation for maintenance of above ground electrical and telecommunication facilities; provided that the clearing is consistent with the electric, natural gas, cable communication and telephone utility exemption in sensitive areas as regulated in K.C.C. Chapter 21.54.

(8) Class I, II, III and IV Special forest practices outside of areas zoned F provided they occur on parcels that meet all of the following criteria for long term forestry:

(a) The parcel is enrolled under the current use taxation program as timber land pursuant to RCW 84.34 or as forest land pursuant to RCW 84.33;

(b) A long term management plan is approved for the parcel by the Washington Department of Natural Resources;

(c) The parcel is located within areas designated rural or agricultural by the King county comprehensive plan or applicable community plan;

(d) The parcel is located outside of expansion areas for incorporated cities or rural activity centers as designated in community plans, and;

(e) The parcel equals or exceeds 5 acres in size.

B. TEMPORARY PERMITS. The director shall have the authority to issue temporary permits for excavations, processing, quarrying and mining, and removal of sand, gravel, rock and other natural deposits, together with the necessary buildings, apparatus or appurtenances incident thereto for specific jobs on application for highway, road, street, airport construction, flood control and other public works projects. In conjunction with such operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants and asphalt-batching plants may be authorized by this temporary permit.

The department of development and environmental services shall consider the effect of the proposed operation on the county road system and any effect it may have on surface or groundwater drainage and flood control, and shall make such recommendations as are necessary to protect the public interest in this regard.

The department of development and environmental services shall also consider the effect of the proposed operation on the current and future land use in the area affected by the proposed operation and shall condition permits as necessary to protect the public interest in this regard. Temporary permits are good for the life of the contract of the specific job but must be reviewed annually. Each temporary permit site shall be fully restored during the term of the temporary permit, unless the site is subsequently designated with a QM zone classification or included in an unclassified use permit. (Ord. 11016 § 14, 1993: Ord. 10152 § 1, 1991: Ord. 9614 § 100, 1990: Ord. 7990 § 20, 1987: Ord. 3108 § 4, 1977: Ord. 1488 § 6, 1973).

16.82.060 Permit requirements. Except as exempted in Section 16.82.050, no person shall do any clearing or grading without first obtaining a clearing and grading permit from the director. A separate permit shall be required for each site and may cover both excavations and fills.

A. APPLICATION. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. The director shall prescribe the form by which application is made. No application shall be accepted unless it is completed consistent with the requirements of this chapter. Every application shall:

1. Identify and describe the work to be covered by the permit for which application is made;

2. Describe the land on which the proposed work is to be done, by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed site;

3. Identify and describe those sensitive areas on or adjacent to the site;

4. Indicate the estimated quantities of work involved;

5. Be accompanied by plans and specifications as required in subsections B. and C.;

6. Be signed by the property owner or his authorized agent who may be required to submit evidence to indicate such authority;

7. Give such other information as may be required by the director.

B. PLANS AND SPECIFICATIONS. When required by the director, each application for a grading permit shall be accompanied by six sets of plans and specifications and other supporting data as may be required. The plans and specifications shall be prepared and signed by a civil engineer or landscape architect registered to practice in the state of Washington when required by the director; provided, he may require additional studies prepared by a qualified soils specialist.

C. INFORMATION ON PLANS AND IN SPECIFICATIONS. Plans shall be drawn to an engineer's scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this chapter and all other relevant laws, rules, regulations and standards. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared. The plans shall include the following minimum information:

1. General vicinity of the proposed site;

2. Property limits and accurate contours of existing ground and details of terrain and area drainage;

3. Limiting dimensions, elevations or finished contours to be achieved by the grading, and proposed drainage channels and related construction;

4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains;

5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within fifty feet of the property or which may be affected by the proposed grading operations;

6. Landscape and rehabilitation plan as required by Section 16.82.110;

7. Other information as may be required by the director.

8. If the clearing or grading is proposed to take place in or adjacent to a sensitive area as regulated in K.C.C. 21.54, provide information as required by that chapter.

D. GRANTING OF PERMITS. 1. The director shall determine if the proposed grading will adversely affect the character of the site for present lawful uses or with the future development of the site and adjacent properties for building or other purposes as indicated by the comprehensive plan, the shoreline master program, and the zoning code.

2. After an application has been filed and reviewed, the director shall also ascertain whether such grading work complies with the other provisions of this chapter. If the application and plans so comply, or if they are corrected or amended so as to comply, the director may issue to the applicant a grading permit. A grading permit shall be valid for the number of days stated in the permit but in no case shall the period be more than two years; provided, that when operating conditions have been met, the permit may be renewed every two years, or less if a shorter approval and/or renewal period is specified by the director.

3. No grading permit shall be issued until approved by federal, state and local agencies having jurisdiction by laws or regulations.

4. Upon approval of the application and issuance of the grading permit, no work shall be done that is not provided for in the permit. The director is authorized to inspect the premises at any reasonable time to determine if the work is in accordance with the permit application and plans.

