



**LYNNWOOD CITY COUNCIL Special Business Meeting**

**This meeting will be held electronically via Zoom. See the City of Lynnwood website for details at**

**<https://www.lynnwoodwa.gov/Government/City-Council/City-Council-Meetings>**

**MONDAY, AUGUST 2, 2021 6:00 PM**

- 
1. CALL TO ORDER
  2. ROLL CALL
  3. MESSAGES AND PAPERS FROM THE MAYOR
  4. MESSAGE FROM THE COUNCIL PRESIDENT
  5. PUBLIC COMMENTS AND COMMUNICATIONS
  6. BUSINESS ITEMS AND OTHER MATTERS
    - A. Contract Award - Community Justice Center Construction  
James Nelson, Police Chief; Michelle Meyer, Finance Director; Cathy Robinson, Interim Procurement Manager  
[ITB 3348\\_Procurement Report\\_Final.pdf](#)
    - B. Ordinance Adoption: Development and Access Enhancement Funding Agreement Amendment (Lynnwood Link Extension) (3 of 3).  
David Kleitsch, Development & Business Services Director  
[Attachment 1 - Staff Report](#)  
[Attachment 2 - Draft Ordinance](#)  
[Attachment 3 - Exhibit A](#)  
[Attachment 4 - Quasi-Judicial Process.pdf](#)
    - C. Ordinance: novo on 52nd Development Agreement (item 3 of 3)  
David Kleitsch, Director; Ashley Winchell, AICP, Community Planning Manager; and Kristen Holdsworth, AICP, Senior Planner  
[Ordinance novo on 52nd DA\\_final.pdf](#)  
[Development Agreement novo on 52nd\\_final.pdf](#)
    - D. Ordinance: Update of the Lynnwood Building and Fire Codes by Amending LMC Titles 9, 15, and 16  
Robert Mathias, Deputy Director DBS, Michael Fitzgerald Assistant Chief SSCF  
[Memo IBC.IFC Code Ordinance.pdf](#)

[Ordinance.IBCIFC.Strikeouts.Council.pdf](#)  
[Ordinance IBC.IFC Adoption.Council.pdf](#)

Adjournment

**CITY COUNCIL 6.A**  
**CITY OF LYNNWOOD**  
**CITY COUNCIL**

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**TITLE: Contract Award - Community Justice Center Construction**

**DEPARTMENT CONTACT: Cathy Robinson, Executive Office**

**SUMMARY:**

The City desires to establish a contract for construction of the Community Justice Center project.

**PRESENTER:**

James Nelson, Police Chief; Michelle Meyer, Finance Director; Cathy Robinson, Interim Procurement Manager

**ESTIMATED TIME:**

10

**BACKGROUND:**

The City issued a formal advertised invitation to bid for the Community Justice Center project. Six bids were received. FORMA Construction Company is the lowest, responsive, responsible bidder for the base bid and all three additive alternate items.

**SUGGESTED ACTION:**

Authorize the Mayor to execute a contract with FORMA Construction Company for the Community Justice Center construction project in the amount of \$56,380,704.52 and execute change orders up to 10% of the contract amount.

**FUNDING:**

The Community Justice Center project is primarily funded through the Limited Tax Obligation Bonds (LTGO) that were issued on June 24, 2021. Due to significant supply chain and material cost impacts, which are impacting the entire nation as a result of the pandemic, the bids for construction were higher than anticipated.

Although we have the funds on hand to cover the full cost of the construction contract, the budget for the full project will need to be increased. The ordinance that established the parameters for the bond issuance, Ordinance No. 3387 adopted on March 22, 2021, allowed for a maximum True Interest Cost (TIC) of 4.0%; the actual TIC for the bonds is 2.5%. Because of this low interest rate, the City may issue additional principal funding to cover the full cost of the project without exceeding the initial anticipated annual debt service payment funded through Criminal Justice Sales Tax. To save on issuance costs the additional funding, not to exceed \$5 million, can be issued in 2022 in conjunction with the scheduled refunding on

the City's 2012 bonds.

The City's financial advisors and bond counsel are preparing an authorizing ordinance outlining the parameters for the issuance that will be discussed at future meetings. The updated revenue and expenditure amounts for the project will be incorporated into the Mid-Biennial Budget Review process.

## **DEPARTMENT ATTACHMENTS**

Description:

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[ITB 3348\\_Procurement Report\\_Final.pdf](#)



**CITY COUNCIL 6.B**  
**CITY OF LYNNWOOD**  
**CITY COUNCIL**

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**TITLE: Ordinance Adoption: Development and Access Enhancement Funding Agreement Amendment (Lynnwood Link Extension) (3 of 3).**

**DEPARTMENT CONTACT: Karl Almgren, Development and Business Services**

**SUMMARY:**

Adoption of the First Amendment to the Development and Access Enhancement Funding Agreement between Sound Transit and the City of Lynnwood. This amendment removes conflicting language for enhancement reimbursements. This item is a quasi-judicial matter.

**PRESENTER:**

David Kleitsch, Development & Business Services Director

**ESTIMATED TIME:**

10

**BACKGROUND:**

On April 8, 2019, the City Council authorized the Mayor to execute an agreement with Sound Transit for Lynnwood Link Extension. This agreement has two parts. The first part includes land use approvals for the station and guideway at Lynnwood Transit Center. The second part includes access enhancement funding supporting project implementation connecting riders to the station. The proposed ordinance revises conflicting language regarding the requirements for funding reimbursements. There are no other proposed changes to the agreement.

**SUGGESTED ACTION:**

Adopt proposed ordinance regarding First Amendment Development and Access Enhancement Funding Agreement.

**PREVIOUS COUNCIL ACTIONS:**

July 12, 2021, the City Council held a public hearing for the First Amendment to the Development and Access Enhancement Funding Agreement.

July 6, 2021, the City Council was briefed on the proposed amendment.

April 8, 2019, the City Council approved Ordinance 3331 authorizing the Mayor to execute the Development and Access Enhancement Funding Agreement with Sound Transit for Lynnwood Link Extension.

## **FUNDING:**

The agreement establishes reimbursement funds for Scriber Creek Trail, 44th Underpass, and 48th Avenue West for up \$2.5M total.

## **VISIONS AND PRIORITIES ALIGNMENT:**

This project addresses Lynnwood's Community Vision by investing in efficient, integrated, local and regional transportation systems. The proposal also addresses Lynnwood's Strategic Plan priorities: Priority 1 - Fulfill the community vision for the City Center and Lynnwood Link light rail; and Priority 5 - Pursue and maintain collaborative relationships and partnerships.

## **DEPARTMENT ATTACHMENTS**

Description:

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[Attachment 1 - Staff Report](#)

[Attachment 2 - Draft Ordinance](#)

[Attachment 3 - Exhibit A](#)

[Attachment 4 - Quasi-Judicial Process.pdf](#)

1 **DATE: June 24, 2021**  
2  
3 **TO: City Council**  
4  
5 **FROM: Karl Almgren, City Center Program Manager**  
6  
7 **SUBJECT: First Amendment Development and Access Enhancement Agreement**  
8  
9

10 **Background**

11 On April 8, 2019, the City Council authorized the Mayor to execute an agreement with  
12 Sound Transit for Lynnwood Link Extension. This agreement has two parts. The first part  
13 includes land use approvals for the station and guideway at Lynnwood Transit Center.  
14 The second part includes access enhancement funding supporting multimodal  
15 connectivity for linking riders to the station.  
16

17 The agreement included three access enhancement projects:

- 18 1. 48<sup>th</sup> Avenue West Non-Motorized Improvements
  - 19 2. Scriber Creek Trail Improvement
  - 20 3. 44<sup>th</sup> Avenue West I-5 Underpass Pedestrian and Bicycle Improvements
- 21

22 These projects are eligible for up to \$2,500,000 total in match with other funds. The  
23 agreement intended to allow payment to the City once SEPA (environmental review) of a  
24 project has been completed. However, the agreement includes a conflict. The agreement  
25 identifies that SEPA and ‘necessary permits to construct’ must be completed. This  
26 conflict significantly raises the threshold for receiving funding.  
27

28 While the \$2,500,000 is not enough funding to complete any one of the three access  
29 enhancement projects; these funds have acted as seed money to support other external  
30 revenues (grants). The City is continuing to pursue funding to roll funds forward.  
31

32 **Quasi-Judicial Process**

33 Consideration of the First Amendment to the Development and Access Enhancement  
34 Agreement for Lynnwood Link Extension is a quasi-judicial matter. The process requires  
35 a more formal procedure than a legislative public hearing. As part of the quasi-judicial  
36 hearing process, the Council is should ask their questions to staff on July 5, 2021 after  
37 which the staff will provide written responses to the questions at the public hearing on  
38 July 12, 2021. Council will be able to ask additional questions as part of the public  
39 hearing. This will assist in documenting Council questions and Staff responses as part of  
40 the proceedings.  
41

42 **Staff Analysis**

43 Sound Transit and Lynnwood City Staff agree that the conflict was an error. If the error is  
44 not corrected, the delay may impact the project delivery of the access enhancement. To

1 correct the error, the City Council must approve an amendment to the development  
2 agreement through a public hearing.

3

4 **Environmental Compliance**

5 Sound Transit is the Lead Agency for Lynnwood Link Extension. An Environmental  
6 Impact Statement (EIS) has been prepared for light rail project. The amendment to the  
7 agreement does not impact the findings of the EIS.

8

9 **Next Steps**

10 On July 12, 2021 the City Council will hold a public hearing. During the hearing, City  
11 Staff will enter this memorandum and attachments into the record.



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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AND ACCESS ENHANCEMENTS FUNDING AGREEMENT BETWEEN THE CITY AND CENTRAL PUGET SOUND REGIONAL TRANST AUTHORITY REGARDING THE LYNNWOOD LINK LIGHT RAIL EXTENSION PROJECT; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Chapter 36.70B RCW authorizes local governments to enter into voluntary development agreements with property owners in order to specify development standards or regulations for the property, and to specify mitigation measures to be provided with development; and

WHEREAS, the City is a non-charter optional municipal code city incorporated under the laws of the State of Washington, with authority to enact laws and enter into agreements to promote the health, safety and welfare of its citizens and for other lawful purposes; and

WHEREAS, the Growth Management Act (RCW 36.70A) requires the City to plan for and encourage regional high capacity transportation facilities such as the Lynnwood Link Light Rail Extension Project (RCW 36.70A.020) and to accommodate within the City such essential public facilities (RCW 36.70A.200); and

WHEREAS, Central Puget Sound Regional Transit Authority (“Sound Transit”) is a regional transit authority created pursuant to Chapters 81.104 and 81.112 RCW with all powers necessary to implement a high capacity transit system within its boundaries in King, Pierce, and Snohomish counties; and

WHEREAS, on April 8, 2019, the Lynnwood City Council passed Ordinance 3331 approving the Development and Access Enhancements Funding Agreement between the City of Lynnwood and the Central Puget Sound Regional Transit Authority (the “Agreement”); and

WHEREAS, on June 10, 2019, the Parties executed the Agreement; and

WHEREAS, Parties desire to amend the Agreement to provide consistency in the level of effort necessary to obtain Sound Transit Board approval for any of the Access Enhancement Projects; and

34 WHEREAS, on July 12, 2021, the City Council held a duly noticed public hearing on the  
35 proposed First Amendment to the Development Agreement and Access Enhancements Funding  
36 Agreement between the City of Lynnwood and the Central Puget Sound Regional Transit  
37 Authority regarding the Lynnwood Link Light Rail Extension Project; and

38 WHEREAS, the City Council has determined that the provisions of this Ordinance  
39 further the public health, safety and welfare, and are in the best interests of the City;

40 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO  
41 ORDAIN AS FOLLOWS:

42 **Section 1.** The First Amendment to the Development Agreement and Access Enhancements  
43 Funding Agreement between the City of Lynnwood and the Central Puget Sound Regional  
44 Transit Authority regarding the Lynnwood Link Light Rail Extension Project GA 0070-18,  
45 attached hereto as **Exhibit A** (the “First Amendment”), is hereby approved.

46 **Section 2.** The Mayor or her designee is authorized to finalize, conform and execute the First  
47 Amendment and administer the provisions of this Ordinance consistent with the Agreement, as  
48 amended by the First Amendment.

49 **Section 3.** If any section, sentence, clause or phrase of this Ordinance should be held to be  
50 invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
51 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,  
52 clause or phrase of this Ordinance.

53 **Section 4.** This Ordinance or a summary thereof consisting of the title shall be published in the  
54 official newspaper of the City, and shall take effect and be in full force five (5) days after  
55 publication.

56 PASSED BY THE CITY COUNCIL, the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

57  
58 APPROVED:

59  
60 \_\_\_\_\_  
61 Nicola Smith, Mayor  
62

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64  
65 ATTEST/AUTHENTICATED:

66  
67 \_\_\_\_\_  
68 Karen Fitzthum, City Clerk  
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74 APPROVED AS TO FORM:

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77 \_\_\_\_\_  
Rosemary Larson, City Attorney

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79

80 FILED WITH ADMINISTRATIVE SERVICES: \_\_\_\_\_

81 PASSED BY THE CITY COUNCIL: \_\_\_\_\_

82 PUBLISHED: \_\_\_\_\_

83 EFFECTIVE DATE: \_\_\_\_\_

84 ORDINANCE NUMBER: \_\_\_\_\_

DRAFT

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**Exhibit “A”**

**First Amendment to the  
Development and Access Enhancements Funding Agreement**

**FIRST AMENDMENT TO THE  
DEVELOPMENT AND ACCESS ENHANCEMENTS FUNDING AGREEMENT  
BETWEEN THE CITY OF LYNNWOOD AND  
THE CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY  
REGARDING THE LYNNWOOD LINK LIGHT RAIL EXTENSION PROJECT  
GA 0070-18**

This FIRST AMENDMENT TO THE DEVELOPMENT AND ACCESS ENHANCEMENTS FUNDING AGREEMENT (“First Amendment”) is made by and between the City of Lynnwood, a Washington municipal corporation (the “City”) and the Central Puget Sound Regional Transit Authority (“Sound Transit”) for the purposes set forth below. The City and Sound Transit are collectively referred to as “Parties” or individually as a “Party”.

**RECITALS**

A. The Parties entered into the Development and Access Enhancements Funding Agreement between the City of Lynnwood and the Central Puget Sound Regional Transit Authority as of June 10, 2019 (the “Agreement”).

B. The Parties desire to amend the Agreement to provide consistency in the level of effort necessary to obtain Sound Transit Board approval for any of the Access Enhancement Projects.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree to amend the Agreement as described below.

1. Section 4.6, Environmental Review, of the Agreement is hereby amended as follows:

The City is and shall serve as the “Lead Agency” for purposes of any required compliance with the State Environmental Policy Act (SEPA), Ch. 43.21C RCW, of both the Access Enhancement Projects and any other projects undertaken pursuant to Section 4 this Agreement. Where such environmental review has not been completed the City shall coordinate environmental review with Sound Transit, and provide Sound Transit with the opportunity for design review and coordination through construction of said improvements.

~~Prior to receiving Sound Transit Board approval for any of the Access Enhancement Projects, the City shall complete the required environmental documentation for SEPA and design and obtain the necessary permits to construct the Access Enhancement Projects.~~ The City will coordinate with Sound Transit in preparing environmental documents to ensure that SEPA review is adequate to support funding from Sound Transit dollars toward the Access Enhancement Projects. Sound Transit will cooperate with the City to complete the environmental documentation and secure the required permits but shall not be required to incur out of pocket costs (such as non-staff time) in connection with its efforts without the City providing reimbursement or a credit consistent with this Agreement. Nothing in this Section

4.6 shall be interpreted to amend the City's agreement to use the SEPA documentation for the Project unchanged in accordance with Section 3 of the Permitting Agreement.

2. Unless expressly revised by this First Amendment, all other terms and conditions of the Agreement shall remain in effect and unchanged by this First Amendment.

IN WITNESS WHEREOF, each of the Parties hereto has executed this First Amendment by having its authorized representatives affix her or his name in the appropriate space below:

**SOUND TRANSIT**

**CITY OF LYNNWOOD**

By: \_\_\_\_\_  
Kimberly Farley, Deputy Chief Executive Officer

By: \_\_\_\_\_  
Nicola Smith, Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Authorized by Motion No.

Approved as to form:

By: \_\_\_\_\_  
Mattelyn Tharpe, Legal Counsel 1

## Quasi-Judicial Process

In general, a development agreement is a contract between the City and a landowner/developer that specifies standards and conditions that will govern the development of property. In Washington, state law specifically authorizes their use and provides a process for their approval. In Washington, state law specifically authorizes their use and provides a process for approval; RCW 36.70B.170-210. Accordingly, Lynnwood has adopted a procedure of approval of development agreements; Chapter 21.29 LMC. Both state law and the City code require a public hearing before the approval of such an agreement. The City Council is the body that conducts the public hearing on the agreement, and approves the agreement.

Typically, Council considers items in their capacity as a legislative body. The Council's consideration of the First Amendment to the Development and Access Enhancement Agreement with Sound Transit for Lynnwood Link Extension will be a quasi-judicial process. It is the City's consideration of an application by a specific property owner to determine the manner and extent to which the owner may develop a specific parcel of land. Because the agreement will govern the development of specific property and direct conditions that will be imposed on the specific development, the City must treat the hearing process as "quasi-judicial."

Council will be the ultimate decision-maker on the development agreement. To protect the appearance of fairness and due process concerns associated with the quasi-judicial decision-making process, interested parties should have the opportunity to provide input at the appropriate times, and at least to be present for the Council's pre-hearing discussion regarding the matter.

As the potential decision-makers, Council members must avoid comments, or questions, indicating "pre-judgement" of any issue. Discussion by the Council (or a quorum of the Council) regarding the specifics of potential provision for the development agreement, prior to the actual hearing, could cause legal issues in two ways:

1. Depending on the comments, it could trigger a claim by hearing participant that the appearance of fairness doctrine had been violated; and/or
2. If a quorum of the Council engages in that conduct, either collectively or serially, at it would raise an issue as to Open Public Meetings compliance.

The City Council will have the ultimate authority to approve or modify the terms of the development agreement, or to require different or additional terms, within legal parameters. The terms of the agreement must be consistent with state law and with existing City code and policies.

Councilmembers must not engage in hearing or collecting comments during this time and should rely on City Staff to collect and enter into the record during the Public Hearing. Public comments may be sent to Karl Almgren, City Center Program Manager at [kalmgren@lynnwoodwa.gov](mailto:kalmgren@lynnwoodwa.gov).

**CITY COUNCIL 6.C**  
**CITY OF LYNNWOOD**  
**CITY COUNCIL**

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**TITLE: Ordinance: novo on 52nd Development Agreement (item 3 of 3)**

**DEPARTMENT CONTACT: Ashley Winchell, Development and Business Services**

**SUMMARY:**

The applicants of the novo on 52nd development seek a development agreement to provide flexibility regarding two development standards in exchange for public benefit. Development agreements are adopted through an ordinance.

**PRESENTER:**

David Kleitsch, Director; Ashley Winchell, AICP, Community Planning Manager; and Kristen Holdsworth, AICP, Senior Planner

**ESTIMATED TIME:**

30

**BACKGROUND:**

The City received applications for the redevelopment of the Whispering Pines multifamily apartments located at 18225 52nd Ave W. HASCO 52nd Avenue West LLC (HASCO) is the owner of the property. HASCO has contracted with Inland novo on 52nd Manager, LLC (Inland) to redevelop the site. The new development will be named “novo on 52nd.”

HASCO and Inland are seeking a development agreement to provide flexibility to two development standards (for the maximum number of units allowed and the maximum height) in exchange for the public benefit of income-restricted affordable housing (60% AMI). For additional information refer to the July 6, 2021, and July 12, 2021 staff reports.

The Public Hearing regarding this matter was conducted on July 12, 2021.

**SUGGESTED ACTION:**

Adopt ordinance approving the development agreement.

**PREVIOUS COUNCIL ACTIONS:**

On April 19, 2021, Council received an FYI Memorandum with the Work Session materials.  
On July 6, 2021, staff provided a briefing on the proposed development agreement.  
On July 12, 2021, Council held a public hearing and closed the record.

**FUNDING:**

Processing development agreements is part of the DBS annual work plan.

## **VISIONS AND PRIORITIES ALIGNMENT:**

- To be a welcoming city that builds a healthy and sustainable environment.
- To be a city that is responsive to the wants and needs of our citizens.

## **DEPARTMENT ATTACHMENTS**

Description:

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[Ordinance novo on 52nd DA\\_final.pdf](#)

[Development Agreement novo on 52nd\\_final.pdf](#)

1 **CITY OF LYNNWOOD**

2 **ORDINANCE NO. \_\_\_\_\_**

3 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,  
4 APPROVING THE NOVO ON 52ND DEVELOPMENT AGREEMENT;  
5 PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND  
6 SUMMARY PUBLICATION.  
7

8 WHEREAS, Chapter 36.70B RCW authorizes local governments to enter into voluntary  
9 development agreements with a person who owns or controls real property, in order to specify development  
10 standards or regulations for the property, and to specify mitigation measures to be provided with  
11 development; and  
12

13 WHEREAS, Chapter 21.29 Lynnwood Municipal Code (“LMC”) establishes a process for the City  
14 of Lynnwood (“City”) to enter into a development agreement with a developer; and

15 WHEREAS, a development agreement provides the opportunity for the City and the developer to  
16 agree on the scope and timing of the project, applicable regulations and requirements, mitigation  
17 requirements and other matters relating to the development process; and

18 WHEREAS, a development agreement promotes the general welfare by balancing the public and  
19 private interests, providing reasonable certainty for a development project, and addressing other matters,  
20 including reimbursement over time for the financing of public facilities.

21 WHEREAS, on May 24, 2021, the City adopted Resolution 2021-05, adopting the City’s Housing  
22 Action Plan as a guiding document with recommendations for future housing policy, planning, and  
23 regulatory amendments; and

24 WHEREAS, the City has an interest in implementing the Housing Action Plan including  
25 encouraging new construction or rehabilitation of multifamily housing and to increase and improve housing  
26 opportunities for all income levels; and

27 WHEREAS, the City finds that there is a need for housing units that are safe and affordable across  
28 all income levels; and

29 WHEREAS, the HASCO 52<sup>nd</sup> Avenue West LLC (“HASCO”) owns the real property consisting  
30 of approximately 12.11 acres, located in the City, at 18225 52nd Ave W. in Lynnwood, Washington, bearing  
31 Snohomish County Assessor’s parcel number 27041600102800 (“Site”), as more fully described in the  
32 Development Agreement attached as “Exhibit A” to this Ordinance (the “Development Agreement”); and

33 WHEREAS, the Site’s Comprehensive Plan Future Land Use (FLU) designation is Medium  
34 Density (MF-2). The Site’s zoning designation is Multiple Family Residential Medium (RMM); and

35 WHEREAS, the Site was developed in 1968 and currently has 240 multifamily units; and

36 WHEREAS, the Site’s structures, building systems, and underlying infrastructure are reaching the  
37 end of their useful life; and

1           WHEREAS, HASCO has determined the cost of repairs and maintenance is not cost effective given  
2 the age of the buildings and infrastructure; and

3           WHEREAS, HASCO has contracted with Inland novo on 52<sup>nd</sup> Manager, LLC (together with  
4 HASCO, the “Developer”), to demolish existing structures and redevelop the Site as novo on 52<sup>nd</sup>  
5 (“Development”); and

6           WHEREAS, on March 24, 2021, Inland novo on 52<sup>nd</sup> Manager, LLC, submitted applications for a  
7 Project Design Review (PDR) permit, Administrative Parking Reduction (PAR) permit, Critical Areas  
8 Permit, SEPA environmental review (ERC), and development agreement for a proposed 242 multifamily  
9 units development with associated amenities; and

10           WHEREAS, the Lynnwood Municipal Code limits the Sitey to 219 units and 35 feet maximum  
11 building height; and

12           WHEREAS, the Developer seeks flexibility through a Development Agreement to revise the  
13 allowed maximum density to be consistent with the Comprehensive Plan maximum allowed density and  
14 increase the maximum allowed height by three feet in order to develop housing that meets the needs of the  
15 community and is aesthetically pleasing; and

16           WHEREAS, the Developer proposes all multifamily units will be restricted to households earning  
17 60% or less of the Area Median Income for a minimum of 35 years; and

18           WHEREAS, on June 11, 2021, the Development and Business Services Department issued a  
19 “Determination of Nonsignificance” (DNS) with comments due June 25, 2021, pursuant to RCW 43.21C  
20 and WAC 197-11; and

21           WHEREAS, the City Council received a briefing on the materials on July 6, 2021 at the Council  
22 work session; and

23           WHEREAS, the City Council held a duly advertised public hearing on July 12, 2021 at the Council  
24 business meeting to take and consider public comment on this Ordinance and the Development Agreement  
25 attached to this Ordinance; and

26           WHEREAS, after consideration of the testimony and other evidence presented at the public  
27 hearing, the City Council finds that (1) this Ordinance and the Development Agreement are consistent with  
28 the City’s Comprehensive Plan, the City’s development regulations, and the purpose of Chapter 21.29 of  
29 the City code, and (2) the approval of the Development Agreement will further the public health, safety and  
30 general welfare, and will be in the best interests of the City; and

31           WHEREAS, the City Council further finds that the Development Agreement (1) is consistent with  
32 the City’s Comprehensive Plan; (2) provides for public benefits that would not otherwise be achieved under  
33 the City code; (3) serves the public interest, including but not limited to implementing the Housing Action  
34 Plan and affordable housing needs; (4) is applicable because the property is not zoned single-family  
35 residential; and (5) is consistent with the purpose of Chapter 21.29 LMC; and

1 WHEREAS, the City Council has determined that the provisions of this Ordinance further the  
2 public's health, safety and welfare, and the Development Agreement attached as **Exhibit A** should be  
3 approved;

4 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD HEREBY**  
5 **RESOLVES AS FOLLOWS:**

6 **Section 1.** The novo on 52<sup>nd</sup> Development Agreement dated \_\_\_\_\_, 2021, attached  
7 hereto as **Exhibit A** (the "Development Agreement"), is hereby approved.

8 **Section 2.** The Mayor or her designee is authorized to finalize, conform, execute and  
9 administer the provisions of this Ordinance and the Development Agreement.

10 **Section 3.** If any section, sentence, clause or phrase of this Ordinance should be held to be  
11 invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
12 unconstitutionality shall not affect the validity or constitutionality of any other  
13 section, sentence, clause or phrase of this Ordinance.

14 **Section 4.** This Ordinance or a summary thereof consisting of the title shall be published in  
15 the official newspaper of the City, and shall take effect and be in full force five (5)  
16 days after publication.

17 PASSED BY THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, this  
18 \_\_\_\_\_ day of \_\_\_\_\_, 2021.

19 APPROVED:

20 \_\_\_\_\_  
21 Nicola Smith, Mayor  
22  
23  
24

25 ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

26 \_\_\_\_\_  
27 Karen Fitzthum, City Clerk  
28  
29

\_\_\_\_\_

30  
31 FILED WITH ADMINISTRATIVE SERVICES: \_\_\_\_\_

32 PASSED BY THE CITY COUNCIL: \_\_\_\_\_

33 PUBLISHED: \_\_\_\_\_

34 EFFECTIVE DATE: \_\_\_\_\_

35 ORDINANCE NUMBER: \_\_\_\_\_  
36  
37

38

**DEVELOPMENT AGREEMENT  
BY AND BETWEEN THE CITY OF LYNNWOOD,  
HASCO 52<sup>ND</sup> AVENUE WEST LLC  
AND INLAND NOVO ON 52<sup>ND</sup> MANAGER, LLC,  
FOR THE NOVO ON 52<sup>ND</sup> DEVELOPMENT**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between the City of Lynnwood, a Washington municipal corporation (the “City”), HASCO 52<sup>nd</sup> Avenue West LLC, a Washington limited liability company (“HASCO”), and Inland novo on 52<sup>nd</sup> Manager, LLC, a Washington limited liability company (“Inland”) (HASCO and Inland are referred to together as the “Developer”).

**RECITALS**

A. HASCO is the owner of the Whispering Pines apartments, located on real property having the address of 18225 52<sup>nd</sup> Ave W. in Lynnwood, Washington, and Snohomish County Assessor’s Tax Parcel Number 27041600102800 (“Property”).

B. The Property’s Comprehensive Plan Future Land Use (FLU) designation is Medium Density (MF-2). The Property’s zoning designation is Multiple Family Residential Medium (RMM).

C. HASCO has contracted with Inland novo on 52<sup>nd</sup> Manager, LLC, to accomplish the redevelopment of the Whispering Pines apartments into a residential development called novo on 52<sup>nd</sup> (the “Project”).

D. The Developer has proposed that in exchange for an increase in density and height limits applicable to the Project, the Project will provide public benefits that include income-restricted housing units, all as described in this Agreement. The Project meets the requirements to enter into a development agreement with the City pursuant to Lynnwood Municipal Code (LMC) 21.29.200 and RCW 36.70B.170 et seq.

E. The City and Developer desire to enter into this Development Agreement, to provide for the redevelopment of the Property with the Project in accordance with the terms and conditions stated below.

**SECTION 1. GENERAL PROJECT DESCRIPTION**

**1.1 Project.** The Project includes the demolition of the Whispering Pines apartments and construction of the novo on 52<sup>nd</sup> apartments, which will include 242 residential units, more than 20,000 square feet of residential outdoor amenity area, more than 6,000 square feet of indoor residential community area, and off-street parking spaces in garages, carports and uncovered surface stalls.

**1.2 Site.** The Property on which the Project will be located consists of 12.11 acres and is legally described in **Exhibit A**, attached hereto and incorporated herein by this

reference.

**1.3 Parties to Development Agreement.** The parties to this Agreement are:

- a) The “City” is the City of Lynnwood, 19100 44<sup>th</sup> Avenue West, Lynnwood, Washington, 98046.
- b) The “Developer” is HASCO 52<sup>nd</sup> Avenue West, LLC, a limited liability company, whose principal office is located at 12711 4<sup>th</sup> Ave W., Everett, WA 98204, and which is the owner of the Property, and Inland novo on 52<sup>nd</sup> Manager, LLC, a limited liability company which is under contract to redevelop the Property for HASCO, and whose principal office is located at 120 W Cataldo Ave, Suite 100, Spokane, Washington 99201.

**1.4 Project is a Private Undertaking.** It is agreed among the parties that the Project is a private development and that the City has no interest therein except as authorized in the exercise of its governmental functions.

**1.5 Consistency with Development Regulations.** Except as explicitly set forth in this Agreement, this Agreement is consistent with the applicable development regulations as required by RCW 36.70B.170(1).

**1.6 City Reservation of Rights.** Notwithstanding any other provision in this Agreement, pursuant to RCW 36.70B.170(4), the City reserves the authority to impose new or different regulations to the extent required by a serious threat to public health or safety, as determined by the City Council after written notice to and an opportunity to be heard by Developer.

## **SECTION 2. AGREEMENT**

Consistent with Chapter 21.29 LMC, the parties agree as follows:

**21 Density.** The Property is within the Multiple Residential Medium Density (RMM) zone which allows for one (1) dwelling unit per 2,400 square feet of lot area pursuant to LMC 20.43.200. The parties acknowledge that this requirement would restrict the Project to 219 units, which would result in a loss of 21 income-restricted housing units. The Comprehensive Plan Future Land Use designation for the Property is Medium Density (MF-2), which calls for typical densities of 12-20 dwelling units per acre and buildings up to 4 stories in height. Therefore, the City agrees that the Project can exceed the number of units allowed by LMC 20.43.200 to replace the existing development with 242 units. The Project density will be approximately 20 units per acre, which is consistent with the Comprehensive Plan and will result in no net loss of income-restricted housing units in Lynnwood.

