



ORDINANCE NO. 3006

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING THE 2012 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL SWIMMING POOL AND SPA CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL MECHANICAL CODE, AND THE UNIFORM PLUMBING CODE; AMENDING THE CITY'S REGULATIONS FOR THE ABATEMENT OF UNSAFE STRUCTURES; AMENDING AND REPLACING CHAPTERS 16.04, 16.05, 16.08, 16.09, 16.24, 16.44, 15.04, AND 15.08 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING CHAPTER 16.32 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in November 2012, the Washington State Building Code Council adopted the 2012 International Building, Residential, Mechanical and Fire Codes, and the 2012 Uniform Plumbing Code; and

WHEREAS, the City Council desires to update certain chapters of the Lynnwood Municipal Code to conform to the newly adopted State codes which become effective July 1, 2013; and

WHEREAS, the City Council has determined that adoption of the 2012 codes with certain local amendments is in the public interest; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Chapter 16.04 of the Lynnwood Municipal Code is hereby amended and replaced to read as set forth on **Exhibit A** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 2. Amendment. Chapter 16.05 of the Lynnwood Municipal Code is hereby amended and replaced to read as set forth on **Exhibit B** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 3. Amendment. Chapter 16.09 of the Lynnwood Municipal Code is hereby amended and replaced to read as set forth on **Exhibit C** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 4. Amendment. Chapter 16.24 of the Lynnwood Municipal Code is hereby amended and replaced to read as set forth on **Exhibit D** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 5. Amendment. Chapter 16.44 of the Lynnwood Municipal Code is hereby amended and replaced to read as set forth on **Exhibit E** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 6. Amendment. Chapter 15.08 of the Lynnwood Municipal Code is hereby amended and replaced to read as set forth on **Exhibit F** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 7. Amendment. Chapter 15.04 of the Lynnwood Municipal Code is hereby amended and replaced to read as set forth on **Exhibit G** to this Ordinance, attached hereto and incorporated herein by this reference.

Section 8. Amendment. Chapter 16.08 of the Lynnwood Municipal Code is hereby amended and replaced to read as set forth on **Exhibit H** to this Ordinance, attached hereto and incorporated herein by this reference.

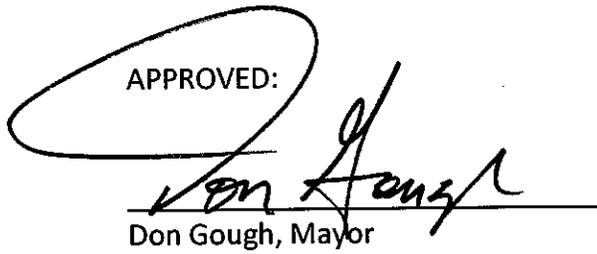
Section 9. Repealed. Chapter 16.32 of the Lynnwood Municipal Code is hereby repealed.

Section 10. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance should be held to be invalid or unconstitutional or inapplicable by a court of competent jurisdiction, such invalidity or unconstitutionality or inapplicability thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this Ordinance.

Section 11. Effective Date. This Ordinance shall be in full force and effective five (5) days after passage and publication as provided by law. Publication shall be by summary publication of the Ordinance Title.

PASSED BY THE CITY COUNCIL, this 29th day of July, 2013, and signed in authentication of its passage this 5th day of August, 2013.

APPROVED:



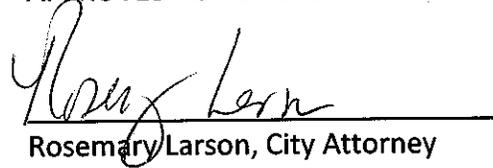
Don Gough, Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines Jr., Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 07/24/2013
PASSED BY THE CITY COUNCIL: 07/29/2013
PUBLISHED: 08/02/2013
EFFECTIVE DATE: 08/07/2013
ORDINANCE NUMBER: 3006



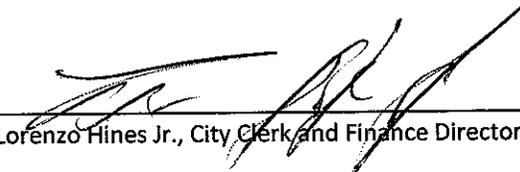
On the 29th day of July 2013, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 3006 A summary of the content of said ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3006

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING THE 2012 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL SWIMMING POOL AND SPA CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL MECHANICAL CODE, AND THE UNIFORM PLUMBING CODE; AMENDING THE CITY'S REGULATIONS FOR THE ABATEMENT OF UNSAFE STRUCTURES; AMENDING AND REPLACING CHAPTERS 16.04, 16.05, 16.08, 16.09, 16.24, 16.44, 15.04, AND 15.08 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING CHAPTER 16.32 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be mailed upon request or may be previewed at www.ci.lynnwood.wa.us.

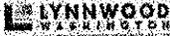
DATED this 2nd day of August, 2013


Lorenzo Hines Jr., City Clerk and Finance Director

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



On the, 29th day of July, 2013 the City Council of the City of Lynnwood, Washington, passed the following ordinances: 3003 and 3009. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3003
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING FINDINGS OF FACT SUPPORTING THE CITY'S MORATORIUM ON THE ACCEPTANCE AND FILING OF APPLICATIONS FOR, AND THE LICENSING, ESTABLISHMENT, LOCATION, OPERATION, MAINTENANCE AND CONTINUATION OF MEDICAL CANNABIS COLLECTIVE GARDENS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE NO. 3004
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING FINDINGS OF FACT SUPPORTING THE CITY'S MORATORIUM ON THE ACCEPTANCE AND FILING OF APPLICATIONS FOR, AND THE LICENSING, ESTABLISHMENT, LOCATION, OPERATION, MAINTENANCE AND CONTINUATION OF MARIJUANA BUSINESSES AND MARIJUANA OPERATIONS UNDER WASHINGTON STATE INITIATIVE NO. 502; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE NO. 3005
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING SECTION 17.02.230 AND DELETING SECTION 17.02.250 OF THE LYNNWOOD MUNICIPAL CODE RELATING TO ENVIRONMENTAL REVIEW CATEGORICAL EXEMPTIONS AND PROVIDING FOR SEVERABILITY; AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3006
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING THE 2012 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL SWIMMING POOL AND SPA CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL MECHANICAL CODE, AND THE UNIFORM PLUMBING CODE; AMENDING THE CITY'S REGULATIONS FOR THE ABATEMENT OF UNSAFE STRUCTURES; AMENDING AND REPLACING CHAPTERS 16.04, 16.05, 16.08, 16.09, 16.24, 16.44, 15.04, AND 15.08 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING CHAPTER 18.32 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE NO. 3007
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE INTERNATIONAL FIRE CODE AS ADOPTED BY THE CITY; AMENDING TITLE 9 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

ORDINANCE NO. 3008
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PROJECT FUNDING FOR THE 48TH AVENUE W. SIDEWALK PROJECT; AND SUPERCEDING ORDINANCE 2968, AND SUPERCEDING ORDINANCE 2945, AND SUPERCEDING ORINANCE 2914; AND SUPERCEDING ORDINANCE 2892, AND AUTHORIZING EXPENDITURES IN PROJECT FUND 312; AND AUTHORIZING FUNDING TRANSFERS, ALLOCATIONS, AND REIMBURSEMENTS FROM FUND 150, 411, 418, AND FUND 441; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3009
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING PROJECT FUNDING FOR THE SCRIBER CREEK FLOOD REDUCTION STUDY PROJECT; AND AUTHORIZING EXPENDITURES IN FUND 413; AND AS CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of these ordinances will be mailed upon request.
DATED this 2nd day of August, 2013.

Lorenzo Hines Jr., Finance Director

Published: August 2, 2013.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Ordinance Summaries:

3003, 3004, 3005, 3006,

3007, 3008, 3009

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

August 02, 2013

and that said newspaper was regularly distributed to its subscribers during all of said period.

