



City Council, Regular Meeting

AGENDA

June 17, 2013

6:30 pm – 9:30 pm
Council Chambers

Call to Order

Roll Call

Pledge of Allegiance

Approval of Agenda

Presentations/Proclamations

- King County Parks Levy

Public Comment

Note: *This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.*

Consent Agenda

- Payroll for the period ending May 31, 2013 for pay date June 5, 2013 in the amount of \$285,765.74
1. Approval: Claims for period ending June 17, 2013 in the amount of \$3,728,154.02 for Check No. 34963 through No. 35062
 2. Ordinance: Second Reading Amending Title 16, Buildings And Construction, Of The Sammamish Municipal Code By Amending Chapter 16.05, Construction Codes; 16.20, Construction Administrative Code; And 16.25, Sammamish Building And Property Maintenance Code
 3. Ordinance: Vacating A Portion Of Unopened Right Of Way Titled Ja Huvinen Road Extension Near SE 28th Street
 4. Resolution: Accepting The NE 8th ST/233RD Ave NE Intersection Improvement Project As Complete

City Council meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.

5. Contract: Comprehensive Plan Update/Studio 3MW
6. Contract: Temporary Planner/Prothman
7. Interlocal: 2013 Pavement Overlay Project/SPWSD
8. Approval: Notes for May 14, 2013 Joint Meeting/Study Session

Public Hearings

9. Resolution: Adopting Six Year TIP
10. Ordinance: First Reading Extending Collective Garden Moratorium
11. Ordinance: First Reading Regarding Recreational Marijuana

Unfinished Business

New Business

12. Ordinance: ECA Sunset Clause Extension – Emergency

Council Reports

City Manager Report

Executive Session – If necessary

Adjournment

AGENDA CALENDAR

July 2013				
Tues. 07/2	6:30 pm	Regular Meeting	Ordinance: Second Reading Extending Collective Garden Moratorium Ordinance: Second Reading Recreational Marijuana Contract: Concurrency Management #4/DEA (Consent) Department Update: Police/Fire/Admin Services Resolution: Related To Use Of The Land Conservation And Local Infrastructure Program	
Tues 07/09	6:30 pm	Study Session	Department Update: Finance/IT Department Update: Department of Community Development Tree Retention Hours of Construction Comp Plan Update	
Mon 07/15	6:30 pm	Regular Meeting	Cable TV Franchise Department Update: City Manager/Public Work/Parks Bid Award: 244 th Avenue SE Non-Motorized/(CM Authority to award) Bid Award: Inglewood Hill Pavement Overlay City Managers Report: Fireworks Ordinance Enforcement	
Sept 2013				
Tues 09/03	6:30 pm	Regular Meeting	Proclamation: Eastside's Month of Concern for the Hungry	
Tues 09/10	6:30 pm	Joint Meeting PC/CC	Discussion: Community Center (120 mins) Discussion: Comprehensive Plan	
Mon. 09/16	6:30 pm	Regular Meeting	Resolution: LWSD Bond/Levy Ballot Measure	
Oct 2013				
Tues 10/01	6:30 pm	Regular Meeting	Public Hearing: Ordinance First Reading 2 nd Ja Huvinen/Barnett Property Street Vacation	
Tues 10/08	6:30 pm	Study Session		
Mon. 10/14	6:30 pm	Regular Meeting Joint with PC (follow up)	Resolution: Comprehensive Plan	
Nov 2013				
Tues 11/05	6:30 pm	Regular Meeting		
Tues 11/12	6:30 pm	Study Session		
Mon. 11/18	6:30 pm	Regular Meeting		
Dec 2013				
Tues 12/03	6:30 pm	Regular Meeting		
Tues 12/10	6:30 pm	Study Session		
Mon. 12/16	6:30 pm	Regular Meeting		
To Be Scheduled		To Be Scheduled		Parked Items
Ordinance: Second Reading Puget Sound Energy Franchise				

If you are looking for facility rentals, please click [here](#).

<< May

June 2013

July >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 10 a.m. National Trails Day Volunteer Event
2	3	4 6:30 p.m. City Council Meeting	5 3 p.m. Sammamish Farmers Market 6:30 p.m. Parks and Recreation Commission Meeting	6 4 p.m. Public Safety Committee Meeting 6:30 p.m. Planning Commission Meeting	7	8
9	10 5:30 p.m. City Council Office Hour	11 4:30 p.m. Joint Meeting with Parks & Recreation Commission	12 3 p.m. Sammamish Farmers Market 6 p.m. Sammamish Youth Board Meeting	13	14 3:30 p.m. Teen Fest - Skate Competition and Teen Music Festival	15 10 a.m. Sammamish Walks - "I Spy" 10 p.m. DEADLINE: Call for Student Artists
16	17 6:30 p.m. Arts Commission Meeting 6:30 p.m. City Council Meeting	18 10 a.m. Family Volunteer Event 5:30 p.m. Community and Economic Development Committee Meeting	19 3 p.m. Sammamish Farmers Market	20 6:30 p.m. Planning Commission Meeting 6:30 p.m. Community Garden Steering Committee	21	22
23	24	25	26 3 p.m. Sammamish Farmers Market	27	28	29
30						

If you are looking for facility rentals, please click [here](#).