**22 Height.** The Property is within the Multiple Residential Medium Density

(RMM) zone which allows for a maximum height of 35 feet pursuant to LMC 20.43.200. The Developer contends that a taller height limit would allow better design and more comfortable living units, without negative impact to the surrounding neighborhood. The City agrees that the Project can exceed this maximum height by three (3) feet, allowing a total maximum height of 38 feet. Nine of the residential buildings along the Property's southern and eastern property lines shall be two-story carriage house buildings, approximately 28 feet in height, to provide a transition from single-family residential uses on adjacent properties. All structures in the Project shall be no more than three stories, which is consistent with the Comprehensive Plan.

**23 Other Development Standards.** Except as specifically set forth in this Agreement, the Project shall comply with all other requirements of the Multiple Residential Medium Density (RMM) zone (Chapter 20.43 LMC), all other relevant chapters of the Lynnwood Municipal Code, and all other applicable laws and regulations.

**24 Public Benefit.** The Project is proposed to consist of rent- and income-restricted affordable multi-family housing. In accordance with LMC 21.29.200.C, to balance the deviations from City code requirements stated in Sections 2.1 and 2.2 above, the Developer shall restrict the Project to multi-family housing units that are rent- and income restricted to households earning up to 60% of the Snohomish County Area Median Income. The Developer shall maintain this rent and income restriction for a minimum of 35 years. This rent and income restriction shall be evidenced by a restrictive covenant (the "Restrictive Covenant") in a form acceptable to and approved by the City's Director of Development and Building Services, and recorded against the Property prior to issuance of any building permit for the Project; provided, however, the Restrictive Covenant shall provide that during any period that the Project is subject to one or more Regulatory Agreements in favor of the Washington State Housing Finance Commission, compliance with such Regulatory Agreement(s) shall be deemed compliance with the Restrictive Covenant.

### SECTION 3. DEFAULT

**3.1 Developer Default.** Developer shall be deemed to be in default ("Default") of this Agreement if, as determined by the City, (i) the City has not received a complete application for building permit within five (5) years of the Effective Date of this Agreement, a certificate of occupancy has not been issued for a Project building within three (3) years of issuance of the building permit for the building (unless the delay is due to Force Majeure, in which case the Developer's performance shall be excused for the period of such delay), or the Project has been abandoned by the Developer, and (ii) Developer fails to cure such Default within sixty (60) days of City's written notice to Developer of the Default. Notwithstanding the foregoing, the Developer shall not be in Default if the work on the Project is not progressing substantially due to circumstances beyond Developer's control. For purposes of this Section, "Force Majeure" shall mean extraordinary natural events, or conditions such as war, riot, labor disputes, or other causes beyond the reasonable control of the Developer. The Developer's inability to fund, or decision not to fund, any of its obligations shall not be a Force Majeure or other excuse for nonperformance or delay in performance.

## SECTION 4. REMEDIES

**4.1 City's Remedies.** If Developer is in Default and fails to cure such Default per Section 3.1 of this Agreement, then the City shall terminate the density and height allowances given in Sections 2.1 and 2.2 by issuing and recording a Notice of Termination. In the case of an abandoned or expired Project, any and all development of the Property shall be in compliance with the City code and other requirements, including the height and density permitted under the City code. If this Agreement is terminated, future considerations of height and density deviations pursuant to LMC 21.29 shall require a new Development Agreement application to the City. In addition, the City shall have all other remedies at law or in equity, including, without limitation, the award of damages, and/or an order requiring specific performance or the removal of structures.

## SECTION 5. MISCELLANEOUS

**51 Binding on Successors and Recording.** This Agreement and each of its provisions shall be binding on and inure to the benefit of the parties and their successors and assigns, and shall be deemed to be covenants running with the land. This Agreement shall be recorded by the Developer with the recording office of Snohomish County at the cost and expense of Developer. Proof of recording shall be provided within 30 days of City Council approval of this Agreement. Upon issuance of the certificate of occupancy for the final building permit by City, the City shall record (at Developer's expense) a memorandum confirming satisfactory compliance with Developer's obligations hereunder with the office of Snohomish County at the cost and expense of Developer. Proof of recording(s) shall be provided within 30 days of issuance of the certificate of occupancy.

**52 Amendments to Agreement.** Any substantive amendments to this Agreement must be approved by City Council. The Mayor may amend this Agreement to resolve clerical or ministerial errors, provided the amendments do not alter the intent or effect of the action by City Council. Any amendment shall be made in a written instrument executed by the parties to this Agreement.

**53 Indemnity.** The parties agree to defend, hold harmless, and indemnify each other from and against any claims, demands, penalties, fees, liens, damages, losses, expenses, including reasonable attorneys' fees and costs incurred by the indemnitee for liability resulting from any breach of the duties set forth in this Agreement by the indemnifying party, except to the extent the claims, demands, penalties, fees, liens, damages, losses, or expenses are caused by the indemnitee. This Section 5.3 shall survive expiration of this Agreement.

**54 Assignment.** Except as provided in this Agreement, Developer shall not assign, transfer, or encumber any rights, duties or interest accruing from this Agreement without the prior written consent of City; provided, however, Developer shall have the right upon written notice to the City to assign this Agreement to any entity that is controlled by or under common control with Inland and/or HASCO.

**55 Written Notice.** Except as otherwise provided herein, any and all notices provided under this Agreement must be in writing and shall be deemed given when delivered in person, or when deposited with Federal Express or other similar overnight service, return receipt requested, or when deposited in the United States mails, postage prepaid for certified mail, return receipt requested, or upon actual receipt of an email or other similar transmission (provided that a copy of the email is delivered or deposited within twenty-four (24) hours in the manner specified above), properly addressed to City and the Developer as follows:

	<b>CITY:</b>	<b>AND TO:</b>
By Mail:	City of Lynnwood Director, Development and Business Services 20816 44 <sup>th</sup> Ave W, Suite 230 Lynnwood, WA 98036	Rosemary Larson Lynnwood City Attorney P.O. Box C-90016 Bellevue, WA 980009-9016
In Person:	20816 44 <sup>th</sup> Ave W, Suite 230 Lynnwood, WA 98036	777 108th Ave. NE, Suite 1900 Bellevue, WA 98009-9016
By Electronic Transmission:	planning@lynnwoodwa.gov	rlarson@lynnwoodwa.gov
	<b>INLAND:</b>	<b>HASCO:</b>
By Mail:	Keith James Inland Group 120 W. Cataldo, Suite 100 Spokane, WA 99201	Duane Leonard HASCO 12711 4 <sup>th</sup> Ave W. Everett, WA 98204
In Person:	120 W. Cataldo, Suite 100 Spokane, WA 99201	12711 4 <sup>th</sup> Ave W. Everett, WA 98204
By Electronic Transmission:	keithj@inlandconstruction.com	dleonard@hasco.org

Any party may designate a different address for receiving notices hereunder by giving at least ten (10) days written notice thereof to the other parties.

**56 Time of Essence.** Time is expressly declared to be of the essence of this Agreement.

**57 Governing Law and Venue.** This Agreement shall be governed by and construed according to the laws of the State of Washington. Venue of any suit arising out of or related to this Agreement shall be in Snohomish County, Washington.

**58 Counterparts and Electronic Transmission.** This Agreement may be executed in counterparts, all of which together shall be deemed to be one original, even if the parties have not executed the same original. Electronic transmission of any signed

original document, and retransmission of any signed electronic transmission, shall be the same as delivery of an original. At the request of either party, the parties will confirm electronic transmitted signatures by signing or original document.

**5.9**     **Effective Date.** This Agreement shall be effective on the date first written above.

**5.10**     **Attorneys' Fees.** The prevailing party in any lawsuit or proceeding between the parties arising out of this Agreement shall be entitled to receive from the non-prevailing party all reasonable costs and expenses of every type, including, but not limited to, mediation fees and actual attorneys' fees incurred, whether incurred in arbitration, trial, appeal or any bankruptcy or receivership proceeding.

**CITY:**

CITY OF LYNNWOOD  
A Washington Municipal Corporation

By: \_\_\_\_\_  
Nicola Smith, Mayor

Approved as to form:

By: \_\_\_\_\_  
Rosemary Larson, City Attorney

STATE OF

WASHINGTON )

COUNTY OF \_\_\_\_\_)

On this day, personally appeared before me \_\_\_\_\_, the Mayor of the City of Lynnwood, Washington and stated that he is authorized to sign this instrument on behalf of said company for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
NOTARY

\_\_\_\_\_  
Print Name

My Commission expires:  
\_\_\_\_\_

**DEVELOPER:**

HASCO 52<sup>nd</sup> Avenue West LLC,  
a Washington limited liability company

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF

WASHINGTON)

COUNTY OF \_\_\_\_\_)

On this day, personally appeared before me \_\_\_\_\_, the \_\_\_\_\_ of HASCO 52<sup>nd</sup> Avenue West LLC and stated that he is authorized to sign this instrument on behalf of said \_\_\_\_\_ for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
NOTARY

\_\_\_\_\_  
Print Name

My Commission expires:

\_\_\_\_\_

INLAND NOVO ON 52<sup>nd</sup> MANAGER, LLC,  
a Washington limited liability company

By: \_\_\_\_\_  
Darin Davidson  
Its: Manager

STATE OF

WASHINGTON)

COUNTY OF \_\_\_\_\_)

On this day, personally appeared before me Darin Davidson, the Manager of Inland novo on 52<sup>nd</sup> Manager, LLC and stated that he is authorized to sign this instrument on behalf of said limited liability company for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2021.

\_\_\_\_\_  
NOTARY

\_\_\_\_\_  
Print Name

My Commission expires:  
\_\_\_\_\_

**Exhibit A: Legal Description**

The Southwest quarter of the Northwest quarter of the Northeast quarter and the South half of the South half of the Northwest quarter of the Northwest quarter of the Northeast quarter of Section 16, Township 27 North, Range 4 East, W.M., in Snohomish County, Washington;

Except the West 30 feet thereof.

**CITY COUNCIL 6.D**  
**CITY OF LYNNWOOD**  
**CITY COUNCIL**

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**TITLE: Ordinance: Update of the Lynnwood Building and Fire Codes by Amending LMC Titles 9, 15, and 16**

**DEPARTMENT CONTACT: Robert Mathias, Development and Business Services**

**SUMMARY:**

Councilmembers, This memorandum introduces the Ordinance to repeal and replace Titles 9, 15, and 16 of the Lynnwood Municipal Code, for your consideration.

**PRESENTER:**

Robert Mathias, Deputy Director DBS, Michael Fitzgerald Assistant Chief SSCF

**ESTIMATED TIME:**

30

**BACKGROUND:**

Periodically, the Washington State Building Code Council adopts new versions of the International Building, Residential, Mechanical and Fire Codes, the National Electric Code, and the Uniform Plumbing Code with State amendments. After the State Building Code Council adopts the new versions of these Codes, the City Council adopts amendments to Titles 9, 15, and 16 of the LMC, for the purpose of adopting the current versions of the State Codes with both State and local amendments.

The International and Uniform Codes are written for an international audience with the expectation that state and local governments will amend the model code to match jurisdictional needs. In Washington, this is done through a public input process by the Washington State Building Code Council. The Council forms technical advisory groups who are subject matter experts to review the model codes and make recommendations for amendments and adoption of the Appendices. Public input is taken during this State process.

The local adoption process takes place so that each jurisdiction can make local amendments. State law allows local jurisdictions to amend the State codes to make them more restrictive, but in no case to make them less restrictive. The amendments in the proposed Ordinance meet this requirement.

**SUGGESTED ACTION:**

Council Adoption

## **PREVIOUS COUNCIL ACTIONS:**

Over the years, the City's Fire Marshals and Building Officials have written Administrative Interpretations of code language to help clarify language in the City code. Additionally, they use Standards to enumerate specific procedure and requirements for developers, contractors, and the public to clarify local requirements where the code defers to the "fire code official" or the "building official".

This year, we have done a thorough review of the Administrative Interpretations, eliminating several that are outdated and ensuring the remaining few are relevant and accessible. In addition, the Standards have been updated and in the website redevelopment, are now more readily accessible.

## **FUNDING:**

None Anticipated

## **VISIONS AND PRIORITIES ALIGNMENT:**

**To be a welcoming city that builds a healthy and sustainable environment.**

**To encourage a broad business base in sector, size and related employment, and promote high quality development.**

**To be a cohesive community that respects all citizens.**

**To be a city that is responsive to the wants and needs of our citizens.**

## **DEPARTMENT ATTACHMENTS**

Description:

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[Memo IBC.IFC Code Ordinance.pdf](#)

[Ordinance.IBCIFC.Strikeouts.Council.pdf](#)

[Ordinance IBC.IFC Adoption.Council.pdf](#)

Date: July 14, 2021

To: City Council  
Mayor Smith

From: David Kleitsch, Director, Development and Business Services  
Robert Mathias, Deputy Director, Development and Business Services  
Michael Fitzgerald, Fire Marshal, South Snohomish County Fire

Subject: Ordinance: Amending the Lynnwood Municipal Code to Update the  
Lynnwood Building Code and Fire Code

### **Summary**

This memorandum introduces for Council's consideration an Ordinance amending Lynnwood Municipal Code (LMC): Title 9 Fire Code; Title 15 Plumbing Code, and Title 16 Building Code.

### **Introduction**

Periodically, the Washington State Building Code Council adopts as may be amended, new versions of the International Building, Residential, Mechanical and Fire Codes, the National Electric Code, and the Uniform Plumbing Code. These codes apply to local jurisdictions statewide. After the State Building Code Council adopts the new versions of the Codes, local jurisdictions may adopt local amendments. The Lynnwood City Council then amends the LMC Titles 9, 15, and 16, for the purpose of adopting the current versions of the State Codes with both State and local amendments.

### **Background**

The International and Uniform Codes are written for an international audience with the expectation that state and local governments will amend the "model code" to match jurisdictional needs. In Washington, this is done through a public input process by the Washington State Building Code Council. The Council forms technical advisory groups who are subject matter experts to review the model codes and make recommendations for amendments and adoption of the Appendices. Public input is taken during this State process.

The local adoption process takes place so that each jurisdiction can make local amendments. State law allows local jurisdictions to amend the State codes to make them more restrictive, but in no case to make the codes less restrictive. The amendments in the proposed Ordinance meet this requirement.

### **Goal**

Lynnwood strives to be a leader in building construction and fire prevention. One goal for DBS is to focus on public safety in development while achieving continuous process improvements in project review and inspection process. Over the past couple of years, the joint efforts of the new Development & Business Services Department and South County Fire have resulted in an integrated approach to life safety and a high level of customer service.

### **Code Review Process**

The code amendment process was focused on public safety and continuous process improvements. It was found that over the years, Lynnwood has adopted many Administrative Interpretations of code language into the LMC. Additionally, standards to enumerate specific procedures and requirements have also been added. Pursuant to the code review process, these various provisions were found to be outdated, redundant to the “model code,” or established criteria and standards based only on preference. This year, DBS has completed a thorough review of the local amendments and Administrative Interpretations, eliminating those that are unnecessary and ensuring those that remain are relevant and accessible. The standards will now be more readily accessible through the website.

### **Proposed Amendments**

This Ordinance amends the LMC to replace the prior versions of the State Building Codes with the recently adopted version of those Codes; and revises the LMC to align with the State Building Codes. The ordinance, including the City’s amendments to the State Building Codes, fulfills Lynnwood’s goals for public safety, process improvements, and customer service.

The following LMC Chapters have been provided as reference materials for your review:

- LMC Title 9, 15, and 16 proposed modification draft with track changes
- LMC Title 9, 15, and 16 proposed final without tracked changes for readability

The proposed amendments align with the “model code” and incorporates current code practices and existing code clarifications to assist the reader.

### **Alignment with the Community Vision and Strategic Plan**

The amendments address the following items in the Community Vision and Strategic Plan:

Community Vision:

To be a welcoming city that builds a healthy and sustainable environment.

To ensure a safe environment through rigorous criminal and property law enforcement.

To be responsive to the wants and needs of our citizens

Strategic Plan

Strategic Priority #3: Nurture Operational and organization excellence.

Strategic Priority #4: Be a safe, welcoming, and livable City.

### **Recommendation**

City Council is requested to adopt the proposed ordinance amending the Lynnwood Municipal Code (LMC): Title 9 Fire Code; Title 15 Plumbing Code, and Title 16 Building Code.

1 CITY OF LYNNWOOD, WASHINGTON

2  
3 ORDINANCE NO. \_\_\_\_\_

4  
5 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING  
6 TO THE INTERNATIONAL BUILDING AND FIRE CODES AS ADOPTED BY  
7 THE CITY; AMENDING TITLE 9, TITLE 15, CHAPTER 16.04, CHAPTER 16.05,  
8 CHAPTER 16.09, CHAPTER 16.24 AND CHAPTER 16.44 OF THE  
9 LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND  
10 ESTABLISHING AN EFFECTIVE DATE.

11  
12 WHEREAS, the Washington State Building Code Council adopts the International  
13 Building, Residential, Mechanical, Fire, Energy Conservation, Swimming Pool and Spa,  
14 Property Maintenance Codes, and the Uniform Plumbing Code; and

15  
16 WHEREAS, the City Council desires to update certain chapters of the Lynnwood  
17 Municipal Code to conform to the newly adopted State codes which become effective upon the  
18 date of adoption; and

19  
20 WHEREAS, the City Council has determined that adoption of the International and  
21 related codes with certain local amendments, is in the public interest; NOW THEREFORE

22  
23 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS  
24 FOLLOWS:

25  
26 **Section 1. Amendment.** Title 9 of the Lynnwood Municipal Code is hereby amended as  
27 follows:

28  
29 **Title 9**  
30 **FIRE**

31 **Chapters:**

- 32 9.01 Authority
- 33 9.04 International Fire Code
- 34 9.06 Fire Lanes
- 35 9.12 Fireworks
- 36 9.14 Smoking
- 37 9.16 Hydrants
- 38 9.18 Fire Sprinkler Systems
- 39 9.20 Fire Alarm Systems
- 40 9.22 Building Construction

41  
42 **Chapter 9.01 Authority**

- 43 Section 9.01.010 Title, Authority, and Applicability
- 44 Section 9.01.020 Lynnwood Fire Department Standards
- 45 Section 9.01.030 Adoption of International Fire Code
- 46 Section 9.01.040 Severability
- 47 Section 9.01.050 Fees
- 48 ~~Section 9.01.060 Conflicting Codes~~
- 49 Section 9.01.070 Appeals
- 50 Section 9.01.080 Definitions

51 Section 9.01.090 New Materials, Processes or Occupancies Requiring Permits.  
52 Section 9.01.100 Violation and Penalty

53

54 **9.01.010 Title, Authority, and Applicability**

55 The Lynnwood Fire Code is comprised of the state and locally adopted model code  
56 (International Fire Code) and locally adopted regulations. While it is the intent of the City of  
57 Lynnwood to be consistent with regional, state and national good practice, the City of Lynnwood  
58 is responsible for the evaluation of risk and benefit regarding the public health, safety and  
59 welfare. As such, the City has exercised and continues to reserve its right to institute local rules  
60 and regulations governing the development and use of businesses, operations, occupancies,  
61 and structures.

62

63 **9.01.020 Lynnwood Fire Department Standards**

64 It is the intent of the Lynnwood Fire Department to enforce the provisions of adopted codes in a  
65 manner that is consistent, fair, without undue burden, efficient, and beneficial to the short and  
66 long-term health, safety and economic well-being of the citizens, businesses, employees and  
67 visitors of our community. In meeting this intent and in accordance with the authority and  
68 jurisdiction granted in the International Fire Code Chapter 1, the Lynnwood Fire Department  
69 standards have been created. They are formulated as individual standards on specific topics as  
70 deemed necessary. Requirements found in the International Fire Code, state law, community  
71 development guides, or other references are not generally repeated herein.

72

73 **9.01.030 Adoption of International Fire Code**

74 ~~As amended by the provisions of this chapter and official administrative interpretations by the~~  
75 ~~Fire Marshal, the 2015 Edition of the International Fire Code published by the International~~  
76 ~~Code Council, including Appendices B, C, D, and I as amended by this ordinance, one copy of~~  
77 ~~which shall be on file in the office of the City of Lynnwood Finance Director, is adopted by this~~  
78 ~~reference.~~

79

80 **9.01.031 Adoption of International Fire Code Appendices.**

81 The following appendices of the IFC are hereby adopted by reference:

82 Appendix B: Fire-Flow Requirements for Buildings

83 Appendix C: Fire Hydrant Locations and Distribution

84 Appendix D: Fire Apparatus Access Roads

85 Appendix H: Hazardous Materials Management Plan (HMMP) and Hazardous Materials  
86 Inventory Statement (HMIS) Instructions

87 Appendix I: Fire Protection Systems – Noncompliant Conditions

88 Appendix N: Indoor Trade Shows and Exhibitions

89

90 **9.01.040 Severability**

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

95

96 **9.01.050 Fees**

97 All fees authorized under Section 443 106 IFC shall be set forth in a fee ordinance adopted, and  
98 from time to time amended, by the City Council. Fees required for fire permits can be found in  
99 Chapter 3.104 LMC.

100

101 ~~9.01.060~~ **Conflicting Codes**

102 ~~Where there is a conflicting requirement between a nationally recognized code and a provision~~  
103 ~~of this Title, this Title shall be applicable.~~

104

105 **9.01.070 Appeals**

106 Whenever the Fire Marshal disapproves an application or refuses to grant a permit applied for,  
107 or when it is claimed that the provisions of the code do not apply, or that the true intent and  
108 meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal  
109 the decision of the Fire Marshal to the hearing examiner in accordance with Chapter 16.50  
110 LMC.

111

112 **9.01.080 Definitions**

113 Whenever the following terms are used in this Title or other applicable codes they shall be  
114 defined as follows:

115

116 *Applicable governing authority:* shall mean the City of Lynnwood Building Official.

117 *Approved Central Station List:* A list of central stations that meet the requirements and have  
118 an approved application to monitor fire alarm and sprinkler flow alarms within the City of  
119 Lynnwood, WA.

120 *Approving Authority:* The City of Lynnwood Fire Marshal

121 *Assumed Property Line:* An imaginary line separating two buildings on the same property.

122 *Automatic Fire Alarm System:* A system of heat, smoke or other detection devices along  
123 with notification devices and a control panel to detect the early stage of a fire and alert the  
124 occupants per NFPA 72.

125 *Automatic Fire Sprinkler System:* A systems of pipes, control valves and sprinkler heads  
126 arranged in a building to discharge water on a fire per NFPA 13, 13D and 13R.

127 *Building Code:* International Building Code as currently adopted by the City of Lynnwood,  
128 WA

129 *Code or Fire Code:* Chapter 9 LMC, as now existing or hereafter amended, and the edition  
130 of the International Fire Code as adopted by Chapter 9 LMC

131 *Common Fireworks:* Any fireworks as defined in RCW 70.77.136.

132 *Corporate Counsel:* Attorney for the City of Lynnwood, WA

133 *City:* The City of Lynnwood, WA

134 *FDC:* Fire Department Connection

135 *Fire Chief:* The Chief of the City of Lynnwood Fire Department

136 *Fire Code Official:* Fire Marshal for the City of Lynnwood, WA. Person in charge of the Fire  
137 Prevention Bureau.

138 *Fire Department:* The Fire Department of the City of Lynnwood and/or any recognized fire  
139 department normally responding in the area.

140 *Fire Detection System:* a system of heat and/or smoke detectors connected to a  
141 communicator or control panel; typically without notification devices.

142 *Fire Flow:* The amount of water required to extinguish a fire. Also see Appendix B of the  
143 2015 IFC.

144 *Fire Watch:* A temporary measure intended to ensure continuous and systematic  
145 surveillance of a building or property by one or more qualified employees of a licensed and  
146 bonded security company for the purposes of identifying and controlling fire hazards,  
147 detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire  
148 department.

149 *Fireworks:* Any fireworks as defined in RCW 70.77.126.

150 *Hot Works:* Processes that involve an open flame or cutting / welding operations that  
151 produce sparks.

152 *Jurisdiction:* The City of Lynnwood, WA

153 ~~*International Building / Fire/ Residential Code:* The current edition of the I-code as adopted  
154 by the City of Lynnwood.~~

155 ~~*NFPA 13, 13D, 13R:* National Fire Protection Association's standards on fire sprinkler  
156 systems, 2013 edition.~~

157 ~~*NFPA 72:* National Fire Protection Association's standards on fire alarm systems, 2013  
158 edition.~~

159 *Public Hydrant:* A fire hydrant so situated and maintained to provide water for fire-fighting  
160 purposes without restriction as to use. The location is such that it is accessible for immediate  
161 use of the fire department.

162 *Private Hydrant:* A fire hydrant so situated and maintained to provide water for fire-fighting  
163 purposes with restrictions for its use limited to certain defined property or properties..

164 ~~*Sky Lantern:* An airborne lantern typically made of paper with a wood frame containing a  
165 candle, fuel cell composed of waxy flammable material or other open flame which serves as  
166 a heat source to heat the air inside the lantern to cause it to lift into the air. "Sky candles,"  
167 "fire balloons" and "airborne paper lanterns" mean the same as sky lanterns.~~

168 *South County Fire:* South Snohomish County Fire and Rescue (SSCFR) Regional Fire  
169 Authority.

170 *Special fireworks:* Any fireworks as defined in RCW 70.77.131.

171  
172 *Tenant Improvement:* Interior or exterior remodeling or improvement to an existing building  
173 or portion of a building including but not limited to; adding or removing or moving walls,  
174 reconfiguration of floor the plan, replacing ceilings/roofs or wall coverings, substantial  
175 electrical or plumbing or mechanical work, structural repairs/improvements, and other similar  
176 work.

177

## 178 **9.01.090 New Materials, Processes or Occupancies Requiring Permits**

179 The ~~fire chief~~ fire code official shall determine and specify, after giving affected persons an  
180 opportunity to be heard, any new materials, processes or occupancies, which shall require

181 permits, in addition to those now enumerated in the code. The fire marshal shall post such list in  
182 a conspicuous place in his office, and distribute copies thereof to interested persons.

183

184 **9.01.100 Violation and Penalty**

185 A. Failure to Comply

186 Any person who violates any of the provisions of this Code or fails to comply therewith, or who  
187 violates or fails to comply with any order made thereunder, or who builds in violation of any  
188 detailed statement of specifications or plans submitted and approved thereunder, or any  
189 certificate or permit issued thereunder, and from which no appeal has been taken, or who fails  
190 to comply with such an order as affirmed or modified by the Hearing Examiner or by a court of  
191 competent jurisdiction, within the time fixed therein, shall severally for each and every such  
192 violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of  
193 not more than \$1,000 or by imprisonment for not more than 90 days or both such fine and  
194 imprisonment. The imposition of one penalty for any violation shall not excuse the violation or  
195 permit it to continue, and all such persons shall be required to correct or remedy such violations  
196 or defects within a reasonable time; and when not otherwise specified, each day that prohibited  
197 conditions are maintained shall constitute a separate offense.

198 The application of the above penalty shall not be held to prevent the enforced removal of  
199 prohibited conditions.

200

201 B. Civil Penalty for Operating without a Required Permit

202 Whenever the Fire Marshal determines that a person, firm, corporation or company is operating  
203 without permit(s) as required by this code, he/she may, in addition to, or as an alternative to,  
204 any other enforcement remedies the City may have, impose a civil penalty in an amount equal  
205 to two times the amount of the required permit fee, plus \$100.00 per day for each day that  
206 operations continue without the required permit(s). Written notice of intent to impose such  
207 penalty shall be served pursuant to the notice provisions of Chapters 1.40 and 2.22 LMC. Such  
208 civil penalty notice may be appealed by filing with the Fire Marshal, within five working days of  
209 service of said notice, a written request for a hearing before the City's hearing examiner, per  
210 Chapter 16.50 LMC.

211

212 **Chapter 9.04 International Fire Code**

213 Section 9.04.100 Section 103 amended – Department of Fire Prevention

214 ~~Section 9.04.110 Section 105 amended – Permits~~

215 ~~Section 9.04.120 Section 304 amended – Combustible Waste Material~~

216 Section 9.04.125 Section 308 amended – Open Flames / Sky Lanterns

217 ~~Section 9.04.1.26 Section 404 amended – Fire Safety, Emergency and Lockdown Plans~~

218 ~~Section 9.04.130 Section 609 amended – Commercial Kitchen Hoods~~

219 ~~Section 9.04.140 Section 806 amended – Decorative Vegetation in New and Existing~~

220 ~~Buildings~~

221 ~~Section 9.04.150 Section 901 amended – General Fire Protection Systems~~

222 ~~Section 9.04.160 Section 2304 amended – Dispensing Operations~~

223 Section 9.04.170 Section 3103 amended – Temporary Tents and Membrane

224 Structures

225 ~~Section 9.04.180 Chapter 34 amended – Tire Rebuilding and Tire Storage~~

226 Section 9.04.190 Section 5601 amended – Explosives and Fireworks

227 Section 9.04.200 Chapter 57 amended – Flammable and Combustible Liquids

228 ~~Section 9.04.210 Section 6104 amended – Location of LPG Gas containers~~

229

230 **9.04.100 Section 103 IFC amended – Department of Fire Prevention**

231 ~~Section 103.1 “General” is amended to read as follows: The code shall be enforced by the~~  
232 ~~Bureau of Fire Prevention. The Bureau operates under the supervision of the Fire Chief.~~

233  
234 Section 103.2 “Appointment” is amended to read as follows: The Chief (or Fire Marshal) in  
235 charge of the Bureau of Fire Prevention shall be appointed by the Mayor of the city upon the  
236 recommendation of the Fire Chief after successful completion of an approved civil service  
237 examination to determine their qualifications.

238  
239 Section 103.3 “Deputies” is amended to read as follows: The Chief of the Fire Department may  
240 assign members of the Fire Department’s fire suppression staff to fire prevention activity, as  
241 necessary. The Chief of the Fire Department shall appoint technical inspectors who shall be  
242 selected through an approved civil service examination to determine their fitness for the  
243 position.

244  
245 ~~**9.04.110 Section 105 IFC amended – Permits**~~

246 ~~Section 105.1.1 “Permits required” is amended by the addition of the following; Businesses~~  
247 ~~listing all operational processes on their City of Lynnwood Business License application form~~  
248 ~~and having had obtained a current City of Lynnwood Business License, will be deemed to have~~  
249 ~~complied with operational permitting requirements with the exception of the following;~~

- 250  
251 ~~1. Unattended self-service motor fuel dispensing facilities~~  
252 ~~2. Tire sales/storage/service in buildings without fire sprinklers~~  
253 ~~3. Hot work operations during building construction or repairs~~  
254 ~~4. Carbon Dioxide storage greater than 100 lbs. inside a building~~

255  
256 ~~**9.04.120 Section 304 IFC amended – Combustible Waste Material**~~

257 ~~Section 304.3 “Containers”~~

258  
259 ~~Section 304.3.3 “Capacity exceeding 1.5 cubic yards” and associated exceptions are deleted.~~

260  
261 ~~Section 304.3.4 “Capacity of 1 Cubic Yard or More” is amended to read as follows: Dumpsters~~  
262 ~~or containers with an individual capacity of 1.0 cubic yard [200 gallons] or more shall not be~~  
263 ~~stored in buildings or placed within 5 feet of combustible walls, openings, or combustible roof~~  
264 ~~eave lines unless protected by an approved automatic fire sprinkler system.~~

265  
266 **9.04.125 Section 308 IFC amended – Open Flame**

267  
268 Section 308.1.6.3 “Sky lanterns” is amended to read as follows; It is unlawful for any person to  
269 sell, use, transfer, discharge or ignite any sky lantern, whether tethered or untethered within the  
270 city of Lynnwood.

271  
272 **9.04.126 Section 404 IFC Amended – Fire Safety, Evacuation and Lockdown Plans**

273  
274 Section 404.2.3 Lockdown Plans. This section is adopted in its entirety.