Karen E. Zorn

Principal Clerk

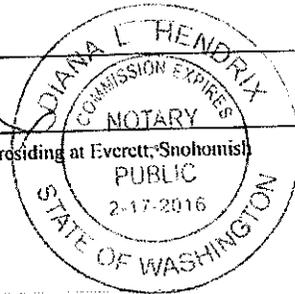
Subscribed and sworn to before me this

2nd

day of August, 2013

Diana L. Hendrix

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.



Account Number: 127890

Order Number: 0001828704



LYNNWOOD
WASHINGTON

CERTIFICATE

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3006 of the City of Lynnwood, Washington, entitled as follows:

ORDINANCE NO. 3006

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING THE 2012 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL SWIMMING POOL AND SPA CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL MECHANICAL CODE, AND THE UNIFORM PLUMBING CODE; AMENDING THE CITY'S REGULATIONS FOR THE ABATEMENT OF UNSAFE STRUCTURES; AMENDING AND REPLACING CHAPTERS 16.04, 16.05, 16.08, 16.09, 16.24, 16.44, 15.04, AND 15.08 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING CHAPTER 16.32 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

That said ordinance was passed by the Council of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on August 2, 2013.


Lorenzo Hines, Jr., City Clerk and
Finance Director

Chapter 16.04
INTERNATIONAL BUILDING CODE*

Sections:

<u>16.04.010</u>	Adoption of the International Building Code.
<u>16.04.012</u>	Section 101.4.3 and Section 101.4.6 amended – Plumbing – Energy.
<u>16.04.015</u>	Definitions.
<u>16.04.016</u>	<i>Repealed.</i>
<u>16.04.020</u>	Section 101.3-amended – Intent.
<u>16.04.030</u>	Section 104.1 amended – General.
<u>16.04.035</u>	Section 113 amended – Board of Appeals.
<u>16.04.040</u>	Section 114 amended – Violations
<u>16.04.050</u>	<i>Repealed.</i>
<u>16.04.060</u>	Section 105.2 amended – Work exempt from permit.
<u>16.04.065</u>	<i>Repealed.</i>
<u>16.04.070</u>	Section 105.3 and Section 105.3.1 amended – Application for permit.
<u>16.04.071</u>	Section 105.3.1 amended – Actions on Applications.
<u>16.04.072</u>	Section 105.5 amended – Expiration.
<u>16.04.075</u>	<i>Repealed.</i>
<u>16.04.080</u>	<i>Repealed.</i>
<u>16.04.090</u>	<i>Repealed.</i>
<u>16.04.095</u>	Section 3410 amended – Security deposit required to move or remove building.
<u>16.04.100</u>	Section 109.2 amended – Schedule of permit fees.
<u>16.04.105</u>	<i>Repealed.</i>
<u>16.04.108</u>	<i>Repealed.</i>
<u>16.04.110</u>	<i>Repealed.</i>
<u>16.04.140</u>	<i>Repealed.</i>
<u>16.04.145</u>	Table 503 amended – Allowable Building Heights and Areas.
<u>16.04.150</u>	Section 1805 amended – Damp proofing and Waterproofing.
<u>16.04.160</u>	Section 3307 amended – Protection of adjoining property.
<u>16.04.170</u>	<i>Repealed.</i>
<u>16.04.200</u>	<i>Repealed.</i>
<u>16.04.210</u>	Section 705.5 amended – Fire-resistance ratings.
<u>16.04.215</u>	Section 705.8 amended – Openings.
<u>16.04.220</u>	Section 903.2 amended – Where required.
<u>16.04.230</u>	Section 1008.1.9.3 amended – Locks and latches.
<u>16.04.240</u>	Section 1008.1.9.4 amended – Bolt Locks.
<u>16.04.250</u>	<i>Repealed.</i>
<u>16.04.900</u>	Severability.

*For building code adoption by reference, see RCW 35.21.180.

16.04.010 Adoption of the International Building Code.

As amended by the provisions of this chapter and the State of Washington Building Code Council, under Chapter 51-50 WAC, the 2012 Edition of the International Building Code, published by the International Code Council, together with Appendices E, G, and J, one copy of which, along with the State of Washington Building Code Council's amendments, shall be on file in the office of the Lynnwood finance director, are adopted by reference.

16.04.012 Section 101.4.3 and Section 101.4.6 amended – Plumbing – Energy.

Section 101.4.3 and Section 101.4.6 adopted by this chapter are deleted and replaced with the following wording:

101.4.3 Plumbing. The provisions of the 2012 Uniform Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.6 Energy. The provisions of the 2012 International Energy Conservation Code adopted by WAC chapter 51-11R and 51-11C shall apply to all matters governing the design and construction of buildings for energy efficiency.

16.04.015 Definitions.

A. Section 201 adopted by this chapter is amended by adding thereto the following paragraph:

Whenever the term “Code” is used herein, it shall mean the 2012 International Building Code as adopted by this chapter. Whenever the term “City” or “Jurisdiction” is used herein, it shall mean the City of Lynnwood.

B. Section 202 adopted by this chapter is amended by adding thereto the following definition:

Occupancy – Is the purpose for which a building, or part thereof, is used or intended to be used. Occupancy includes the installation of shelving, furniture, fixtures and appliances unless such items are included in a building permit. Occupancy also includes stocking of shelves, storage of furniture or material for sale, interviewing personnel or use for managerial duties.

16.04.016 Repealed.

Repealed by Ord. 1894.

16.04.020 Section 101.3 amended – Intent.

Section 101.3 adopted by this chapter is deleted and replaced with the following wording:

101.3 Intent. 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 benefited by the terms of this Code.

It is the specific intent of this Code that no provision or term used in this Code is intended to impose any duty whatsoever upon the City 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 of any liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from the failure of a building to comply with the provisions of this Code, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval, authorized or issued or done in connection with the implementation or enforcement of this Code, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this Code by its officers, employees or agents.

16.04.030 Section 104.1 amended – General.

Section 104.1 adopted by this chapter is amended by the addition of subsection 104.1.1 which reads as follows:

104.1.1 Appendix J. For the purpose of administering and enforcing Appendix J of this Code, the Director of Public Works is appointed and designated as the Building Official with respect to all matters contained within said Appendix J.

16.04.035 Section 113 amended – Board of Appeals.

Section 113 adopted by this chapter is deleted and replaced with the following wording:

113.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code in accordance with Chapter 16.50 LMC.

113.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

16.04.040 Section 114 amended – Violations.

Section 114 adopted by this chapter is deleted and replaced with the following wording:

114 Violations. Any person, firm, or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person, firm or corporation shall be guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this Code is committed, continued, or permitted.

It shall be unlawful for any person to remove, mutilate, destroy or conceal any lawful notice issued or posted by the building official pursuant to the provisions of this Code.

Anyone concerned in the violation or failure to comply with the provisions of this Code, whether directly committing the act or effecting the omission constituting the offense, or aiding or abetting the same, whether present or absent; and anyone who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to violate or fail to comply with the provisions of this Code, is and shall be guilty of a misdemeanor.

Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

16.04.050 Section 103 UBC amended.

Repealed by Ord. 2505.

16.04.060 Section 105.2 amended – Work exempt from permits.

Section 105.2 adopted by this chapter is amended by deleting exception numbers 2 and 13 and replacing them with the following wording:

2. Fences not over six feet high as follows:

a. Vision obscuring fences as defined in Chapter 21.10 LMC in residential zones that are set back over 15 feet from front property line, over 15 feet from driveways, and 30 feet from any intersection.

b. Non-Vision obscuring fences as defined in Chapter 21.10 LMC in residential zones.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

a. For fixtures/racks 6 feet or more in height, you are required to provide seismic connection details with your plan and permit application.

b. For fixtures/racks 8 feet or more in height, you are required to provide plans and calculations stamped by a Washington State Engineer with your permit application.