5. The permits from the director shall be required regardless of any permits issued by any other department of county government or any other governmental agency who may be interested in certain aspects of the proposed work. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining the permit, the violator shall be subject to such civil penalties as provided in Chapter 23.04. However, the payment of such civil penalties shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work nor from any other penalties prescribed thereon. (Ord. 9614 § 101, 1990: Ord. 7990 § 21, 1987: Ord. 6173 § 1, 1982: Ord. 5194 § 1, 1981: Ord. 3108 § 5, 1977: Ord. 1488 § 7, 1973).

16.82.080 Bonds required. Prior to obtaining a permit, the permittee shall first post with the director a cash operation bond and a cash or a surety reclamation bond. All surety bonds shall be executed by the owner or permittee and a corporate surety authorized to do business in this state as a surety. All bonds shall be on an approved form and shall include penalty provisions for failure to comply with the conditions of the permit. Bonds may be waived on projects of less than one thousand cubic yards. (EXCEPTION: Bonds shall not be required of other King County departments.)

A. RECLAMATION BOND. The permittee shall post a surety bond or cash bond in an amount sufficient to cover the cost of conformance with the conditions of the permit, including corrective work necessary to provide adequate drainage and to remove and eliminate geological hazards. Any reclamation bonds posted with the state of Washington, department of natural resources, for surface mining permits may be applied on the surety bond requirements insofar as they pertain to the reclamation provisions of this chapter.

B. OPERATION BOND. In addition to the reclamation bond, a cash operating bond shall accompany the operating permit and may be used at the discretion of the director to correct deficiencies affecting public health, safety and welfare, including effects on water quality. The amount of the cash operation bond shall be determined by the director. The cash operation bond shall be maintained at the full value established by the director at all times during the life of the permit.

C. CONDITIONS. Every bond shall obligate the permittee to the following conditions:

1. Compliance with all of the provisions of the King County code, applicable laws and ordinances;

2. Compliance with all of the terms and conditions of the permit for excavation or fill to the satisfaction of the director;

3. Completion of the protective work contemplated under the permit within the time limit specified in the permit. (The director may, for sufficient cause, extend the time specified in the permit, but no such extension shall release the surety upon the bond.)

D. FAILURE TO COMPLETE PROTECTIVE WORK AND/OR LAND REHABILITATION. In the event of failure to comply with all the conditions and terms of the permit, the director shall notify the permittee and the surety in writing, and failing to obtain response within ten days from the receipt of notification may order the work required by the permit to be completed to his satisfaction or perform all necessary corrective work to eliminate hazards caused by not completing the work. The surety executing such bond or deposit shall continue to be firmly bound, up to the limits of the bond, under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the governing agency in causing any and all such required work to be done. In the case of a cash deposit, the deposit or any unused portion thereof shall be refunded to the permittee. In no event shall the liability of the surety exceed the amount stated in its bond regardless of the number of years the bond remains in force. (Ord. 3108 § 7, 1977: Ord. 1488 § 9, 1973).

16.82.090 Liability insurance required - Exception. The permittee shall maintain a liability policy in the amount of one hundred thousand dollars per individual, three hundred thousand dollars per occurrence, and fifty thousand dollars property damage, and shall name King County as an additional insured. EXCEPTION: Liability insurance requirements may be waived for projects involving less than ten thousand cubic yards. Liability insurance shall not be required of other King County departments. (Ord. 1488 § 10, 1973).

16.82.100 Operating conditions and standards of performance. Cuts and fills shall conform to the provisions of this section unless otherwise approved by the director.

A. SLOPE. No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the director.

B. EROSION CONTROL. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion. This control may consist of effective planting. The protection for these areas shall be installed as soon as practical and prior to bond release. Where areas are not subject to erosion, as determined by the director, such protection may be omitted.

C. PREPARATION OF GROUND. The ground surface shall be prepared to

receive fill by removing unsuitable material such as concrete slabs, tree stumps, brush and car bodies.

D. FILL MATERIAL. Except in an approved sanitary landfill, only earth materials which have no rock or similar irreducible material with a maximum dimension greater than eighteen inches shall be used.

E. DRAINAGE. Provisions shall be made to:

1. Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a fill;

2. Carry any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the department of public works;

3. Prevent any sediment from leaving the site.

F. BENCH/TERRACE. Benches, if required, at least ten feet in width shall be back-sloped and shall be established at not more than twenty-five feet vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.

G. ACCESS ROADS - MAINTENANCE. Access roads to grading sites shall be maintained and located to the satisfaction of the King County department of public works to minimize problems of dust, mud and traffic circulation.

H. ACCESS ROADS - GATE. Access roads to grading sites shall be controlled by a gate when required by the director.

I. WARNING SIGNS. Signs warning of hazardous conditions, if such exist, shall be affixed at locations as required by the director.

J. FENCING. Fencing, where required by the director, to protect life, limb and property, shall be installed with lockable gates which must be closed and locked when not working the site. The fence must be no less than five feet in height and the fence material shall have no horizontal opening larger than two inches.

K. SETBACKS. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes.

The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes.

Slopes and setbacks shall be determined by the director.