275  
276 ~~**9.04.128 Chapter 5 IFC adopted and amended – Fire service features.**~~

277 ~~Section 503, Fire Apparatus Access Roads, is hereby adopted with additions in its entirety with~~  
278 ~~the exception of Sections 503.2.4, 503.2.7, 503.3 and 503.7, which are amended as follows:~~  
279 ~~Section 503.2.4 is amended to read as follows:~~

280 ~~Turning radius. The minimum turning radius shall be 25' inside radius and 45'~~  
281 ~~outside radius or as approved by the fire code official.~~

282 ~~Section 503.2.7 is amended to read as follows:~~

283 ~~Grade. The grade of the fire apparatus access road shall be a maximum of 14%,~~  
284 ~~with any fire apparatus access road greater than 12% shall require additional fire~~  
285 ~~protection features.~~

286 ~~Section 503.3 is amended to read as follows:~~

287 ~~Markings. Fire apparatus access roads shall be marked with markings and/or signs~~  
288 ~~in accordance with SCF's Emergency Fire Apparatus Access Road Standard.~~

289 ~~Section 503.7 is added to read as follows:~~

290 ~~Temporary fire apparatus access roads during construction shall comply with~~  
291 ~~LMC 9.06.020.~~

292 ~~Section 507.8 is added to read as follows:~~

293 ~~Fire apparatus access roads through parking lots shall comply with LMC 9.06.025.~~

294 ~~(Ord. 3306 § 2 (Exh. 2), 2018)~~

295 **~~9.04.130 — Section 609 IFC amended — Commercial Kitchen Hoods~~**

296 ~~Section 609.3.1 IFC "Ventilation system" is amended by the addition of the following; During a~~  
297 ~~Type I hood installation, exhaust fan replacement, or hood suppression installation or~~  
298 ~~modification, a temperature activated switch that automatically turns on the exhaust and make-~~  
299 ~~up air fans, shall be installed in the exhaust duct. This installation is intended to prevent the~~  
300 ~~operation of cooking appliances without fan operation.~~

301  
302 **~~9.04.140 — Section 806 IFC amended — Decorative Vegetation in New and Existing~~**  
303 **~~Buildings~~**

304 ~~Section 806.1 IFC "Natural Cut Trees" is amended to read as follows: Natural cut trees are~~  
305 ~~prohibited in all occupancies except within the dwelling units of R-2 occupancies. Natural cut~~  
306 ~~trees shall have the trunk bottoms cut off at least 0.5 inch above the original cut and shall be~~  
307 ~~placed in a support device complying with Section 806.1.2.~~

308  
309 ~~Section 806.1.1 "Restricted Occupancies" and associated exceptions are deleted.~~

310  
311 **~~9.04.150 — Section 901 IFC amended — General Fire Protection Systems~~**

312 ~~Section 901.4 "Installation"~~

313

314 ~~Section 901.4.6 “Pump and riser room size” is amended to read as follows: Sprinkler riser~~  
315 ~~rooms shall be located on an outside wall at grade. Such rooms shall be of one-hour~~  
316 ~~construction and provided with a 45-minute door having a minimum opening of 36 inches to the~~  
317 ~~exterior. This room shall contain all sprinkler control valves, sprinkler backflow assembly~~  
318 ~~(unless prohibited by the water purveyor), fire pump and associated components and the fire~~  
319 ~~alarm control panel(s). Such rooms shall be of a size that will allow a minimum of 36-inch~~  
320 ~~clearance around all portions of the fire pump assembly and in front of the fire alarm panel(s).~~  
321 ~~Dry pipe valves/risers shall have a minimum of 36” clear space at the front and both sides and~~  
322 ~~18” at the back. Wet risers shall have a minimum of 24” clear space at the front and both sides~~  
323 ~~and 18” at the back. This room shall have a thermostatically controlled heat source capable of~~  
324 ~~maintaining a minimum of 40° Fahrenheit to prevent freezing. All drains are to be plumbed to~~  
325 ~~the exterior of the building. No other uses or utilities shall be allowed in this room. Major~~  
326 ~~building remodels or square footage increases shall elicit the need to construct an exterior~~  
327 ~~accessible riser room if not previously existing.~~

328  
329 ~~Section 901.6 “Inspection, Testing, and Maintenance”~~  
330

331 ~~Section 901.6.2 “Records” is amended by the addition of the following; Annual confidence test~~  
332 ~~reports for fire alarm and sprinkler systems and semi-annual inspection test reports for~~  
333 ~~commercial hood suppression systems shall be submitted to the Bureau of Fire Prevention by~~  
334 ~~the method approved by the fire code official within 14 days of the test/inspection date.~~

335  
336 **9.04.160 — Section 2304 IFC amended – Dispensing Operations.**

337 ~~Section 2304.3 “Unattended Self-Service Motor Fuel Dispensing Facilities”~~  
338

339 ~~Section 2304.3.3, “Emergency Controls” is amended by the addition of the following;~~  
340 ~~Emergency controls shall be of a type which is only manually resettable from inside the~~  
341 ~~attendant booth. Emergency controls shall have an approved means of illumination.~~

342  
343 **9.04.170 Section 3103 IFC amended – Temporary Tents and Membrane Structures**

344 ~~Section 3103.1 “General” is deleted and replaced with the following; Tent, canopies, and other~~  
345 ~~membrane structures shall not be erected, operated or maintained for any purpose without first~~  
346 ~~obtaining a City of Lynnwood Special Event Permit and approval from the Fire Marshal and~~  
347 ~~building official. All tents, canopies, and other membrane structures erected shall meet the~~  
348 ~~requirements of the current edition of NFPA 701: Standard Methods of Fire Tests for Flame~~  
349 ~~Propagation of Textiles and Films. Tents, canopies, and other membrane structures meeting the~~  
350 ~~requirements of the California State Fire Marshal (CSFM) as set forth in Article 8, Chapter 1,~~  
351 ~~Title 19 of the California Code of Regulations (CCR) and has the information securely affixed,~~  
352 ~~stamped, printed or stenciled as required by section 1321 of the above code shall be deemed~~  
353 ~~as complying with NFPA 701.~~

354 **Exception:** Approval is deemed granted from the Fire Marshal and Building Official for the use  
355 of canopies (no sides) that do not meet the requirements of NFPA 701 or the CSFM when  
356 associated with a Special Event Permit providing that:

- 357  
358 1. It is limited in size to 120 square feet; and  
359 2. Occupancy is limited to 10 or less persons; and  
360 3. There is a minimum of 12 feet of separation between the canopy and the building  
361 (including any overhang or canopy; and  
362 4. No open flame or cooking is associated with the use of the canopy.

363  
364 Section 3103.5 “ Use period” is deleted and replaced with the following; The use of any tent,  
365 canopy, or temporary membrane structure shall not be allowed; except in the case of a tent,  
366 canopy, or membrane structure used in conjunction with a special event. Such use shall not  
367 exceed the time and frequency of use provisions of Chapter 5.30 LMC or the time period of any  
368 permit issued in connection with such activities, whichever shall occur first.

369  
370 **9.04.180** ~~Chapter 34 IFC amended “Tire Rebuilding and Tire Storage”~~

371 ~~Section 3405 “Outdoor Storage”~~

372  
373 ~~Section 3405.1 “Individual Piles” is deleted and replaced with the following; Tire storage shall be~~  
374 ~~restricted to individual piles not exceeding 2000 square feet of continuous area. Piles shall not~~  
375 ~~exceed 12,000 cubic feet in volume or 6 feet in height. No more than two (2) piles shall be~~  
376 ~~allowed on any single property.~~

377  
378 ~~Section 3405.6 “Volume more than 150,000 cubic feet” is deleted.~~

379  
380 ~~Section 3409 “Indoor Storage”~~

381  
382 ~~Section 3409.1 “Pile Dimensions” is deleted and replaced with the following: In buildings not~~  
383 ~~protected by an automatic fire sprinkler system designed for tire storage, the following storage~~  
384 ~~arrangements and quantity limits shall apply:~~

- 385  
386 1. ~~Tire storage shall be limited to a maximum of 2,000 square feet per building, including~~  
387 ~~aisle ways.~~  
388 2. ~~All tires are to be stored on rack(s) and be placed on treads.~~  
389 3. ~~The maximum individual allowable rack size is 5 feet 9 inches high and 25 feet in length.~~  
390 4. ~~The top of tires stored on rack(s) shall not exceed 6 feet above the floor.~~  
391 5. ~~No tires shall be stored on their sidewalls inside the building.~~  
392 6. ~~Racks shall not block or restrict egress paths inside or outside of the building.~~  
393 7. ~~A minimum of 36 inches clear space is required between racks.~~

394 ~~**Exception:** Two racks may be placed back to back providing there is a minimum of 36~~  
395 ~~inches of clear space on the remaining 3 sides of each rack.~~

- 396 8. ~~One 4-A fire extinguisher shall be provided of every 1,000 square feet (or partial thereof)~~  
397 ~~of tire storage.~~  
398 9. ~~No outdoor tire storage within 25 feet of a building, including overhangs, after business~~  
399 ~~hours.~~

400  
401 **9.04.190 Section 5601 IFC Amended “Explosives and Fireworks”**

402 Section 5601.1 “Scope” is deleted and replaced with the following; The storage of explosives  
403 and blasting agents is prohibited within city limits, except for temporary storage for use in  
404 connection with approved blasting operations; provided, however, that this prohibition shall not  
405 apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets  
406 or cartridges for explosive actuated power tools.

407  
408 **9.04.200 Chapter 57 IFC amended – Flammable and Combustible Liquid Storage.**

409 Section 5704.1 General. Is amended by adding the following;

- 410 1. In no case shall aboveground storage tanks over 100 gallons; whether fixed or  
411 portable, be located less than 20 feet from a property line or another building.  
412 2. Tank size shall be limited to 1000 gallons of any single product.  
413 3. Listed tanks divided into two separate 1000 gallon storage compartments are  
414 allowed, providing each compartment contains a different product (i.e. 1000 gallons  
415 of gasoline and 1000 gallons of diesel).

416  
417 Section 5704.2.9.6 “Above-Ground Tanks Outside of Buildings”

418  
419 Section 5704.2.9.6.1 “Locations where above-ground tanks are prohibited” is deleted and  
420 replaced with the following; Storage of flammable or combustible liquids (Class I and Class II  
421 liquids) in outside above-ground tanks is prohibited in all areas of the city except those zoned  
422 for industrial use; provided, that, above-ground flammable or combustible liquid tanks may be  
423 installed on property zoned general commercial, when approved by the City of Lynnwood Fire  
424 Chief and the Community Development Director, subject to the provisions of LMC Title 21, the  
425 requirements of the International Fire Code, as adopted by this chapter.

426  
427 **Section 5706 “Special Operations”**

428  
429 Section 5706.4 “Bulk Plants or Terminals” is amended by adding the following; Storage of Class  
430 I, Class II and Class III-A liquids in bulk plants is prohibited in all areas of the city.

431  
432 In the event of any conflict between the provisions of this chapter and the provisions of the  
433 edition of the International Fire Code as adopted by this chapter, the most restrictive  
434 requirements shall prevail.

435  
436  
437 ~~9.04.210 Section 6104 IFC Amended “Location of LP-Gas Containers”~~

438 ~~Section 6104.2 “Maximum Capacity Within Established Limits” is deleted and replaced with the~~  
439 ~~following; Bulk storage (in excess of 500 water gallons) of liquefied petroleum gases is allowed~~  
440 ~~in areas of the City zoned for industrial and commercial use with the approval of the Fire Chief~~  
441 ~~and Community Development Director.~~

442  
443 ~~Chapter 9.06 Fire Lanes~~

444 ~~Section 9.06.010 Fire Lane Specifications~~

445 ~~Section 9.06.020 Temporary Fire Lanes during Construction~~

446 ~~Section 9.06.030 Duty Not to Obstruct Fire Lane~~

447 ~~Section 9.06.040 Enforcement~~

448  
449 ~~9.06.010 Fire Lane Specifications~~

450 ~~Fire lanes shall comply with the City of Lynnwood Fire Lane Standards, 2015 IFC Section 503~~  
451 ~~“Fire Apparatus Access Roads”, and 2015 IFC, Appendix D, “Fire Apparatus Access Roads” as~~  
452 ~~amended;~~

453  
454 ~~1. Section 503 “Fire Apparatus Access Roads” is hereby adopted in its entirety.~~

455 ~~2. Section D103.1 is deleted.~~

456 ~~3. Section D103.6 “Signs” and the associated subsections are deleted.~~

457 ~~4. Section D104 “Commercial and Industrial Developments” is deleted.~~

458

459 **9.06.020** ~~Temporary Fire Lanes during Construction~~

460 Fire lanes are required for all buildings during the construction phase. The fire lane shall have  
461 an all-weather driving surface (typically ATB) approved by the Fire Marshal. Crushed rock or  
462 quarry spall is not acceptable.

463  
464 The fire lane shall be established prior to any combustible construction or stockpiling of any  
465 combustible material and extended to within 150 feet of all portions of a facility or stockpile and  
466 all portions of the exterior walls of the first story of the building, as measured by an approved  
467 route around the exterior of the building. The fire lane shall be identified by an approved  
468 means.

469  
470 Construction gates across fire lanes shall be provided with approved signs reading "Fire  
471 Department Access". Any means of securing the gate across the fire lane must be approved by  
472 the Fire Marshal.

473  
474 **9.06.025** ~~Fire Lane Through Parking Lots~~

475  
476 Parking lots or automobile sales lots with 100 or more vehicles shall have a designated fire lane  
477 circulating throughout the lot.

478  
479 Compact parking stalls shall not be located perpendicular to fire lanes.

480  
481 **9.06.030** ~~Duty Not to Obstruct Fire Lane~~

482 It is a traffic infraction for any person to park, stop and/or stand a vehicle, occupied or  
483 unoccupied, within a fire lane in violation of this chapter.

484  
485 **9.06.040** ~~Enforcement~~

486 When an infraction of this chapter involving a vehicle exists, the Lynnwood Police Department is  
487 authorized to issue a notice of traffic infraction pursuant to RCW 46.63.030 as is now or  
488 hereafter amended.

489  
490 In situations involving an immediate risk of harm to people or property, the Lynnwood Police  
491 Department may impound any vehicle or obstruction found within a fire lane or within 15 feet of  
492 any fire hydrant whether on public or private property; provided, such impoundment shall be in  
493 accordance with RCW 46.55.113 and the impound provisions of RCW 46.52.120 et seq., as  
494 each is now or hereafter amended.

495  
496 Notwithstanding any other provision of this chapter, the chief officers of the City of Lynnwood  
497 Fire Department are authorized and directed to enforce all of the provisions of this chapter. For  
498 such purposes they shall have the powers of a police officer.

499  
500 **Chapter 9.12 Fireworks**

501 Section 9.12.025 State statutes and regulations adopted by reference.

502 Section 9.12.030 Purchase, sale, discharge and use of fireworks prohibited.

503 ~~Section 9.12.040 Repealed.~~

504 ~~Section 9.12.050 Repealed.~~

505 ~~Section 9.12.060 Repealed.~~

506 ~~Section 9.12.070 Repealed.~~

507 ~~Section 9.12.100 Repealed.~~

508 ~~Section 9.12.110~~ ~~Repealed.~~  
509 ~~Section 9.12.120~~ ~~Repealed.~~  
510 ~~Section 9.12.130~~ ~~Repealed.~~  
511 Section 9.12.140 Public Display of Fireworks – Rules – Investigation – Permit.  
512 Section 9.12.150 Violation – Penalties  
513 ~~Section 9.12.160~~ ~~Repealed.~~

514  
515 **9.12.025 State statutes and regulations adopted by reference.**

516 The following statutes as now or hereafter amended are adopted by reference as and for a  
517 portion of the fireworks provisions of this city as if set forth in full herein:

518  
519 RCW

520 70.77.255(1),  
521 (2) and (3) Acts prohibited without appropriate license.

522 70.77.260(2) Application for public display permit.

523 70.77.285 Public display permit – Bond or insurance for liability.

524 70.77.295 Public display permit – Amount of bond or insurance.

525 70.77.435 Seizure of fireworks.

526 70.77.485 Unlawful possession of fireworks.

527 70.77.488 Unlawful discharge or use of fireworks.

528  
529

530 **9.12.030 Purchase, sale, discharge and use of fireworks prohibited.**

531 A. It is unlawful for any person, firm or corporation to purchase, sell or manufacture any  
532 fireworks within the city.

533 B. Except as authorized by state license and city permit granted pursuant to RCW 70.77.260(2)  
534 (public display) or RCW 70.77.311(2) (use by group or individual for religious or other specific  
535 purpose on approved date and at an approved location), it is unlawful for any person, firm or  
536 corporation to engage in the retail sale of, or to sell, possess, store, use, transfer, discharge or  
537 explode, any fireworks of any kind in the city.

538 C. This chapter does not prohibit the use of flares or fuses in connection with the operation of  
539 motor vehicles, railroads, or other transportation agencies for signal, warning or illumination  
540 purposes. (Ord. 3066 § 3, 2014)

541 ~~**9.12.040 Investigation and Granting of Permits – Number Issued by City**~~

542 ~~Repealed by Ord. 3066. (Ord. 3007 § 1, 2013)~~

543 ~~**9.12.050 Permit Required**~~

544 ~~Repealed by Ord. 3066. (Ord. 3007 § 1, 2013)~~

545 ~~**9.12.060 License from State Patrol Fire Protection Bureau Required**~~

546 ~~Repealed by Ord. 3066. (Ord. 3007 § 1, 2013)~~

547 ~~**9.12.070 Cleanup – Cash Debris Bond**~~

548 ~~Repealed by Ord. 3066. (Ord. 3007 § 1, 2013)~~

549 ~~9.12.100~~ ~~Fireworks Stands – Operators~~

550 ~~Repealed by Ord. 3066. (Ord. 3007 § 1, 2013)~~

551 ~~9.12.110~~ ~~Fireworks Stands – Compliance with State and Local Laws and Regulations~~

552 ~~Repealed by Ord. 3066. (Ord. 3007 § 1, 2013)~~

553 ~~9.12.120~~ ~~Fireworks Stands – Additional Regulations~~

554 ~~Repealed by Ord. 3066. (Ord. 3007 § 1, 2013)~~

555 ~~9.12.130~~ ~~Fireworks – Time of Sale and Use~~

556 ~~Repealed by Ord. 3066. (Ord. 3007 § 1, 2013)~~

557 **9.12.140 Public Display of Fireworks– Rules – Investigation – Permit**

558 The Fire Marshal shall be authorized to adopt reasonable rules for the issuance or denial of a  
559 permit for a public display of fireworks. Following receipt of an application for a permit under  
560 RCW 70.77.260(2) for a public display of fireworks, the Fire Marshal shall investigate whether  
561 the character and location of the display as proposed would be hazardous to property or  
562 dangerous to any person. Based on the investigation, the Fire Marshal shall submit a report of  
563 findings and a recommendation for, or against the issuance of the permit, together with reasons,  
564 to the finance director who shall forward the report to the City Council. The City Council shall  
565 grant the application if it meets the requirements of Chapter 70.77 RCW and this chapter.  
566

567 **9.12.150 Violation – Penalties**

568 Unless a specific penalty is prescribed in this chapter, anyone who violates any provision of this  
569 chapter or any of the conditions of any permit issued hereunder, or who causes another to do  
570 so, shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000 and 90 days  
571 imprisonment in the city jail.  
572

573 In addition, violation(s) of any of the provisions of this chapter or any of the conditions imposed  
574 upon a permit issued hereunder shall subject the permit to suspension or revocation, as  
575 provided herein.  
576

577 In addition, or alternatively, violation(s) of any of the provisions of this chapter or any of the  
578 conditions imposed upon a permit issued hereunder shall subject the applicant to a daily civil  
579 penalty in the amount provided by LMC 1.01.085.  
580

581 ~~9.12.160~~ ~~Suspension, Denial or Revocation of Permit~~

582 ~~Repealed by Ord. 3066. (Ord. 3007 § 1, 2013)~~

583

584 **Chapter 9.14 SMOKING IN PUBLIC PLACES**

585 **Sections:**

586 9.14.010 State statute adopted by reference – Smoking in public places.

587 9.14.020 Smoking prohibited in city buildings and vehicles.

588 **9.14.010 State statute adopted by reference – Smoking in public places.**

589 A. Chapter 70.160 RCW\* relating to smoking in public places is hereby adopted by reference as  
590 and for the Lynnwood Municipal Code as if set forth in full herein.

591 B. The amendment, addition or repeal by the Washington Legislature of any section of any of  
592 the adopted statutes set forth in subsection (A) of this section shall be deemed to amend this  
593 chapter and the statutes contained in this chapter which are adopted by reference in conformity  
594 with the amendment, addition or repeal, and it shall not be necessary for the legislative authority  
595 of this city to take any action with respect to such addition, amendment or repeal, as provided  
596 by RCW 35A.12.140. (Ord. 2840 § 1, 2010; Ord. 2683 § 10, 2007; Ord. 2506 § 1, 2004; Ord.  
597 1491, 1985)

598 \*Ordinance references Session Laws of Washington.

599 **9.14.020 Smoking prohibited in city buildings and vehicles.**

600 Smoking shall be and is hereby prohibited:

601 A. In all city buildings, offices and vehicles, including those buildings, offices or vehicles owned,  
602 rented or leased by the city;

603 B. Within a distance of 50 feet of any public entrance to any city building; and

604 C. Within a distance of 25 feet of any employee entrance to any city building;

605 D. The term “entrance” as used herein includes any doorway, stairway, breezeway, porch or  
606 landing leading directly into any building operated by the city and accessible to city employees  
607 and/or private citizens;

608 E. Signage shall be posted in areas where smoking is prohibited prior to enforcement of this  
609 section. (Ord. 2840 § 1, 2010; Ord. 2683 § 10, 2007; Ord. 2568 § 1, 2005)

610 **Chapter 9.16 Hydrants**

611	Section 9.16.020	Responsibility
612	Section 9.16.030	Service by Water Department
613	Section 9.16.040	Private Hydrant Installation
614	Section 9.16.070	Leads from Service Main
615	Section 9.16.080	Private Fire Mains
616	Section 9.16.090	Hydrant Spacing
617	Section 9.16.100	Hydrant Spacing in Single-Family Residential Areas
618	Section 9.16.115	Hydrant Locations and Quantity
619	Section 9.16.140	Pumper Port Direction
620	Section 9.16.150	Protection
621	Section 9.16.160	Replacement
622	Section 9.16.170	Obstruction Prohibited
623	Section 9.16.180	Compliance Required
624	Section 9.16.210	Penalty for Violation

625

626 **9.16.020 Responsibility**

627 The installation of fire hydrants in accordance with this chapter shall be required of the owner  
628 and/or developer of any future business, commercial, institutional or industrial facility, dwelling  
629 or dwelling development.

630

631 **9.16.030 Service by Water Department**

632 All fire hydrants installed as required by this chapter shall be served by the city water  
633 department unless conditions warrant a waiver of this provision.

634

635 **9.16.040 Private Hydrant Installation**

636 The installation of private hydrants as defined herein, shall be limited to those cases when the  
637 number of public hydrants installed under the distance provisions of this chapter shall be  
638 insufficient in number. Private hydrants shall meet City requirements for public hydrants and  
639 shall be located as designated by the approving authority. The City shall have the right to go  
640 upon the premises and to use the private hydrant for public purposes, including testing, flushing  
641 and emergency uses.

642  
643 **9.16.070 Leads from Service Main**

644 The lead from the service main to the hydrant shall be no less than six inches in diameter. Any  
645 hydrant leads over 50 feet in length from the service main to the hydrant shall be no less than  
646 eight inches in diameter. The provisions of this section shall apply without exception and  
647 regardless of the size of the service main.

648  
649 **9.16.080 Private Fire Mains**

650 All mains on private property serving more than one fire hydrant shall be circulatory and not less  
651 than eight inches in diameter.

652  
653 **9.16.090 Hydrant Spacing**

654 Fire hydrants shall be installed at all intersections, in all areas except single-family residential  
655 areas so that the distance between hydrants does not exceed 330 feet. If the distance between  
656 intersections is over 400 feet, an additional hydrant shall be installed to limit the distance  
657 between hydrants to a maximum of 330 feet.

658  
659 **9.16.100 Hydrant Spacing in Single-Family Residential Areas**

660 Fire hydrants shall be installed at street intersections in single-family residential areas. The  
661 maximum spacing between hydrants shall not exceed 600 feet unless otherwise specified by  
662 the approving authority.

663  
664 The maximum distance from any front property line to a fire hydrant shall not exceed 300 feet.  
665 The length of pan handles or access tracts shall be included in the measurement.

666 **9.16.115 Hydrant Locations and Quantity**

667 Hydrants used to supply fire sprinkler connections and/or standpipe connections shall be in a  
668 location approved by the Fire Marshal and within 50 feet of such connection.

669  
670 The hydrant used to supply the FDC/standpipe shall be located so as not to obstruct a public  
671 street or fire apparatus access to the property once a hose is connected between the hydrant,  
672 fire apparatus, and the FDC/standpipe.

673  
674 Hydrants, FDC connections, and standpipe connections shall not be located closer than 50 feet  
675 from the building it is intended to protect, without written approval from the fire marshal.

676  
677 The number of hydrants used to provide fire flows shall be as specified in IFC Table C102.1.;  
678 except that, all buildings over 5,000 square feet (except single family residences) shall be  
679 protected by a minimum of two hydrants; one of which shall be located within 150 feet of the  
680 most remote location of the exterior wall of the first story. The second hydrant may be located  
681 up to 330 feet (as measured by vehicle travel) from the first hydrant. For fire flows requiring  
682 more than 2 hydrants, additional hydrants shall be installed in approved locations with a

683 maximum spacing of 330 feet. The number, spacing, and/or location of hydrants may be  
684 modified by the Fire Marshal as needed to ensure adequate fire protection.

685

686 **9.16.140 Pumper Port Direction**

687 Hydrants shall stand plumb, be set to the established grade with the lowest outlet of the hydrant  
688 no less than 18 inches above the grade and no less than 36 inches of clear area around the  
689 hydrant circumference for clearance of the hydrant wrench on both outlets and on the control  
690 valve. The pumper port shall face the street. Where the street cannot be clearly defined or  
691 recognized, the port shall face the most likely route of approach and location of the fire truck  
692 while pumping, to be determined by the approving authority.

693

694 **9.16.160 Replacement**

695 When existing fire hydrants, which do not conform to the requirements of this chapter are  
696 replaced, they shall be replaced with hydrants which conform to the applicable city standards.  
697 This does not preclude a requirement by proper authority that a deficient hydrant must be  
698 replaced should structural conditions of the area change in a manner that requires a hydrant or  
699 hydrants of larger flow capacity.

700

701 If a new building construction project uses an existing non-conforming hydrant to provide fire  
702 flows, the existing non-conforming hydrant shall be replaced or updated to meet current  
703 standards.

704

705 **9.16.170 Obstruction Prohibited**

706 No one shall plant any vegetation, erect any structure or perform any action which results in  
707 obstructing the view of a fire hydrant for a distance of 50 feet. The owner/occupant of any area  
708 in which a hydrant is located shall be responsible for removing weed and tree growth from  
709 around the hydrant for a distance of no less than 10 feet.

710

711 **9.16.180 Compliance Required**

712 The passage of this chapter is necessary for the protection of health, safety and welfare of the  
713 citizens of the City and to avoid or abate public nuisances. No building permits shall be issued  
714 for erection of any building or structure until reasonable proof of intent to comply with this  
715 chapter is indicated and the approving authority is satisfied that hydrants are to be, and/or can  
716 be, installed to comply with this chapter.

717

718 **9.16.210 Penalty for Violation**

719 Any person who violates this chapter shall be guilty of a misdemeanor and may be punished by  
720 a fine of \$1000.00 or by imprisonment in the city jail for a period not to exceed 90 days or by  
721 both such fine and imprisonment.

722

723 **Chapter 9.18 Fire Sprinkler Requirements**

724 Section 9.18.010 Scope

725 Section 9.18.020 When Required

726 Section 9.18.030 Systems Out of Service

727 Section 9.18.040 Reduction of Required Fire Flows For Buildings with Sprinkler

728 Systems

729 Section 9.18.050 NFPA 13R System Modifications

730 Section 9.18.060 System Design

731 Section 9.18.070 FDC / Standpipe Location

732

733 **9.18.010 Scope**

734 The following fire sprinkler requirements apply to all commercial buildings. . In cases where the  
735 IFC is more restrictive, the more restrictive requirements shall prevail. Refer also to the City of  
736 Lynnwood Fire Sprinkler Standards.

737

738 ~~9.18.020~~ **When Required**

739 ~~All newly constructed buildings, 5,000 square feet or larger, shall be protected by an automatic~~  
740 ~~fire sprinkler system per the applicable NFPA 13 or 13R code and the City of Lynnwood Fire~~  
741 ~~Sprinkler Standards.~~

742

743 ~~Sprinkler protection shall be provided for all exterior balconies, decks or other projections in~~  
744 ~~excess of 48" regardless of construction type in all buildings. In addition, sprinkler protection~~  
745 ~~shall be provided under all exterior occupiable balconies or decks in R-1 and R-2 occupancies~~  
746 ~~regardless of depth or building construction type,~~

747

748 ~~All existing buildings that are enlarged, added to, or expanded in such that the total area of the~~  
749 ~~building exceeds 5,000 square feet, shall be protected by an automatic fire sprinkler system per~~  
750 ~~the applicable NFPA Standard and the City of Lynnwood Fire Sprinkler Standards.~~

751

752 ~~Existing buildings or structures, to which additions, alterations, or repairs are made within a 24-~~  
753 ~~month period that exceed 25 percent of the assessed or appraised building value, shall comply~~  
754 ~~with all the requirements for new buildings required in this section.~~

755

756 ~~Fire separation walls shall not be allowed to reduce the size of a building for the purpose of~~  
757 ~~avoiding the installation of an automatic fire sprinkler system.~~

758

759 ~~Partial sprinkler systems shall not be allowed. If an individual suite or area in a building requires~~  
760 ~~sprinkler protection, the protection shall be extended throughout the entire structure.~~

761

762 ~~When, in the opinion of the Fire Marshal, adequate fire protection is not available for vehicles~~  
763 ~~parked in an open-air parking garage from fire apparatus at street level, approved dry~~  
764 ~~standpipes shall be installed.~~

765

766 **9.18.030 Systems Out of Service**

767 For the first 48-hours, the owner may provide a competent adult to serve as a Fire Watch. After  
768 the initial 48-hours, the Fire Watch must be provided by a licensed and bonded private security  
769 company until the system is returned to full service. The owner must furnish the Fire Marshal  
770 with the name and contact information of the competent adult and/or security company within 8  
771 hours of implementing a Fire Watch.

772

773 ~~9.18.040~~ **Reduction of Required Fire Flows for Buildings with Sprinkler Systems**

774 ~~Appendix B of the 2015 IFC is hereby adopted with the exception of Table B105.2. The fire flow~~  
775 ~~required by IFC appendix B may be reduced by 50% when an approved automatic fire sprinkler~~  
776 ~~is installed throughout the building.~~

777

778 ~~9.18.050~~ **NFPA 13R System Modifications**

779 ~~Sprinkler protection in multi-family dwellings, when required, shall be extended to the attic, all~~  
780 ~~bedroom closets, all bathrooms, and under covered exits and projections over 48 inches in~~  
781 ~~depth. All occupiable balconies or decks regardless of depth or construction type shall be~~  
782 ~~protected.~~

783  
784 **9.18.060 System Design**

785 All new sprinkler systems in buildings over 5,000 square feet shall be supplied by a minimum of  
786 a 6-inch diameter water supply. The system shall be capable of delivering a minimum of a 10%  
787 safety factor in addition to the required system demand @ 20 psi residual pressure.