<< June

July 2013

August >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 10 a.m. Family Volunteer Event 6:30 p.m. City Council Meeting	3 3 p.m. Sammamish Farmers Market	4 Independence Day City offices closed 6 p.m. Fourth on the Plateau	5 9 a.m. Fifth of July Clean Up	6
7	8 8:30 a.m. East meets West through Art, Poetry and Revolution 5:30 p.m. City Council Office Hour	9 12 p.m. Kiwanis KidsFirst! Performance Series 5 p.m. Community and Economic Development Committee Meeting 6:30 p.m. City Council Study Session	10 3 p.m. Sammamish Farmers Market 6:30 p.m. Parks and Recreation Commission Meeting	11 6:30 p.m. Planning Commission Meeting 6:30 p.m. Summer Nights in the Park	12	13
14	15 6:30 p.m. Arts Commission Meeting 6:30 p.m. City Council Meeting	16 10 a.m. Family Volunteer Event	17 3 p.m. Sammamish Farmers Market	18 6:30 p.m. Community Garden Steering Committee 6:30 p.m. Summer Nights in the Park	19	20 10 a.m. Sammamish Walks 7 p.m. Shakespeare in the Park
21	22	23 12 p.m. Kiwanis KidsFirst! Performance Series	24 3 p.m. Sammamish Farmers Market 4 p.m. Finance Committee Meeting	25 6:30 p.m. Summer Nights in the Park 6:30 p.m. Planning Commission Meeting	26 6 p.m. Sammamish Landing Grand Opening	27 7 p.m. Shakespeare in the Park
28	29	30	31 3 p.m. Sammamish Farmers Market 5 p.m. IPAD Art Class			



MEMORANDUM

TO: Melonie Anderson/City Clerk
FROM: Marlene/Finance Department
DATE: June 13, 2013
RE: Claims for June 17, 2013

\$ 394.80
 166,587.18
 3,522,690.96
 38,481.08

Top 5 Expense Items in Packet

King County Sheriff	\$1,880,059.90	Police Services Jan - May 2013
Wa Dept of Commerce	\$557,333.33	PW Trust Fund Payment
Eastside Fire & Rescue	\$470,588.10	Fire Services June 2013
Barker Rinker Seacat	\$128,890.68	Community Center May 2013
Global Contractors	\$105,008.29	2013 Curb Ramp Retrofit & Sidewalk Program

0.00 *

TOTAL \$ 3,728,154.02

Checks # 34963 - 35062

394.80 +
 166,587.18 +
 3,522,690.96 +
 38,481.08 +
 3,728,154.02 *

Accounts Payable

Check Register Totals Only

User: mdunham
Printed: 6/3/2013 - 9:13 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
34963	06/03/2013	KINGDD	King County DDES	394.80	34,963
				<u>394.80</u>	
Check Total:				<u>394.80</u>	

Accounts Payable

Check Register Totals Only

User: mdunham
 Printed: 6/4/2013 - 2:24 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
34964	06/05/2013	AMEX	American Express	108.10	34,964
34965	06/05/2013	ANI	ANI Administrators NW Inc	1,696.51	34,965
34966	06/05/2013	AWCMED	AWC Employee BenefitsTrust	109,186.90	34,966
34967	06/05/2013	CHAP13	Chapter 13 Trustee	280.00	34,967
34968	06/05/2013	ICMA401	ICMA 401	37,841.23	34,968
34969	06/05/2013	ICMA457	ICMA457	9,073.12	34,969
34970	06/05/2013	PREPAIDL	LegalShield	135.50	34,970
34971	06/05/2013	PSE	Puget Sound Energy	7,973.82	34,971
34972	06/05/2013	WASUPPOR	Wa State Support Registry	292.00	34,972
Check Total:				166,587.18	

Accounts Payable

Check Register Totals Only

User: mdunham
 Printed: 6/12/2013 - 3:32 PM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
34973	06/17/2013	ACE	Ace Hardware, LLC	1,335.62	34,973
34974	06/17/2013	ALDWORTH	Kurt Aldworth	49.72	34,974
34975	06/17/2013	ALLENTON	Tonya Allen	130.00	34,975
34976	06/17/2013	AWC	Association of Wa Cities	7,446.88	34,976
34977	06/17/2013	BACKGROU	Background Source Intl	60.00	34,977
34978	06/17/2013	BEST	Best Parking Lot Cleaning, Inc	2,218.09	34,978
34979	06/17/2013	BIERUT	Jonathan Bierut	150.00	34,979
34980	06/17/2013	BMC	BMC Select	109.23	34,980
34981	06/17/2013	BRICKMAN	Brickman Group Ltd LLC	5,834.35	34,981
34982	06/17/2013	BRS	Barker Rinker Seacat Architecture	128,890.68	34,982
34983	06/17/2013	CDW	CDW Govt Inc	897.12	34,983
34984	06/17/2013	CENTLIN2	Century Link	4,099.68	34,984
34985	06/17/2013	COMCAST2	COMCAST	110.85	34,985
34986	06/17/2013	COSTCO	Costco Wholesale	637.53	34,986
34987	06/17/2013	DEERE	John Deere Landscapes	31.53	34,987
34988	06/17/2013	EASTEQ	Eastside Equipment & Marine	293.26	34,988
34989	06/17/2013	EASTFIRE	Eastside Fire & Rescue	470,588.10	34,989
34990	06/17/2013	EASTPLUM	Gary Krupp	532.02	34,990
34991	06/17/2013	EHS	Eastlake High School	1,000.00	34,991
34992	06/17/2013	EMERALDR	Emerald Services, Inc.	76.50	34,992
34993	06/17/2013	EVANS	David Evans & Associates, Inc	49,902.91	34,993
34994	06/17/2013	EVERSONS	Everson's Econo Vac, Inc.	6,311.00	34,994
34995	06/17/2013	FCS	FCS Group Inc.	900.00	34,995
34996	06/17/2013	FIREPROT	Fire Protection, Inc.	300.58	34,996
34997	06/17/2013	FRONTIR2	Frontier	340.80	34,997
34998	06/17/2013	GFOA	Govt Finance Officers Assoc	50.00	34,998
34999	06/17/2013	GLOBALCO	Global Contractors LLC	105,008.29	34,999
35000	06/17/2013	GRAINGER	Grainger	943.78	35,000
35001	06/17/2013	GREATAME	Great America Financial Services	130.31	35,001
35002	06/17/2013	GUARDIAN	Guardian Security	72.00	35,002
35003	06/17/2013	GUINASSO	Joe Guinasso	34.66	35,003
35004	06/17/2013	HDFOWL	H. D. Fowler Company	6,105.30	35,004
35005	06/17/2013	HOMEDE	Home Depot	2,923.53	35,005
35006	06/17/2013	HOWARD	Lyman Howard	11.81	35,006
35007	06/17/2013	ICLEI	ICLEI	600.00	35,007
35008	06/17/2013	IPS	Integrated Print Solutions, Inc	3,285.00	35,008
35009	06/17/2013	ISD	Issaquah School District	91,581.00	35,009
35010	06/17/2013	ISSAQI	Issaquah Press, Inc.	75.38	35,010
35011	06/17/2013	ISSCITY	City Of Issaquah	5,152.50	35,011
35012	06/17/2013	KENYON2	Kenyon Disend PLLC	29,938.88	35,012
35013	06/17/2013	KINGFI	King County Finance A/R	3,679.42	35,013
35014	06/17/2013	KINGPET	King County Pet Licenses	135.00	35,014
35015	06/17/2013	KINGSH	King County Sheriff's Office	1,880,059.90	35,015
35016	06/17/2013	KLEINFEL	Kleinfelder, Inc.	772.82	35,016
35017	06/17/2013	LAKESIDE	Lakeside Industries	1,241.15	35,017
35018	06/17/2013	LESSCHWA	Les Schwab Tire Center	72.82	35,018
35019	06/17/2013	LEXIS	Lexis Nexis Risk Data Mgmt	124.67	35,019
35020	06/17/2013	LWSD	Lake Washington School Dist	70,050.00	35,020
35021	06/17/2013	MICRO	Microflex, Inc.	35.03	35,021
35022	06/17/2013	MINUTE	Mike Immel	266.39	35,022