L. EXCAVATIONS TO WATER-PRODUCING DEPTH. All excavations must either be made to a water-producing depth or grade to permit natural drainage. The excavations made to a water-producing depth shall be reclaimed in the following manner:

1. The depth of the excavations must not be less than two feet measured below the low-water mark.

2. All banks shall be sloped to the water line no steeper than three feet horizontal to one foot vertical.

3. All banks shall be sloped from the low water line into the pond or lake with a minimum slope of three feet horizontal to one foot vertical to a distance of at least twenty-five feet.

4. In no event shall the term water-producing depth as herein used be construed to allow stagnant or standing water to collect or remain in the excavation.

5. The intent of this provision is to allow reclamation of the land which will result in the establishment of a lake of sufficient area and depth of water to be useful for residential or recreational purposes.

M. HOURS OF OPERATION. Hours of operation, unless otherwise authorized by the director, shall be between seven a.m. and seven p.m. (Ord. 3108 § 8, 1977: Ord. 1488 § 11, 1973).

16.82.110 **Land restoration.** A. Upon the exhaustion of minerals or materials or upon the permanent abandonment of the quarrying or mining operation, all nonconforming buildings, structures, apparatus or appurtenances accessory to the quarrying and mining operation shall be removed or otherwise dismantled to the satisfaction of the director. This requirement shall not require land restoration on projects completed prior to January 1, 1971, except those covered under previously existing zoning requirements.

B. Final grades shall be such so as to encourage the uses permitted within the underlying zone classification.

C. Grading or backfilling shall be made with nonnoxious, nonflammable, noncombustible and nonputrescible solids.

D. Such graded or backfilled areas, except for roads, shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of at least four inches or a depth of that of the topsoil of land areas immediately surrounding if less than four inches.

E. Such topsoil as required by subdivision D. shall be planted with trees, shrubs, legumes or grasses, and said flora shall be so selected as to be indigenous to the surrounding area.

F. Graded or backfilled areas shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the department of public works shall be constructed or installed if natural drainage is not possible.

G. Waste or soil piles shall be leveled and the area treated as to sodding or surfacing and planting as required in subdivisions D. and E. of this section. (Ord. 3108 § 9, 1977: Ord. 1488 § 12, 1973).

16.82.120 **Shorelines.** A. Any fill placed upon land adjacent to or beneath any stream or water body shall be contained and placed so as to prevent adverse effect upon other lands.

B. No permit required by this chapter shall be issued for grading upon the shorelines until approved by the appropriate federal, state and local authority.

C. For grading which requires a shoreline management substantial development permit, the conditions of the shoreline management substantial development permit shall be incorporated into the conditions of any permit issued pursuant to this chapter and shall be subject to the inspection and enforcement procedures authorized by this chapter. (Ord. 3108 § 10, 1977).

16.82.130 **Enforcement.** The director of the department of parks, planning and resources is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23.

If clearing inconsistent with the purposes and requirements of this chapter has occurred on a site, King County shall not accept or grant any development permits or approvals for the site unless the applicant adequately restores the site. The director shall require appropriate restoration of the site under an approved restoration plan which shall include a time schedule for compliance if significant resource damage has or may occur. If restoration has not been completed within the time established by the department, the director shall order restoration using funds from building and land development division contingency accounts and seek restitution from the property owner through liens or other available legal methods. (Ord. 9614 § 104, 1990: Ord. 2910 § 4 (part), 1976: Ord. 1488 (part), 1973).

16.82.140 Forest Practices. A. Class IV Forest Practice. Under a Class IV forest practice, all clearing not otherwise exempted under this chapter shall be subject to the requirements of this chapter. All such clearing shall be subject to the State Environmental Policy Act, RCW 43.21C, and King County shall accept or assume lead agency status. The review of the Class IV application shall be consolidated with the review of the associated King County development permit or approval. Clearing independent of permit or approval shall require a separate clearing and grading permit pursuant to this chapter. King County will also combine its SEPA review of Class IV forest practices and county permits.

B. Development applications on lands outside the F zone and cleared or graded pursuant to a Class I, II, III or IV Special forest practice as defined in RCW 76.09, or cleared or graded without forest practices or county authorization, shall be denied for a period of six (6) years unless the applicant demonstrates that the clearing was consistent with requirements of this chapter or the applicant adequately restores the site. Restoration shall include, but is not limited to, reforestation, erosion control, sensitive areas enhancement and restoration, surface water management controls, and compliance with other applicable county regulations. Administrative rules shall set out further details as to how restoration is accomplished and when it will be deemed sufficient. (Ord. 9614 § 102, 1990).

16.82.150 Clearing standards. For clearing and grading permits issued under this chapter, the following standards shall apply:

A. Within sensitive areas as defined in K.C.C. Title 21, the current clearing standards contained in:

1. The Sensitive Areas Code, K.C.C. 21.54, and its adopted administrative rules;

2. P-suffix conditions within adopted community plans.

B. On land outside of sensitive areas, the current clearing standards contained in:

1. P-suffix conditions within adopted community plans:

2. Critical drainage area designations identified by adopted administrative rules.

Where conflicts exist between standards, the most restrictive shall apply. (Ord. 9614 § 103, 1990).