788  
789 All buildings with the exception of the dwelling units and adjacent corridors of R occupancies  
790 shall be designed to provide density and spacing per NFPA 13 hazard classification of Ordinary  
791 Hazard, Group II.

792 All multi-story buildings shall have individual floor sprinkler control valves to control the sprinkler  
793 supply for each floor. These valves are to be located in the sprinkler riser room. Other  
794 locations must be approved by the Fire Marshal.

795 **Exception:** Individual floor control valves shall not be required in two-story buildings with open  
796 stairways.

797  
798 ~~**9.18.070 FDC / Standpipe Location**~~

799 ~~FDCs and standpipe connections shall be located away from the building, out of the collapse~~  
800 ~~zone, within 50 feet of a hydrant, in a location approved by the Fire Marshal.~~

801 ~~**Exception:** Wall-mounted standpipes and/or FDC connections in high-rise buildings, where~~  
802 ~~approved by the Fire Marshal.~~

803 | **9.18.070 Fire department connection (FDC) location.**

804 FDCs shall be installed remote from the building, out of the collapse zone, in an approved  
805 location along a public street or fire apparatus access road and within 50 feet of a fire hydrant or  
806 as approved by the fire code official.

807 All FDCs shall be installed in accordance with the appropriate NFPA and SCF's fire sprinkler  
808 standard. (Ord. 3306 § 2 (Exh. 2), 2018; Ord. 3196 § 1, 2016; Ord. 3007 § 1, 2013)

809 Hydrants and FDCs shall not be located closer than 50 feet from the building or as approved by  
810 the fire code official.

811 The number of hydrants used to provide fire flows shall be as specified in IFC Table C102.1,  
812 except that all buildings over 5,000 square feet shall be protected by a minimum of two  
813 hydrants; one of which shall be located within 150 feet of the most remote location of the  
814 exterior wall of the first story. The second hydrant may be located up to 330 feet (as measured  
815 by vehicle travel) from the first hydrant. For fire flows requiring more than two hydrants,  
816 additional hydrants shall be installed in approved locations with a maximum spacing of 330 feet.  
817 The number, spacing, and/or location of hydrants may be modified by the fire marshal as  
818 needed to ensure adequate fire protection.

819 **Exception:** One- and two-family dwellings. (Ord. 3306 § 2 (Exh. 2), 2018; Ord. 3196 § 1, 2016;  
820 Ord. 3007 § 1, 2013)

821 **Chapter 9.20 Fire Alarms**

- 822 Section 9.20.010 Scope
- 823 Section 9.20.020 When Required
- 824 Section 9.20.030 Systems Out of Service
- 825 Section 9.20.040 Monitoring
- 826 Section 9.20.050 Fire Alarm Control Panels
- 827 Section 9.20.060 Fire Alarm Communication Methods

828  
829 **9.20.010 Scope**

830 ~~The following fire alarm requirements apply to all commercial buildings over 1,000 square feet.~~  
831 ~~In cases where the IFC is more restrictive, the more restrictive requirements shall prevail. Also~~  
832 ~~see the City of Lynnwood Fire Alarm Standards.~~

833  
834 **9.20.020 When Required**

835 ~~All newly constructed buildings that are not protected by an automatic fire sprinkler system shall~~  
836 ~~have an automatic fire alarm system installed per NFPA 72 and the City of Lynnwood Fire Alarm~~  
837 ~~Standards. Newly constructed buildings that are protected with an automatic fire sprinkler~~  
838 ~~system shall be provided with occupant notification devices per NFPA 72 and the City of~~  
839 ~~Lynnwood Fire Alarm Standards.~~

840  
841 ~~Existing buildings that do not have a fire detection system and have been vacant for a period of~~  
842 ~~90 days or longer shall have an automatic fire alarm system installed meeting the requirements~~  
843 ~~of new buildings prior to occupancy. For this paragraph only, vacant is considered to mean the~~  
844 ~~entire building has had no occupancy.~~

845  
846 ~~Existing buildings without a fire detection / fire alarm system shall have a NFPA 72/City of~~  
847 ~~Lynnwood compliant fire alarm system installed at the time of a tenant improvement or a change~~  
848 ~~of occupancy. This system shall be extended throughout the entire building without regard for~~  
849 ~~any fire, occupancy, or area separation walls.~~

850  
851 ~~Existing buildings or structures, to which additions, alterations, or repairs are made within a 24-~~  
852 ~~month period that exceed 25 percent of the assessed or appraised building value, shall comply~~  
853 ~~with all the requirements for new buildings required in this section.~~

854  
855 ~~When a building or suite is provided with a fire alarm system, fire detection system, or~~  
856 ~~supervised sprinkler system, but lacks adequate occupant notification appliances, audio/visual~~  
857 ~~devices shall be installed as required per NFPA 72 at the time of a tenant improvement.~~

858  
859  
860 **9.20.030 Systems Out of Service**

861 For the first 48-hours, the owner may provide a competent adult to serve as a Fire Watch. After  
862 the initial 48-hours, the Fire Watch must be provided by a licensed and bonded private security  
863 company until the system is returned to full service. The owner must furnish the Fire Marshal  
864 with the name and contact information of the competent adult and/or security company within 8  
865 hours of implementing a Fire Watch.

866 Upon completion of work on a new or modified fire alarm system, it shall be pre-tested by the  
867 installing technician and an acceptance test shall be performed in the presence of the Fire  
868 Marshal. The request for the acceptance test shall be made via the city's permit request phone  
869 number within 24-hours after the completion of the work or will be subject to a \$75/day fine.

870 **9.20.040 Monitoring**

871 All fire alarm systems, fire detection systems, or sprinkler systems shall be monitored by a  
872 Central Station from the City of Lynnwood Approved Central Station list. Monitoring by other  
873 central stations is not allowed.

874

875 ~~9.20.050 Fire Alarm Control Panels~~

876 ~~Control panels that have the capabilities to connect intrusion alarm devices shall not be allowed.~~  
877 ~~Only fire alarm components shall be connected to the fire alarm control panel.~~  
878 ~~There shall be only one FACP allowed per building unless otherwise approved by the Fire~~  
879 ~~Marshal.~~

880 **9.20.050 Fire alarm control panels.**

881 Fire alarm control panels (FACP) shall comply with the provisions of NFPA 72 and SCF's fire  
882 alarm standard. Only fire alarm components shall be connected to the fire alarm control panel.

883 There shall be only one FACP allowed per building unless otherwise approved by the fire code  
884 official.

885 Systems and their components shall be listed and approved for the purpose for which they are  
886 installed. All new fire alarm systems shall be addressable, and each device shall have its own  
887 address that shall annunciate to an approved central station. (Ord. 3306 § 2 (Exh. 2), 2018; Ord.  
888 3196 § 1, 2016; Ord. 3007 § 1, 2013)

889 **Section 9.20.060 Fire Alarm Communication Methods**

890 All means of communication between the FACP and the Central Station shall be of a method  
891 approved by the Fire Marshal and be provided with a minimum of 24-hours standby power.  
892 Only components that are serviceable by a fire alarm technician shall be part of the means of  
893 communication located on the protected premises. The fire marshal shall maintain a list of  
894 approved communication means. Refer to fire alarm standards.

895

896 ~~Chapter 9.22 Commercial Building Construction~~

897 ~~Section 9.22.010 Scope~~

898 ~~Section 9.20.020 New Construction~~

899 ~~Section 9.20.030 Existing~~

900

901 ~~9.22.010 Scope~~

902 ~~In addition to the requirements of the IBC and IFC, the following requirements shall be enforced~~  
903 ~~on all building construction within the City of Lynnwood unless otherwise specified. Whenever~~  
904 ~~the IFC or IBC has more restrictive requirements, the more restrictive requirements shall prevail.~~

905 ~~Exception: U occupancies under 1000 square feet and buildings built under the IRC.~~

906

907 ~~9.22.020 New Construction~~

908 A. Proximity of Buildings to Property Lines

909  
910 ~~Exterior walls of buildings shall meet the following fire resistive requirements. In cases where~~  
911 ~~IFC Table 601 and 602 are more restrictive, the more restrictive requirement shall prevail. Only~~  
912 ~~the exterior walls parallel to the property line shall need to comply. The required fire-resistance~~  
913 ~~rating of exterior walls shall be rated for exposure to fire from both sides.~~

914  
915 ~~Exterior building walls located within 5 feet of a property line (or assumed property line between~~  
916 ~~buildings on the same property) shall have 2-hour fire rated construction with no openings~~  
917 ~~allowed and a parapet extending 30 inches above the highest construction point within 10 feet.~~

918  
919 ~~Exterior building walls located between 5 feet 1 inch and 10 feet of a property line (or assumed~~  
920 ~~property line between buildings on the same property) shall have 1-hour fire rated construction~~  
921 ~~with 45-minute protected openings.~~

922  
923 B. Exterior Fire Resistive Construction

924  
925 ~~Projections, eave overhangs, and similar projections, extending beyond the floor area as~~  
926 ~~defined in Section 202 of the International Building Code shall be noncombustible, heavy timber~~  
927 ~~construction or one-hour fire resistive construction if located directly over a deck or balcony.~~

928  
929 ~~No vent openings shall be installed in projecting soffits unless covered with a double layer of 1/4~~  
930 ~~inch galvanized wire screen.~~

931  
932 C. Interior Fire Resistive Construction

933  
934 ~~All unprotected steel columns and all framed walls inside a commercial building over 1,000~~  
935 ~~square feet shall be protected by a minimum of one layer of 5/8 inch type X gypsum wall board~~  
936 ~~or other equivalent fire resistive material, as determined by the Fire Marshal. This protection~~  
937 ~~shall extend from floor to ceiling.~~

938 **Exception:** ~~Buildings protected with an automatic fire sprinkler system.~~

939  
940 D. Interior Fire Rated Doors

941  
942 ~~In an effort to reduce the likelihood of smoke and fire communicating to exit pathways via fire~~  
943 ~~rated doors that are propped open, all required fire rated doors inside a building constructed~~  
944 ~~under the International Building Code shall be provided with magnetic hold-open devices and~~  
945 ~~associated smoke detection.~~

- 946 **Exceptions:**
- 947 1. ~~Individual dwelling unit doors in R-1 and R-2 occupancies.~~
  - 948 2. ~~Doors not regularly used for pedestrian traffic.~~
  - 949 3. ~~Doors when, in opinion of the fire marshal, have a low chance of being propped open~~  
950 ~~or infrequent use.~~

951  
952 **9.22.030. Existing Construction**

953 ~~Existing single family dwelling units, if used for commercial purposes shall have exterior walls~~  
954 ~~and soffits as described in 9.22.020 above if located 10 feet or less from a property line or~~  
955 ~~assumed property line. A fire alarm system is required if the building is 1,000 square feet or~~  
956 ~~larger. A sprinkler system is required if the building is 5,000 square feet or larger.~~

957  
958 **~~9.22.040 Severability.~~**

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

963 **Section 2. Amendment.** Title 15 of the Lynnwood Municipal Code is hereby amended as  
964 follows:

965  
966 **Chapter 15.04**  
967 **UNIFORM PLUMBING CODE**

968 Sections:

969 **15.04.010 Adoption of the Uniform Plumbing Code.**

970 **15.04.015 Definitions.**

971 **15.04.020 Repealed.**

972 **15.04.030 Section 106.1 and Section 106.3 amended – Violations – Penalties.**

973 **15.04.035 Section 104.4.3 amended – Expiration.**

974 **15.04.040 Section 104.5 amended – Plumbing permit fees.**

975 **15.04.045 Section 107.1 and Section 107.2 amended – Board of appeals – Limitations of**  
976 **authority.**

977 **15.04.050 Repealed.**

978 **15.04.055 Section 710.2 amended – Sewage Discharge**

979 **15.04.060 Repealed.**

980 **15.04.900 Severability.**

981

982 **15.04.010 Adoption of the Uniform Plumbing Code.**

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

990 **~~15.04.015 Definitions.~~**

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

992 ~~Whenever the term “Code” is used herein, it shall mean the Uniform Plumbing Code as adopted~~  
993 ~~by this chapter. Whenever the term “City” or “Jurisdiction” is used herein, it shall mean the City~~  
994 ~~of Lynnwood.~~

995 **~~15.04.020 Subsection 217 UPC amended – Plumbing system defined.~~**

996 ~~*Repealed by Ord. 2505.*~~

997 **~~15.04.030 Section 106.1 and Section 106.3 amended – Violations – Penalties.~~**

998 ~~Section 106.1 and Section 106.3 adopted by this chapter are deleted and replaced with the~~  
999 ~~following wording:~~

1000 ~~106.1 Violations. Any person, firm or corporation violating any of the provisions of this code shall~~  
1001 ~~be guilty of a misdemeanor and, each such person, firm, or corporation shall be guilty of a~~  
1002 ~~separate offense for each and every day, or portion thereof, during which any violation of any of~~  
1003 ~~the provisions of this code is committed, continued, or permitted.~~

1004 ~~106.3 Penalties. Anyone concerned in the violation or failure to comply with the provisions of~~  
1005 ~~this code, whether directly committing the act or effecting the omission constituting the offense,~~  
1006 ~~or aiding or abetting the same, whether present or absent; and anyone who directly or indirectly~~  
1007 ~~counsels, encourages, hires, commands, induces or otherwise procures another to violate or fail~~  
1008 ~~to comply with the provisions of this code, is and shall be guilty of a misdemeanor.~~

1009 ~~Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or~~  
1010 ~~by imprisonment for not more than 90 days, or by both such fine and imprisonment.~~

1011 **~~15.04.035 Section 104.4.3 amended – Expiration.~~**

1012 ~~Section 104.4.3 adopted by this chapter is deleted and replaced with the following wording:~~

1013 ~~104.4.3 Expiration. Permits become null and void if the authorized work has not been inspected~~  
1014 ~~by this department within 180 calendar days of issuance or for a period of 180 calendar days~~  
1015 ~~from the last inspection. The total life of permits is limited to a maximum of 540 calendar days,~~  
1016 ~~provided it has not expired under the restrictions above.~~

1017 **~~15.04.040 Section 104.5 amended – Plumbing permit fees.~~**

1018 ~~Section 104.5 and Table No. 104.5 adopted by this chapter are deleted and replaced with the~~  
1019 ~~following wording:~~

1020 ~~104.5 Fees. Fees shall be set forth in a fee resolution adopted, and from time to time amended,~~  
1021 ~~by the city council. Value of work shall include all costs related to construction and shall be set~~  
1022 ~~by the Building Official using a nationally recognized value table.~~

1023 **15.04.045 Section 107.1 and Section 107.2 amended – Board of appeals – Limitations of**  
1024 **authority.**

1025 Section 107.1 and Section 107.2 adopted by this chapter are deleted and replaced with the  
1026 following wording:

1027 107.1 Board of Appeals. The hearing examiner shall hear and decide appeals of orders,  
1028 decisions or determinations made by the building official relative to the application and  
1029 interpretation of this code in accordance with Chapter 16.50 LMC.

1030 107.2 Limitations of Authority. An application for appeal shall be based on a claim that the true  
1031 intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the  
1032 provisions of this code do not fully apply or an equally good or better form of construction is  
1033 proposed. The hearing examiner shall have no authority to waive requirements of this code.

1034 ~~**15.04.050 Solder used for joints.**~~

1035 *Repealed by Ord. 2214.*

1036 **15.04.055 Section 710.2 amended – Sewage Discharge.**

1037 Section 710.2 adopted by this chapter is amended by adding the following paragraph:

1038 In addition to the alarm requirements of section 710.9 a hardwired generator capable of running  
1039 the system and alarm with battery backup during power outages shall be required for the health  
1040 and safety of the occupants. This applies to homes or commercial buildings when the entire  
1041 sanitary sewer system discharges by means of a sewage ejector, pump or other approved  
1042 electrical/mechanical device. A permanent placard explaining the purpose and operating  
1043 instructions of the generator shall be posted in an approved location. The operation of the  
1044 generator shall be done with an appropriate transfer switch installed per the National Electrical  
1045 Code (NEC) and local requirements. Pre-wiring for a generator without the installation of one is  
1046 not sufficient to meet this requirement.

1047 ~~**15.04.060 Fuel gas piping.**~~

1048 *Repealed by Ord. 2214.*

1049 ~~**15.04.900 Severability.**~~

1050 ~~If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional~~  
1051 ~~by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the~~  
1052 ~~validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of~~  
1053 ~~this chapter.~~

1054

1055

1056

**Chapter 15.08**  
**INTERNATIONAL MECHANICAL CODE**

1057 Sections:

1058 **15.08.010 Adoption of the International Mechanical Code.**

1059 ~~**15.08.015 Definitions.**~~

1060 ~~**15.08.020 Section 108.4 amended – Violation penalties.**~~

1061 ~~**15.08.025 Section 106.4.3 amended – Expiration.**~~

1062 **15.08.030 Section 106.5.2 amended – Fee schedule.**

1063 ~~**15.08.040 Repealed.**~~

1064 **15.08.050 Section 109 amended – Means of appeal.**

1065 ~~**15.08.060 Section 606.2.2 amended – Common supply and return air systems.**~~

1066 ~~**15.08.900 Severability.**~~

1067 **15.08.010 Adoption of the International Mechanical Code.**

1068 As amended by this chapter and the State of Washington Building Code Council, the latest  
1069 edition of the International Mechanical Code (IMC), as published by the International Code  
1070 Council, one copy of which, along with the State of Washington Building Code Council's  
1071 amendments, shall be on file with the Lynnwood finance director, are adopted by this reference.

1072 **15.08.015 Definitions.**

1073 A. Section 201 adopted by this chapter is amended by adding thereto the following paragraph:

1074 Whenever the term "Code" is used herein, it shall mean the 2015 International Mechanical Code  
1075 as adopted by this chapter. Whenever the term "City" or "jurisdiction" is used herein, it shall  
1076 mean the City of Lynnwood.

1077 B. Section 202 adopted by this chapter is amended by adding thereto the following definition:

1078 ~~SAME COMMON ATMOSPHERE. An occupied area of a building where multiple supply, return,  
1079 or plenum air distribution systems are allowed to mix.~~

1080 ~~**15.08.020 Section 108.4 amended – Violation penalties.**~~

1081 ~~Section 108.4 adopted by this chapter is deleted and replaced with the following wording:~~

1082 ~~108.4 Violation penalties. Any person, firm or corporation violating any of the provisions of this  
1083 code shall be guilty of a misdemeanor, and each such person, firm or corporation shall be guilty  
1084 of a separate offense for each and every day, or portion thereof, during which any violation of  
1085 any of the provisions of this Code is committed, continued or permitted.~~

1086 ~~Anyone concerned in the violation or failure to comply with the provisions of this Code, whether~~  
1087 ~~directly committing the act or effecting the omission constituting the offense, or aiding or~~  
1088 ~~abetting the same, whether present or absent; and anyone who directly or indirectly counsels,~~  
1089 ~~encourages, hires, commands, induces or otherwise procures another to violate or fail to comply~~  
1090 ~~with the provisions of this Code, is and shall be guilty of a misdemeanor.~~

1091 ~~Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or~~  
1092 ~~by imprisonment for not more than 90 days, or by both such fine and imprisonment.~~

1093 **~~15.08.025 Section 106.4.3 amended – Expiration.~~**

1094 ~~Section 106.4.3 adopted by this chapter is deleted and replaced with the following wording:~~

1095 ~~106.4.3 Expiration. Permits become null and void if the authorized work has not been inspected~~  
1096 ~~by this department within 180 calendar days of issuance OR for a period of 180 calendar days~~  
1097 ~~from the last inspection. The total life of permits is limited to a maximum of 540 calendar days,~~  
1098 ~~provided it has not expired under the restrictions above. One extension request for 180 calendar~~  
1099 ~~days may be granted if a written request is submitted to the Building Official showing just cause~~  
1100 ~~before the expiration date.~~

1101 ~~If a permit expires, the permittee shall obtain a new permit to complete the remainder of the~~  
1102 ~~work. The cost of the new permit will be based on the value of the remainder of work per the fee~~  
1103 ~~schedule.~~

1104 **~~15.08.030 Section 106.5.2 amended – Fee schedule.~~**

1105 ~~Section 106.5.2 adopted by this chapter is deleted and replaced with the following wording:~~

1106 ~~106.5.2 Fee schedule. Mechanical permit fees shall be set forth in a fee resolution adopted, and~~  
1107 ~~from time to time amended, by the city council.~~

1108 **~~15.08.040 Chapter 20 UMC amended.~~**

1109 **~~15.08.050 Section 109 amended – Means of appeal.~~**

1110 ~~Section 109 adopted by this chapter is deleted and replaced with the following wording:~~

1111 ~~109.1 Application for appeal. The hearing examiner shall hear and decide appeals of orders,~~  
1112 ~~decisions or determinations made by the building official relative to the application and~~  
1113 ~~interpretation of this code in accordance with Chapter 16.50 LMC.~~

1114 ~~109.1.1 Limitations of authority. An application for appeal shall be based on a claim that the true~~  
1115 ~~intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the~~  
1116 ~~provisions of this code do not fully apply or an equally good or better form of construction is~~  
1117 ~~proposed. The hearing examiner shall have no authority to waive requirements of this code.~~

1118 **~~15.08.060 Section 606.2.2 amended – Common supply and return air systems.~~**

1119 Section ~~606.2.2~~ adopted by this chapter is amended by deleting the first paragraph and  
1120 replacing it with the following wording:

1121 ~~606.2.2 Common supply and return air systems. Where multiple air-handling systems share the~~  
1122 ~~same common atmosphere or common supply or return air ducts or plenums with a combined~~  
1123 ~~design capacity greater than 2,000 cfm, the return air systems of each unit shall be provided~~  
1124 ~~with smoke detectors in accordance with section 606.2.1.~~

1125 ~~**15.08.900 Severability.**~~

1126 ~~If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional~~  
1127 ~~by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the~~  
1128 ~~validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of~~  
1129 ~~this chapter.~~

1130  
1131 ~~**Section 3. Amendment.**~~ Chapter 16.04 of the Lynnwood Municipal Code is hereby amended  
1132 as follows:

1133 **Chapter 16.04**  
1134 **INTERNATIONAL BUILDING CODE\***

1135 Sections:

1136 ~~**16.04.010 Adoption of the International Building Code.**~~

1137 ~~**16.04.012 Section 101.4.3 and Section 101.4.6 amended – Plumbing – Energy.**~~

1138 ~~**16.04.015 Definitions.**~~

1139 ~~**16.04.016 Repealed.**~~

1140 ~~**16.04.020 Section 101.3 amended – Intent.**~~

1141 ~~**16.04.030 Section 104.1 amended – General.**~~

1142 ~~**16.04.035 Section 113 amended – Board of appeals.**~~

1143 ~~**16.04.040 Section 114 amended – Violations.**~~

1144 ~~**16.04.050 Repealed.**~~

1145 ~~**16.04.060 Section 105.2 amended – Work exempt from permits.**~~

1146 ~~**16.04.065 Repealed.**~~

1147 ~~**16.04.070 Section 105.3 amended – Application for permit.**~~

1148 ~~**16.04.071 Section 105.3.1 amended – Actions on applications.**~~

1149 ~~**16.04.072 Section 105.5 amended – Expiration.**~~

- 1150 ~~**16.04.075**~~ *Repealed.*
- 1151 ~~**16.04.080**~~ *Repealed.*
- 1152 ~~**16.04.090**~~ *Repealed.*
- 1153 ~~**16.04.095**~~ *Repealed.*
- 1154 **16.04.100** **Section 109.2 amended – Schedule of permit fees.**
- 1155 ~~**16.04.105**~~ *—*
- 1156 ~~**16.04.115**~~ **Section 402.8.8 amended – Security grilles and doors.**
- 1157 ~~**16.04.140**~~ *Repealed.*
- 1158 ~~**16.04.145**~~ **Section 504 amended – Building height and number of stories.**
- 1159 ~~**16.04.150**~~ **Section 1805 amended – Dampproofing and waterproofing.**
- 1160 ~~**16.04.160**~~ **Section 3307 amended – Protection of adjoining property.**
- 1161 ~~**16.04.170**~~ *—*
- 1162 ~~**16.04.200**~~ *Repealed.*
- 1163 ~~**16.04.210**~~ **Section 705.5 – Fire-resistance ratings.**
- 1164 ~~**16.04.215**~~ **Section 705.8 amended – Openings.**
- 1165 ~~**16.04.220**~~ **Section 903.2 amended – Where required.**
- 1166 ~~**16.04.225**~~ **Section 1010.1.9.2 amended – Hardware height.**
- 1167 ~~**16.04.230**~~ **Section 1010.1.9.3 amended – Locks and latches.**
- 1168 ~~**16.04.240**~~ **Section 1010.1.9.4 amended – Bolt locks.**
- 1169 ~~**16.04.245**~~ **Section 1010.1.4.4 amended – Security grilles.**
- 1170 ~~**16.04.250**~~ *Repealed.*
- 1171 ~~**16.04.900**~~ **Severability.**

1172 \*For building code adoption by reference, see RCW ~~35.21.180.~~

1173 **16.04.010 Adoption of the International Building Code.**

1174 As amended by the provisions of this chapter and the State of Washington Building Code  
 1175 Council, under Chapter 51-50 WAC, the latest Edition of the International Building Code,  
 1176 published by the International Code Council, together with Appendices E, G, and J, one copy of

1177 which, along with the State of Washington Building Code Council's amendments, shall be on file  
1178 in the office of the Lynnwood finance director, are adopted by reference.

1179 **~~16.04.012 Section 101.4.3 and Section 101.4.6 amended – Plumbing – Energy.~~**

1180 ~~Section 101.4.3 and Section 101.4.6 adopted by this chapter are deleted and replaced with the~~  
1181 ~~following wording:~~

1182 ~~101.4.3 Plumbing. The provisions of the 2015 Uniform Plumbing Code shall apply to the~~  
1183 ~~installation, alteration, repair and replacement of plumbing systems, including equipment,~~  
1184 ~~appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage~~  
1185 ~~system and all aspects of a medical gas system.~~

1186 ~~101.4.6 Energy. The provisions of the 2015 International Energy Conservation Code adopted by~~  
1187 ~~WAC chapter 51-11R and 51-11C shall apply to all matters governing the design and~~  
1188 ~~construction of buildings for energy efficiency.~~

1189 **~~16.04.015 Definitions.~~**

1190 A. ~~Section 201 adopted by this chapter is amended by adding thereto the following paragraph:~~

1191 ~~Whenever the term “Code” is used herein, it shall mean the 2015 International Building Code as~~  
1192 ~~adopted by this chapter. Whenever the term “City” or “Jurisdiction” is used herein, it shall mean~~  
1193 ~~the City of Lynnwood.~~

1194 B. ~~Section 202 adopted by this chapter is amended by adding thereto the following definition:~~

1195 ~~Occupancy – Is the purpose for which a building, or part thereof, is used or intended to be used.~~  
1196 ~~Occupancy includes the installation of shelving, furniture, fixtures and appliances unless such~~  
1197 ~~items are included in a building permit. Occupancy also includes stocking of shelves, storage of~~  
1198 ~~furniture or material for sale, interviewing personnel or use for managerial duties.~~

1199 **~~16.04.016 Repealed.~~**

1200 ~~*Repealed by Ord. 1894.*~~

1201 **~~16.04.020 Section 101.3 amended – Intent.~~**

1202 ~~Section 101.3 adopted by this chapter is deleted and replaced with the following wording:~~

1203 ~~101.3 Intent. It is expressly the purpose of this Code to provide for and promote the health,~~  
1204 ~~safety and welfare of the general public and not to create or otherwise establish or designate~~  
1205 ~~any particular class or group of persons who will or should be especially protected or benefited~~  
1206 ~~by the terms of this Code.~~

1207 ~~It is the specific intent of this Code that no provision or term used in this Code is intended to~~  
1208 ~~impose any duty whatsoever upon the City or any of its officers or employees for whom the~~  
1209 ~~implementation or enforcement of this Code shall be discretionary and not mandatory.~~

1210 ~~Nothing contained in this Code is intended to be nor shall be construed to create or form the~~  
1211 ~~basis of any liability on the part of the City, or its officers, employees or agents for any injury or~~  
1212 ~~damage resulting from the failure of a building to comply with the provisions of this Code, or by~~  
1213 ~~reason or in consequence of any inspection, notice, order, certificate, permission or approval,~~  
1214 ~~authorized or issued or done in connection with the implementation or enforcement of this Code,~~  
1215 ~~or by reason of any action or inaction on the part of the City related in any manner to the~~  
1216 ~~enforcement of this Code by its officers, employees or agents.~~

1217 **~~16.04.030 Section 104.1 amended – General.~~**

1218 ~~Section 104.1 adopted by this chapter is amended by the addition of subsection 104.1.1 which~~  
1219 ~~reads as follows:~~

1220 ~~104.1.1 Appendix J. For the purpose of administering and enforcing Appendix J of this Code,~~  
1221 ~~the Director of Public Works is appointed and designated as the Building Official with respect to~~  
1222 ~~all matters contained within said Appendix J.~~

1223 **~~16.04.035 Section 113 amended – Board of appeals.~~**

1224 ~~Section 113 adopted by this chapter is deleted and replaced with the following wording:~~

1225 ~~113.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or~~  
1226 ~~determinations made by the building official relative to the application and interpretation of this~~  
1227 ~~code in accordance with Chapter 16.50 LMC.~~

1228 ~~113.2 Limitations on Authority. An application for appeal shall be based on a claim that the true~~  
1229 ~~intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the~~  
1230 ~~provisions of this code do not fully apply or an equally good or better form of construction is~~  
1231 ~~proposed. The hearing examiner shall have no authority to waive requirements of this code.~~

1232 **~~16.04.040 Section 114 amended – Violations.~~**

1233 ~~Section 114 adopted by this chapter is deleted and replaced with the following wording:~~

1234 ~~114 Violations. Any person, firm, or corporation violating any of the provisions of this Code shall~~  
1235 ~~be guilty of a misdemeanor, and each such person, firm or corporation shall be guilty of a~~  
1236 ~~separate offense for each and every day, or portion thereof, during which any violation of any of~~  
1237 ~~the provisions of this Code is committed, continued, or permitted.~~

1238 ~~It shall be unlawful for any person to remove, mutilate, destroy or conceal any lawful notice~~  
1239 ~~issued or posted by the building official pursuant to the provisions of this Code.~~

1240 ~~Anyone concerned in the violation or failure to comply with the provisions of this Code, whether~~  
1241 ~~directly committing the act or effecting the omission constituting the offense, or aiding or~~  
1242 ~~abetting the same, whether present or absent; and anyone who directly or indirectly counsels,~~  
1243 ~~encourages, hires, commands, induces or otherwise procures another to violate or fail to comply~~  
1244 ~~with the provisions of this Code, is and shall be guilty of a misdemeanor.~~

1245 Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or  
1246 by imprisonment for not more than 90 days, or by both such fine and imprisonment.

1247

1248 **~~16.04.050 Section 103 UBC amended.~~**

1249 *Repealed by Ord. 2505.*

1250 **~~16.04.060 Section 105.2 amended – Work exempt from permits.~~**

1251 Section 105.2 adopted by this chapter is amended by deleting exception numbers 2 and 13 and  
1252 replacing them with the following wording:

1253 2. Fences not over six feet high as follows:

1254 a. Vision obscuring fences as defined in Chapter 21.10 LMC in residential zones that are set  
1255 back over 15 feet from front property line, over 15 feet from driveways, and 30 feet from any  
1256 intersection.

1257 b. Non-Vision obscuring fences as defined in Chapter 21.10 LMC in residential zones.

1258 13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9  
1259 inches in height.

1260 a. For fixtures/racks 6 feet or more in height, you are required to provide seismic connection  
1261 details with your plan and permit application.

1262 b. For fixtures/racks 8 feet or more in height, you are required to provide plans and calculations  
1263 stamped by a Washington State Engineer with your permit application.