Accounts Payable

Check Register Totals Only

User: mdunham
 Printed: 6/13/2013 - 10:16 AM



Check	Date	Vendor No	Vendor Name	Amount	Voucher
35060	06/17/2013	COMATTRI	Community Attributes Inc	37,602.50	35,060
35061	06/17/2013	GUNTHER	Robert Gunther	500.00	35,061
35062	06/17/2013	MAILPO	Mail Post	378.58	35,062
Check Total:				38,481.08	



City Council Agenda Bill

Meeting Date: June 17, 2013

Date Submitted: May 28, 2013

Originating Department: Community Development

Clearances:

<input checked="" type="checkbox"/> City Manager	<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input checked="" type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

Subject: An Ordinance Of The City Of Sammamish, Washington, Amending Title 16 of The Sammamish Municipal Code, Buildings and Construction.

Action Required: Second Reading of the ordinance. Adopt ordinance amending Title 16 of the Sammamish Municipal Code

Exhibits:

1. Proposed Ordinance
2. Attachment A

Budget: N/A

Summary Statement: The Washington State Building Code Act (RCW 19.27) requires that the City of Sammamish adopt and begin administering the new 2012 State Building Codes by July 1, 2013. These codes include the International Building Code, International Residential Code, International Existing Building Code and a variety of related code documents.

Because building codes are technical and engineering documents, the city may consider local amendments within certain parameters only. The amendments to the Sammamish Municipal Code Title 16 in this packet fall within those parameters and reflect the staff's recommendations and the consensus of building officials within the E-Gov Alliance. A summary of key amendments is provided below. A brief overview on the impacts of the key amendments will be given by the Building Official at the June 4th council meeting.

Background: Washington adopts and amends the building and construction codes every three years and requires all cities to adopt, administer and enforce those codes. Cities are allowed to further amend these codes provided the amendment does not result in a code less restrictive than that adopted by the State. Sammamish has historically made local amendments to the administrative portions only.

During this adoption cycle many of the E-Gov Alliance cities (Bellevue, Issaquah, Kirkland, Mercer Island, Renton, Sammamish, Snoqualmie, and Woodinville) worked together to update their administrative provisions and to craft a common set of amendments. A shared goal was to promote consistency within the E-Gov Alliance cities, while allowing for local differences where needed. The majority of Sammamish's changes are minor clarifications and necessary updates. Key amendments are discussed below:



City Council Agenda Bill

Key amendments:

1. **Fire Protection for Lightweight framing.** Because of the widespread use of engineered floor joists (TJIs) there has been an increase in firefighter fatalities and injuries as these framing members collapse faster in a fire than traditional sawn lumber. The new building code will require any floor joist smaller than 2 X 10 to be protected on the underside with ½” sheetrock or 5/8” plywood, except when over an unusable crawlspace.
2. **Escape Window Height.** The height of escape windows in bedrooms has long been 44 inches measured from the floor to the window sill. Now it must be measured to the opening in the window.
3. **New Energy Code.** For years we have had the Washington State Energy Code, but this year the State is transitioning to the International Energy Conservation Code (IECC) as a base model. Because the IECC is not as stringent as the current State Energy Code, the State made an extraordinary number of amendments to the IECC. This will continue to be called the “Washington State Energy Code”.
4. **Lighting Systems:** A minimum of 75 percent of the lamps in permanently installed lighting fixtures shall be compact florescent or high efficiency lamps. This has increased 25 percent from the previous code.
5. **Accessory Dwelling Unit (ADU) Separation.** The building code requires that two dwelling units be separated by a firewall. There have been inconsistencies between cities whether the two units of an ADU must also be separated. It has also been very challenging for homeowners that want to create an ADU unit in their existing home, to provide a firewall between the two units. The State code now clarifies that the two ADU units in an existing home do not need to be separated with a firewall provided one unit is owner occupied and smoke detectors are installed and interconnected in both units.
6. **Temperature compensating shower valves.** All shower valves must be temperature compensating not just limit water temperature per the previous code. Temperature compensating valves limit the potential “shock” of hot or cold water and minimize abrupt bodily movements and slip and fall incidents.
7. **Expiration of permits and permit renewals.** Although time limits have not changed, there is now added language within the ordinance that helps alleviate blight issues associated with abandoned construction projects. The new amendment makes it a violation for permits to expire and added renewal limits if the outside structure including roof, siding, windows and exterior doors are not in place.