16.04.065 Section 303(a) UBC amended – Permit to move or remove buildings.

Repealed by Ord. 2216.

16.04.070 Section 105.3 amended – Application for permit.

Section 105.3 adopted by this chapter is deleted and replaced with the following wording:

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the city of Lynnwood's building official for that purpose. Every such 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 legal description and/or parcel number(s). Street address or similar description, if available, shall be provided to readily identify and definitely locate the proposed building or work;
3. Indicate the proposed use or occupancy for which the application is intended;
4. Be accompanied by plans, diagrams, computations, specifications and other data as required by Section 107 IBC, which also meet the applicable requirements of LMC 16.04.075;
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building, in accordance with the provisions of LMC 16.04.105;
6. Provide such information and evidence as is required by current State law to be furnished in connection with an application for a building permit or as a prerequisite to the issuance of a building permit;
7. Provide such other data and information as may be required by the building official;
8. Be signed by the applicant, or the applicant's authorized agent.
9. When a contractor is to perform the work, its name, address and current Washington State contractor's license number and city business license number.

16.04.071 Section 105.3.1 amended – Actions on Applications.

Section 105.3.1 adopted by this chapter is amended by adding the following paragraphs:

The following prerequisites shall be met prior to issuance of a building permit.

1. Any requirements or regulations imposed on a project as a condition of land use approval process.
2. The landscape plans have been approved.
3. If required, all fire apparatus roads shall be approved.
4. When not already available, the water supplied for fire protection shall be installed and made serviceable.
5. Address(es) is/are as assigned by the City of Lynnwood.

6. Plans in compliance with LMC 12.12 related to the construction of frontage improvements for curb, gutter, sidewalks, city utilities and street surfacing have been submitted and approved by the Public Works Department.

7. When required, submittals shall be made for compliance with LMC 16.46 (Flood Plains), 17.02 (SEPA), 17.10 (Sensitive Areas), 19.00 (Platting) and 21.25 (Project Design Review).

16.04.072 Section 105.5 amended – Expiration.

Section 105.5 adopted by this chapter is deleted and replaced with the following wording:

105.5 Expiration. Permits become null and void if the authorized work has not been inspected by this department within 180 calendar days of issuance or for a period of 180 calendar days from the last inspection. The total life of permits is limited to a maximum of 540 calendar days, provided it has not expired under the restrictions above. One extension request for 180 calendar days may be granted if a written request is submitted to the Building Official showing just cause before the expiration date.

If a permit expires, the permittee shall obtain a new permit to complete the remainder of the work. The cost of the new permit will be based on the value of the remainder of work per the fee schedule.

16.04.075 Section 107.1 IBC amended – Signed, dated, stamped drawings required.

Repealed.

16.04.080 Repealed.

Repealed by Ord. 2039.

16.04.090 Section 109.1 UBC amended.

Repealed by Ord. 2505.

16.04.095 Section 3410 amended – Moved Structures.

Section 3410 adopted by this chapter is amended by the addition of subsection 3410.2 which reads as follows:

3410.2 Security deposit required to move or remove building. For a building being moved or removed, a \$2,000 cash security deposit will be required to the effect that the site from which the building is being moved or removed has been cleared of all debris, concrete foundation, etc., and left in a tidy condition; provided, however, that the building official may waive said security deposit if, for the property, there is in force and effect an active building permit or an active fill and grading permit for which the applicable bonds have been posted. Waiver of the security deposit does not constitute waiver of the duty to restore the site as herein provided. Restoration of the site must be accomplished within 30 days from the date of issuance of the permit. The sanitary

sewer is required to be capped at the property line prior to issuance of the permit to move or remove the building from any site in the city of Lynnwood.

16.04.100 Section 109.2 amended – Schedule of permit fees.

Section 109.2 adopted by this chapter is deleted and replaced with the following wording:

109.2 Schedule of permit fees. Fees shall be set forth in a fee resolution adopted, and from time to time amended, by the city council.

16.04.105 Section 109.3 IBC amended – Valuation.

Repealed.

16.04.108 Section 111.2 amended – Certificate of occupancy.

Repealed.

16.04.110 Section 216-O UBC – “Occupancy” defined.

Repealed by Ord. 2505.

16.04.120 Section 220-S UBC amended.

Repealed by Ord. 2505.

16.04.130 Section 224-W UBC amended.

Repealed by Ord. 2505.

16.04.140 Repealed.

Repealed by Ord. 1894.

16.04.145 Table 503 amended – Allowable Building Heights and Areas.

Table 503 adopted by this chapter is amended to allow five-story wood frame buildings for residential occupancies. The following items shall be met to allow the additional story. These items are in addition to other requirements required by the IBC:

A. A full National Fire Protection Association (NFPA) 13 light-hazard sprinkler system shall be required; no further NFPA exceptions shall be allowed. Sprinkler protection shall include all concealed spaces, whether combustible or not, greater than six inches unless this cavity is filled with batt insulation.

B. In mixed use buildings, the first floor shall be of either Type I or II construction with a two-hour occupancy separation between the R occupancy and the mixed use occupancy. Only R occupancies are allowed above the first floor.

C. Type V-A construction is required throughout the five-story R occupancy including all common area corridors; no exceptions or reductions shall be approved.

D. Maximum finished floor elevation is 65 feet above the fire department’s lowest level of access.

E. Minimum 44-inch-wide corridors shall be required.

F. Western woods design recommendations for five-story wood framed structures or an equivalent shall be followed to minimize shrinkage and other structural issues.

G. Two separate means of egress are required from the R occupancy directly to the exterior.

16.04.150 Section 1805 amended – Dampproofing and Waterproofing.

Section 1805 adopted by this chapter is amended by the addition of subsection 1805.4.4 which reads as follows:

1805.4.4 Water Drainage. When brought to the building officials attention that a water drainage problem or a potential water drainage problem exists on any lot or parcel of land, the building official may require the owner or builder to correct such problem or to submit plans showing the proposed method to correct such problem. The plan shall indicate in sufficient detail all pipes, ditches or other means of alleviating the water drainage problem such that the water will not damage any public or private property. If the building official does not approve the drainage plan, then a drainage study may be required to be conducted by a licensed professional engineer. The building official shall approve water drainage plans or drainage studies in writing. No new construction may commence or continue in the area that may be affected by the potential water drainage problem. In all such occurrences, said corrective work shall commence within 30 days and be completed within 60 days after receipt of this notice from the building official. For the purpose of administering this subsection, the director of public works is appointed and designated as the building official.

16.04.160 Section 3307 amended – Protection of adjoining property.

Section 3307 adopted by this chapter is amended by the addition of subsection 3307.2 which reads as follows:

3307.2 Cleanup of Public Streets. Public streets adjacent to the property upon which the building permit is issued and other public streets which are used for conveyance of materials incorporated into the construction work, including excavated earth, either to or from the site, shall be kept clean with a power broom or other approved means. Wheels of trucks including the space between dual treads shall be cleaned before entering City rights-of-way. The cleanup shall include the flushing of storm sewer when required by the building official. For the purpose of administering this subsection, the director of public works is appointed and designated as the building official.

The building official may stop work of the building permit for violation of this section.

16.04.170 Repealed.

Repealed by Ord. 2039.

16.04.180 Section 5506 UBC added – Membrane structures.

Repealed by Ord. 2216.

16.04.190 Section 3305(e) UBC amended – Access to exits.

Repealed by Ord. 2216.

16.04.200 Restriction of building permits – Over one acre.

Repealed by Ord. 2216.

16.04.210 Section 705.5 – Fire-resistance ratings.

Section 705.5 adopted by this chapter is deleted and replaced with the following wording:

705.5 Fire-resistance ratings. Exterior walls shall be fire-resistance rated in accordance with Tables 601 and 602 of the IBC or Lynnwood Municipal Code Title 9 whichever is more restrictive.