1264 **~~16.04.065 Section 303(a) UBC amended – Permit to move or remove buildings.~~**

1265 *Repealed by Ord. 2216.*

1266 **~~16.04.070 Section 105.3 amended – Application for permit.~~**

1267 Section 105.3 adopted by this chapter is deleted and replaced with the following wording:

1268 105.3 Application for permit. To obtain a permit, the applicant shall first file an application  
1269 therefor in writing on a form furnished by the city of Lynnwood's building official for that purpose.  
1270 Every such application shall:

1271 1. Identify and describe the work to be covered by the permit for which application is made;

1272 2. Describe the land on which the proposed work is to be done by legal description and/or  
1273 parcel number(s). Street address or similar description, if available, shall be provided to readily  
1274 identify and definitely locate the proposed building or work;

1275 3. Indicate the proposed use or occupancy for which the application is intended;

- 1276 4. ~~Be accompanied by plans, diagrams, computations, specifications and other data as required~~  
1277 ~~by Section 107 IBC;~~
- 1278 5. ~~State the valuation of any new building or structure or any addition, remodeling or alteration~~  
1279 ~~to an existing building;~~
- 1280 6. ~~Provide such information and evidence as is required by current State law to be furnished in~~  
1281 ~~connection with an application for a building permit or as a prerequisite to the issuance of a~~  
1282 ~~building permit;~~
- 1283 7. ~~Provide such other data and information as may be required by the building official;~~
- 1284 8. ~~Be signed by the applicant, or the applicant's authorized agent;~~
- 1285 9. ~~When a contractor is to perform the work, its name, address and current Washington State~~  
1286 ~~contractor's license number and city business license number.~~

1287 **~~16.04.071 Section 105.3.1 amended – Actions on applications.~~**

1288 ~~Section 105.3.1 adopted by this chapter is amended by adding the following paragraphs:~~

1289 ~~The following prerequisites shall be met prior to issuance of a building permit.~~

1290 1. ~~Any requirements or regulations imposed on a project as a condition of land use approval~~  
1291 ~~process.~~

1292 2. ~~The landscape plans have been approved.~~

1293 3. ~~If required, all fire apparatus roads shall be approved.~~

1294 4. ~~When not already available, the water supplied for fire protection shall be installed and made~~  
1295 ~~serviceable.~~

1296 5. ~~Address(es) is/are as assigned by the City of Lynnwood.~~

1297 6. ~~Plans in compliance with LMC 12.12 related to the construction of frontage improvements for~~  
1298 ~~curb, gutter, sidewalks, city utilities and street surfacing have been submitted and approved by~~  
1299 ~~the Public Works Department.~~

1300 7. ~~When required, submittals shall be made for compliance with LMC 16.46 (Flood Hazard Area~~  
1301 ~~Regulations), 17.02 (S.E.P.A.), 17.10 (Environmentally Critical Areas), Title 19 (Subdivisions),~~  
1302 ~~and 21.25 (Project Design Review).~~

1303 **~~16.04.072 Section 105.5 amended – Expiration.~~**

1304 ~~Section 105.5 adopted by this chapter is deleted and replaced with the following wording:~~

1305 ~~105.5 Expiration. Permits become null and void if the authorized work has not been inspected~~  
1306 ~~by this department within 180 calendar days of issuance or for a period of 180 calendar days~~  
1307 ~~from the last inspection. The total life of permits is limited to a maximum of 540 calendar days,~~

1308 provided it has not expired under the restrictions above. One extension request for 180 calendar  
1309 days may be granted if a written request is submitted to the Building Official showing just cause  
1310 before the expiration date.

1311 If a permit expires, the permittee shall obtain a new permit to complete the remainder of the  
1312 work. The cost of the new permit will be based on the value of the remainder of work per the fee  
1313 schedule.

1314 ~~16.04.075 Section 107.1 IBC amended – Signed, dated, stamped drawings required.~~

1315 ~~Repealed by Ord. 3006.~~

1316 ~~16.04.080 Repealed.~~

1317 ~~Repealed by Ord. 2039.~~

1318 ~~16.04.090 Section 109.1 UBC amended.~~

1319 ~~Repealed by Ord. 2505.~~

1320 ~~16.04.095 Repealed.~~

1321 **16.04.100 Section 109.2 amended – Schedule of permit fees.**

1322 Section 109.2 adopted by this chapter is deleted and replaced with the following wording:

1323 109.2 Schedule of permit fees. Fees shall be set forth in a fee resolution adopted, and from time  
1324 to time amended, by the city council.

1325 ~~16.04.105 Section 109.3 IBC amended – Valuation.~~

1326 ~~Repealed by Ord. 3006.~~

1327 ~~16.04.108 Section 111.2 amended – Certificate of occupancy.~~

1328 ~~Repealed by Ord. 3006.~~

1329 ~~16.04.110 Section 216-O UBC – “Occupancy” defined.~~

1330 ~~Repealed by Ord. 2505.~~

1331 ~~16.04.115 Section 402.8.8 amended – Security grilles and doors.~~

1332 Section 402.8.8 adopted by this chapter is deleted and replaced with the following wording:

1333 402.8.8 Security grilles and doors. Horizontal sliding or vertical security grilles or doors that are  
1334 a part of a means of egress shall conform to the following:

1335 1. Doors and grilles shall remain in the full open position during the period of occupancy  
1336 by the general public.

1337 ~~2. The doors or grilles shall be openable from within without the use of a key or special~~  
1338 ~~knowledge or effort. The operating height of handles, pulls, latches, locks and other~~  
1339 ~~operating devices shall be installed 34 inches minimum and 48 inches maximum above~~  
1340 ~~the finished floor.~~

1341 ~~3. Where two or more exits are required, not more than one-half of the exits shall be~~  
1342 ~~permitted to include either a horizontal sliding or vertical rolling grille or door.~~

1343 ~~**16.04.120 Section 220-S UBC amended.**~~

1344 ~~*Repealed by Ord. 2505.*~~

1345 ~~**16.04.130 Section 224-W UBC amended.**~~

1346 ~~*Repealed by Ord. 2505.*~~

1347 ~~**16.04.140 Repealed.**~~

1348 ~~*Repealed by Ord. 1894.*~~

1349 ~~**16.04.145 Section 504 amended — Building height and number of stories.**~~

1350 ~~Section 504 adopted by this chapter is amended by the addition of subsection 504.5 which~~  
1351 ~~reads as follows:~~

1352 ~~For R-1 and R-2 occupancies allowed to increase the total number of stories per any State~~  
1353 ~~amendment, you shall meet those specific requirements and the following:~~

1354 ~~An NFPA 13 sprinkler system as adopted per the LMC title 9 and the Lynnwood Fire Sprinkler~~  
1355 ~~Standards shall be required.~~

1356 ~~B. In mixed use buildings, there shall be a minimum two hour rated podium deck separating the~~  
1357 ~~type I or type II building construction from the type V-A construction above. Only R-occupancies~~  
1358 ~~and accessory uses specific to the R-occupancy are allowed above the first floor.~~

1359 ~~C. No fire rating reductions are allowed for corridors in the type V-A construction.~~

1360 ~~D. Maximum finished floor elevation is 6570 feet above the fire department's lowest level of~~  
1361 ~~access.~~

1362 ~~E. Minimum 44-inch-wide corridors shall be required.~~

1363 ~~F. Two separate means of egress are required from the R-occupancy directly to the exterior.~~

1364 ~~**16.04.150 Section 1805 amended — Dampproofing and waterproofing.**~~

1365 ~~Section 1805 adopted by this chapter is amended by the addition of subsection 1805.4.4 which~~  
1366 ~~reads as follows:~~

1367 ~~1805.4.4 Water Drainage. When brought to the building officials' attention that a water drainage~~  
1368 ~~problem or a potential water drainage problem exists on any lot or parcel of land, the building~~  
1369 ~~official may require the owner or builder to correct such problem or to submit plans showing the~~  
1370 ~~proposed method to correct such problem. The plan shall indicate in sufficient detail all pipes,~~  
1371 ~~ditches or other means of alleviating the water drainage problem such that the water will not~~  
1372 ~~damage any public or private property. If the building official does not approve the drainage~~  
1373 ~~plan, then a drainage study may be required to be conducted by a licensed professional~~  
1374 ~~engineer. The building official shall approve water drainage plans or drainage studies in writing.~~  
1375 ~~No new construction may commence or continue in the area that may be affected by the~~  
1376 ~~potential water drainage problem. In all such occurrences, said corrective work shall commence~~  
1377 ~~within 30 days and be completed within 60 days after receipt of this notice from the building~~  
1378 ~~official. For the purpose of administering this subsection, the director of public works is~~  
1379 ~~appointed and designated as the building official.~~

1380 **~~16.04.160 Section 3307 amended — Protection of adjoining property.~~**

1381 ~~Section 3307 adopted by this chapter is amended by the addition of subsection 3307.2 which~~  
1382 ~~reads as follows:~~

1383 ~~3307.2 Cleanup of Public Streets. Public streets adjacent to the property upon which the~~  
1384 ~~building permit is issued and other public streets which are used for conveyance of materials~~  
1385 ~~incorporated into the construction work, including excavated earth, either to or from the site,~~  
1386 ~~shall be kept clean with a power broom or other approved means. Wheels of trucks including~~  
1387 ~~the space between dual treads shall be cleaned before entering City rights-of-way. The cleanup~~  
1388 ~~shall include the flushing of storm sewer when required by the building official. For the purpose~~  
1389 ~~of administering this subsection, the director of public works is appointed and designated as the~~  
1390 ~~building official.~~

1391 ~~The building official may stop work of the building permit for violation of this section.~~

1392 **~~16.04.170 Repealed.~~**

1393 ~~Repealed by Ord. 2039.~~

1394 **~~16.04.180 Section 5506 UBC added — Membrane structures.~~**

1395 ~~Repealed by Ord. 2216.~~

1396 **~~16.04.190 Section 3305(e) UBC amended — Access to exits.~~**

1397 ~~Repealed by Ord. 2216.~~

1398 **~~16.04.200 Restriction of building permits — Over one acre.~~**

1399 ~~Repealed by Ord. 2216.~~

1400 **~~16.04.210 Section 705.5 amended — Fire-resistance ratings.~~**

1401 ~~Section 705.5 adopted by this chapter is deleted and replaced with the following wording:~~

1402 705.5 Fire-resistance ratings. Exterior walls shall be fire-resistance rated in accordance with  
1403 Tables 601 and 602 of the IBC or Lynnwood Municipal Code Title 9 whichever is more  
1404 restrictive. The required fire-resistance rating of exterior walls with a fire separation distance of  
1405 greater than 10 feet (3048 mm) shall be rated for exposure to fire from the inside. The required  
1406 fire-resistance rating of exterior walls with a fire separation distance of less than or equal to 10  
1407 feet (3048 mm) shall be rated for exposure to fire from both sides.

1408 **~~16.04.215 Section 705.8 amended – Openings.~~**

1409 Section 705.8 adopted by this chapter is deleted and replaced with the following wording:

1410 705.8 Openings. All openings in exterior walls shall comply with 705.8.1 through 705.8.6, Table  
1411 705.8 IBC or Lynnwood Municipal Code Title 9 whichever is more restrictive.

1412 **~~16.04.220 Section 903.2 amended – Where required.~~**

1413 Section 903.2 adopted by this chapter is deleted and replaced with the following wording:

1414 903.2 Where required. Approved automatic sprinkler systems shall be installed as required by  
1415 Sections 903.2.1 through 903.2.12 and Lynnwood Municipal Code Title 9 whichever is more  
1416 restrictive.

1417 **~~16.04.225 Section 1010.1.9.2 amended – Hardware height.~~**

1418 Section 1010.1.9.2 adopted by this chapter is deleted and replaced with the following wording:

1419 1010.1.9.2 Hardware height. Door handles, pulls, latches, locks and other operating devices  
1420 shall be installed 34 inches (864 mm) minimum and 48 inches (1219 mm) maximum above the  
1421 finished floor.

1422 Exception: Access doors or gates in barrier walls and fences protecting pools, spas and hot tubs  
1423 shall be permitted to have operable parts of the release of latch on self-latching devices at 54  
1424 inches (1370 mm) maximum above the finished floor or ground, provided the self-latching  
1425 devices are not also self-locking devices operated by means of a key, electronic opener or  
1426 integral combination lock.

1427 **~~16.04.230 Section 1010.1.9.3 amended – Locks and latches.~~**

1428 Section 1010.1.9.3 adopted by this chapter is amended by deleting option number 2.

1429 **~~16.04.240 Section 1010.1.9.4 amended – Bolt locks.~~**

1430 Section 1010.1.9.4 adopted by this chapter is amended by deleting exceptions number 3 and 4.

1431 **~~16.04.245 Section 1010.1.4.4 amended – Security grilles.~~**

1432 Section 1010.1.4.4 adopted by this chapter is deleted and replaced with the following wording:

1433 ~~1010.1.4.4 Security grilles. In Groups B, F, M and S, horizontal sliding or vertical security grilles~~  
1434 ~~are permitted at the main exit and shall be openable from within without the use of a key or~~  
1435 ~~special knowledge or effort during periods that the space is occupied. The operating height of~~  
1436 ~~handles, pulls, latches, locks and other operating devices shall be installed 34 inches minimum~~  
1437 ~~and 48 inches maximum above the finished floor. The grilles shall remain secured in the full-~~  
1438 ~~open position during the period of occupancy by the general public. Where two or more means~~  
1439 ~~of egress are required, not more than one-half of the exits or exit access doorways shall be~~  
1440 ~~equipped with horizontal sliding or vertical security grilles.~~

1441 ~~**16.04.250 Restricting issuance of permits.**~~

1442 ~~*Repealed by Ord. 2683. See amended IBC Section 105.3.1.1.*~~

1443 ~~**16.04.900 Severability.**~~

1444 ~~If any section, sentence, clause or phrase of this chapter be held to be invalid or~~  
1445 ~~unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof~~  
1446 ~~shall not affect the validity or constitutionality of any other section, subsection, sentence, clause,~~  
1447 ~~phrase or word of this chapter.~~

1448 ~~**Section 4. Amendment.** Chapter 16.05 of the Lynnwood Municipal Code is hereby amended~~  
1449 ~~as follows:~~

1450 **Chapter 16.05**  
1451 **INTERNATIONAL ENERGY CONSERVATION CODE**

1452 Sections:

1453 ~~**16.05.010 Adoption of the International Energy Conservation Code.**~~

1454 ~~**16.05.015 Section R109 and Section C109 amended – Board of appeals.**~~

1455 ~~**16.05.020 Section R110 and Section C110 amended – Violations.**~~

1456 ~~**16.05.900 Severability.**~~

1457 **16.05.010 Adoption of the International Energy Conservation Code.**

1458 As amended by this chapter and the State of Washington Building Code Council, under  
1459 Chapters 51-11R and 51-11C WAC, the latest Edition of the International Energy Conservation  
1460 Code (IECC), as published by the International Code Council, one copy of which, along with the  
1461 State of Washington Building Code Council's amendments, shall be on file with the Lynnwood  
1462 finance director, are adopted by this reference.

1463 **16.05.015 Section R109 and Section C109 amended – Board of appeals.**

1464 Section R109 and Section C109 adopted by this chapter are deleted and replaced with the  
1465 following wording:

1466 109.1 Application for appeal. The hearing examiner shall hear and decide appeals of orders,  
1467 decisions or determinations made by the building official relative to the application and  
1468 interpretation of this code in accordance with Chapter 16.50 LMC.

1469 109.2 Limitations of authority. An application for appeal shall be based on a claim that the true  
1470 intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the  
1471 provisions of this code do not fully apply or an equally good or better form of construction is  
1472 proposed. The hearing examiner shall have no authority to waive requirements of this code.

1473 ~~16.05.020 Section R110 and Section C110 amended – Violations.~~

1474 ~~Section R110 and Section C110 adopted by this chapter are deleted and replaced with the~~  
1475 ~~following wording:~~

1476 ~~110 Violations. Any person, firm, or corporation violating any of the provisions of this Code shall~~  
1477 ~~be guilty of a misdemeanor, and each such person, firm or corporation shall be guilty of a~~  
1478 ~~separate offense for each and every day, or portion thereof, during which any violation of any of~~  
1479 ~~the provisions of this Code is committed, continued, or permitted.~~

1480 ~~Anyone concerned in the violation or failure to comply with the provisions of this Code, whether~~  
1481 ~~indirectly committing the act or effecting the omission constituting the offense, or aiding or~~  
1482 ~~abetting the same, whether present or absent; and anyone who directly or indirectly counsels,~~  
1483 ~~encourages, hires, commands, induces or otherwise procures another to violate or fail to comply~~  
1484 ~~with the provisions of this Code, is and shall be guilty of a misdemeanor.~~

1485 ~~Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or~~  
1486 ~~by imprisonment for not more than 90 days, or by both such fine and imprisonment.~~

1487 ~~16.05.900 Severability.~~

1488 ~~If any section, subsection, paragraph, sentence, clause, phrase or word of this chapter should~~  
1489 ~~be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or~~  
1490 ~~unconstitutionality thereof shall not affect the validity or constitutionality of any other section,~~  
1491 ~~subsection, paragraph, sentence, clause, phrase or word of this chapter.~~

1492 ~~**Section 5. Amendment.** Chapter 16.09 of the Lynnwood Municipal Code is hereby amended~~  
1493 ~~as follows:~~

1494 **Chapter 16.09**  
1495 **INTERNATIONAL RESIDENTIAL CODE**

1496 Sections:

1497 ~~**16.09.010 Adoption of the International Residential Code.**~~

1498 ~~**16.09.020 Section R101.3 – Intent.**~~

1499 ~~**16.09.025 Section R102.7.2 of Chapter 51-51 WAC amended – Moved buildings.**~~

1500 ~~**16.09.030 Section R104.1 amended – General.**~~

- 1501 ~~**16.09.040 Section R105.2 amended – Work exempt from permit.**~~
- 1502 ~~**16.09.042 Section R105.3.1 amended – Action on application.**~~
- 1503 ~~**16.09.045 Section R105.5 amended – Expiration.**~~
- 1504 **16.09.050 Section R108.2 – Schedule of permit fees.**
- 1505 ~~**16.09.060** *Repealed.*~~
- 1506 ~~**16.09.065** *Repealed.*~~
- 1507 **16.09.070 Section R112 amended – Board of appeals.**
- 1508 ~~**16.09.080 Section R113 amended – Violations.**~~
- 1509 ~~**16.09.090 Section R202 amended – Definitions.**~~
- 1510 **16.09.100 Table R301.2(1) – Climate and geographical design criteria.**
- 1511 ~~**16.09.900 Severability.**~~

1512 **16.09.010 Adoption of the International Residential Code.**

1513 As amended by this chapter and the State of Washington Building Code Council under Chapter  
 1514 51-51 WAC, the latest adopted version of the International Residential Code (IRC), published by  
 1515 the International Code Council, except Chapters 11 and 25 through 43, one copy of which,  
 1516 along with the State of Washington Building Code Council Amendments, shall be on file in the  
 1517 office of the Lynnwood finance director, is adopted by reference.

1518 ~~**16.09.020 Section R101.3 – Intent.**~~

1519 ~~Section R101.3 adopted by this chapter is deleted and replaced with the following wording:~~

1520 ~~R101.3 Intent. It is expressly the purpose of this Code to provide for and promote the health,~~  
 1521 ~~safety and welfare of the general public and not to create or otherwise establish or designate~~  
 1522 ~~any particular class or group of persons who will or should be especially protected or benefited~~  
 1523 ~~by the terms of this Code.~~

1524 ~~It is the specific intent of this Code that no provision or term used in this Code is intended to~~  
 1525 ~~impose any duty whatsoever upon the City or any of its officers or employees for whom the~~  
 1526 ~~implementation or enforcement of this Code shall be discretionary and not mandatory. Nothing~~  
 1527 ~~contained in this Code is intended to be nor shall be construed to create or form the basis of any~~  
 1528 ~~liability on the part of the City, or its officers, employees or agents for any injury or damage~~  
 1529 ~~resulting from the failure of a building to comply with the provisions of this Code, or by reason or~~  
 1530 ~~in consequence of any inspection, notice, order, certificate, permission, or approval authorized~~  
 1531 ~~or issued or done in connection with the part of the City related in any manner to the~~  
 1532 ~~enforcement of this Code by its officers, employees or agents.~~

1533 ~~16.09.025 Section R102.7.2 of Chapter 51-51 WAC amended – Moved buildings.~~

1534 Section R102.7.2 of the IRC as adopted by the state of Washington in Chapter 51-51 WAC is

1535 amended by deletion of exceptions number 1 and 2.

1536

1537 ~~16.09.030 Section R104.1 amended – General.~~

1538 Section R104.1 adopted by this chapter is deleted and replaced with the following wording:

1539 R104.1 General. The building official is hereby authorized to enforce all the provisions of this

1540 Code. For the purpose of administering and enforcing Appendix J of the International Building

1541 Code, the director of public works is appointed and designated as the building official with

1542 respect to all matters contained within Appendix J.

1543 The building official shall have the power to render interpretations of this Code and to adopt and

1544 enforce rules and regulations supplemental to this Code as he or she may deem necessary in

1545 order to clarify the application of the provisions of this Code. Such interpretations, rules and

1546 regulations shall be in conformity with the intent and purpose of this Code.

1547 ~~16.09.040 Section R105.2 amended – Work exempt from permit.~~

1548 Section R105.2 adopted by this chapter is amended by revising the building exempt from permit

1549 numbers 1 and 2 to read as follows:

1550 Building:

1551 1. One story detached accessory structures, provided the floor area does not exceed 120

1552 square feet.

1553 2. Fences not over six feet high as follows:

1554 a. Vision obscuring fences as defined in Chapter 21.10 LMC in residential zones that are set

1555 back over 15 feet from front property line, over 15 feet from driveways, and 30 feet from any

1556 intersection;

1557 b. Non-vision obscuring fences as defined in Chapter 21.10 LMC in residential zones.

1558 ~~16.09.042 Section R105.3.1 amended – Action on application.~~

1559 Section R105.3.1 adopted by this chapter is amended by adding the following paragraphs:

1560 The following prerequisites shall be met prior to issuance of a building permit.

1561 1. Any requirements or regulations imposed on a project as a condition of land use approval

1562 process.

1563 2. If required, all fire apparatus roads shall be approved.

1564 ~~3. When not already available, the water supplied for fire protection shall be installed and made~~  
1565 ~~serviceable.~~

1566 ~~4. Address(es) is/are as assigned by the City of Lynnwood.~~

1567 ~~5. Plans in compliance with LMC 12.12 related to the construction of frontage improvements for~~  
1568 ~~curb, gutter, sidewalks, city utilities and street surfacing have been submitted and approved by~~  
1569 ~~the Public Works Department.~~

1570 ~~6. When required, submittals shall be made for compliance with LMC 16.46 (Flood Hazard Area~~  
1571 ~~Regulations), 17.02 (S.E.P.A.), 17.10 (Environmentally Critical Areas), Title 19 (Subdivisions),~~  
1572 ~~and 21.25 (Project Design Review).~~

1573 **~~16.09.045 Section R105.5 amended – Expiration.~~**

1574 ~~Section R105.5 adopted by this chapter is deleted and replaced with the following wording:~~

1575 ~~R105.5 Expiration. Permits become null and void if the authorized work has not been inspected~~  
1576 ~~by this department within 180 calendar days of issuance or for a period of 180 calendar days~~  
1577 ~~from the last inspection. The total life of permits is limited to a maximum of 540 calendar days,~~  
1578 ~~provided it has not expired under the restrictions above. One extension request for 180 calendar~~  
1579 ~~days may be granted if a written request is submitted to the Building Official showing just cause~~  
1580 ~~before the expiration date.~~

1581 ~~If a permit expires, the permittee shall obtain a new permit to complete the remainder of the~~  
1582 ~~work. The cost of the new permit will be based on the value of the remainder of work per the fee~~  
1583 ~~schedule.~~

1584 **~~16.09.050 Section R108.2 – Schedule of permit fees.~~**

1585 ~~Section R108.2 adopted by this chapter is deleted and replaced with the following wording:~~

1586 ~~R108.2 Schedule of permit fees. Fees shall be set forth in a fee ordinance adopted, and from~~  
1587 ~~time to time amended, by the city council.~~

1588 **~~16.09.060 Section R109 IRC – Inspections.~~**

1589 ~~*Repealed by Ord. 3006.*~~

1590 **~~16.09.065 Section R110.3 – Certificate of occupancy.~~**

1591 ~~*Repealed by Ord. 3006.*~~

1592 **~~16.09.070 Section R112 amended – Board of appeals.~~**

1593 ~~Section R112 adopted by this chapter is deleted and replaced with the following wording:~~

1594 R112.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or  
 1595 determinations made by the building official relative to the application and interpretation of this  
 1596 code in accordance with Chapter 16.50 LMC.

1597 R112.2 Limitations on Authority. An application for appeal shall be based on a claim that the  
 1598 true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted,  
 1599 the provisions of this code do not fully apply or an equally good or better form of construction is  
 1600 proposed. The hearing examiner shall have no authority to waive requirements of this code.

1601 ~~16.09.080 Section R113 amended – Violations.~~

1602 ~~Section R113 adopted by this chapter is deleted and replaced with the following wording:~~

1603 ~~R113 Violations. Any person, firm, or corporation violating any of the provisions of this Code~~  
 1604 ~~shall be guilty of a misdemeanor, and each such person, firm or corporation shall be guilty of a~~  
 1605 ~~separate offense for each and every day, or portion thereof, during which any violation of any of~~  
 1606 ~~the provisions of this Code is committed, continued, or permitted.~~

1607 ~~Anyone concerned in the violation or failure to comply with the provisions of this Code, whether~~  
 1608 ~~directly committing the act or effecting the omission constituting the offense, or aiding or~~  
 1609 ~~abetting the same, whether present or absent; and anyone who directly or indirectly counsels,~~  
 1610 ~~encourages, hires, commands, induces or otherwise procures another to violate or fail to comply~~  
 1611 ~~with the provisions of this Code, is and shall be guilty of a misdemeanor.~~

1612 ~~Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or~~  
 1613 ~~by imprisonment for not more than 90 days, or by both such fine and imprisonment.~~

1614 ~~16.09.090 Section R202 amended – Definitions.~~

1615 ~~Section R202 adopted by this chapter is amended by adding thereto the following paragraph:~~

1616 ~~Whenever the term “Code” is used herein, it shall mean the 2015 International Residential Code~~  
 1617 ~~as adopted by this chapter. Whenever the term “City” or “Jurisdiction” is used herein, it shall~~  
 1618 ~~mean the City of Lynnwood.~~

1619 **16.09.100 Table R301.2(1) – Climate and geographical design criteria.**

1620 Table 301.2(1) of the IRC shall have the following design criteria:

TABLE R301.2(1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>o</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>h</sup>	FLOOD HAZARD <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>j</sup>
	Speed <sup>d</sup> (mph)	Topographic effects <sup>k</sup>	Special wind region <sup>l</sup>	Wind-borne debris zone <sup>m</sup>		Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>					
25	110	NO	NO	NO	D2	MODERATE	18"	SLIGHT	22	NO	1985, 2005; 53061C1305E; 53061C1310E; 53061C1309E; 53061C1320E; 53061C1315E; All adopted 11/08/1999	1500	52.8

1621

1622

1623 ~~16.09.900 Severability.~~

1624 If any section, sentence, clause or phrase of this chapter should be held to be invalid or  
1625 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof  
1626 shall not affect the validity or constitutionality of any section, subsection, sentence, clause,  
1627 phrase or word of this chapter.

1628 **Chapter 16.10**

1629 **ELECTRIC CODE**

1630 **Sections:**

1631 **16.10.010** Copies of codes on file.

1632 ~~16.10.020 Purpose.~~

1633 ~~16.10.030 Definitions.~~

1634 ~~16.10.040 Violations.~~

1635 **16.10.050** Codes adopted.

1636 ~~16.10.060 Permits.~~

1637 ~~16.10.065 Work exempt from permits.~~

1638 ~~16.10.070 Application for permits.~~

1639 ~~16.10.075 Expiration.~~

1640 ~~16.10.080 Plan review fees.~~

1641 ~~16.10.090 Electrical permit fees.~~

1642 ~~16.10.100 Temporary installation.~~

1643 ~~16.10.110 Wiring and circuit specifications — New work.~~

1644 **16.10.120** Effect of chapter on existing wiring.

1645 **16.10.130** Service entrance conductors.

1646 ~~16.10.140 Grounding procedures.~~

1647 ~~16.10.150 Raceways.~~

1648 ~~16.10.160 Pool installations.~~

1649 ~~16.10.900 Severability.~~

1650

1651 **Copies of codes on file.**

1652 The city shall at all times keep on file with the finance director, for reference by the general  
1653 public, not less than one copy of the codes and resolutions, or parts thereof, as herein adopted  
1654 by reference, together with the amendments and supplements thereto herein made a part of this  
1655 chapter.

1656 The copies of the codes on file may be placed by the finance director in the custody of the office  
1657 of the building official in order to make them more readily available for inspection and use by the  
1658 general public. (Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6,  
1659 2010; Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)

1660 **16.10.020 Purpose.**

1661 This chapter is enacted as an exercise of the police power of the city for the benefit of the public  
1662 at large. It is not intended to create a special relationship with any individual, or individuals, or to  
1663 identify and protect any particular class of persons. The purpose of this chapter is to provide  
1664 minimum standards to safeguard persons and property from hazards arising from the use of  
1665 electricity. (Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010;  
1666 Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)

1667 **16.10.030 Definitions.**

1668 Whenever the following words appear in the codes adopted by reference in this title they are to  
1669 be interpreted as follows:

1670 A. "Administrative authority" means the building official or designee.

1671 B. "Chief or director of fire services" means the fire chief or designee.

1672 C. "Corporation counsel" means the city attorney or designee.

1673 D. "City treasurer" means the finance director or designee.

1674 E. "Hazardous location" means a hazardous location as determined by the city of Lynnwood  
1675 building official or designee.