Customer Preparedness

To help prepare our staff and customers for these changes, classes were offered as followed:

- March 25: Building Code Training
- March 26: Residential Code Training
- March 27: Mechanical Code Training
- March 28: Plumbing Code Training
- April 17: Commercial Energy Code
- May 9: Fuel Gas Code training



City Council Agenda Bill

- May 10: Accessibility Training
- May 15: Summary of Significant Code changes for all Stakeholders.
- May 29: Residential Energy Code Training

Financial Impact: Costs for staff training, new code books and other technical resources are included in the adopted 2013-2014 budget

Recommended Motion: Motion to approve the ordinance updating Title 16 of the Sammamish Municipal Code, Buildings and Construction.

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2013_____**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, AMENDING TITLE 16, BUILDINGS AND
CONSTRUCTION, OF THE SAMMAMISH MUNICIPAL
CODE BY AMENDING CHAPTER 16.05, CONSTRUCTION
CODES; 16.20, CONSTRUCTION ADMINISTRATIVE
CODE; AND 16.25, SAMMAMISH BUILDING AND
PROPERTY MAINTENANCE CODE**

WHEREAS, the City Council of the City of Sammamish has adopted by reference numerous building codes for the health, safety and welfare of the citizens as set forth in the Sammamish Municipal Code Title 16; and

WHEREAS, the State of Washington established the State Building Code as set forth in RCW 19.27.031; and

WHEREAS, a new version of the State Building Code will go into effect on July 1, 2013; and

WHEREAS, the City Council wishes to provide consistency in the administration of the construction codes; and

WHEREAS, the City Council wishes to provide standards for the maintenance of buildings and property within the City to protect the public health, safety and welfare,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Chapters 16.05, 16.20, and 16.25 of the Sammamish Municipal Code are hereby amended to include the following changes indicated below in underline/strikeout and to read as indicated in Attachment A, which is hereby incorporated by this reference.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force July 1, 2013.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE ____ DAY OF _____, 2013.**

CITY OF SAMMAMISH

Mayor Thomas T. Odell

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: May 28, 2013

First Reading: June 4, 2013

Passed by the City Council:

Date of Publication:

Effective Date:

Chapter 16.05 CONSTRUCTION CODES

Sections:

[16.05.010](#) Short title.

[16.05.020](#) Purpose.

[16.05.030](#) Hours of construction.

[16.05.040](#) Referenced codes.

~~[16.05.050](#) Earthquake shutoff valve required.~~

~~[16.05.060](#) Automatic sprinkler systems required.~~

[16.05.070](#) International Building Code adopted.

[16.05.080](#) International Residential Code adopted.

[16.05.090](#) Mechanical code adopted.

[16.05.100](#) National Fuel Gas Code (NFPA 54) adopted.

[16.05.110](#) Liquefied Petroleum Gas Code (NFPA 58) adopted.

[16.05.120](#) International Fuel Gas Code adopted.

[16.05.130](#) International Fire Code adopted.

[16.05.140](#) Uniform Plumbing Code adopted.

[16.05.150](#) Washington State Energy Code adopted.

[16.05.160](#) Documents to be filed and available for public inspection.

[16.05.170](#) Violation.

[16.05.180](#) Adoption of additional state codes.

[16.05.190](#) Code conflicts resolution.

[16.05.200](#) Liability.

16.05.010 Short title.

This chapter shall constitute the City building code and may be cited as such. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2)

16.05.020 Purpose.

The purpose of the codes and regulations adopted by this title is to regulate building and construction within the City and to protect the public health, safety, and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected by the terms of these codes and regulations. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2)

16.05.030 Hours of construction.

Except as approved by the City manager, or designee, to minimize overall public impact and/or inconvenience or otherwise provided in this chapter, the activities and construction noise regulated by this chapter shall be limited to the following hours:

Exhibit 2a

- (1) Monday through Friday: 7:00 a.m. to 8:00 p.m.
- (2) Saturdays and holidays: 9:00 a.m. to 6:00 p.m.
- (3) Sundays: no construction.