16.04.215 Section 705.8 amended – Openings.

Section 705.8 adopted by this chapter is deleted and replaced with the following wording:

705.8 Openings. All openings in exterior walls shall comply with Table 705.8 IBC or Lynnwood Municipal Code Title 9 whichever is more restrictive.

16.04.220 Section 903.2 amended – Where required.

Section 903.2 adopted by this chapter is deleted and replaced with the following wording:

903.2 Where required. Approved automatic sprinkler systems shall be installed as required by Sections 903.2.1 through 903.2.12 and Lynnwood Municipal Code Title 9 whichever is more restrictive.

16.04.230 Section 1008.1.9.3 – Locks and latches.

Section 1008.1.9.3 adopted by this chapter is amended by deleting option number 2.

16.04.240 Section 1008.1.9.4 – Bolt Locks.

Section 1008.1.9.4 adopted by this chapter is amended by deleting exceptions number 3 and 4.

16.04.250 Restricting issuance of permits.

Repealed by Ord. 2683. See amended IBC Section 105.3.1.1.

16.04.900 Severability.

If any section, sentence, clause or phrase of this chapter be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this chapter.

Chapter 16.05
INTERNATIONAL ENERGY
CONSERVATION CODE

Sections:

- 16.05.010 Adoption of the International Energy Conservation Code.
- 16.05.015 Section R109 and Section C109 amended – Board of Appeals.
- 16.05.020 Section R110 and Section C110 amended – Violations.
- 16.05.900 Severability.

16.05.010 Adoption of the International Energy Conservation Code.

As amended by this chapter and the State of Washington Building Code Council, under Chapter 51-11R and Chapter 51-11C WAC, the 2012 Edition of the International Energy Conservation Code (IECC), as published by the International Code Council, one copy of which, along with the State of Washington Building Code Council’s amendments, shall be on file with the Lynnwood finance director, are adopted by this reference.

16.05.015 Section R109 and Section C109 amended – Board of Appeals.

Section R109 and Section C109 adopted by this chapter are deleted and replaced with the following wording:

109.1 Application for appeal. The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code in accordance with Chapter 16.50 LMC.

109.2 Limitations of authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

16.05.020 Section R110 and Section C110 amended – Violations.

Section R110 and Section C110 adopted by this chapter are deleted and replaced with the following wording:

110 Violations. Any person, firm, or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person, firm or corporation shall be guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this Code is committed, continued, or permitted.

Anyone concerned in the violation or failure to comply with the provisions of this Code, whether indirectly committing the act or effecting the

omission constituting the offense, or aiding or abetting the same, whether present or absent; and anyone who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to violate or fail to comply with the provisions of this Code, is and shall be guilty of a misdemeanor.

Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

16.05.900 Severability.

If any section, subsection, paragraph, sentence, clause, phrase or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, paragraph, sentence, clause, phrase or word of this chapter.

Chapter 16.09
INTERNATIONAL RESIDENTIAL CODE

Sections:

- 16.09.010 Adoption of the International Residential Code.
- 16.09.020 Section R101.3 amended – Intent.
- 16.09.025 Section R102.7.2 of Chapter 51-51 WAC amended – Moved buildings.
- 16.09.030 Section R104.1 amended – General.
- 16.09.040 Section R105.2 amended – Work exempt from permit.
- 16.09.042 Section R105.3.1 amended – Action on application.
- 16.09.045 Section R105.5 amended – Expiration.
- 16.09.050 Section R108.2 amended – Schedule of permit fees.
- 16.09.060 *Repealed.*
- 16.09.065 Section R110.3 amended – Certificate issued.
- 16.09.070 Section R112 amended – Board of Appeals.
- 16.09.080 Section R113 amended – Violations.
- 16.09.090 Section R202 amended – Definitions.
- 16.09.100 Table R301.2(1) amended – Climate and geographical design criteria.
- 16.09.900 Severability.

16.09.010 Adoption of the International Residential Code.

As amended by this chapter and the State of Washington Building Code Council under Chapter 51-51 WAC, the 2012 International Residential Code (IRC), published by the International Code Council except Chapters 11 and 25 through 43, one copy of which, along with the State of Washington Building Code Council Amendments, shall be on file in the office of the Lynnwood finance director, is adopted by reference.

16.09.020 Section R101.3 – Intent.

Section R101.3 adopted by this chapter is deleted and replaced with the following wording:

R101.3 Intent. 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 benefited by the terms of this Code.

It is the specific intent of this Code that no provision or term used in this Code is intended to impose any duty whatsoever upon the City 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 of any liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from the failure of a building to comply with the provisions of this Code, or by reason or in consequence of any inspection, notice, order, certificate, permission, or approval authorized or issued or done in connection with the part of the City related in any manner to the enforcement of this Code by its officers, employees or agents.

16.09.025 Section R102.7.2 of Chapter 51-51 WAC amended – Moved buildings.

Section R102.7.2 of the IRC as adopted by the state of Washington in Chapter 51-51 WAC is amended by deletion of Exceptions number 1 and 2.

16.09.030 Section R104.1 amended – General.

Section R104.1 adopted by this chapter is deleted and replaced with the following wording:

R104.1 General. The building official is hereby authorized to enforce all the provisions of this Code. For the purpose of administering and enforcing Appendix J of the International Building Code, the director of public works is appointed and designated as the building official with respect to all matters contained within Appendix J.

The building official shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this Code as he or she may deem necessary in order to clarify the application of the provisions of this Code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Code.

16.09.040 Section R105.2 amended – Work exempt from permit.

Section R105.2 adopted by this chapter is amended by revising the building exempt from permit numbers 1 and 2 to read as follows:

Building:

1. One story detached accessory structures, provided the floor area does not exceed 120 square feet.
2. Fences not over six feet high as follows:
 - a. Vision obscuring fences as defined in Chapter 21.10 LMC in residential zones that are set back over 15 feet from front property line, over 15 feet from driveways, and 30 feet from any intersection;
 - b. Non-vision obscuring fences as defined in Chapter 21.10 LMC in residential zones.

16.09.042 Section R105.3.1 amended – Action on application.

Section R105.3.1 adopted by this chapter is amended by adding the following paragraphs:

The following prerequisites shall be met prior to issuance of a building permit.

1. Any requirements or regulations imposed on a project as a condition of land use approval process.
2. If required, all fire apparatus roads shall be approved.

3. When not already available, the water supplied for fire protection shall be installed and made serviceable.
4. Address(es) is/are as assigned by the City of Lynnwood.
5. Plans in compliance with LMC 12.12 related to the construction of frontage improvements for curb, gutter, sidewalks, city utilities and street surfacing have been submitted and approved by the Public Works Department.
6. When required, submittals shall be made for compliance with LMC 16.46 (Flood Plains), 17.02 (SEPA), 17.10 (Sensitive Areas) and 19.00 (Platting).

16.09.045 Section R105.5 amended – Expiration.

Section R105.5 adopted by this chapter is deleted and replaced with the following wording:

R105.5 Expiration. Permits become null and void if the authorized work has not been inspected by this department within 180 calendar days of issuance or for a period of 180 calendar days from the last inspection. The total life of permits is limited to a maximum of 540 calendar days, provided it has not expired under the restrictions above. One extension request for 180 calendar days may be granted if a written request is submitted to the Building Official showing just cause before the expiration date.

If a permit expires, the permittee shall obtain a new permit to complete the remainder of the work. The cost of the new permit will be based on the value of the remainder of work per the fee schedule.

16.09.050 Section R108.2 amended – Schedule of permit fees.

Section R108.2 adopted by this chapter is deleted and replaced with the following wording:

R108.2 Schedule of permit fees. Fees shall be set forth in a fee ordinance adopted, and from time to time amended, by the city council.

16.09.060 Section R109 IRC – Inspections.

Repealed.

16.09.065 Section R110.3 – Certificate of occupancy.

Repealed.