1676 F. "Local zoning code" means the city of Lynnwood zoning code, LMC Title 21, as amended.

1677 G. "Municipality" and "the jurisdiction" mean the city of Lynnwood.

1678 H. Whenever reference is made to local authority, codes, jurisdiction, and similar concepts  
1679 within the codes adopted by reference in this chapter, such reference shall apply to the city of  
1680 Lynnwood. (Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010;  
1681 Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)

1682 **16.10.040 Violations.**

1683 ~~Violations as adopted by the NEC and/or the WCEC are deleted and replaced with the following~~  
1684 ~~wording:~~

1685 ~~Any person, firm, or corporation violating any of the provisions of this Code shall be guilty of a~~  
1686 ~~misdemeanor, and each such person, firm or corporation shall be guilty of a separate offense~~  
1687 ~~for each and every day, or portion thereof, during which any violation of any of the provisions of~~  
1688 ~~this Code is committed, continued, or permitted.~~

1689 ~~It shall be unlawful for any person to remove, mutilate, destroy or conceal any lawful notice~~  
1690 ~~issued or posted by the building official pursuant to the provisions of this Code.~~

1691 ~~Anyone concerned in the violation or failure to comply with the provisions of this Code, whether~~  
1692 ~~directly committing the act or effecting the omission constituting the offense, or aiding or~~  
1693 ~~abetting the same, whether present or absent; and anyone who directly or indirectly counsels,~~  
1694 ~~encourages, hires, commands, induces or otherwise procures another to violate or fail to comply~~  
1695 ~~with the provisions of this Code, is and shall be guilty of a misdemeanor.~~

1696 ~~Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or~~  
1697 ~~by imprisonment for not more than 90 days, or by both such fine and imprisonment.~~

1698 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~  
1699 ~~5, 2007; Ord. 2143 § 1, 1997)~~

1700 **16.10.050 Codes adopted.**

1701 ~~As amended by the provisions of this chapter, the Washington State adopted National Electrical~~  
1702 ~~Code (NEC) issued by the National Fire Protection Association including Annex A, B, C, and the~~  
1703 ~~current Washington Cities Electrical Code (WCEC) Parts 1, 2 and 3 are adopted by reference.~~  
1704 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~  
1705 ~~5, 2007; Ord. 2288 § 1, 1999; Ord. 2143 § 1, 1997)~~

1706 ~~**16.10.060 Permits.**~~

1707 ~~WCEC Article 85 as adopted by this chapter is amended by adding thereto the following:~~

1708 ~~A separate permit is required for each building address.~~

1709 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~  
1710 ~~5, 2007; Ord. 2288 § 2, 1999; Ord. 2143 § 1, 1997)~~

1711 ~~**16.10.065 Work exempt from permits.**~~

1712 ~~WCEC Article 85 as adopted by this chapter is amended by adding thereto the following:~~

1713 ~~An electrical permit shall not be required for the following:~~

1714 ~~All wiring for low voltage installations within a one-family dwelling unit or its accessory structure~~  
1715 ~~except wired security, fire or smoke alarm systems, provided the power is supplied by a listed~~

1716 ~~Class 2 power supply and none of the wiring penetrates the wall or ceiling between the dwelling~~  
1717 ~~unit and an attached garage or wall separating two dwelling units.~~

1718 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014)~~

1719 **~~16.10.070 Application for permits.~~**

1720 ~~WCEC Article 85 as adopted by this chapter is amended by adding thereto the following:~~

1721 ~~Application for an electrical permit shall be made on a form provided by the building official.~~  
1722 ~~Each application shall state the name and address of the owner, vendee, or occupant in~~  
1723 ~~possession of the building or premises where the work is to be done, the name of the licensed~~  
1724 ~~contractor, if any, making the application, and such other information as the building official may~~  
1725 ~~require. The building official shall refuse to issue or may revoke the permit if any statement on a~~  
1726 ~~permit application is found to be untrue, or if the permit application is incomplete.~~

1727 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~  
1728 ~~5, 2007; Ord. 2288 § 3, 1999; Ord. 2143 § 1, 1997)~~

1729 **~~16.10.075 Expiration.~~**

1730 ~~Expiration of permits as adopted by the NEC and/or the WCEC are deleted and replaced with~~  
1731 ~~the following wording:~~

1732 ~~Permits become null and void if the authorized work has not been inspected by this department~~  
1733 ~~within 180 calendar days of issuance or for a period of 180 calendar days from the last~~  
1734 ~~inspection. The total life of permits is limited to a maximum of 540 calendar days, provided it has~~  
1735 ~~not expired under the restrictions above. One extension request for 180 calendar days may be~~  
1736 ~~granted if a written request is submitted to the Building Official showing just cause before the~~  
1737 ~~expiration date.~~

1738 ~~If a permit expires, the permittee shall obtain a new permit to complete the remainder of the~~  
1739 ~~work. The cost of the new permit will be based on the value of the remainder of work per the fee~~  
1740 ~~schedule.~~

1741 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010)~~

1742 **~~16.10.080 Plan review fees.~~**

1743 ~~Fees shall be set forth in a fee resolution adopted and from time to time amended by the city~~  
1744 ~~council. (Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord.~~  
1745 ~~2699 § 25, 2007; Ord. 2683 § 5, 2007; Ord. 2588 § 5, 2005; Ord. 2288 § 4, 1999; Ord. 2218 § 1,~~  
1746 ~~1998; Ord. 2143 § 1, 1997)~~

1747 **~~16.10.090 Electrical permit fees.~~**

1748 ~~Fees shall be set forth in a fee resolution adopted and from time to time amended by the city~~  
1749 ~~council. (Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord.~~

1750 ~~2699 § 26, 2007; Ord. 2683 § 5, 2007; Ord. 2588 § 6, 2005; Ord. 2288 § 5, 1999; Ord. 2217 § 2,~~  
1751 ~~1998; Ord. 2143 § 1, 1997)~~

1752 **16.10.100 Temporary installation.**

1753 ~~If the building official finds that the safety of life and property will not be jeopardized, permits~~  
1754 ~~may be issued for temporary electrical installations for use during the construction of buildings~~  
1755 ~~or for carnivals, conventions, festivals, fairs, the holding of religious services, temporary lighting~~  
1756 ~~of streets, or other approved uses. Permission to use such temporary installations shall not be~~  
1757 ~~granted for a greater length of time than 45 days, except that a permit for a temporary~~  
1758 ~~installation to be used for construction of a building may be issued for the period of construction.~~  
1759 ~~Should such temporary lighting be over the street area, the proper authorization for such use of~~  
1760 ~~the street must first be obtained. All such temporary installations shall be made in a manner as~~  
1761 ~~nearly as practicable in conformance with the requirements of this code for permanent work;~~  
1762 ~~provided, that the building official may permit deviations which will not permit hazards to life or~~  
1763 ~~property; and further provided, that whenever such hazards are deemed by the building official~~  
1764 ~~to exist, the building official may at once rescind or cancel the permit covering such installation~~  
1765 ~~and disconnects, or order the disconnection of all energy to such equipment. (Ord. 3266 § 1~~  
1766 ~~(Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 § 5, 2007; Ord.~~  
1767 ~~2143 § 1, 1997)~~

1768 ~~16.10.110 Wiring and circuit specifications — New work.~~

1769 ~~The NEC and WCEC Article 310 adopted by this chapter is amended by adding thereto the~~  
1770 ~~following:~~

1771 ~~Minimum size of conductors:~~

1772 ~~A. In commercial installations, No. 12 American Wire Gauge copper (AWG); control wiring of 24~~  
1773 ~~volts or less is exempt.~~

1774 ~~B. In residential installation, No. 14 AWG copper.~~

1775 ~~C. In all installations, no aluminum wire shall be used.~~

1776 ~~Exceptions:~~

1777 ~~1. Service entrance conductors.~~

1778 ~~2. Branch circuits of 50 amperes or greater.~~

1779 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~  
1780 ~~5, 2007; Ord. 2143 § 1, 1997)~~

1781 **16.10.120 Effect of chapter on existing wiring.**

1782 ~~A. The provisions of this chapter are not intended to apply to electrical installations in existence~~  
1783 ~~at the time of its adoption, except in those cases which, in the opinion of the building official, are~~

1784 found to be dangerous to life or property, and except as is otherwise specifically provided in this  
1785 chapter.

1786 B. Whenever an existing electrical service is to be moved, altered, or enlarged, the service  
1787 equipment may be required to be reinstalled in conformance with this chapter and Chapter  
1788 16.14 LMC for underground utilities.

1789 ~~Exception: Repair and/or upgrade of the electrical service of a single-family residence with~~  
1790 ~~existing overhead service drop.~~

1791 C. Additions or alterations to existing electrical systems shall be done using materials and  
1792 methods equivalent to or exceeding the currently adopted national, state and city of Lynnwood  
1793 electrical codes.

1794 D. Conductors not in use shall be removed. (Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh.  
1795 A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 § 5, 2007; Ord. 2288 § 6, 1999; Ord. 2143 § 1, 1997)

1796 **16.10.130 Service entrance conductors.**

1797 The NEC and WCEC Article 230 as adopted by this chapter is amended by adding thereto the  
1798 following:

1799 Service entrance conductors shall be installed in the following manner:

1800 A. Minimum coverage shall be 24 inches below finished grade.

1801 ~~B. Distribution equipment and conductor shall be of the same rating. On existing services, the~~  
1802 ~~ampacity of installed conductors shall be labeled on service distribution equipment when not of~~  
1803 ~~the same rating.~~

1804 C. Where current limiters are permitted, they shall be installed in an approved enclosure, and  
1805 labeled "current limiters."

1806 D. Where Section 230-95(c) of the National Electrical Code applies, tests shall be performed by  
1807 an approved testing agency.

1808 ~~E. Single-family dwellings may be served with approved direct burial cable, provided such cable~~  
1809 ~~shall be sleeved under paving, and installed to conform to Sections 230(d) and 300-5 of the~~  
1810 ~~National Electric Code.~~

1811 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~  
1812 ~~5, 2007; Ord. 2288 § 7, 1999; Ord. 2143 § 1, 1997)~~

1813 ~~**16.10.140 Grounding procedures.**~~

1814 ~~The NEC and WCEC Article 250 as adopted by this chapter is amended by adding thereto the~~  
1815 ~~following:~~

1816 Flexible metal conduit shall contain an equipment grounding conductor sized per National  
1817 Electrical Code.

1818 (~~Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~  
1819 ~~5, 2007; Ord. 2288 § 8, 1999; Ord. 2143 § 1, 1997)~~

1820 **16.10.150 Raceways.**

1821 The NEC and WCEC Article 330 as adopted by this chapter is amended by adding thereto the  
1822 following:

1823 Metal Clad (M.C.) cable used in commercial applications shall not be smaller than No. 12 AWG  
1824 copper, with a grounding conductor contained within the outer jacket, approved per National  
1825 Electrical Code for use only with approved fittings.

1826 (~~Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~  
1827 ~~5, 2007; Ord. 2143 § 1, 1997)~~

1828 **16.10.160 Pool installations.**

1829 The NEC and WCEC Article 680 as adopted by this chapter is amended by adding thereto the  
1830 following:

1831 All electrical equipment installed in the water, walls or deck of any pool or fountain shall comply  
1832 in full with the provisions of Article 680 of the National Electrical Code, without distinguishing  
1833 between “storable” and “permanently installed” pools and fountains.

1834 (~~Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~  
1835 ~~5, 2007; Ord. 2143 § 1, 1997)~~

1836 **16.10.900 Severability.**

1837 If any section, subsection, sentence, clause, phrase, or word of this chapter should be held to  
1838 be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
1839 unconstitutionality thereof shall not affect the validity or constitutionality of any other section,  
1840 subsection, sentence, clause, phrase, or word of this chapter. (~~Ord. 3266 § 1 (Exh. A), 2017;~~  
1841 ~~Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 § 5, 2007; Ord. 2143 § 2, 1997)~~

1842 **Section 6. Amendment.** Chapter 16.24 of the Lynnwood Municipal Code is hereby amended  
1843 as follows:

1844

1845 **Chapter 16.16**

1846 **SIGNS\***

1847 **Sections:**

1848 ~~16.16.010 — Adoption of Uniform Code.~~

1849 ~~16.16.015 — Definitions.~~

1850 ~~16.16.016 — Section 208 USC amended — “Ground sign” defined.~~

1851 ~~16.16.017 — Section 210 USC amended — “Marquee sign” defined.~~

1852 ~~16.16.018 — Section 212 USC amended — “Pole sign” defined.~~

1853 ~~16.16.019 — Section 213 USC amended — “Roof sign” defined.~~

1854 ~~16.16.020 — Section 214 USC amended — “Sign” defined.~~

1855 ~~16.16.030 — Section 217 USC amended — “Wall sign” defined.~~

1856 ~~16.16.040 — Subsection 303(3) USC amended — Sign restrictions.~~

1857 ~~16.16.050 — Section 304 USC amended — Fees.~~

1858 ~~16.16.060 — Section 305 USC amended — Maintenance.~~

1859 ~~16.16.070 — Subsection 401.6 added to USC — Erector’s name.~~

1860 ~~16.16.071 — Subsections 403.5 and 403.6 USC amended — Design and construction~~  
1861 ~~projection and clearance — Projection over alleys — Clearance from streets.~~

1862 ~~16.16.072 — Chapter 5 USC deleted — Fin signs.~~

1863 ~~16.16.074 — Section 602 USC amended — Pole signs design.~~

1864 ~~16.16.076 — Section 603 USC amended — Pole signs projection and clearance.~~

1865 ~~16.16.078 — Section 701 USC amended — Ground signs general.~~

1866 ~~16.16.080 — Section 702 USC amended — Ground signs design.~~

1867 ~~16.16.081 — Section 703 USC amended — Ground signs projection.~~

1868 ~~16.16.082 — Section 802 USC amended — Roof signs design.~~

1869 ~~16.16.083 — Subsection 803.1 USC amended — Roof signs projection and clearance,~~  
1870 ~~projection.~~

1871 ~~16.16.084 — Section 902 USC amended — Wall signs design.~~

1872 ~~16.16.085 — Subsections 903.1 and 903.2 USC amended — Wall signs projection and~~  
1873 ~~clearance, projection — Thickness.~~

1874 ~~16.16.086 — Section 1002 USC amended — Projecting signs design.~~

1875 ~~16.16.087 Subsection 1003.1 USC amended – Projecting signs projections and~~  
1876 ~~clearance, projection.~~

1877 ~~16.16.088 Section 1101 USC amended – Combination signs general.~~

1878 ~~16.16.089 Sections 1102, 1103.1 and 1103.2 USC amended – Combination signs design~~  
1879 ~~– Projection and clearance, projection – Projection and clearance, thickness.~~

1880 ~~16.16.090 Subsection 1302.2 USC deleted.~~

1881 ~~16.16.100 Section 1401 USC amended – Temporary signs.~~

1882 ~~16.16.110 Subsection 1402.1 USC deleted.~~

1883 ~~16.16.120 Subsection 1402.3 USC deleted.~~

1884 ~~16.16.125 Subsections 402.2 and 402.3 of the USC deleted and amended.~~

1885 ~~16.16.130 Immoral or obscene advertising prohibited.~~

1886 ~~16.16.140 Expired advertising sign – Removal – Lien.~~

1887 ~~16.16.150 Subsection 103.4 USC amended – Violation and penalty.~~

1888 ~~16.16.155 Subsection 103.3 USC – Board of appeals.~~

1889 ~~16.16.900 Severability.~~

1890 ~~\*For provisions relating to sign code adoption by reference, see RCW 35.21.180.~~

1891 ~~16.16.010 Adoption of Uniform Code.~~

1892 As amended by the provisions of this chapter, the Uniform Sign Code, 1997 Edition, by the  
1893 International Conference of Building Officials, one copy of which shall be on file in the office of  
1894 the Lynnwood city clerk, is adopted by this reference. (Ord. 2683 § 6, 2007; Ord. 1900 § 1,  
1895 1992; Ord. 1538 § 1, 1986)

1896 ~~16.16.015 Definitions.~~

1897 A. Section 201 USC Amended. Section 201 of the edition of the Uniform Sign Code adopted by  
1898 this chapter, entitled “General Definitions,” is amended by adding thereto the following  
1899 paragraph:

1900 Whenever the term “Code” is used herein, it shall mean the provisions of Chapter 16.16 LMC  
1901 and the edition of the Uniform Sign Code as adopted by Chapter 16.16 LMC. Whenever the  
1902 term “City” or “jurisdiction” is used herein, it shall mean the City of Lynnwood. Whenever the  
1903 term “Building Code” is used in this chapter, it shall mean the International Building Code.

1904

1905 ~~B. Whenever the term “code” is used in this chapter, it shall mean the provisions of this chapter~~  
1906 ~~and the provisions of the edition of the Uniform Sign Code as adopted by this chapter.~~  
1907 ~~Whenever the term “city” or “jurisdiction” is used in this chapter, it shall mean the city of~~  
1908 ~~Lynnwood.~~

1909 ~~C. Whenever a sign is not defined in this code, its definition shall be per LMC 21.02.665 through~~  
1910 ~~21.02.720 as interpreted by the community development director. (Ord. 2683 § 6, 2007; Ord.~~  
1911 ~~1900 § 2, 1992)~~

1912 **~~16.16.016 Section 208 USC amended – “Ground sign” defined.~~**

1913 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
1914 ~~Section 208 defining “ground sign” and inserting in its place the following wording:~~

1915 ~~“Ground sign” is a freestanding sign which is not more than 3.5 feet in height and permanently~~  
1916 ~~placed in the ground.~~

1917 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 3, 2000)~~

1918 **~~16.16.017 Section 210 USC amended – “Marquee sign” defined.~~**

1919 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
1920 ~~Section 210 defining “marquee sign” and inserting in its place the following wording:~~

1921 ~~“Marquee sign” is a sign placed on, constructed in or attached to a marquee.~~

1922 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 4, 2000)~~

1923 **~~16.16.018 Section 212 USC amended – “Pole sign” defined.~~**

1924 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
1925 ~~Section 212 defining “pole sign” and inserting in its place the following wording:~~

1926 ~~“Pole sign” is any permanent freestanding sign which does not meet the definition of a ground~~  
1927 ~~sign, monument sign, internal information sign or incidental sign.~~

1928 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 5, 2000)~~

1929 **~~16.16.019 Section 213 USC amended – “Roof sign” defined.~~**

1930 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
1931 ~~Section 213 defining “roof sign” and inserting in its place the following wording:~~

1932 ~~“Roof sign” is a business sign erected upon or above a roof or a parapet of a building.~~

1933 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 6, 2000)~~

1934 **~~16.16.020 Section 214 USC amended – “Sign” defined.~~**

1935 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
1936 ~~Section 214 defining “sign” and inserting in its place the following wording:~~

1937 ~~“Sign” is any structure, device, object or display used to identify, advertise, direct or attract~~  
1938 ~~attention to a business, product, service, activity, place, person, institution or event using words,~~  
1939 ~~figures, graphics, symbols, fixtures, colors, illumination or projected images, for example~~  
1940 ~~balloons with or without letters or pictorial figures on them.~~

1941 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 7, 2000)~~

1942 ~~**16.16.030 Section 217 USC amended – “Wall sign” defined.**~~

1943 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
1944 ~~Section 217 defining “wall sign” and inserting in its place the following wording:~~

1945 ~~“Wall sign” is any business sign painted on, or attached directly to and supported by a wall of a~~  
1946 ~~building or structure with the exposed face of the sign generally parallel to the wall.~~

1947 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 8, 2000)~~

1948 ~~**16.16.040 Subsection 303(3) USC amended – Sign restrictions.**~~

1949 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
1950 ~~Subsection 303(3), regarding signs less than six feet above grade, and inserting in its place the~~  
1951 ~~following wording:~~

1952 ~~3. Signs less than three square feet per sign face, if attached to a building below the roof line.~~

1953 ~~(Ord. 2683 § 6, 2007; Ord. 1990 § 5, 1992; Ord. 1538 § 4, 1986)~~

1954 ~~**16.16.050 Section 304 USC amended – Fees.**~~

1955 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
1956 ~~Section 304, entitled “Fees,” and inserting in its place the following wording:~~

1957 ~~Fees. Fees shall be set forth in a resolution adopted and from time to time amended by the city~~  
1958 ~~council.~~

1959 ~~(Ord. 2683 § 6, 2007; Ord. 1990 § 6, 1992; Ord. 1538 § 5, 1986)~~

1960 ~~**16.16.060 Section 305 USC amended – Maintenance.**~~

1961 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
1962 ~~Section 305, entitled “Maintenance,” and inserting in its place the following wording:~~

1963 ~~305. Maintenance. All signs and sign support structures together with all their supports, braces,~~  
1964 ~~guys and anchors, shall be kept in repair and in proper state of preservation. All signs shall be~~  
1965 ~~kept in good repair and maintained in a safe condition and any damage or deterioration~~  
1966 ~~including but not limited to missing sign faces, cabinet covers and sign components; damaged~~

1967 structural elements; and rust or peeling paint shall be repaired. The display surface of all signs  
1968 shall be kept neatly painted or posted at all times. Presently existing signs may not be altered or  
1969 re-erected unless in conformity with this Code and LMC Title 21. Damaged or deteriorated signs  
1970 shall be repaired within 30 days of notification by the City.

1971 (~~Ord. 2683 § 6, 2007; Ord. 2310 § 9, 2000~~)

1972 **~~16.16.070 Subsection 401.6 added to USC – Erector’s name.~~**

1973 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by adding a new~~  
1974 ~~subsection to Section 401 thereof, entitled “General,” to read as follows:~~

1975 ~~401.6 Erector’s Name. Every sign shall have posted on it the name of the sign erector and date~~  
1976 ~~of erection. Such name and date shall be of sufficient size and contrast to be readable from a~~  
1977 ~~reasonable distance. Failure to provide such name and date shall be grounds for rejection of the~~  
1978 ~~sign by the building official.~~

1979 (~~Ord. 2683 § 6, 2007; Ord. 1990 § 8, 1992; Ord. 1538 § 7, 1986~~)

1980 **~~16.16.071 Subsections 403.5 and 403.6 USC amended – Design and construction~~**  
1981 **~~projection and clearance – Projection over alleys – Clearance from streets.~~**

1982 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
1983 ~~Subsections 403.5, entitled “Design and Construction Projection and Clearance – Projection~~  
1984 ~~over Alleys” and 403.6, entitled “Clearance from Streets,” and inserting in their place the~~  
1985 ~~following wording:~~

1986 ~~Sec. 403.5 Projection over Alleys. Signs or sign structures shall not project into a public alley.~~

1987 ~~Sec. 403.6 Clearance from Streets. Signs shall conform to the setbacks from streets set forth in~~  
1988 ~~Chapter 21.16 LMC.~~

1989 (~~Ord. 2683 § 6, 2007; Ord. 2310 § 10, 2000~~)

1990 **~~16.16.072 Chapter 5 USC deleted – Fin signs.~~**

1991 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
1992 ~~Chapter 5, entitled “Fin Signs.” (Ord. 2683 § 6, 2007; Ord. 2310 § 11, 2000)~~

1993 **~~16.16.074 Section 602 USC amended – Pole signs design.~~**

1994 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
1995 ~~Section 602, entitled “Pole Signs Design,” and inserting in its place the following wording:~~

1996 ~~Sec. 602. Supports for pole signs shall be placed upon private property and shall be securely~~  
1997 ~~built, constructed and erected to conform with requirements specified in Chapter 4 and Chapter~~  
1998 ~~21.16 LMC.~~

1999 (~~Ord. 2683 § 6, 2007; Ord. 2310 § 12, 2000~~)

2000 ~~**16.16.076 Section 603 USC amended – Pole signs projection and clearance.**~~

2001 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2002 ~~Section 603, entitled “Pole Signs Projection and Clearance,” and inserting in its place the~~  
2003 ~~following wording:~~

2004 ~~Sec. 603. Projection of pole signs shall conform to the requirements of Section 403 and Chapter~~  
2005 ~~21.16 LMC.~~

2006 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 13, 2000)~~

2007 ~~**16.16.078 Section 701 USC amended – Ground signs general.**~~

2008 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2009 ~~Section 701, entitled “Ground Signs General,” and inserting in its place the following wording:~~

2010 ~~Sec. 701. Ground signs may be constructed of materials meeting the requirements of this code,~~  
2011 ~~except as provided in Chapter 4 and Chapter 21.16 LMC.~~

2012 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 14, 2000)~~

2013 ~~**16.16.080 Section 702 USC amended – Ground signs design.**~~

2014 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2015 ~~Section 702, entitled “Ground Signs Design,” and inserting in its place the following wording:~~

2016 ~~Sec. 702. Ground Sign Design. Ground signs should be designed in accordance with the~~  
2017 ~~requirements specified in Chapter 4 and Chapter 21.16 LMC. Ground signs may be constructed~~  
2018 ~~of combustible material.~~

2019 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 15, 2000)~~

2020 ~~**16.16.081 Section 703 USC amended – Ground signs projection.**~~

2021 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2022 ~~Section 703, entitled “Ground Signs Projection,” and inserting in its place the following wording:~~

2023 ~~Sec. 703. Ground signs shall not project beyond the legal setback per Chapter 21.16 LMC.~~

2024 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 16, 2000)~~

2025 ~~**16.16.082 Section 802 USC amended – Roof signs design.**~~

2026 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2027 ~~Section 802, entitled “Roof signs design,” and inserting in its place the following wording:~~

2028 ~~Sec. 802. Roof signs shall be thoroughly secured and anchored to the frame of the building over~~  
2029 ~~which they are constructed and erected and shall be designed in accordance with the~~  
2030 ~~requirements specified in Chapter 4 and Chapter 21.16 LMC.~~

2031 (~~Ord. 2683 § 6, 2007; Ord. 2310 § 17, 2000~~)

2032 ~~**16.16.083 Subsection 803.1 USC amended – Roof signs projection and clearance,**~~  
2033 ~~**projection.**~~

2034 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2035 ~~Subsection 803.1, entitled “Roof Signs Projection and Clearance, Projection,” and inserting in its~~  
2036 ~~place the following wording:~~

2037 ~~Sec. 803.1. Projection. Roof signs may not project beyond the legal setback line complying with~~  
2038 ~~the requirements specified in Section 403 and Chapter 21.16 LMC.~~

2039 (~~Ord. 2683 § 6, 2007; Ord. 2310 § 18, 2000~~)

2040 ~~**16.16.084 Section 902 USC amended – Wall signs design.**~~

2041 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2042 ~~Section 902, entitled “Wall Signs Design,” and inserting in its place the following wording:~~

2043 ~~Sec. 902. Wall signs shall be designed in conformance with the requirements specified in~~  
2044 ~~Chapter 4 and Chapter 21.16 LMC.~~

2045 (~~Ord. 2683 § 6, 2007; Ord. 2310 § 19, 2000~~)

2046 ~~**16.16.085 Subsections 903.1 and 903.2 USC amended – Wall signs projection and**~~  
2047 ~~**clearance, projection – Thickness.**~~

2048 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2049 ~~Subsections 903.1, entitled “Wall Signs Projection and Clearance Projection,” and 903.2,~~  
2050 ~~entitled “Thickness,” and inserting in their place the following wording:~~

2051 ~~Sec. 903.1. Projection. Wall signs shall not project over public property.~~

2052 (~~Ord. 2683 § 6, 2007; Ord. 2310 § 20, 2000~~)

2053 ~~**16.16.086 Section 1002 USC amended – Projecting signs design.**~~

2054 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2055 ~~Section 1002, entitled “Projecting Signs Design,” and inserting in its place the following wording:~~

2056 ~~Sec. 1002. Projecting signs shall be designed in accordance with the requirements specified in~~  
2057 ~~Chapter 4 and Chapter 21.16 LMC.~~

2058 (~~Ord. 2683 § 6, 2007; Ord. 2310 § 21, 2000~~)

2059 ~~**16.16.087 Subsection 1003.1 USC amended – Projecting signs projections and clearance,**~~  
2060 ~~**projection.**~~

2061 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2062 ~~Subsection 1003.1, entitled “Projecting Signs Projection and Clearance, Projection,” and~~  
2063 ~~inserting in its place the following wording:~~

2064 ~~Sec. 1003.1. Projection. Signs may not project over public property.~~

2065 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 22, 2000)~~

2066 **~~16.16.088 Section 1101 USC amended – Combination signs general.~~**

2067 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2068 ~~Section 1101, entitled “Combination Signs General,” and inserting in its place the following~~  
2069 ~~wording:~~

2070 ~~Sec. 1101. Combination signs shall be constructed of noncombustible materials, except as~~  
2071 ~~specified in Chapter 4 and Chapter 21.16 LMC.~~

2072 ~~The individual requirements of roof, projecting and pole signs shall each be applied to~~  
2073 ~~combination signs incorporating any or all of the requirements specified in this chapter and~~  
2074 ~~Chapter 21.16 LMC.~~

2075 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 23, 2000)~~

2076 **~~16.16.089 Sections 1102, 1103.1 and 1103.2 USC amended – Combination signs design –~~**  
2077 **~~Projection and clearance, projection – Projection and clearance, thickness.~~**

2078 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2079 ~~Section 1102, entitled “Combination Signs Design,” Subsection 1103.1, entitled “Projection and~~  
2080 ~~Clearance, Projection,” and Subsection 1103.2, entitled “Projection and Clearance, Thickness,”~~  
2081 ~~and inserting in its place the following wording:~~

2082 ~~Sec. 1102. Supports for combination signs shall be placed in or upon private property and shall~~  
2083 ~~be securely built, constructed and erected to conform with the requirements specified in Chapter~~  
2084 ~~4 and Chapter 21.16 LMC.~~

2085 ~~Sec. 1103.1. Projection. Combination signs may not project over public property or beyond a~~  
2086 ~~legal setback line as specified in Chapter 21.16 LMC.~~

2087 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 24, 2000)~~

2088 **~~16.16.090 Subsection 1302.2 USC deleted.~~**

2089 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2090 ~~Subsection 1302.2, entitled “Erector’s Name.” (Ord. 2683 § 6, 2007; Ord. 1900 § 10, 1992; Ord.~~  
2091 ~~1538 § 9, 1986)~~

2092 **~~16.16.100 Section 1401 USC amended – Temporary signs.~~**

2093 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2094 ~~Section 1401, entitled "Temporary Signs." (Ord. 2683 § 6, 2007; Ord. 1959 § 1, 1993; Ord. 1900~~  
2095 ~~§ 11, 1992; Ord. 1538 § 10, 1986)~~

2096 ~~**16.16.110 Subsection 1402.1 USC deleted.**~~

2097 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2098 ~~Subsection 1402.1 providing an exception for temporary cloth signs. (Ord. 2683 § 6, 2007; Ord.~~  
2099 ~~1900 § 12, 1992; Ord. 1538 § 11, 1986)~~

2100 ~~**16.16.120 Subsection 1402.3 USC deleted.**~~

2101 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~  
2102 ~~the second paragraph of Subsection 1402.3 regarding sign projections and clearance. (Ord.~~  
2103 ~~2683 § 6, 2007; Ord. 1900 § 13, 1992; Ord. 1538 § 12, 1986)~~

2104 ~~**16.16.125 Subsections 402.2 and 402.3 of the USC deleted and amended.**~~

2105 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting~~  
2106 ~~Subsections 402.2 and 402.3 and inserting in their place the following wording:~~

2107 ~~Section 402.2 Standards of quality—Standards of quality shall conform to the requirements of~~  
2108 ~~the International Building Code as adopted.~~

2109 ~~Section 402.3 Materials—Materials used in signs and sign structures shall be of the grade and~~  
2110 ~~quality as specified in the International Building Code.~~

2111 ~~(Ord. 2683 § 6, 2007)~~

2112 ~~**16.16.130 Immoral or obscene advertising prohibited.**~~

2113 ~~It is unlawful to display on any outdoor advertising structure or billboard any advertising or~~  
2114 ~~advertisement which is immoral or obscene. (Ord. 2683 § 6, 2007; Ord. 1538 § 13, 1986)~~

2115 ~~**16.16.140 Expired advertising sign – Removal – Lien.**~~

2116 ~~A. Any sign now or hereafter existing which no longer advertises a bona fide business~~  
2117 ~~conducted or products sold shall be taken down and removed by the owner, agent or person~~  
2118 ~~having the beneficial use of the building or structure or property upon which such sign may be~~  
2119 ~~found within 10 days after written notification from the building official, and upon failure to~~  
2120 ~~comply with such notice within the time specified in such order, the building official is authorized~~  
2121 ~~to cause removal of such sign, and any expense incidental thereto shall be paid by the owner of~~  
2122 ~~the building or structure to which such sign is attached. In the event of a failure of payment of~~  
2123 ~~such expense of removing such sign or structure, the building official shall refuse to grant a~~  
2124 ~~permit to the same parties for any sign or structure until such expense and charges have been~~  
2125 ~~paid.~~

2126 ~~B. In the event that any work required to be done by any landowner or violator of this chapter~~  
2127 ~~shall not be done such that the city shall be required to perform such work, the city shall be~~

2128 entitled to a lien upon the land upon which the work shall be done and may refuse to permit any  
2129 further use or occupancy of the subject land until the expenses incurred by the city shall be  
2130 repaid to it. (Ord. 2683 § 6, 2007; Ord. 1538 § 14, 1986)

2131 **~~16.16.150 Subsection 103.4 USC amended – Violation and penalty.~~**

2132 The edition of the Uniform Sign Code adopted by this chapter is amended by adding to  
2133 Subsection 103.4 thereof, entitled “Violations,” the following paragraphs:

2134 Any person, firm or corporation violating any of the provisions of this Code shall be guilty of a  
2135 misdemeanor, and any such person, firm or corporation shall be guilty of a separate offense for  
2136 each and every day, or portion thereof, during which any violation of any of the provisions of this  
2137 Code are committed, continued or permitted.