When an exception is granted by the City manager, or manager's designee, a notice that an exception has been granted shall be provided to affected property owners/residents and to the police department. Notice may be provided by one or more of the following methods: verbal; written; or by posted signage. The method or methods used shall depend upon the scope and duration of the exception. (Ord. O2010-283 § 1 (Att. A); Ord. O2008-247; Ord. O2004-148 § 2)

16.05.040 Referenced codes.

Specific codes referenced in the general codes adopted by this chapter shall be as follows:

- (1) Any and all reference to the International Plumbing Code shall be replaced with the Uniform Plumbing Code as adopted in SMC [16.05.140](#).
- (2) Any and all reference to the International Property Maintenance Code shall be replaced with the Sammamish Building and Property Maintenance Code as adopted in Chapter [16.25](#) SMC.
- (3) Any and all reference to the International Electrical Code shall be replaced with the National Electrical Code. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

~~16.05.050 Earthquake shutoff valve required.~~

~~All new gas services and existing services that are expanded shall have an approved earthquake shutoff valve installed in the building supply line immediately after the gas meter. The valve shall be located outside of the structure and be readily accessible. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2)~~

~~16.05.060 Automatic sprinkler systems required.~~

~~(1) All newly constructed buildings with a gross square footage of 5,000 square feet, regardless of type or use, as well as zero lot line townhouses with an aggregate area of 5,000 square feet or greater must be sprinklered.~~

~~(2) Additions to existing buildings that are 50 percent or more of the assessed building valuation and would result in a gross floor area greater than 5,000 square feet must be retrofitted with an automatic sprinkler system. Subject to the approval of the fire chief, a phasing plan of up to five years is permitted.~~

~~(3) Floor Area, Gross. For the purpose of this section, “gross floor area” shall be defined as the floor area whether above or below grade within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts, attics, crawl spaces and courts, without deduction for corridors, stairways, closets, the thickness of the interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.~~

~~(4) For the purposes of this section, fire barriers of any type do not constitute separate buildings. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2)~~

16.05.070 International Building Code adopted.

The ~~2009~~ 2012 Edition of the International Building Code, as adopted by the State Building Code Council in Chapter 51-50 WAC, as published by the International Code Council, including Appendix Chapter E (Accessibility), ICC A117.1-2003 (Accessible Standards), Appendix Chapter H (Signs), excluding Chapter 1, Administration, is adopted, together with the following amendments and additions.

The 2009 International Existing Building Code (IEBC) is included in the adoption of the International Building Code as provided by IBC Section 3401.5 and amended in WAC 51-50-480000, excluding Chapter 1, Part 2, Administration. The Construction Administrative Code, as set forth in Chapter 16.20 SMC, shall be used in place of IEBC Chapter 1, Part 2, Administration.

Exceptions. The provisions of this code shall not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables and fruits. “Temporary growing structure” means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

The provisions of this code shall not apply to the construction, alteration, or repair of temporary worker housing except as provided by rule adopted under Chapter 70.114A RCW. “Temporary worker housing” means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes “labor camps” as defined and regulated by state law (RCW) and Washington Administrative Code.

Exhibit 2a

(1) Add new stand-alone section as follows:

Design Criteria shall be as follows:

GROUND AND ROOF SNOW LOAD: 25 PSF

SEISMIC DESIGN CATEGORY: D

WIND SPEED: 70 mph sustained with 85 mph gust

WIND EXPOSURE: Site Specific. See IBC Section 1609.4

SOIL BEARING: Site specific. See IBC Chapter 18

WEATHERING: Moderate

FROST LINE DEPTH: 12 inches

TERMITE: Slight to moderate

DECAY: Slight to moderate

WINTER DESIGN TEMPERATURE: 26 degrees Fahrenheit

ICE SHIELD UNDERLAYMENT REQUIRED: No

FLOOD HAZARDS: See SMC 15.10

AIR FREEZING INDEX: 145 MEAN

ANNUAL TEMPERATURE: 50 degrees Fahrenheit

(2) New Section 107.2.5.1, Design Flood Elevations.

Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

(3) IBC Section 403.2.1.1 No. 2 is amended to read as follows:

403.2.1.1 Type of construction. The following reductions in the minimum fire-resistance rating of the building elements in Table 601 shall be allowed as provided in Section 403.3:

(a) For buildings not greater than 420 feet (128 m) in height, the fire-resistance rating of the building elements in Type IA construction shall

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be allowed to be reduced to the minimum fire-resistance ratings for the building elements in Type IB.

Exception: The required fire-resistance rating of columns supporting floors shall not be permitted to be reduced.

(b) In other than Groups F-1, M and S-1 occupancies, the fire-resistance rating of the building elements in Type IB construction shall be permitted to be reduced to the fire-resistance ratings in Type IIA.

(c) The building height and building area limitations of a building containing building elements with reduced fire-resistance ratings shall be permitted to be the same as the building without such reductions.

(4) Section 403.4.7, Standby power, is amended to read as follows:

A standby power system complying with Chapter 27 shall be provided for standby power loads specified in Section 403.4.7.2.

(5) New Section 403.4.7.1, Special requirements for standby power systems.

If the standby system is a generator set inside a building, the system shall be located in a separate room enclosed with 2-hour fire barriers constructed in accordance with Section 403.4.7.1.1 and Section 707 or horizontal assemblies constructed in accordance with Section 712, or both. System supervision with manual start and transfer features shall be provided at the fire command center.

(6) New Section 403.4.7.1.1, Penetrations.

Penetrations into and openings through a room containing a standby power system are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, or electrical raceway serving the standby power system or being served by the standby power system. Such penetrations shall be protected in accordance with Section 713.

Exception allowed for: Metallic piping with no joints or openings where it passes through the standby power system room.

(7) Amend Section 403.15, Smoke control, Chapter 4 of the IBC is amended and supplemented by the addition of a new Section 403.15 to read as follows:

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403.15 Smoke control. A smoke control system meeting the requirements of Section 909 shall be provided in buildings on occupied floors more than 75 feet above the lowest level of fire department vehicle access.

(8) Section 405.8, Underground Buildings, standby power, is amended to read as follows:

Section 405.8 – Standby power system complying with Section 2702 shall be provided for standby power loads specified in Section 405.8. Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 30 feet below the lowest level of exit discharge requires the approval of the fire code official.