16.09.070 Section R112 amended – Board of Appeals.

Section R112 adopted by this chapter is deleted and replaced with the following wording:

R112.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code in accordance with Chapter 16.50 LMC.

R112.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

16.09.080 Section R113 amended – Violations.

Section R113 adopted by this chapter is deleted and replaced with the following wording:

R113 Violations. Any person, firm, or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person, firm or corporation shall be guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this Code is committed, continued, or permitted.

Anyone concerned in the violation or failure to comply with the provisions of this Code, whether directly committing the act or effecting the omission constituting the offense, or aiding or abetting the same, whether present or absent; and anyone who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to violate or fail to comply with the provisions of this Code, is and shall be guilty of a misdemeanor.

Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

16.09.090 Section R202 amended – Definitions.

Section R202 adopted by this chapter is amended by adding thereto the following paragraph:

Whenever the term “Code” is used herein, it shall mean the 2012 International Residential Code as adopted by this chapter. Whenever the term “City” or “Jurisdiction” is used herein, it shall mean the City of Lynnwood.

16.09.100 Table R301.2(1) amended – Climate and geographical design criteria.

Table 301.2(1) of the IRC shall have the following design criteria:

1. Ground snow load 25 lbs.;
2. Wind speed 85 MPH exposure B;
3. Seismic category D;
4. Weathering light;
5. Frost line depth 18”;
6. Termites moderate;
7. Winter design temperature 17 degrees;
8. Ice barriers underlayment not required;
9. Flood hazards light;
10. Air freezing index N/A;
11. Mean annual temperature 50 degrees.

16.09.900 Severability.

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any section, subsection, sentence, clause, phrase or word of this chapter.

Chapter 16.24
INTERNATIONAL SWIMMING POOL
AND SPA CODE

Sections:

- 16.24.010 Adoption of the International Swimming Pool and Spa Code.
- 16.24.015 Definitions.
- 16.24.020 *Repealed.*
- 16.24.025 *Repealed.*
- 16.24.030 Abandoned swimming pools.
- 16.24.040 *Repealed.*
- 16.24.050 Setbacks.
- 16.24.052 Section 105.5.3 and Section 105.5.4 amended – Expiration – Extensions.
- 16.24.055 Permit fees.
- 16.24.060 *Repealed.*
- 16.24.070 Section 107.4 amended – Violation penalties.
- 16.24.080 Section 108 amended – Means of appeal.
- 16.24.900 Severability.

16.24.010 Adoption of the International Swimming Pool and Spa Code.

As amended by the provisions of this chapter and the State of Washington Building Code Council, the 2012 International Swimming Pool and Spa Code (ISPSC), one copy of which, along with the State of Washington Building Code Council’s amendments, shall be on file in the office of the Lynnwood city clerk, is adopted by this reference.

16.24.015 Definitions.

Section 201 adopted by this chapter is amended by adding thereto the following paragraph:

Whenever the term “Code” is used herein, it shall mean the 2012 International Swimming Pool and Spa Code as adopted by this Chapter. Whenever the term “City” or “Jurisdiction” is used herein, it shall mean the City of Lynnwood.

16.24.020 Amendments and additions.

Repealed by Ord. 1504.

16.24.025 Chapter 5 of Uniform Code deleted – Fuel gas piping.

Repealed.

16.24.030 Abandoned swimming pools.

Swimming pool installations which have been determined to be abandoned shall be filled with sand or other granular materials as may be approved by the administrative authority.

16.24.040 Safety devices.

Repealed.

16.24.050 Setbacks.

All swimming pools, portable or permanent, shall be placed so as to observe the minimum setbacks for structures.

16.24.052 Section 105.5.3 and Section 105.5.4 amended – Expiration.

Permits become null and void if the authorized work has not been inspected by this department within 180 calendar days of issuance or for a period of 180 calendar days from the last inspection. The total life of permits is limited to a maximum of 540 calendar days, provided it has not expired under the restrictions above. One extension request for 180 calendar days may be granted if a written request is submitted to the Building Official showing just cause before the expiration date.

If a permit expires, the permittee shall obtain a new permit to complete the remainder of the work. The cost of the new permit will be based on the value of the remainder of work per the fee schedule.

16.24.055 Permit fees.

Section 105.6 adopted by this chapter is deleted and replaced with the following wording:

105.6 Fees. Fees shall be set forth in a resolution adopted and from time to time amended by the city council.

16.24.060 Building official – Enforcement of chapter.

Repealed by Ord. 1504.

16.24.070 Section 107.4 amended – Violation penalties.

Section 107.4 adopted by this chapter is deleted and replaced with the following wording:

Any person, firm or corporation violating any provision of this Code shall be deemed guilty of a misdemeanor, and each such person, firm, or corporation shall be guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this Code is committed, continued or permitted.

Anyone concerned in the violation or failure to comply with the provisions of this Code, whether directly committing the act or effecting the omission constituting the offense, or aiding or abetting the same, whether present or absent; and anyone who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to violate or fail to comply with the provisions of this Code, is and shall be guilty of a misdemeanor.

Upon conviction of any such misdemeanor, such person, firm, or corporation shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

16.24.080 Section 108 amended – Means of appeal.

Section 108 adopted by this chapter is deleted and replaced with the following wording:

108.1 Application for appeal. The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code in accordance with Chapter 16.50 LMC.

108.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

16.24.900 Severability.

If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this chapter.

Chapter 16.44
INTERNATIONAL PROPERTY MAINTENANCE CODE

Sections:

- 16.44.010 Adoption of the International Property Maintenance Code.
- 16.44.011 Chapter 1 amended – Scope and Administration.
- 16.44.015 Definitions.
- 16.44.020 Section 106 amended – Violations.
- 16.44.030 Section 111 amended – Means of appeals.
- 16.44.900 Severability.

16.44.010 Adoption of the International Property Maintenance Code.

As amended by this chapter and the State of Washington Building Code Council, the 2012 Edition of the International Property Maintenance Code (IPMC), as published by the International Code Council, one copy of which, along with the State of Washington Building Code Council’s amendments, shall be on file with the Lynnwood finance director, are adopted by this reference.

16.44.011 Chapter 1 amended – Scope and Administration.

Chapter 1 adopted by this chapter is amended to include the requirements adopted by the City of Lynnwood in LMC Chapter 16.08 titled “Regulation and Abatement of Unsafe and Unsanitary Structures”.

16.44.015 Definitions.

Section 201 adopted by this chapter is amended by adding thereto the following paragraph:

Whenever the term “Code” is used herein, it shall mean the 2012 International Property Maintenance Code as adopted by this chapter. Whenever the term “City” or “Jurisdiction” is used herein, it shall mean the City of Lynnwood.

16.44.020 Section 106 amended – Violations.

Section 106 adopted by this chapter is deleted and replaced with the following wording:

Any person, firm or corporation violating any of the provisions of this code shall be guilty of a misdemeanor, and any such person, firm, or corporation shall be guilty of a separate offense for each and every day, or portion thereof, during which any violations of any of the provisions of this code are committed, continued or permitted.

Anyone concerned in the violation or failure to comply with the provisions of this code, whether directly committing the act or effecting the omission constituting the offense, or aiding or abetting the same, whether present or absent; and anyone who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to violate or fail to comply with the provisions of this code, is and shall be guilty of a misdemeanor.

Upon conviction of any such misdemeanor, such person, firm, or corporation shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

16.44.030 Section 111 amended – Means of appeals.

Section 111 adopted by this chapter is deleted and replaced with the following wording:

111.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code in accordance with Chapter 16.50 LMC.

111.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

16.44.900 Severability.

If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this chapter.

Chapter 15.08
INTERNATIONAL MECHANICAL CODE

Sections:

- 15.08.010 Adoption of the International Mechanical Code.
- 15.08.015 Definitions.
- 15.08.020 Section 108.4 amended – Violation penalties.
- 15.08.025 Section 106.4.3 amended – Expiration.
- 15.08.030 Section 106.5.2 amended – Fee schedule.
- 15.08.040 Repealed.
- 15.08.050 Section 109 amended – Means of Appeal.
- 15.08.060 Section 606.2.2 amended – Common supply and return air systems.
- 15.08.900 Severability.