2138 Anyone concerned in the violation or failure to comply with the provisions of this Code, whether  
2139 directly committing the act or effecting the omission constituting the offense, or aiding or  
2140 abetting the same, whether present or absent; and anyone who directly or indirectly counsels,  
2141 encourages, hires, commands, induces or otherwise procures another to violate or fail to comply  
2142 with the provisions of this Code, is and shall be guilty of a misdemeanor.

2143 Upon conviction of any such misdemeanor, such person, firm, or corporation shall be  
2144 punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or  
2145 by both such fine and imprisonment.

2146 (Ord. 2683 § 6, 2007; Ord. 1990 § 14, 1992; Ord. 1538 § 15, 1986)

2147 **~~16.16.155 Subsection 103.3 USC – Board of appeals.~~**

2148 The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom  
2149 Subsection 103.3 entitled “Board of Appeals” and inserting in its place the following wording:

2150 103.3.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or  
2151 determinations made by the building official relative to the application and interpretation of this  
2152 code in accordance with Chapter 16.50 LMC.

2153 103.3.2 Limitations on Authority. An application for appeal shall be based on a claim that the  
2154 true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted,  
2155 the provisions of this code do not fully apply or an equally good or better form of construction is  
2156 proposed. The hearing examiner shall have no authority to waive requirements of this code.

2157 (Ord. 2683 § 6, 2007)

2158 **~~16.16.900 Severability.~~**

2159 If any section, subsection, paragraph, sentence, clause, phrase or word of this chapter should  
2160 be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
2161 unconstitutionality thereof shall not affect the validity or constitutionality of any other section,

2162 subsection, paragraph, sentence, clause, phrase or word of this chapter. (Ord. 2683 § 6, 2007;  
2163 Ord. 1959 § 2, 1993)

2164

2165 **Chapter 16.24**  
2166 **INTERNATIONAL SWIMMING POOL AND SPA CODE**

2167 Sections:

2168 **16.24.010 Adoption of the International Swimming Pool and Spa Code.**

2169 **16.24.015 Definitions.**

2170 **16.24.020 Repealed.**

2171 **16.24.025 Repealed.**

2172 **16.24.030 Abandoned swimming pools.**

2173 **16.24.040 Repealed.**

2174 **16.24.050 Setbacks.**

2175 **16.24.052 Section 105.5.3 and Section 105.5.4 amended – Expiration.**

2176 **16.24.055 Fees.**

2177 **16.24.060 Repealed.**

2178 **16.24.070 Section 107.4 amended – Violation penalties.**

2179 **16.24.080 Section 108 amended – Means of appeal.**

2180 **16.24.900 Severability.**

2181 **16.24.010 Adoption of the International Swimming Pool and Spa Code.**

2182 As amended by the provisions of this chapter and the State of Washington Building Code  
2183 Council, the latest adopted version of the International Swimming Pool and Spa Code (ISPSC),  
2184 one copy of which, along with the State of Washington Building Code Council's amendments,  
2185 shall be on file in the office of the Lynnwood city clerk, is adopted by this reference.

2186 **16.24.015 Definitions.**

2187 ~~Section 201 adopted by this chapter is amended by adding thereto the following paragraph:~~

2188 ~~Whenever the term "Code" is used herein, it shall mean the 2015 International Swimming Pool~~  
2189 ~~and Spa Code as adopted by this Chapter. Whenever the term "City" or "Jurisdiction" is used~~  
2190 ~~herein, it shall mean the City of Lynnwood.~~

2191 ~~16.24.020 Amendments and additions.~~

2192 ~~Repealed by Ord. 1504.~~

2193 ~~16.24.025 Chapter 5 of Uniform Code deleted – Fuel gas piping.~~

2194 ~~Repealed by Ord. 3006.~~

2195 **16.24.030 Abandoned swimming pools.**

2196 Swimming pool installations which have been determined to be abandoned shall be filled with  
2197 sand or other granular materials as may be approved by the administrative authority.

2198 ~~16.24.040 Safety devices.~~

2199 ~~Repealed by Ord. 3006.~~

2200 ~~16.24.050 Setbacks.~~

2201 All swimming pools, portable or permanent, shall be placed so as to observe the minimum  
2202 setbacks for structures.

2203 ~~16.24.052 Section 105.5.3 and Section 105.5.4 amended – Expiration.~~

2204 Section 105.5.3 and section 105.5.4 adopted by this chapter are deleted and replaced with the  
2205 following wording:

2206 Permits become null and void if the authorized work has not been inspected by this department  
2207 within 180 calendar days of issuance or for a period of 180 calendar days from the last  
2208 inspection. The total life of permits is limited to a maximum of 540 calendar days, provided it has  
2209 not expired under the restrictions above. One extension request for 180 calendar days may be  
2210 granted if a written request is submitted to the Building Official showing just cause before the  
2211 expiration date.

2212 If a permit expires, the permittee shall obtain a new permit to complete the remainder of the  
2213 work. The cost of the new permit will be based on the value of the remainder of work per the fee  
2214 schedule.

2215 **16.24.055 Fees.**

2216 Section 105.6 adopted by this chapter is deleted and replaced with the following wording:

2217 105.6 Fees. Fees shall be set forth in a resolution adopted and from time to time amended by  
2218 the city council.

2219 ~~16.24.060 Building official – Enforcement of chapter.~~

2220 ~~Repealed by Ord. 1504.~~

2221 ~~16.24.070 Section 107.4 amended – Violation penalties.~~

2222 ~~Section 107.4 adopted by this chapter is deleted and replaced with the following wording:~~

2223 ~~Any person, firm or corporation violating any provision of this Code shall be deemed guilty of a~~  
2224 ~~misdemeanor, and each such person, firm, or corporation shall be guilty of a separate offense~~  
2225 ~~for each and every day, or portion thereof, during which any violation of any of the provisions of~~  
2226 ~~this Code is committed, continued or permitted.~~

2227 ~~Anyone concerned in the violation or failure to comply with the provisions of this Code, whether~~  
2228 ~~directly committing the act or effecting the omission constituting the offense, or aiding or~~  
2229 ~~abetting the same, whether present or absent; and anyone who directly or indirectly counsels,~~  
2230 ~~encourages, hires, commands, induces or otherwise procures another to violate or fail to comply~~  
2231 ~~with the provisions of this Code, is and shall be guilty of a misdemeanor.~~

2232 ~~Upon conviction of any such misdemeanor, such person, firm, or corporation shall be~~  
2233 ~~punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or~~  
2234 ~~by both such fine and imprisonment.~~

2235 **16.24.080 Section 108 amended – Means of appeal.**

2236 Section 108 adopted by this chapter is deleted and replaced with the following wording:

2237 108.1 Application for appeal. The hearing examiner shall hear and decide appeals of orders,  
2238 decisions or determinations made by the building official relative to the application and  
2239 interpretation of this code in accordance with Chapter 16.50 LMC.

2240 108.2 Limitations on Authority. An application for appeal shall be based on a claim that the true  
2241 intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the  
2242 provisions of this code do not fully apply or an equally good or better form of construction is  
2243 proposed. The hearing examiner shall have no authority to waive requirements of this code.

2244 ~~**16.24.900 Severability.**~~

2245 ~~If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional~~  
2246 ~~by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the~~  
2247 ~~validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of~~  
2248 ~~this chapter.~~

2249 **Section 7. Amendment.** Chapter 16.44 of the Lynnwood Municipal Code is hereby amended  
2250 as follows:

2251 **Chapter 16.44**

2252 **INTERNATIONAL PROPERTY MAINTENANCE CODE**

2253 Sections:

2254 **16.44.010 Adoption of the International Property Maintenance Code.**

2255 ~~**16.44.011 Chapter 1 amended – Scope and administration.**~~

2256 ~~**16.44.015 Definitions.**~~

2257 ~~**16.44.020 Section 106 amended – Violations.**~~

2258 ~~**16.44.030 Section 111 amended – Means of appeals.**~~

2259 ~~**16.44.900 Severability.**~~

2260 **16.44.010 Adoption of the International Property Maintenance Code.**

2261 As amended by this chapter and the State of Washington Building Code Council, the latest  
2262 edition of the International Property Maintenance Code (IPMC), as published by the  
2263 International Code Council, one copy of which, along with the State of Washington Building  
2264 Code Council’s amendments, shall be on file with the Lynnwood finance director, are adopted  
2265 by this reference.

2266 ~~**16.44.011 Chapter 1 amended – Scope and administration.**~~

2267 Chapter 1 adopted by this chapter is amended to include the requirements adopted by the city  
2268 of Lynnwood in Chapter ~~16.08~~ LMC titled “Regulation and Abatement of Unsafe and Unsanitary  
2269 Structures.”

2270 ~~**16.44.015 Definitions.**~~

2271 Section 201 adopted by this chapter is amended by adding thereto the following paragraph:

2272 Whenever the term “Code” is used herein, it shall mean the 2015 International Property  
2273 Maintenance Code as adopted by this chapter. Whenever the term “City” or “Jurisdiction” is  
2274 used herein, it shall mean the City of Lynnwood.

2275 ~~**16.44.020 Section 106 amended – Violations.**~~

2276 Section 106 adopted by this chapter is deleted and replaced with the following wording:

2277 Any person, firm or corporation violating any of the provisions of this code shall be guilty of a  
2278 misdemeanor, and any such person, firm, or corporation shall be guilty of a separate offense for  
2279 each and every day, or portion thereof, during which any violations of any of the provisions of  
2280 this code are committed, continued or permitted.

2281 Anyone concerned in the violation or failure to comply with the provisions of this code, whether  
2282 directly committing the act or effecting the omission constituting the offense, or aiding or  
2283 abetting the same, whether present or absent; and anyone who directly or indirectly counsels,  
2284 encourages, hires, commands, induces or otherwise procures another to violate or fail to comply  
2285 with the provisions of this code, is and shall be guilty of a misdemeanor.

2286 Upon conviction of any such misdemeanor, such person, firm, or corporation shall be  
2287 punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or  
2288 by both such fine and imprisonment.

2289 **16.44.030 Section 111 amended – Means of appeals.**

2290 Section 111 adopted by this chapter is deleted and replaced with the following wording:

2291 111.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or  
2292 determinations made by the building official relative to the application and interpretation of this  
2293 code in accordance with Chapter 16.50 LMC.

2294 111.2 Limitations on Authority. An application for appeal shall be based on a claim that the true  
2295 intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the  
2296 provisions of this code do not fully apply or an equally good or better form of construction is  
2297 proposed. The hearing examiner shall have no authority to waive requirements of this code.

2298 ~~**16.44.900 Severability.**~~

2299 ~~If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional~~  
2300 ~~by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the~~  
2301 ~~validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of~~  
2302 ~~this chapter.~~

2303 ~~**Section 8. Severability.** If any section, subsection, sentence, clause, phrase, or word of this~~  
2304 ~~Ordinance should be held to be invalid or unconstitutional or inapplicable by a court of~~  
2305 ~~competent jurisdiction, such invalidity or unconstitutionality or inapplicability thereof shall not~~  
2306 ~~affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase,~~  
2307 ~~or word of this Ordinance.~~

2309 **Section 9. Effective Date.** This Ordinance shall be in full force and effective five (5) days after  
2310 passage and publication as provided by law. Publication shall be by summary publication of the  
2311 Ordinance Title.

2313 **Section 10.** This ordinance or a summary thereof consisting of the title shall be published in the  
2314 official newspaper of the City and shall take effect and be in full force five (5) days after  
2315 publication.

2316 PASSED BY THE CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

2318 APPROVED:

2320  
2321  
2322 \_\_\_\_\_  
2323 Nicola Smith, MAYOR  
2324  
2325

2327 ATTEST/AUTHENTICATED:

2328  
2329 \_\_\_\_\_  
2330  
2331

2332 , Finance Director

2333

2334 APPROVED AS TO FORM:

2335

2336

2337

2338 

---

Rosemary Larson, City Attorney

1 CITY OF LYNNWOOD, WASHINGTON

2  
3 ORDINANCE NO. \_\_\_\_\_

4  
5 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING  
6 TO THE INTERNATIONAL BUILDING AND FIRE CODES AS ADOPTED BY  
7 THE CITY; AMENDING TITLE 9, TITLE 15, CHAPTER 16.04, CHAPTER 16.05,  
8 CHAPTER 16.09, CHAPTER 16.10, CHAPTER 16.24 AND CHAPTER 16.44 OF  
9 THE LYNNWOOD MUNICIPAL CODE; REPEALING CHAPTER 16.16 OF THE  
10 LYNNWOOD MUNICIPAL CODE; PROVIDING FOR PUBLICATION AND AN  
11 EFFECTIVE DATE.

12  
13 WHEREAS, the Washington State Building Code Council adopts the International  
14 Building, Residential, Mechanical, Fire, Energy Conservation, Swimming Pool and Spa, Property  
15 Maintenance Codes, and the Uniform Plumbing Code; and

16  
17 WHEREAS, the City Council desires to update certain chapters of the Lynnwood Municipal  
18 Code to conform to the newly adopted State codes which became effective upon the date of  
19 adoption, and to make other necessary or advisable revisions to the codes as adopted by the  
20 City; and

21  
22 WHEREAS, the City Council has determined that adoption of the International and related  
23 codes with certain local amendments, is in the public interest; NOW THEREFORE

24  
25 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS  
26 FOLLOWS:

27  
28 **Section 1. Amendment.** Title 9 of the Lynnwood Municipal Code is hereby amended as follows:

29  
30 **Title 9**  
31 **FIRE**

32 **Chapters:**

- 33 9.01 Authority
- 34 9.04 International Fire Code Amendments
- 35 9.12 Fireworks
- 36 9.14 Smoking in Public Places
- 37 9.16 Fire Hydrants
- 38 9.18 Fire Sprinkler Requirements
- 39 9.20 Fire Alarm Requirements

40  
41 **Chapter 9.01 Authority**

- 42 Section 9.01.010 Title, Authority, and Applicability
- 43 Section 9.01.020 Lynnwood Department of Fire Prevention Standards
- 44 Section 9.01.030 Adoption of International Fire Code
- 45 Section 9.01.031 Adoption of International Fire Code Appendices
- 46 Section 9.01.040 Severability
- 47 Section 9.01.050 Fees
- 48 Section 9.01.060 Conflicting Codes
- 49 Section 9.01.070 Appeals
- 50 Section 9.01.080 Definitions

51 Section 9.01.090 New Materials, Processes or Occupancies Requiring Permits.  
52 Section 9.01.100 Violation and Penalty

53

54 **9.01.010 Title, Authority, and Applicability**

55 The Lynnwood fire code is comprised of the International Fire Code (IFC), with Washington State  
56 amendments and locally adopted regulations. While it is the intent of the City of Lynnwood to be  
57 consistent with regional, state and national good practice, the City of Lynnwood is responsible for  
58 the evaluation of risk and benefit regarding the public health, safety and welfare. As such, the City  
59 has exercised and continues to reserve its right to institute local rules and regulations governing  
60 the development and use of businesses, operations, occupancies, and structures. The City shall  
61 retain the full and ultimate authority for code adoption, interpretation, and enforcement.

62

63 **9.01.020 South County Fire Standards**

64 Fire marshal services are provided by South Snohomish County Fire & Rescue Regional Fire  
65 Authority County Fire (South County Fire) through interlocal agreement with the City, under the  
66 authority of Chapter 39.34, Revised Code of Washington, dated October 1, 2017. It is the intent  
67 of the City and South County Fire to enforce the provisions of adopted codes in a manner that is  
68 consistent, fair, without undue burden, efficient, and beneficial to the short and long-term health,  
69 safety and economic well-being of the citizens, businesses, employees and visitors of our  
70 community. In meeting this intent and in accordance with the authority and jurisdiction granted in  
71 the International Fire Code Chapter 1, the South County Fire “Fire Protection & Prevention  
72 Standards” have been created. They are formulated as individual standards on specific topics as  
73 deemed necessary. Requirements found in the International Fire Code, state law, community  
74 development guides, or other references are not generally repeated herein.

75

76 **9.01.030 Adoption of International Fire Code**

77 Under the statutory authority of RCW [19.27.031](#) and [19.27.074](#), the International Fire Code (IFC),  
78 latest Edition, as published by the International Code Council including amendments set forth in  
79 Chapter [51-54A](#) WAC, and subsequently amended by this chapter, is hereby adopted including  
80 referenced standards in Chapter 80, the appendices adopted in LMC 9.01.031, and South County  
81 Fire’s (SCF) Fire Prevention Standards. One copy of this document shall be on file with the fire  
82 code official.

83

84 **9.01.031 Adoption of International Fire Code Appendices.**

85 The following appendices of the IFC are hereby adopted by reference:

86 Appendix B: Fire-Flow Requirements for Buildings

87 Appendix C: Fire Hydrant Locations and Distribution

88 Appendix D: Fire Apparatus Access Roads

89 Appendix H: Hazardous Materials Management Plan (HMMP) and Hazardous Materials  
90 Inventory Statement (HMIS) Instructions

91 Appendix I: Fire Protection Systems – Noncompliant Conditions

92 Appendix N: Indoor Trade Shows and Exhibitions

93

94 **9.01.050 Fees**

95 All fees authorized under Section 106 IFC shall be set forth in a fee ordinance adopted, and from  
96 time to time amended, by the City Council. Fees required for fire permits can be found in Chapter  
97 3.104 LMC.

98  
99 **9.01.070 Appeals**

100 Whenever the Fire Marshal disapproves an application or refuses to grant a permit applied for, or  
101 when it is claimed that the provisions of the code do not apply, or that the true intent and meaning  
102 of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision  
103 of the Fire Marshal to the hearing examiner in accordance with Chapter 16.50 LMC.

104  
105 **9.01.080 Definitions**

106 Whenever the following terms are used in this Title or other applicable codes they shall be defined  
107 as follows:

108  
109 *Applicable governing authority:* shall mean the City of Lynnwood Building Official.

110  
111 *Approved Central Station List:* A list of central stations that meet the requirements and have  
112 an approved application to monitor fire alarm and sprinkler flow alarms within the City of  
Lynnwood, WA.

113 *Approving Authority:* The South County Fire (SCF) fire marshal

114 *Assumed Property Line:* An imaginary line separating two buildings on the same property.

115 *Automatic Fire Alarm System:* A system of heat, smoke or other detection devices along with  
116 notification devices and a control panel to detect the early stage of a fire and alert the  
117 occupants per NFPA 72.

118 *Automatic Fire Sprinkler System:* A systems of pipes, control valves and sprinkler heads  
119 arranged in a building to discharge water on a fire per NFPA 13, 13D and 13R.

120 *Building Code:* International Building Code as currently adopted by the City of Lynnwood, WA

121 *Code or Fire Code:* This title, as now existing or hereafter amended, and the edition of the  
122 International Fire Code as adopted by this title.

123 *Common Fireworks:* Any fireworks as defined in RCW 70.77.136.

124 *Corporate Counsel:* Attorney for the City of Lynnwood, WA

125 *City:* The City of Lynnwood, WA

126 *FDC:* Fire Department Connection

127 *Fire Chief:* The Chief of the South Snohomish County Fire and Rescue (SSCFR).

128 *Fire Code Official:* the SSCFR Fire Marshal. Person in charge of the Fire Prevention Bureau.

129 *Fire Department:* The South Snohomish County Fire and Rescue Regional Fire Authority  
130 (SSCFR), also known as South County Fire (SCF).

131 *Fire Detection System:* a system of heat and/or smoke detectors connected to a  
132 communicator or control panel; typically without notification devices.

133 *Fire Flow:* The amount of water required to extinguish a fire. Also see IFC Appendix B.

134 *Fire Watch:* A temporary measure intended to ensure continuous and systematic surveillance  
135 of a building or property by one or more qualified employees of a licensed and bonded security  
136 company for the purposes of identifying and controlling fire hazards, detecting early signs of  
137 unwanted fire, raising an alarm of fire and notifying the fire department.

138 *Fireworks:* Any fireworks as defined in RCW 70.77.126.

139 *Hot Works:* Processes that involve an open flame or cutting / welding operations that produce  
140 sparks.

141 *Jurisdiction:* The City of Lynnwood, WA

142 *Public Hydrant:* A fire hydrant so situated and maintained to provide water for fire-fighting  
143 purposes without restriction as to use. The location is such that it is accessible for immediate  
144 use of the fire department.

145 *Private Hydrant:* A fire hydrant so situated and maintained to provide water for fire-fighting  
146 purposes with restrictions for its use limited to certain defined property or properties.

147 “Regional Fire Authority” (RFA) means South Snohomish County Fire and Rescue (SSCFR)  
148 Regional Fire Authority, also known as South County Fire (SCF).

149 *South County Fire:* South Snohomish County Fire and Rescue (SSCFR) Regional Fire  
150 Authority.

151 *Special fireworks:* Any fireworks as defined in RCW 70.77.131.

152  
153 *Tenant Improvement:* Interior or exterior remodeling or improvement to an existing building  
154 or portion of a building including but not limited to; adding or removing or moving walls,  
155 reconfiguration of the floor plan, replacing ceilings/roofs or wall coverings, modifications to  
156 electrical or plumbing or mechanical work, structural repairs/improvements, and other similar  
157 work.

158

## 159 **Chapter 9.04 International Fire Code Amendments**

160 Section 9.04.040 Section 503 IFC amended – Fire Apparatus Access Roads

161 Section 9.04.125 Section 308 IFC amended – Open Flame

162 Section 9.04.1.26 Section 404 IFC amended – Fire Safety, Evacuation and Lockdown Plans

163 Section 9.04.170 Section 3103 IFC amended – Temporary Tents and Membrane  
164 Structures

165 Section 9.04.190 Section 5601 IFC amended – Explosives and Fireworks

166 Section 9.04.200 Chapter 57 IFC amended – Flammable and Combustible Liquid Storage

167

### 168 **9.04.040 Fire Apparatus Access Roads**

169

170 Section 503 of the International Fire Code as published in the model code is hereby adopted with  
171 the following changes.

172

173 **503.1.1 Buildings and facilities.** *Approved* fire apparatus access roads shall be provided  
174 and maintained for every facility, building or portion of a building hereafter constructed or moved  
175 into or within the jurisdiction. The fire apparatus access road shall comply with the requirements  
176 of this section and shall extend to within 200 feet of all portions of the facility and all portions of  
177 the *exterior walls* of the first story of the building as measured by an *approved* route around the  
178 exterior of the building or facility.

179 **Exceptions:**

- 180 1. The *fire code official* is authorized to increase the dimension of 200 feet where the  
181 building is equipped throughout with an *approved automatic sprinkler system*  
182 installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.  
183  
184

185 **9.04.170 Section 3103 IFC amended – Temporary Tents and Membrane Structures**

186 Section 3103.1 “General” is deleted and replaced with the following; Tent, canopies, and other  
187 membrane structures shall not be erected, operated or maintained for any purpose without first  
188 obtaining a City of Lynnwood Special Event Permit and approval from the Fire Marshal and  
189 building official. All tents, canopies, and other membrane structures erected shall meet the  
190 requirements of the current edition of NFPA 701: Standard Methods of Fire Tests for Flame  
191 Propagation of Textiles and Films. Tents, canopies, and other membrane structures meeting the  
192 requirements of the California State Fire Marshal (CSFM) as set forth in Article 8, Chapter 1, Title  
193 19 of the California Code of Regulations (CCR) and has the information securely affixed, stamped,  
194 printed or stenciled as required by section 1321 of the above code shall be deemed as complying  
195 with NFPA 701.

196 **Exception:** Approval is deemed granted from the Fire Marshal and Building Official for the use  
197 of canopies (no sides) that do not meet the requirements of NFPA 701 or the CSFM when  
198 associated with a Special Event Permit providing that:  
199

- 200 1. It is limited in size to 120 square feet: and  
201 2. Occupancy is limited to 10 or less persons; and  
202 3. There is a minimum of 12 feet of separation between the canopy and the building  
203 (including any overhang or canopy; and  
204 4. No open flame or cooking is associated with the use of the canopy.  
205

206 Section 3103.5 “ Use period” is deleted and replaced with the following; The use of any tent,  
207 canopy, or temporary membrane structure shall not be allowed; except in the case of a tent,  
208 canopy, or membrane structure used in conjunction with a special event. Such use shall not  
209 exceed the time and frequency of use provisions of Chapter 5.30 LMC or the time period of any  
210 permit issued in connection with such activities, whichever shall occur first.

211 The provisions of section [9.04.170](#) may be modified for temporary (3 days or less) occurrences  
212 upon written request to the fire code official in conjunction with the building official, given that  
213 additional safety features are provided.  
214  
215

216 **9.04.190 Section 5601 IFC Amended “Explosives and Fireworks”**

217 Section 5601.1 “Scope” is deleted and replaced with the following; The storage of explosives and  
218 blasting agents is prohibited within city limits, except for temporary storage for use in connection  
219 with approved blasting operations; provided, however, that this prohibition shall not apply to  
220 wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or  
221 cartridges for explosive actuated power tools.  
222

223 **9.04.200 Chapter 57 IFC amended – Flammable and Combustible Liquid Storage.**

224 Section 5704.1 General. Is amended by adding the following;

- 225 1. In no case shall aboveground storage tanks over 100 gallons; whether fixed or  
226 portable, be located less than 20 feet from a property line or another building.  
227 2. Tank size shall be limited to 1000 gallons of any single product.

- 228 3. Listed tanks divided into two separate 1000-gallon storage compartments are allowed,  
229 providing each compartment contains a different product (i.e. 1000 gallons of gasoline  
230 and 1000 gallons of diesel).  
231

232 **Section 5704.2.9.6 “Above-Ground Tanks Outside of Buildings:**  
233

234 Section 5704.2.9.6.1 “Locations where above-ground tanks are prohibited” is deleted and  
235 replaced with the following; Storage of flammable or combustible liquids (Class I and Class II  
236 liquids) in outside above-ground tanks is prohibited in all areas of the city except those zoned for  
237 industrial use; provided, that, above-ground flammable or combustible liquid tanks may be  
238 installed on property zoned general commercial, when approved by the City of Lynnwood Fire  
239 Chief and the Community Development Director, subject to the provisions of LMC Title 21, the  
240 requirements of the International Fire Code, as adopted by this chapter.  
241

242 **Section 5706 “Special Operations:**  
243

244 Section 5706.4 “Bulk Plants or Terminals” is amended by adding the following: Storage of Class  
245 I, Class II and Class III-A liquids in bulk plants is prohibited in all areas of the city.  
246

247 In the event of any conflict between the provisions of this chapter and the provisions of the edition  
248 of the International Fire Code as adopted by this chapter, the most restrictive requirements shall  
249 prevail.  
250

251 **Appendix D**  
252

253 **D101 General**  
254

255 New sections D101.2, D101.3, D101.4 and is added as follows:  
256

257 **D101.2 Buildings and facilities.** *Approved* fire apparatus access roads shall be provided  
258 and maintained for every facility, building or portion of a building hereafter constructed or moved  
259 into or within the jurisdiction. The fire apparatus access road shall comply with the requirements  
260 of this section and shall extend to within 200 feet of all portions of the facility and all portions of  
261 the *exterior walls* of the first story of the building as measured by an *approved* route around the  
262 exterior of the building or facility.  
263

263 **Exceptions:**

- 264 2. The *fire code official* is authorized to increase the dimension of 200 feet where any  
265 of the following conditions occur:  
266 2.1. The building is equipped throughout with an *approved automatic sprinkler*  
267 *system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or  
268 903.3.1.3.  
269

270 **D101.3 Additional access.** The *fire code official* is authorized to require more than one  
271 fire apparatus access road based on the potential for impairment of a single road by vehicle  
272 congestion, condition of terrain, climatic conditions or other factors that could limit access.  
273

274 **D101.4 Specifications.** Fire apparatus access roads shall be designed, installed, and  
275 maintained in accordance with Appendix D and the Fire Standards.  
276

277 **D101.5 Authority.** The *fire code official* shall have the authority to require or permit  
 278 modifications to the required access widths where they are inadequate for fire or rescue  
 279 operations or where necessary to meet the public safety objectives of the jurisdiction.

280  
 281 **D103 Minimum Specifications**

282  
 283 Sections D103.2, D013.3, and D103.4 are hereby amended as follows:

284  
 285 **D103.2 Grade.** Fire apparatus access roads shall not exceed 10 percent in grade.  
 286 **Exception:** Grades between 10 percent and 15 percent where all buildings and structures other  
 287 than Group U occupancies are protected throughout with an automatic fire sprinkler system may  
 288 be *approved* by the *fire code official*.

289  
 290 **D103.3 Turning radius.** The minimum turning radius shall be 25' inside and 40' outside.

291  
 292 **D103.4 Dead ends.** Dead-end fire apparatus access roads in excess of 200' shall be provided  
 293 with width and turnaround provisions in accordance with Table D103.4.

294  
 295  
 296 **TABLE D103.4**  
 297 **REQUIREMENTS FOR DEAD-END**  
 298 **FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-200	20	None required
201-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1 or as published in the Fire Standards
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-d-sac in accordance with Figure D103.1 or as published in the Fire Standards
Over 750	Special approval required	

299  
 300  
 301  
 302 **Chapter 9.12 Fireworks**

- 303 Section 9.12.025 State statutes and regulations adopted by reference.  
 304 Section 9.12.030 Purchase, sale, discharge and use of fireworks prohibited.  
 305 Section 9.12.140 Public Display of Fireworks – Rules – Investigation – Permit.  
 306 Section 9.12.150 Violation – Penalties

307  
 308 **9.12.025 State statutes and regulations adopted by reference.**

309 The following statutes as now or hereafter amended are adopted by reference as and for a portion  
 310 of the fireworks provisions of this city as if set forth in full herein:

- 311  
 312 RCW  
 313 70.77.255(1),

- 314 (2) and (3) Acts prohibited without appropriate license.
- 315 70.77.260(2) Application for public display permit.
- 316 70.77.285 Public display permit – Bond or insurance for liability.
- 317 70.77.295 Public display permit – Amount of bond or insurance.
- 318 70.77.435 Seizure of fireworks.
- 319 70.77.485 Unlawful possession of fireworks.
- 320 70.77.488 Unlawful discharge or use of fireworks.

321

322 **9.12.030 Purchase, sale, discharge and use of fireworks prohibited.**

323 A. It is unlawful for any person, firm or corporation to purchase, sell or manufacture any fireworks  
324 within the city.

325 B. Except as authorized by state license and city permit granted pursuant to RCW 70.77.260(2)  
326 (public display) or RCW 70.77.311(2) (use by group or individual for religious or other specific  
327 purpose on approved date and at an approved location), it is unlawful for any person, firm or  
328 corporation to engage in the retail sale of, or to sell, possess, store, use, transfer, discharge or  
329 explode, any fireworks of any kind in the city.

330 C. This chapter does not prohibit the use of flares or fuses in connection with the operation of  
331 motor vehicles, railroads, or other transportation agencies for signal, warning or illumination  
332 purposes.

333 **9.12.140 Public Display of Fireworks– Rules – Investigation – Permit**

334 The Fire Marshal shall be authorized to adopt reasonable rules for the issuance or denial of a  
335 permit for a public display of fireworks. Following receipt of an application for a permit under RCW  
336 70.77.260(2) for a public display of fireworks, the Fire Marshal shall investigate whether the  
337 character and location of the display as proposed would be hazardous to property or dangerous  
338 to any person. Based on the investigation, the Fire Marshal shall submit a report of findings and  
339 a recommendation for, or against the issuance of the permit, together with reasons, to the finance  
340 director who shall forward the report to the City Council. The City Council shall grant the  
341 application if it meets the requirements of Chapter 70.77 RCW and this chapter.