(9) Table 508.4, Required Separation of Occupancies (Hours), is amended to read as follows:

Add footnote reference superscript “fg” to R and group I-1 Occupancy Classification row and column headings. Add footnote fg. to read: See Section 419 for Live/Work Unit separations. See Section 419.420 for Dwelling Unit separation requirements.

(10) Amend Section 903.2, Where required, delete exception, to read as follows:

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

(11) Amend Section [F] 903.2.3, Group E, by deleting exception:

903.2.3. Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

(a) Throughout all group E fire areas greater than 12,000 square feet in area.

(b) Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

(12) Amend Section [F] 903.4.2, Alarms, to read as follows:

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Approved audible and visible alarm notification devices to meet the Americans with Disabilities Act, shall be provided for every automatic sprinkler system in accordance with Section 907 and throughout areas designated by the Fire Code Official. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Exceptions:

1. Approved domestically supplied local systems with 10 heads or less per building, or,
2. Approved residential sprinkler systems for 1 or 2 dwelling units if not otherwise specifically required.

(13) Amend Section [F] 903.4.3, Floor control valves, to read as follows:

Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor. Exception: When approved by the Fire Code Official in NFPA 13D and NFPA13R systems.

(14) Add new Section [F] 905.3.8, High rise building standpipes, to read as follows:

[F] 905.3.8 High Rise Building Standpipes. Standpipe risers shall be combination standpipe/sprinkler risers using a minimum pipe size of 6 inches. Two 2-1/2 inch hose connections shall be provided on every intermediate floor level landing in every required stairway. Where pressure reduction valves (PRV) are required, each hose connection shall be provided with its own PRV. The system shall be designed to provide a minimum flow of 300 gpm at a minimum pressure of 150 psi (maximum 200 psi) at each standpipe connection, in addition to the flow and pressure requirements contained in NFPA 14.

(15) Add new Section [F] 907.14.1, Monitoring, to read as follows:

When required by the Fire Code Official, all fire detection systems shall be monitored and shall meet the following requirements:

1. Current NFPA Article 72, National Fire Alarm Code.
2. The current International Fire and Building Code.

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3. The system shall be supervised.

4. All signals from the fire alarm control panel shall be transmitted to an approved central station conforming to UL Standard 827, listed by Underwriters Laboratories and approved by the Fire Code Official.

5. The building owner must provide the fire department with proof of monitoring service.

6. The installer shall provide written certification to the Fire Department that the system has been installed in accordance with approved plans and specifications.

7. The system must have a signed maintenance agreement prior to Certificate of Occupancy.

(16) Amend Section 1608.1, General, to read as follows:

Design snow loads shall not be less than 25 PSF uniform roof snow load, nor less than that determined by IBC Section 1607.

(17) Add new section 2702.1.1, Location, to read as follows:

2702.1.1 Location. Location of stationary generators, fuel piping and storage tanks are subject to the approval of the Building Official and/or Fire Code Official.

(18) Amend Section 2902.3.1 to add second exception to read as follows:

2902.3.1 Requirements

Separate toilet facilities shall be provided for each sex.

Exceptions:

(1) In occupancies serving 15 or fewer persons, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.

(2) In B and M occupancies with a total floor area of 1500 square feet or less, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.

(19) Amend Section 3002.4 to read as follows:

3002.4 Elevator car to accommodate ambulance stretcher.

Where elevators are provided in buildings four or more stories above grade plane; or four or more stories below grade plane; or in any R or I occupancy building provided with an elevator regardless of the number of stories; at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24-inches by 84-inches (610 mm by 1930 mm) with not less than 5-inch radius corners in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame.

(Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

16.05.080 International Residential Code adopted.

The ~~2009~~ 2012 Edition of the International Residential Code, as adopted by the State Building Code Council in Chapter 51-51 WAC, as published by the International Code Council, including Appendix Chapter G, Swimming Pools, Spas and Hot Tubs, Appendix R, Dwelling Unit Fire Sprinkler Systems, and excluding Chapters 1, 11 and 25 through 42, is adopted, together with the following amendments:

Add design values for Table R-302.2(1) as follows:

GROUND AND ROOF SNOW LOAD: 25 psf

WIND SPEED MPH: ~~70 mph sustained with 85 mph gust~~ 85

Topographic Effects: No

SEISMIC DESIGN CATEGORY: D2

WEATHERING: Moderate

FROST LINE DEPTH: 12 inches

TERMITE: Slight to moderate

DECAY: Slight to moderate

WINTER DESIGN TEMPERATURE: 26 degrees Fahrenheit

ICE ~~SHIELD BARRIER~~ UNDERLAYMENT REQUIRED: No

FLOOD HAZARDS: See SMC 15.10

AIR FREEZING INDEX: 145

MEAN ANNUAL TEMPERATURE: 50 degrees Fahrenheit

SOIL BEARING (Assumed): 1500 PSF

(Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

16.05.090 Mechanical code adopted.

The ~~2009~~ 2012 Edition of the International Mechanical Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by the International Code Council, excluding Chapter 1, Administration, is adopted. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

16.05.100 National Fuel Gas Code (NFPA 54) adopted.

The ~~2009~~ 2012 Edition of ANSI Z223.1/NFPA 54, National Fuel Gas Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA, is adopted. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

16.05.110 Liquefied Petroleum Gas Code (NFPA 58) adopted.

The ~~2008~~ 2011 Edition of NFPA 58, Liquefied Petroleum Gas Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA, is adopted. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2)

16.05.120 International Fuel Gas Code adopted.

The ~~2009~~ 2012 Edition of the International Fuel Gas Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by the International Code Council, excluding Chapter 1, Administration, is adopted. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

16.05.130 International Fire Code adopted.

The ~~2009~~ 2012 Edition of the International Fire Code, as adopted by the State Building Code Council in Chapter 51-54 WAC, as published by the International Code Council, including Appendix Chapters B, Fire-flow requirements for buildings; C, Fire hydrant locations and distribution; and D, Section 106 as amended, is adopted, together with the following amendments:

(1) Amend Section 102.6 to read as follows:

Section 102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45. Such codes and standards shall be considered part of the

requirements of this code to the prescribed extent of each such reference as determined or modified by the fire code official.