15.08.010 Adoption of the International Mechanical Code.

As amended by this chapter and the State of Washington Building Code Council, the 2012 Edition of the International Mechanical Code (IMC), as published by the International Code Council, one copy of which, along with the State of Washington Building Code Council’s amendments, shall be on file with the Lynnwood finance director, are adopted by this reference.

15.08.015 Definitions.

A. Section 201 adopted by this chapter is amended by adding thereto the following paragraph:

Whenever the term “Code” is used herein, it shall mean the =2012 International Mechanical Code as adopted by this chapter. Whenever the term “City” or “jurisdiction” is used herein, it shall mean the City of Lynnwood.

B. Section 202 adopted by this chapter is amended by adding thereto the following definition:

SAME COMMON ATMOSPHERE. An occupied area of a building where multiple supply, return, or plenum air distribution systems are allowed to mix.

15.08.020 Section 108.4 amended – Violation penalties.

Section 108.4 adopted by this chapter is deleted and replaced with the following wording:

108.4 Violation penalties. Any person, firm or corporation violating any of the provisions of this code shall be guilty of a misdemeanor, and each such person, firm or corporation shall be guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this Code is committed, continued or permitted.

Anyone concerned in the violation or failure to comply with the provisions of this Code, whether directly committing the act or effecting the omission constituting the offense, or aiding or abetting the same, whether present or absent; and anyone who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to violate or fail to comply with the provisions of this Code, is and shall be guilty of a misdemeanor.

Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

15.08.025 Section 106.4.3 amended – Expiration.

Section 106.4.3 adopted by this chapter is deleted and replaced with the following wording:

106.4.3 Expiration. Permits become null and void if the authorized work has not been inspected by this department within 180 calendar days of issuance OR for a period of 180 calendar days from the last inspection. The total life of permits is limited to a maximum of 540 calendar days, provided it has not expired under the restrictions above. One extension request for 180 calendar days may be granted if a written request is submitted to the Building Official showing just cause before the expiration date.

If a permit expires, the permittee shall obtain a new permit to complete the remainder of the work. The cost of the new permit will be based on the value of the remainder of work per the fee schedule.

15.08.030 Section 106.5.2 amended – Fee schedule.

Section 106.5.2 adopted by this chapter is deleted and replaced with the following wording:

106.5.2 Fee schedule. Mechanical permit fees shall be set forth in a fee resolution adopted, and from time to time amended, by the city council.

15.08.040 Chapter 20 UMC amended.

Repealed by Ord. 2505.

15.08.050 Section 109 amended – Means of Appeal.

Section 109 adopted by this chapter is deleted and replaced with the following wording:

109.1 Application for appeal. The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code in accordance with Chapter 16.50 LMC.

109.1.1 Limitations of authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

15.08.060 Section 606.2.2 amended – Common supply and return air systems.

Section 606.2.2 adopted by this chapter is amended by deleting the first paragraph and replacing it with the following wording:

606.2.2 Common supply and return air systems. Where multiple air-handling systems share the same common atmosphere or common supply or return air ducts or plenums with a combined design capacity greater than 2,000 cfm, the return air systems of each unit shall be provided with smoke detectors in accordance with section 606.2.1.

15.08.900 Severability.

If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this chapter.

Chapter 15.04
UNIFORM PLUMBING CODE

Sections:

- 15.04.010 Adoption of the Uniform Plumbing Code.
- 15.04.015 Definitions.
- 15.04.020 Repealed.
- 15.04.030 Section 102.4 and Section 102.5 amended – Violations – Penalties.
- 15.04.035 Section 103.3.3 amended – Expiration.
- 15.04.040 Section 103.4 amended – Plumbing permit fees.
- 15.04.045 Section 102.3 and Section 102.3.1 amended – Board of Appeals –
Limitations of Authority.
- 15.04.050 Repealed.
- 15.04.060 Repealed.
- 15.04.900 Severability.

15.04.010 Adoption of the Uniform Plumbing Code.

As amended by the provisions of this chapter and the State of Washington Building Code Council under Chapters 51-56 and 51-57 WAC, the 2012 Edition of the Uniform Plumbing Code (UPC) less Chapters 12 and 15 published by the International Association of Plumbing and Mechanical Officials, one copy of which, along with the State of Washington Building Code Council's amendments, shall be on file with the Lynnwood finance director, are adopted by this reference; provided, that in the event of a conflict between the International Fire Code and the Uniform Plumbing Code, the International Fire Code shall govern.

15.04.015 Definitions.

Section 201 adopted by this chapter is amended by adding thereto the following paragraph:

Whenever the term "Code" is used herein, it shall mean the 2012 Uniform Plumbing Code as adopted by this chapter. Whenever the term "City" or "Jurisdiction" is used herein, it shall mean the City of Lynnwood.

15.04.020 Subsection 217 UPC amended – Plumbing system defined.

Repealed by Ord. 2505.

15.04.030 Section 102.4 and Section 102.5 amended – Violations – Penalties.

Section 102.4 and Section 102.5 adopted by this chapter are deleted and replaced with the following wording:

102.4 Violations. Any person, firm or corporation violating any of the provisions of this code shall be guilty of a misdemeanor and, each such person, firm, or corporation shall be guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted.

102.5 Penalties. Anyone concerned in the violation or failure to comply with the provisions of this code, whether directly committing the act or effecting the omission constituting the offense, or aiding or abetting the same, whether present or absent; and anyone who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to violate or fail to comply with the provisions of this code, is and shall be guilty of a misdemeanor.

Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

15.04.035 Section 103.3.3 amended– Expiration.

Section 103.3.3 adopted by this chapter is deleted and replaced with the following wording:

103.3.3 Expiration. Permits become null and void if the authorized work has not been inspected by this department within 180 calendar days of issuance or for a period of 180 calendar days from the last inspection. The total life of permits is limited to a maximum of 540 calendar days, provided it has not expired under the restrictions above. One extension request for 180 calendar days may be granted if a written request is submitted to the Building Official showing just cause before the expiration date.

If a permit expires, the permittee shall obtain a new permit to complete the remainder of the work. The cost of the new permit will be based on the value of the remainder of work per the fee schedule.

15.04.040 Section 103.4 amended – Plumbing permit fees.

Section 103.4 and Table No. 103.4 adopted by this chapter are deleted and replaced with the following wording:

103.4. Fees. Fees shall be set forth in a fee resolution adopted, and from time to time amended, by the city council. Value of work shall include all costs related to construction and shall be set by the Building Official using a nationally recognized value table.

15.04.045 Section 102.3 and section 102.3.1 amended – Board of Appeals – Limitations of Authority.

Section 102.3 and Section 102.3.1 adopted by this chapter are deleted and replaced with the following wording:

102.3 Board of Appeals. The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code in accordance with Chapter 16.50 LMC.

102.3.1 Limitations of Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

15.04.050 Solder used for joints.
Repealed by Ord. 2214.

15.04.060 Fuel gas piping.
Repealed by Ord. 2214.

15.04.900 Severability.
If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this chapter.

Chapter 16.08
REGULATION AND ABATEMENT OF UNSAFE AND UNSANITARY
STRUCTURES

Sections:

- 16.08.200 Purpose and findings.
- 16.08.210 Definitions.
- 16.08.220 Duties of the director.
- 16.08.230 Unfit buildings.
- 16.08.240 Substandard buildings.
- 16.08.250 Nuisances.
- 16.08.260 Complaint.
- 16.08.270 Hearings before the hearing examiner.
- 16.08.290 Enforcement.
- 16.08.300 Costs.
- 16.08.310 Permit required.
- 16.08.320 Rules and regulations.
- 16.08.330 Violations.
- 16.08.340 Emergencies.