342

343 **9.12.150 Violation – Penalties**

344 Unless a specific penalty is prescribed in this chapter, anyone who violates any provision of this  
345 chapter or any of the conditions of any permit issued hereunder, or who causes another to do so,  
346 shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000 and 90 days  
347 imprisonment in the city jail.

348

349 In addition, violation(s) of any of the provisions of this chapter or any of the conditions imposed  
350 upon a permit issued hereunder shall subject the permit to suspension or revocation, as provided  
351 herein.

352

353 In addition, or alternatively, violation(s) of any of the provisions of this chapter or any of the  
354 conditions imposed upon a permit issued hereunder shall subject the applicant to a daily civil  
355 penalty in the amount provided by LMC 1.01.080.

356

357 **Chapter 9.14 SMOKING IN PUBLIC PLACES**

358 **Sections:**  
359 9.14.010 State statute adopted by reference – Smoking in public places.  
360 9.14.020 Smoking prohibited in city buildings and vehicles.  
361  
362 **9.14.010 State statute adopted by reference – Smoking in public places.**  
363 A. Chapter 70.160 RCW\* relating to smoking in public places is hereby adopted by reference as  
364 and for the Lynnwood Municipal Code as if set forth in full herein.  
365 B. The amendment, addition or repeal by the Washington Legislature of any section of any of  
366 the adopted statutes set forth in subsection (A) of this section shall be deemed to amend this  
367 chapter and the statutes contained in this chapter which are adopted by reference in conformity  
368 with the amendment, addition or repeal, and it shall not be necessary for the legislative authority  
369 of this city to take any action with respect to such addition, amendment or repeal, as provided  
370 by RCW 35A.12.140.  
371 \*Ordinance references Session Laws of Washington.  
372 **9.14.020 Smoking prohibited in city buildings and vehicles.**  
373 Smoking shall be and is hereby prohibited:  
374 A. In all city buildings, offices and vehicles, including those buildings, offices or vehicles owned,  
375 rented or leased by the city.  
376 B. Within a distance of 50 feet of any public entrance to any city building; and  
377 C. Within a distance of 25 feet of any employee entrance to any city building.  
378 D. The term “entrance” as used herein includes any doorway, stairway, breezeway, porch or  
379 landing leading directly into any building operated by the city and accessible to city employees  
380 and/or private citizens.  
381 E. Signage shall be posted in areas where smoking is prohibited prior to enforcement of this  
382 section.  
383 **Chapter 9.16 Hydrants**  
384 Section 9.16.020 Responsibility  
385 Section 9.16.030 Service by Water Department  
386 Section 9.16.040 Private Hydrant Installation  
387 Section 9.16.070 Leads from Service Main  
388 Section 9.16.080 Private Fire Mains  
389 Section 9.16.090 Hydrant Spacing in Areas Other than One- and Two-Family Residential  
390 Areas  
391 Section 9.16.100 Hydrant Spacing in One- and Two-Family Residential Areas  
392 Section 9.16.115 Hydrant Locations and Quantity  
393 Section 9.16.140 Pumper Port Direction  
394 Section 9.16.160 Replacement  
395 Section 9.16.170 Obstruction Prohibited  
396 Section 9.16.180 Compliance Required  
397 Section 9.16.210 Penalty for Violation  
398  
399  
400 **9.16.020 Responsibility**

401 The installation of fire hydrants in accordance with this chapter shall be required of the owner  
402 and/or developer of any future business, commercial, institutional or industrial facility, dwelling  
403 or dwelling development.

404

405 **9.16.030 Service by Water Department**

406 All fire hydrants installed as required by this chapter shall be served by the city water department  
407 unless conditions warrant a waiver of this provision.

408

409 **9.16.040 Private Hydrant Installation**

410 The installation of private hydrants as defined herein, shall be limited to those cases when the  
411 number of public hydrants installed under the distance provisions of this chapter shall be  
412 insufficient in number. Private hydrants shall meet City requirements for public hydrants and shall  
413 be located as designated by the approving authority. The City shall have the right to go upon the  
414 premises and to use the private hydrant for public purposes, including testing, flushing and  
415 emergency uses.

416

417 **9.16.070 Leads from Service Main**

418 The lead from the service main to the hydrant shall be no less than six inches in diameter. Any  
419 hydrant leads over 50 feet in length from the service main to the hydrant shall be no less than  
420 eight inches in diameter. The provisions of this section shall apply without exception and  
421 regardless of the size of the service main.

422

423 **9.16.080 Private Fire Mains**

424 All mains on private property serving more than one fire hydrant shall be circulatory and not less  
425 than eight inches in diameter.

426

427 **9.16.090 Hydrant Spacing in Areas Other than One- and Two-Family Residential Areas**

428 In areas other than one- and two-family residential use, fire hydrants shall be installed at  
429 intersections and have a maximum lateral spacing of 330 feet with no structure in excess of 150  
430 feet from a fire hydrant. If the distance between intersections is over 400 feet, an additional  
431 hydrant shall be installed to limit the distance between hydrants to a maximum of 330 feet.

432

433 **9.16.100 Hydrant Spacing in One- and Two-Family Residential Areas**

434 In areas zoned for one- and two-family residential use, public hydrants shall be installed at street  
435 intersections and shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess  
436 of 300 feet from a fire hydrant. The length of panhandles or access tracts shall be included in the  
437 measurement.

438 **9.16.115 Hydrant Locations and Quantity**

439 A. Hydrants used to supply fire department connections (FDCs) shall be within 50 feet of such  
440 connection or as approved by the fire code official.

441 B. Hydrants and FDCs shall not be located closer than 50 feet from the building or as approved  
442 by the fire code official.

443 C. The number of hydrants used to provide fire flows shall be as specified in IFC Table C102.1,  
444 except that all buildings over 5,000 square feet shall be protected by a minimum of two  
445 hydrants; one of which shall be located within 150 feet of the most remote location of the

446 exterior wall of the first story. The second hydrant may be located up to 330 feet (as measured  
447 by vehicle travel) from the first hydrant. For fire flows requiring more than two hydrants,  
448 additional hydrants shall be installed in approved locations with a maximum spacing of 330 feet.  
449 The number, spacing, and/or location of hydrants may be modified by the fire marshal as  
450 needed to ensure adequate fire protection.

451 Exception: One- and two-family dwellings.

#### 452 **9.16.140 Pumper Port Direction**

453 Hydrants shall stand plumb, be set to the established grade with the lowest outlet of the hydrant  
454 no less than 18 inches above the grade and no less than 36 inches of clear area around the  
455 hydrant circumference for clearance of the hydrant wrench on both outlets and on the control  
456 valve. The pumper port shall face the street. Where the street cannot be clearly defined or  
457 recognized, the port shall face the most likely route of approach and location of the fire truck while  
458 pumping, to be determined by the approving authority.

#### 459 **9.16.160 Replacement**

461 When existing fire hydrants, which do not conform to the requirements of this chapter are  
462 replaced, they shall be replaced with hydrants which conform to the applicable city standards.  
463 This does not preclude a requirement by proper authority that a deficient hydrant must be replaced  
464 should structural conditions of the area change in a manner that requires a hydrant or hydrants  
465 of larger flow capacity.

466  
467 If a new building construction project uses an existing non-conforming hydrant to provide fire  
468 flows, the existing non-conforming hydrant shall be replaced or updated to meet current  
469 standards.

#### 470 **9.16.170 Obstruction Prohibited**

472 No one shall plant any vegetation, erect any structure or perform any action which results in  
473 obstructing the view of a fire hydrant for a distance of 50 feet. The owner/occupant of any area in  
474 which a hydrant is located shall be responsible for removing weed and tree growth from around  
475 the hydrant for no less than 10 feet.

#### 476 **9.16.180 Compliance Required**

478 The passage of this chapter is necessary for the protection of health, safety and welfare of the  
479 citizens of the City and to avoid or abate public nuisances. No building permits shall be issued for  
480 erection of any building or structure until reasonable proof of intent to comply with this chapter is  
481 indicated and the approving authority is satisfied that hydrants are to be, and/or can be, installed  
482 to comply with this chapter.

#### 483 **9.16.210 Penalty for Violation**

485 Any person who violates this chapter shall be guilty of a misdemeanor and may be punished by  
486 a fine of \$1000.00 or by imprisonment in the city jail for a period not to exceed 90 days or by both  
487 such fine and imprisonment.

### 488 **Chapter 9.18 Fire Sprinkler Requirements**

489 Section 9.18.010 Scope

491	Section 9.18.020	Where Required
492	Section 9.18.030	Systems Out of Service
493	Section 9.18.040	Fire Flow for Buildings with Sprinkler Systems
494	Section 9.18.060	System Design
495	Section 9.18.070	Fire department connection (FDC) Location

496  
497 **9.18.010 Scope**

498 The following fire sprinkler and standpipe requirements apply to all commercial (and residential  
499 where indicated) buildings. In cases where the IFC is more restrictive, the more restrictive  
500 requirements shall prevail.

501 | **9.18.020 Where required.**

502 In addition to the requirements of Section 903.2, an approved automatic fire sprinkler system  
503 shall be installed and maintained throughout all buildings, structures, floors, and suites  
504 described in this section. All sprinkler and standpipe systems shall be installed per the  
505 applicable NFPA and South County Fire (SCF) fire sprinkler standard. For the purposes of this  
506 section, spaces separated by fire walls, fire barriers, fire partitions and fire-resistance-rated  
507 horizontal assemblies noted in IBC Chapter 7 shall not be considered to be separate area(s) or  
508 building(s). Partial area automatic sprinkler systems are prohibited.

509 A. In every building constructed under the International Residential Code containing three or  
510 more attached dwelling units. One- and two-family dwellings located 500 feet or greater from a  
511 public or private hydrant (the length of panhandles or access tracts shall be included in this  
512 measurement) shall require a residential fire sprinkler system. Residential or quick response  
513 standard sprinkler heads shall be used in accordance with their approved listing in the dwelling.

514 B. In all new buildings and structures with a fire area of 5,000 or greater square feet, regardless  
515 of type or use.

516 C. In all new buildings without adequate fire flow.

517 D. In existing buildings, structures, or suites that undergo an addition or change in use where  
518 the new total fire area is 5,000 square feet or greater.

519 E. In all existing buildings or structures that undergo an alteration, repair, modification, or similar  
520 improvement requiring a building permit without adequate fire flow.

521 F. In existing buildings, structures, suites, or occupancies where the value of all alterations or  
522 repairs performed within a 72-month period exceeds 50 percent of the assessed value of the  
523 building at the time of the first alteration, repair, modification, or similar improvement requiring a  
524 building permit, an automatic fire sprinkler system and/or fire standpipes shall be installed  
525 throughout the building if one would otherwise be required for the building if of new construction.  
526 The value of the building shall be as listed by the Snohomish County assessor's office or other  
527 acceptable method approved by the fire code official. Buildings not listed with an appraised  
528 value shall utilize an alternate method of valuation prescribed by the fire code official.

529 G. In all existing buildings, structures, occupancies, or suites that undergo an alteration, repair,  
530 modification, or similar improvement in accordance with the International Existing Building Code  
531 (IEBC).

532 H. In existing buildings, structures, occupancies, or suites having an existing automatic fire  
533 sprinkler system that does not provide protection to all areas, when the unprotected areas  
534 undergo an alteration, repair, modification, or similar improvement requiring a building permit,  
535 those unprotected areas shall be provided with protection as approved by the fire code official.

536 I. Where required emergency fire access road grade is 12 percent or greater.

537 J. Open air parking garage standpipes. Approved dry standpipes shall be installed when  
538 adequate fire protection is not available for vehicles parked in open-air parking garages or  
539 rooftops.

#### 540 **9.18.030 Systems Out of Service**

541 For the first 48-hours, the owner may provide a competent adult to serve as a Fire Watch. After  
542 the initial 48-hours, the Fire Watch must be provided by a licensed and bonded private security  
543 company or other approved means until the system is returned to full service. The owner must  
544 furnish the Fire Marshal with the name and contact information of the competent adult and/or  
545 security company within 8 hours of implementing a Fire Watch.  
546

#### 547 | **9.18.040 Fire flow for buildings with sprinkler systems.**

548 The fire flow required by IFC Appendix B may be reduced by 50 percent when an approved  
549 automatic fire sprinkler is installed throughout the building.

#### 550 **9.18.060 System Design**

551  
552 A. Sprinkler systems shall be capable of delivering a minimum of a 10 percent safety factor in  
553 addition to the required system demand of 20 psi residual pressure.

554 B. Approved supervised indicating control valves shall be provided at the point of connection to  
555 the riser on each floor in buildings three or greater stories.

556 C. Sprinkler protection for R1 and R2 shall be provided on exterior balconies, decks, and ground  
557 floor patios provided there is a roof or deck above. Sidewall sprinklers that are used to protect  
558 such areas shall be permitted to be located such that their deflectors are within one inch to six  
559 inches below the structural members and a maximum distance of 14 inches below the deck of  
560 the exterior balconies and decks that are constructed of open wood joist construction.

561 D. All "M," "S" and "H" occupancy (as defined by the IBC) canopies and overhangs that exceed  
562 four feet in width shall be provided with fire sprinklers regardless of construction type.

563 E. Townhouses as defined by the IBC shall be provided with an NFPA 13D fire sprinkler system.

#### 564 **9.18.070 Fire department connection (FDC) location.**

565 FDCs shall be installed remote from the building, out of the collapse zone, in an approved  
566 location along a public street or fire apparatus access road and within 50 feet of a fire hydrant or  
567 as approved by the fire code official.

568 All FDCs shall be installed in accordance with the appropriate NFPA and SCF's fire sprinkler  
569 standard.

570 Hydrants and FDCs shall not be located closer than 50 feet from the building or as approved by  
571 the fire code official.

572 The number of hydrants used to provide fire flows shall be as specified in IFC Table C102.1,  
573 except that all buildings over 5,000 square feet shall be protected by a minimum of two  
574 hydrants; one of which shall be located within 150 feet of the most remote location of the  
575 exterior wall of the first story. The second hydrant may be located up to 330 feet (as measured  
576 by vehicle travel) from the first hydrant. For fire flows requiring more than two hydrants,  
577 additional hydrants shall be installed in approved locations with a maximum spacing of 330 feet.  
578 The number, spacing, and/or location of hydrants may be modified by the fire marshal as  
579 needed to ensure adequate fire protection.

580 Exception: One- and two-family dwellings.

## 581 **Chapter 9.20 Fire Alarms**

582	Section 9.20.010	Scope
583	Section 9.20.020	Where Required
584	Section 9.20.030	Systems Out of Service
585	Section 9.20.040	Monitoring
586	Section 9.20.050	Fire Alarm Control Panels
587	Section 9.20.060	Fire Alarm Communication Methods
588		

### 589 | **9.20.010 Scope.**

590 The following fire alarm requirements apply to all commercial buildings over 3,000 square feet or  
591 greater. In cases where the IFC is more restrictive, the more restrictive requirements shall prevail.  
592  
593

### 594 | **9.20.020 Where required.**

595 In addition to the requirements of Section 907.2, an approved, monitored automatic fire alarm  
596 system shall be installed and maintained throughout all buildings, structures, floors, and suites  
597 described in this section. If conflicts exist between the IFC and this section, this section shall  
598 prevail. Fire alarm systems shall be installed per the applicable NFPA and SCF fire alarm  
599 standard. For the purposes of this section, spaces separated by fire walls, fire barriers, fire  
600 partitions and fire-resistance-rated horizontal assemblies noted in IBC Chapter 7 shall not be  
601 considered to be separate area(s) or building(s). Partial area fire alarm systems are prohibited.

602 Exception: Structures regulated by the International Residential Code.

603 A. In all new buildings and structures with a fire area of 3,000 or greater square feet,  
604 regardless of type or use.

605 B. In existing buildings or structures that undergo an addition or change of use where the  
606 new total fire area is 3,000 square feet or greater.

607 C. In existing building or structures when the value of all alterations or repairs performed  
608 within a 72-month period exceeds 50 percent of the assessed value of the building at the time of  
609 the first alteration, repair, modification, or similar improvement requiring a building permit,  
610 automatic fire alarm systems shall be installed throughout the building if one would otherwise be  
611 required for the building if of new construction. The value of the building shall be as listed by the  
612 Snohomish County assessor's office or other acceptable method approved by the fire code  
613 official. Buildings not listed with an appraised value shall utilize an alternate method of valuation  
614 prescribed by the fire code official.

615 Exceptions: IRC building structures and Group U occupancies.

616 D. In existing buildings, structures, occupancies, or suites that undergo alterations, repair,  
617 or modification that have an existing fire alarm system that does not protect all areas and/or  
618 lacks adequate occupant notification devices shall have those protection features added at the  
619 time of tenant improvement.

620 E. In existing buildings, structures, occupancies, or suites that undergo an addition,  
621 alteration, repair, or modification that have fire sprinkler protection but lack a fire alarm system.

#### 622 **9.20.030 Systems Out of Service**

623 A. For the first 48-hours, the owner may provide a competent adult to serve as a Fire Watch.  
624 After the initial 48-hours, the Fire Watch must be provided by a licensed and bonded private  
625 security company or other approved means until the system is returned to full service. The owner  
626 must furnish the Fire Marshal with the name and contact information of the competent adult and/or  
627 security company within 8 hours of implementing a Fire Watch.

628 B. Upon completion of work on a new or modified fire alarm system, it shall be pre-tested  
629 by the installing technician and an acceptance test shall be performed in the presence of the  
630 Fire Marshal. The request for the acceptance test shall be made via the city's permit request  
631 phone number within 24-hours after the completion of the work or will be subject to a \$75/day  
632 fine.

#### 633 **9.20.040 Monitoring**

634 All fire alarm systems, fire detection systems, or sprinkler systems shall be monitored by a Central  
635 Station from the City of Lynnwood Approved Central Station list. Monitoring by other central  
636 stations is not allowed.

#### 637 **9.20.050 Fire alarm control panels.**

638 A. Fire alarm control panels (FACP) shall comply with the provisions of NFPA 72 and  
639 SCF's fire alarm standard. Only fire alarm components shall be connected to the fire alarm  
640 control panel.

641 There shall be only one FACP allowed per building unless otherwise approved by the fire code  
642 official.

643 B. Systems and their components shall be listed and approved for the purpose for which  
644 they are installed. All new fire alarm systems shall be addressable, and each device shall have  
645 its own address that shall annunciate to an approved central station.

646 **Section 9.20.060 Fire Alarm Communication Methods**

647 All means of communication between the FACP and the Central Station shall be of a method  
648 approved by the Fire Marshal and be provided with a minimum of 24-hours standby power. Only  
649 components that are serviceable by a fire alarm technician shall be part of the means of  
650 communication located on the protected premises. The fire marshal shall maintain a list of  
651 approved communication means. Refer to fire alarm standards.

652  
653 **Section 2. Amendment.** Title 15 of the Lynnwood Municipal Code is hereby amended as  
654 follows:

655 **Chapter 15.04**  
656 **UNIFORM PLUMBING CODE**

657 Sections:

658 **15.04.010 Adoption of the Uniform Plumbing Code.**

659 **15.04.040 Section 104.5 amended – Plumbing permit fees.**

660 **15.04.045 Section 107.1 and Section 107.2 amended – Board of appeals – Limitations of**  
661 **authority.**

662 **15.04.055 Section 710.2 amended – Sewage Discharge**

663

664 **15.04.010 Adoption of the Uniform Plumbing Code.**

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

672 **15.04.040 Section 104.5 amended – Plumbing permit fees.**

673 Section 104.5 and Table No. 104.5 adopted by this chapter are deleted and replaced with the  
674 following wording:

675 104.5 Fees. Fees shall be set forth in a fee ordinance adopted, and from time to time amended,  
676 by the city council. Value of work shall include all costs related to construction and shall be set  
677 by the Building Official using a nationally recognized value table.

678 **15.04.045 Section 107.1 and Section 107.2 amended – Board of appeals – Limitations of**  
679 **authority.**

680 Section 107.1 and Section 107.2 adopted by this chapter are deleted and replaced with the  
681 following wording:

682 107.1 Board of Appeals. The hearing examiner shall hear and decide appeals of orders,  
683 decisions or determinations made by the building official relative to the application and  
684 interpretation of this code in accordance with Chapter 16.50 LMC.

685 107.2 Limitations of Authority. An application for appeal shall be based on a claim that the true  
686 intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the  
687 provisions of this code do not fully apply or an equally good or better form of construction is  
688 proposed. The hearing examiner shall have no authority to waive requirements of this code.

689 **15.04.055 Section 710.2 amended – Sewage Discharge.**

690 Section 710.2 adopted by this chapter is amended by adding the following paragraph:

691 In addition to the alarm requirements of section 710.9 a hardwired generator capable of running  
692 the system and alarm with battery backup during power outages shall be required for the health  
693 and safety of the occupants. This applies to homes or commercial buildings when the entire  
694 sanitary sewer system discharges by means of a sewage ejector, pump or other approved  
695 electrical/mechanical device. A permanent placard explaining the purpose and operating  
696 instructions of the generator shall be posted in an approved location. The operation of the  
697 generator shall be done with an appropriate transfer switch installed per the National Electrical  
698 Code (NEC) and local requirements. Pre-wiring for a generator without the installation of one is  
699 not sufficient to meet this requirement.

700 **Chapter 15.08**  
701 **INTERNATIONAL MECHANICAL CODE**

702 **Sections:**

703 **15.08.010 Adoption of the International Mechanical Code.**

704 **15.08.050 Section 109 amended – Means of appeal.**

705 **15.08.010 Adoption of the International Mechanical Code.**

706 As amended by this chapter and the State of Washington Building Code Council, the latest  
707 edition of the International Mechanical Code (IMC), as published by the International Code  
708 Council, one copy of which, along with the State of Washington Building Code Council's  
709 amendments, shall be on file with the Lynnwood finance director, are adopted by this reference.

710 **15.08.030 Section 106.5.2 amended – Fee schedule.**

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

712 106.5.2 Fee schedule. Mechanical permit fees shall be set forth in a fee ordinance adopted, and  
713 from time to time amended, by the city council.

714 **15.08.050 Section 109 amended – Means of appeal.**

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

716 109.1 Application for appeal. The hearing examiner shall hear and decide appeals of orders,  
717 decisions or determinations made by the building official relative to the application and  
718 interpretation of this code in accordance with Chapter 16.50 LMC.

719 109.1.1 Limitations of authority. An application for appeal shall be based on a claim that the true  
720 intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the  
721 provisions of this code do not fully apply or an equally good or better form of construction is  
722 proposed. The hearing examiner shall have no authority to waive requirements of this code.

723 **Section 3. Amendment.** Chapter 16.04 of the Lynnwood Municipal Code is hereby amended  
724 as follows:

725

726

727

**Chapter 16.04**  
**INTERNATIONAL BUILDING CODE\***

728 **Sections:**

729 **16.04.010 Adoption of the International Building Code.**

730 **16.04.100 Section 109.2 amended – Schedule of permit fees.**

731 **16.04.010 Adoption of the International Building Code.**

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

737 **16.04.035 Section 113 amended – Board of appeals.**

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

739 113.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or  
740 determinations made by the building official relative to the application and interpretation of this  
741 code in accordance with Chapter 16.50 LMC.

742 113.2 Limitations on Authority. An application for appeal shall be based on a claim that the true  
743 intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the  
744 provisions of this code do not fully apply or an equally good or better form of construction is  
745 proposed. The hearing examiner shall have no authority to waive requirements of this code.

746 **16.04.100 Section 109.2 amended – Schedule of permit fees.**

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

748 109.2 Schedule of permit fees. Fees shall be set forth in a fee ordinance adopted, and from time  
749 to time amended, by the city council.

750

751 **Section 4. Amendment.** Chapter 16.05 of the Lynnwood Municipal Code is hereby amended  
752 as follows:

753 **Chapter 16.05**  
754 **INTERNATIONAL ENERGY CONSERVATION CODE**

755 **Sections:**  
756 **16.05.010 Adoption of the International Energy Conservation Code.**  
757 **16.05.015 Section R109 and Section C109 amended – Board of appeals.**  
758  
759 **16.05.010 Adoption of the International Energy Conservation Code.**

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

765 **16.05.015 Section R109 and Section C109 amended – Board of appeals.**

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

768 109.1 Application for appeal. The hearing examiner shall hear and decide appeals of orders,  
769 decisions or determinations made by the building official relative to the application and  
770 interpretation of this code in accordance with Chapter 16.50 LMC.

771 109.2 Limitations of authority. An application for appeal shall be based on a claim that the true  
772 intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the  
773 provisions of this code do not fully apply or an equally good or better form of construction is  
774 proposed. The hearing examiner shall have no authority to waive requirements of this code.

775

776 **Section 5. Amendment.** Chapter 16.09 of the Lynnwood Municipal Code is hereby amended  
777 as follows:

778 **Chapter 16.09**  
779 **INTERNATIONAL RESIDENTIAL CODE**  
780

781 **Sections:**  
782 **16.09.010 Adoption of the International Residential Code.**  
783 **16.09.050 Section R108.2 – Schedule of permit fees.**  
784 **16.09.100 Table R301.2(1) – Climate and geographical design criteria.**  
785  
786 **16.09.010 Adoption of the International Residential Code.**

787 As amended by this chapter and the State of Washington Building Code Council under Chapter  
788 51-51 WAC, the latest adopted version of the International Residential Code (IRC), published by

789 the International Code Council, except Chapters 11 and 25 through 43, one copy of which,  
 790 along with the State of Washington Building Code Council Amendments, shall be on file in the  
 791 office of the Lynnwood finance director, is adopted by reference.

792 **16.09.050 Section R108.2 – Schedule of permit fees.**

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

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

796 **16.09.070 Section R112 amended – Board of appeals.**

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

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

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

805 **16.09.100 Table R301.2(1) – Climate and geographical design criteria.**

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

TABLE R301.2(1)  
 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>a</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>b</sup>	FLOOD HAZARD <sup>g</sup>	AIR FREEZING INDEX <sup>j</sup>	MEAN ANNUAL TEMP <sup>l</sup>
	Speed <sup>d</sup> (mph)	Topographic effects <sup>k</sup>	Special wind region <sup>i</sup>	Wind-borne debris zone <sup>m</sup>		Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>					
25	110	NO	NO	NO	D2	MODERATE	18"	SLIGHT	22	NO	1985; 2005; 53061C1305E 53061C1310E 53061C1309E 53061C1320E 53061C1315E All adopted 11/08/1999	1500	52.8

807

808 **Section 6. Amendment.** Chapter 16.10 of the Lynnwood Municipal Code is hereby amended  
 809 as follows:

810

811

**Chapter 16.10**

812

**ELECTRIC CODE**

813 **Sections:**

814 **16.10.010 Copies of codes on file.**

815 **16.10.050 Codes adopted.**

816 **16.10.080 Plan review fees.**

817 **16.10.090 Electrical permit fees.**

818 **16.10.120 Effect of chapter on existing wiring.**

819 **16.10.130 Service entrance conductors.**

820

821 **16.10.010 Copies of codes on file.**

822 The city shall at all times keep on file with the finance director, for reference by the general  
823 public, not less than one copy of the codes and resolutions, or parts thereof, as herein adopted  
824 by reference, together with the amendments and supplements thereto herein made a part of this  
825 chapter.

826 The copies of the codes on file may be placed by the finance director in the custody of the office  
827 of the building official to make them more readily available for inspection and use by the public.

828 **16.10.050 Codes adopted.**

829 As amended by the provisions of this chapter, the Washington State adopted National Electrical  
830 Code (NEC) issued by the National Fire Protection Association including Annex A, B, C

831 **16.10.090 Electrical permit fees.**

832 Fees shall be set forth in a fee ordinance adopted and from time to time amended by the city  
833 council.

834 **16.10.120 Effect of chapter on existing wiring.**

835 A. The provisions of this chapter are not intended to apply to electrical installations in existence  
836 at the time of its adoption, except in those cases which, in the opinion of the building official, are  
837 found to be dangerous to life or property, and except as is otherwise specifically provided in this  
838 chapter.

839 B. Whenever an existing electrical service is to be moved, altered, or enlarged, the service  
840 equipment may be required to be reinstalled in conformance with this chapter and Chapter  
841 16.14 LMC for underground utilities.

842 C. Additions or alterations to existing electrical systems shall be done using materials and  
843 methods equivalent to or exceeding the currently adopted national, state and city of Lynnwood  
844 electrical codes.

845 D. Conductors not in use shall be removed.

846 **16.10.130 Service entrance conductors.**

847 The NEC and WCEC Article 230 as adopted by this chapter is amended by adding thereto the  
848 following:

849 Service entrance conductors shall be installed in the following manner:

850 A. Minimum coverage shall be 24 inches below finished grade.

851 BĠ. Where current limiters are permitted, they shall be installed in an approved enclosure, and  
852 labeled "current limiters."

853 CĠ. Where Section 230-95(c) of the National Electrical Code applies, tests shall be performed  
854 by an approved testing agency.

855 **Section 8. Amendment.** Chapter 16.24 of the Lynnwood Municipal Code is amended to read  
856 as follows:

857 **Chapter 16.24**  
858 **INTERNATIONAL SWIMMING POOL AND SPA CODE**

859 **Sections:**

860 **16.24.010 Adoption of the International Swimming Pool and Spa Code.**

861 **16.24.030 Abandoned swimming pools.**

862 **16.24.055 Fees.**

863 **16.24.080 Section 108 amended – Means of appeal.**

864

865 **16.24.010 Adoption of the International Swimming Pool and Spa Code.**

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

870 **16.24.030 Abandoned swimming pools.**

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

873 **16.24.055 Fees.**

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

875 105.6 Fees. Fees shall be set forth in an ordinance adopted and from time to time amended by  
876 the city council.

877 **16.24.080 Section 108 amended – Means of appeal.**

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

879 108.1 Application for appeal. The hearing examiner shall hear and decide appeals of orders,  
880 decisions or determinations made by the building official relative to the application and  
881 interpretation of this code in accordance with Chapter 16.50 LMC.

882 108.2 Limitations on Authority. An application for appeal shall be based on a claim that the true  
883 intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the  
884 provisions of this code do not fully apply or an equally good or better form of construction is  
885 proposed. The hearing examiner shall have no authority to waive requirements of this code.

886 **Section 9. Amendment.** Chapter 16.44 of the Lynnwood Municipal Code is hereby amended  
887 as follows:

888 **Chapter 16.44**  
889 **INTERNATIONAL PROPERTY MAINTENANCE CODE**

890 **Sections:**

891 **16.44.010 Adoption of the International Property Maintenance Code.**

892 **16.44.030 Section 111 amended – Means of appeals.**

893

894 **16.44.010 Adoption of the International Property Maintenance Code.**

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

900 **16.44.030 Section 111 amended – Means of appeals.**

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

902 111.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or  
903 determinations made by the building official relative to the application and interpretation of this  
904 code in accordance with Chapter 16.50 LMC.

905 111.2 Limitations on Authority. An application for appeal shall be based on a claim that the true  
906 intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the  
907 provisions of this code do not fully apply or an equally good or better form of construction is  
908 proposed. The hearing examiner shall have no authority to waive requirements of this code.

909 **Section 11. Effective Date.** This Ordinance shall be in full force and effective five (5) days after  
910 passage and publication as provided by law.

911

912 **Section 12. Publication.** This ordinance or a summary thereof consisting of the title shall be  
913 published in the official newspaper of the City and shall take effect and be in full force five (5)  
914 days after publication.

915 PASSED BY THE CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

916

917 APPROVED:

918

919

920

\_\_\_\_\_  
Nicola Smith, MAYOR

921

922 ATTEST/AUTHENTICATED:

923

924

\_\_\_\_\_

925 Karen Fitzthum, City Clerk

926

927 APPROVED AS TO FORM:

928

929

930 \_\_\_\_\_  
Rosemary Larson, City Attorney