(2) Amend Section 104.10.1 to read as follows:

Section 104.10.1 Assistance from other agencies. Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires or the enforcement of this code as requested by the fire code official.

(3) Delete Section 105.2 and replace with the following:

Section 105.2 Application for Permit. Application for permits shall be made to the City of Sammamish in such form and detail as required by the fire department. Applications for permits shall be accompanied by such plans as required by the Bureau of Fire Prevention. All applications for fire department permits shall be forwarded to the Bureau of Fire Prevention for consideration of approval.

(4) Add new Section 105.2.5, Permit Fees, to read as follows:

105.2.5 Permit Fees. Any fees for fire code permits, plan check or any other fire service shall be as listed in the City of Sammamish Fee resolution.

107.5 Overcrowding. Amend to read as follows:

Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to direct actions be taken to reduce the overcrowding or to cause the event to be stopped until such condition or obstruction is corrected.

(5) Delete Section 108 and replace with the following:

Section 108.1 General. Appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code shall be heard and decided by the Hearing Examiner following an open record hearing. Following review of the evidence, the Examiner shall issue final decisions, including findings and conclusions, based on the issues and evidence in the record.

The Hearing Examiner's final decision shall be the final decision of the City Council on the appeal and shall be conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law.

Section 108.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of either this code or the technical codes which are the codes, appendices and referenced code standards adopted by the City of Sammamish.

(6) Amend Section 307.1 to read as follows:

Section 307.1 Open Burning and Recreational fires – General.

Exception: Barbecue and other fires in accordance with the Puget Sound Clean Air Agency.

7) Add new section 307.6

307.6 Sky Lanterns. Sky Lanterns are airborne paper lanterns similar to a mini hot air balloon, also known as Kongming Lanterns (wish lanterns), which are also referred to as Chinese lanterns, sky candles or fire balloons. As such Sky Lanterns are considered open burning, and are not controlled once they are airborne. The use of Sky Lanterns is prohibited.

~~(7)~~ 8) Add new exception to Section 308.3 to read as follows:

Section 308.3 Group A Occupancies.

Exception 4: Where approved by the Fire Code Official.

~~(8)~~ 9) Adopt new Sections 503.1 through 503.4 to read as follows:

Sections 503.1 through 503.4 – Fire apparatus access roads. Fire apparatus access roads in the International Fire Code section 503.1 through 503.4 shall be retained by the City of Sammamish.

(~~9-10~~) Amend Section 503.2.1 to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

Emergency Vehicle access roads shall be constructed in accordance with City of Sammamish Public works standards.

(~~40-11~~) Amend Section 503.2.7 to read as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall be no more than 15% slope. Access roads may be permitted to exceed 15% with approval of the fire official, where all buildings are provided with an approved fire sprinkler system.

(~~44~~ 12) Amend Section 503.3 to read as follows:

Section 503.3. Markings. When required by the Fire Chief, approved signs or other approved notices shall be provided and maintained for fire apparatus roads to identify such roads and prohibit the obstruction thereof or both.

1. All designated fire lanes shall be clearly marked by the property owner in the following manner: Vertical curbs shall be painted six (6") inches in height and shall be painted red on the top and side, extending the length of the designated fire lane with four inch (4") white block lettering stenciled on the face "NO PARKING – FIRE LANE." The stenciling shall be spaced every fifty feet (50'). Rolled curbs or surfaces without curbs shall have a six inch (6") wide red stripe painted extending the length of the designated fire lane with four inch (4") white block lettering stenciled on the stripe "NO PARKING – FIRE LANE." The stenciling shall be spaced every fifty feet (50').

2. Signs may be substituted for curb painting when approved in writing by the fire marshal.

3. Signs shall be not less than eighteen inches (18") in height by twelve inches (12") in width, with block lettering of not less than three inches (3") high brush stroke, reading: "NO PARKING – FIRE LANE." Such signs shall be reflective in nature, with red lettering on a white

background, and spaced at intervals of not less than fifty feet (50') apart. The top of such signs shall not be less than four feet (4'), or more than six feet (6') from the ground. Signs may be placed on buildings when approved in writing by the fire marshal. When posts are required, they shall be constructed of either two inch (2") or greater galvanized steel, or four inch by four inch (4" x 4") or greater pressure treated wood.

4. The fire marshal may approve deviations from any of the specifications in writing.

5. Existing signs may be allowed to remain until the fire marshal determines that a need for replacement exists based on the legibility or other deterioration of the existing signs. Such replacement shall occur within 30 days of receiving written notification of the deficiency.

6. Fire lanes shall be established and maintained as often as required by the fire marshal to clearly identify the designated area as a fire lane, at the sole expense of the property owner. The property owner shall have completed the required establishment or maintenance of fire lanes within 30 days of receiving written notification that such is necessary.

7. At the entrance to the property where fire lanes have been designated, signs shall be posted in a clearly conspicuous location, and shall clearly state that vehicles parked in fire lanes may be impounded, and the name, telephone number, and address of the towing firm where the vehicle may be redeemed.