16.08.200 Purpose and findings.

The city council of the city of Lynnwood finds that unkempt, unsafe, unsanitary, and otherwise improperly maintained premises and structures, sidewalks, and easements within the city of Lynnwood, in addition to the obvious hazards which these conditions pose to the public health, safety, and welfare, adversely affect the value, utility, and habitability of the property within the city as a whole and specifically cause substantial damage to adjoining and nearby property. A property which is merely unkempt may substantially reduce the value of adjoining and nearby property and there are sufficient properties which are unkempt, unsightly and dangerous, that the habitability and economic well-being of the city are materially and adversely affected. This chapter conveys to the city administration, in accordance with the procedures set out below, all necessary and proper powers to abate nuisances as they are described or found to exist and to charge the costs of their abatement to those responsible, the owners and occupants of the property upon which nuisances exists, and those properties themselves. This chapter is an exercise of the city's police power, and it shall be liberally construed to affect this purpose.

16.08.210 Definitions.

Unless specifically defined below or unless context clearly requires a different meaning, terms used in this chapter have the meaning given them by the currently adopted edition of the International Building Code. Gender and number are interchangeable. Defined terms or concepts from this title generally apply to this chapter.

A. "Abandoned" means any property, real or personal, which is unattended and either open or unsecured so that admittance may be gained without damaging any portion of the property, or which evidences indicate that no person is presently in possession, e.g.,

disconnected utilities, accumulated debris, uncleanliness, disrepair and, in the case of chattels, location. Length of time or any particular state of mind of the owner or person entitled to possession is not conclusive in determining that property is abandoned.

B. "Boarded-up building" means any building the exterior openings of which are closed by extrinsic devices or some other manner designed or calculated to be permanent, giving to the building the appearance of non-occupancy or non-use for an indefinite period of time.

C. "Building" means any building, dwelling, structure, or mobile home, factory-built house, or part thereof, built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

D. "Director" means the applicable director of a city department, that director's authorized deputies and representative.

E. "Health officer" means the head of the Snohomish District health department, his authorized deputies or representatives.

F. "Nuisance" includes:

1. A nuisance defined by statute or ordinance;
2. A nuisance at common law either public or private;
3. An attractive nuisance, whether in or on a building, a building premises or an unoccupied lot and whether realty, fixture or chattel, which might reasonably be expected to attract children of tender years and constitute a danger to them; including, but not limited to, abandoned wells, ice boxes or refrigerators with doors and latches, shafts, basements or other excavations, abandoned or inoperative vehicles or other equipment, structurally unsound fences or other fixtures, lumber, fencing, vegetation or other debris;
4. Uncleanliness or whatever is dangerous to human life or detrimental to health;
or
5. Abandonment or vacancy.

G. "Owner" means any person having any interest in the real estate in question as shown upon the records of the office of the Snohomish County auditor, or who establishes his interest before the director or hearing examiner. For the purpose of giving notice, the term "owner" also includes any person in physical possession.

16.08.220 Duties of the director.

The director is the chief administrative officer for the purposes of this chapter, whose duties and powers include:

- A. Investigation of all buildings and premises for which there are reasonable grounds to believe such may be unfit, substandard, boarded up, or a nuisance;
- B. Preparation, service and posting of complaints against buildings or premises believed to be in violation; and
- C. Doing all things necessary and proper to carry out and enforce this chapter.

16.08.230 Unfit buildings.

A. In reaching a judgment that a building is unfit for human habitation, the director or the hearing examiner shall consider:

- 1. Dilapidation;
- 2. Disrepair;
- 3. Structural defects;
- 4. Defects increasing the hazards of fire, accidents or other calamities, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
- 5. Inadequate ventilation;
- 6. Uncleanliness;
- 7. Inadequate light;
- 8. Inadequate sanitary facilities;
- 9. Inadequate drainage;
- 10. Substandard conditions.

B. If these or other conditions are found to exist to an extent dangerous or injurious to the health or safety of the building's occupants, or the occupants of neighboring buildings or of other residents of the city of Lynnwood, and if:

- 1. Structural deterioration is of such degree that:
 - a. Vertical members list, lean or buckle to the extent that a plumb line passing through the center of gravity falls outside the middle third of its base; or
 - b. Thirty-three percent of the supporting members show damage or deterioration; or

2. The cost of restoration exceeds 60 percent of the value of the building; or

3. The building has been damaged by fire or other calamity, the cost of restoration exceeds 30 percent of the value of the building and it has remained vacant for six months or more; the director or the hearing examiner shall order the building or premises demolished and the land suitably filled and cleared, or shall order the property immediately vacated and secured as completely as possible pending demolition. (Value shall be determined by reference to a current edition of "Building Valuation Data" published by the International Conference of Building Officials or, if not published, as determined by the director. Cost of restoration is the actual estimated cost, which may be determined in the same manner as "value.")

C. An undertaking entered into at or prior to the hearing by a party in interest creates a presumption that the building or premises can be reasonably repaired. The failure to accomplish such an undertaking is grounds for the director or the hearing examiner to order demolition. If by reason of any of the above conditions a building is unfit, but no public necessity is found for its immediate demolition, the director or the hearing examiner may take other action, such as causing the property to be cleaned, cleared, vacated, secured or otherwise repaired, which will promote the public health, safety or general welfare.

16.08.240 Substandard buildings.

A. In reaching a judgment that a building or premises is substandard, the director and the hearing examiner shall be guided by such factors as:

1. Structural unsoundness;
2. Improper sanitation;
3. Improper safety;
4. Improper weatherproofing;
5. Defective or hazardous wiring, including wiring which:
 - a. Did not conform with law applicable at the time of installation; or
 - b. Has not been maintained in good condition; or
 - c. Is not being used in a safe manner;
6. Defective or hazardous plumbing, including plumbing which:
 - a. Did not conform with law applicable at the time of installation; or

b. Has not been maintained in good condition; or

c. Is not being used in a safe manner;

7. Defective or hazardous heating or ventilating equipment, including equipment, vents and piping which:

a. Did not conform with law applicable at the time of installation; or

b. Has not been maintained in good and safe condition;

8. Fire hazard, including any building, device, apparatus, equipment, combustible waste or debris, or vegetation which may cause fire or explosion or provide ready fuel to augment the spread or intensity thereof;

9. Nuisance.

B. Upon a finding by the director or hearing examiner that a building or premises is substandard, the director or hearing examiner shall order the building or premises repaired, cleaned, cleared or otherwise brought into compliance with current codes, and may order the property vacated and secured as completely as possible pending such repair or other action.

16.08.250 Nuisances.

A. In determining that a nuisance exists, the director and the hearing examiner will consider whether the conditions:

1. Injure, endanger or unreasonably annoy the comfort, repose, health or safety of others;

2. Offend decency;

3. Offend the senses;

4. Unlawfully interfere, obstruct, tend to obstruct or endanger the passage of any stream, park, parkway, square, street, sidewalk, easement or way;

5. Render others insecure in life or use of property;

6. Obstruct the full use of property so as to essentially interfere with the comfortable enjoyment of life or property;

7. Constitute a weed hazard;

8. Violate any provision of this code, especially LMC Titles 7, 10, and 16; or

9. Are unlawful or illegal.

B. If the director or hearing examiner finds a nuisance to exist, they shall order it abated and may order the property otherwise secured ending abatement.

16.08.260 Complaint.

If, after a preliminary investigation of any building or premises, the director finds that it is unfit, substandard, boarded-up, required to be boarded-up, or a nuisance; he or she shall cause the owners to be served, either personally or by first class and certified mail with return receipt requested and shall post in a conspicuous place on such property, a complaint stating in what respect such building is unfit for human habitation or other use or is substandard or that it is or should be a boarded-up building or that the premises is a nuisance. If the whereabouts of such person is unknown and cannot be ascertained by the director in the exercise of reasonable diligence, he or she shall make an affidavit to that effect, then the serving of such complaint or order upon such person may be made either by personal service or by mailing a copy of the notice and orders by certified mail, postage prepaid, return receipt requested, to each person at the address appearing on the last equalized tax assessment roll of the county, or at the address known to the county assessor. A copy of the notice and order shall also be mailed, addressed to each person or party having a recorded right, title, estate, lien, or interest in the property. Such complaint shall contain a notice that a hearing will be held before the hearing examiner at a place therein fixed, not less than 10 days nor more than 30 days after the service of such complaint; 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 give testimony at the time and place fixed in the complaint. A copy of such complaint shall also be filed with the auditor of Snohomish County, and such filing of the complaint and order shall have the force and effect of lis pendens.

16.08.270 Hearings before the hearing examiner.

A. Unless, prior to the time fixed for hearing in the complaint issued by the hearing examiner, arrangements satisfactory to the hearing examiner for the repair, demolition, vacation or reoccupancy of the building or premises are made, including the proper application for permits, or abatement of the nuisance, the hearing examiner shall hold a hearing in accordance with Process II, LMC 1.35.200 et seq., and this chapter for the purpose of determining the immediate disposition of the building or premises. The hearing examiner shall determine whether or not the building is an unfit building as defined by LMC 16.08.230, or whether the building is a substandard or boarded-up building as defined by LMC 16.08.230 and 16.08.240, or if the condition is a nuisance under LMC 16.08.250. The rules of evidence prevailing in courts of law or equity shall not be controlling at the hearing before the hearing examiner. Evidence, including hearsay evidence, is admissible if in the judgment of the hearing examiner it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.

B. The hearing examiner shall determine whether or not the building should be repaired or vacated in the event that it fails to comply with any provision or provisions of LMC 16.08.230 or 16.08.240, whether or not the building should be demolished based upon the specific requirements of LMC 16.08.230, whether an annual inspection fee is due or a building should be boarded-up or whether or not a nuisance should be abated under LMC 16.08.250.

C. If, after the required hearing, the hearing examiner determines that the building is unfit, substandard or boarded-up, or the condition of the building or premises is a nuisance, the examiner shall state in writing his or her findings of fact in support of such determination, and shall issue and cause to be served upon the owner and other appearing a copy of such findings in the manner provided in LMC 16.08.260. The examiner shall cause to be posted an order in a conspicuous place on said property:

1. Requiring the owner or party in interest, within the time specified in the order, to repair, alter or improve such building to render it fit for human habitation or for other use, and to vacate and close the building; or

2. Requiring the owner or party in interest, within the time specified in the order, to repair, alter or improve such building to render it fit for human habitation or for other use, or to vacate and close the building; or

3. Stating that an annual inspection fee has been assessed against the building until such time as it is reoccupied or demolished; or

4. Requiring the owner or party in interest to abate the nuisance and setting out generally those steps necessary to abate it, including boarding-up an abandoned or vacant building. In addition, such order shall state that the owner has the right to appeal to the superior court in accordance with RCW 1.35.260 and, unless he does appeal or comply with the order, the city shall have the power, without further notice or proceedings, to vacate and secure the building or premises and do any act required of the owner in the order of the hearing examiner, and to charge any expenses incurred thereby to the owner and assess them against the property; provided, that if an annual inspection fee is the only order made by the hearing examiner, the addition to the notice need only state that unless the fee is paid or arrangements for payment are made or an appeal filed, that amount will be assessed against the property.

D. If no appeal is filed, a copy of such order shall be filed with the auditor of Snohomish County and shall be a final order.

16.08.290 Enforcement.

A. The order of the director or the hearing examiner may prescribe times within which demolition shall be commenced or completed. If the action is not commenced or completed within the prescribed time, or if no time is prescribed within the time for appeal, the director may cause the building to be demolished and the premises to be suitably filled and cleared. If satisfactory progress has been made and sufficient evidence

is presented that the work will be completed within a reasonable time, the director or the hearing examiner may extend the time for completion of the work. If satisfactory or substantial progress has not been made, the director or the hearing examiner may cause the building to be demolished and the premises suitably filled and cleared.

B. If other action ordered by the director or the hearing examiner is not taken within the time prescribed, or if no time is specified within the time for appeal, the director or the hearing examiner may cause the action to be taken by the city.

C. If the director or the hearing examiner deems it necessary to have the building secured as an interim measure for the protection of the public health and welfare while pending action, they may so order. If the owner is unable or unwilling to secure the building within 48 hours, the director or the hearing examiner may order the building secured by the city.

D. If the owner is unable to comply with the director or hearing examiner's order within the time required, and the time for petition to the superior court has passed, the owner may, for good and sufficient cause beyond his or her control, request in writing an extension of time. The director or the hearing examiner may grant a reasonable extension of time after a finding that the delay was for good and sufficient cause. There shall be no appeal or petition from the director's or the hearing examiner's ruling on an extension of time.

16.08.300 Costs.

A. 1. The costs of abatement, repair, alteration or improvements, or vacating and closing, or removal or demolition, when borne by the city, shall be assessed against the real property upon which such costs were incurred unless paid. The director or the hearing examiner shall forward such costs to the city treasurer, who shall certify them to the county treasurer for assessment on the tax rolls in accordance with Chapter 35.80 RCW.

2. When necessary, bids for demolition shall be let only to a licensed contractor. All contract documents shall provide that the value of the materials and other salvage of the property shall be credited against the costs of the demolition. The contract documents may require the contractor to estimate the salvage value of the property and, by claiming the salvage, reduce the amount of his price accordingly. The contract price fixed by acceptance of the contract shall not be adjusted to reflect the actual salvage value. Such contracts may be let prior to the time for compliance or appeal, but shall not be binding or accepted until the order for demolition is final. The director shall have the authority to sign the contract on behalf of the city.

3. There shall be charged against the owner and assessed against the property of any boarded-up building an annual inspection fee as shown in Chapter 3.104 LMC.

a. Such fee shall be payable at the time the building becomes a boarded-up building. The hearing examiner or director shall order a refund of the proportional amount not due if

the building is reoccupied or demolished. Subsequent annual fees shall be payable on or before the preceding annual fee has been exhausted.

b. The director or the hearing examiner may waive the inspection fee if the building does not remain a boarded-up building for more than six months. In other cases, the director or hearing examiner may reduce or modify the time and method of payment of the fee as the condition of the property or the circumstances of the owner may warrant.

B. 1. Whenever a building is found to be unfit or substandard or a premises to be a nuisance and the cost of demolition, repair or abatement must be borne by the city, there shall be charged against the owner and assessed against the property the costs for all administrative proceedings before the director and the hearing examiner including salaries, wages, material and other expenses incurred for inspecting, conducting hearings, or otherwise determining the status of the property.

2. The director or the hearing examiner may modify the time or methods of payment of such expenses as the condition of the property and the circumstances of the owner may warrant. In cases of extreme hardship, such expenses may be waived.

16.08.310 Permit required.

Any work including construction, repairs or alterations under this chapter to rehabilitate any building or structure may require a permit in accord with the provisions of this code.

16.08.320 Rules and regulations.

The director may make and promulgate such rules and regulations as will effectuate the purposes of this chapter and do substantial justice.

16.08.330 Violations.

It shall be unlawful and a violation of this chapter to knowingly:

- A. Occupy or suffer to be occupied any building or premises ordered vacated;
- B. Fail to comply with any order issued pursuant to this chapter; or
- C. Obstruct any officer or agent of the city of Lynnwood or other governmental unit in the enforcement of this chapter. Violation of this section is a gross misdemeanor.

16.08.340 Emergencies.

The provisions of this chapter shall not prevent the director or any other officer of the city of Lynnwood or other governmental unit from taking any other action, summary or otherwise, necessary to eliminate or minimize an imminent danger to the health or safety of any person or property.