8. The owner, manager, or person in charge of any property upon which any designated fire lane has been established shall be responsible to prevent the parking of vehicles in such fire lanes by informing the appropriate towing company of the violation. If the lane is blocked by any other obstructions, the owner, manager, or person in charge of the property shall attempt to remove the obstruction, and if unable, shall inform the fire department that the obstruction exists.

9. All criminal violations of the International Fire Code and obstruction of a fire apparatus road may be enforced by any regular or reserve police officer of the Police Department.

10. The Police Department, Fire Chief, Fire Marshal, and other such personnel of the Fire Department as designated by the Fire Chief and approved by the City Manager shall have the authority to issue

infractions for violations of the International Fire Code on forms provided by the Chief of Police for such purposes.

11. Any violation of this Section shall be punishable in accordance with the provisions of SMC 17.05.010.

~~(12) Amend Section 506.1 as follows:~~

~~506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.~~

~~All occupancies equipped with an automatic sprinkler system or fire alarm system shall have a key box mounted in a location approved by the fire code official.~~

~~Exception: One and two family dwelling.~~

~~(13) Add new definition in Section 602:~~

~~Section 602 Definitions: Power Tap. A listed device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has over-current protection.~~

(13) Section 510 amended – Emergency responder radio coverage.

Section 510.1 of The International Fire Code is amended to read as follows:

510.1 Emergency responder radio coverage. All new buildings shall have approved radio coverage for emergency responders within the building installed in accordance with Section 510 of this code and with applicable provisions of NFPA 72, National Fire Alarm Signaling Code. This section shall not require improvement of the existing public safety communication system.

Exceptions:

1. Buildings and area of buildings that have minimum radio coverage signal strength levels of the King County Regional 800 MHz Radio System within the building in accordance with Section 510.4.1
2. Buildings constructed primarily of wood frame that do not have storage or parking areas extending more than one level below grade.
3. Buildings thirty-five (35) feet high (As defined by International Building Code Section 502) or less that do not have below grade storage or parking areas extending more than one level below grade.

Should construction that is thirty-five (35) feet high or less include subterranean storage or parking, then this ordinance shall apply only to the subterranean areas.

4. One and two family dwellings and townhouses

510.2 Emergency responder radio coverage in existing buildings.

Existing buildings shall be provided with approved radio coverage for emergency responders as required in Chapter 11.

510.3.1 Construction Permit required. A construction permit for the installation of or modification to emergency responder radio coverage systems and related equipment is required as specified in Section 105.7.5. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

510.4 Technical requirements. Systems, components, and equipment required to provide emergency responder radio coverage system shall comply with Sections 511.4.1 through 511.4.2.5

510.4.1 Radio signal strength. The building shall be considered to have acceptable emergency responder radio coverage when signal strength measurements in 95% of all areas of the building and 99% in elevators (measured at the primary recall floor), stair shafts and Fire Command Centers meet the signal strength requirements in Sections 510.4.1.1 and 510.4.1.2

510.4.1.1 Minimum signal strength into the building. A minimum signal strength of -95 dBm shall be receivable within the building.

510.4.1.2. Minimum signal strength out of the building. A minimum signal strength of -95 dBm shall be received by the agency's radio system when transmitted from within the building.

510.4.2 System Design. The emergency responder radio coverage system shall be designed in accordance with Sections 510.4.2.1 through 510.4.2.5

510.4.2.1 Amplification systems allowed. Buildings and structures which cannot support the required level of radio coverage shall be equipped:

1. A radiating cable system and/or
2. An internal multiple antenna system with FCC certificated bi-directional 800 MHz amplifiers or
3. Systems otherwise approved by the city radio system manager in order to achieve the required adequate radio coverage

510.4.2.2 Technical criteria.

510.4.2.2.1 Frequency range. The frequency range which must be supported shall be 806 MHz to 824 MHz and 851 MHz to 869 MHz and such other frequencies as determined by the Regional Radio System operator in all areas of the building.

510.4.2.3 Power supply. Power supplies shall conform with NFPA 72, Section 10.5 (Power Supplies).

510.4.2.3.1 Secondary Power. If any part of the installed system or systems contains an electrically powered component, the installed system or systems shall be provided with an independent battery system or an emergency generator capable of operating for a period of at least twenty four (24) hours without external power input. The battery system shall automatically charge in the presence of external power input.

510.4.2.4 Signal Booster Requirements. If used, signal boosters shall meet the following requirements:

1. All signal booster components shall be contained in a NEMA4-type waterproof cabinet.

2. The battery system shall be contained in a NEMA4-type waterproof cabinet.

3. The system shall include automatic alarming of malfunctions of the signal booster and battery system. Any resulting trouble alarm shall be automatically transmitted to an approved central station or proprietary supervising station as defined in NFPA 72 or, when approved by the fire code official, shall sound an audible signal at a constantly attended location.

4. Equipment shall have FCC certification prior to installation.

5. Signal boosters must be equipped with filters that reject adjacent frequencies in addition to the multi-band pass filters.

510.4.2.5 Additional frequencies and change of frequencies. The building owner shall modify or expand the frequency range at his or her expense in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this requirement.

510.5.1 Approval Prior to Installation. No amplification system capable of operating on frequencies used by the Regional 800 MHz Radio System shall be installed without prior coordination and approval of the radio system licensee and any such system must comply with any standards adopted by the King County Regional Communications Board.

510.5.2 Minimum Qualifications of personnel. The system designer, lead installation personnel and personnel conducting radio system tests shall be qualified to perform the work.

Design documents and all tests shall be documented and signed by a person in possession of a current FCC General Radio Telephone Operator License and a certificate or certification issued by the:

1. Associated Public Safety Communications Officials International (APCO), or

2. National Association of Business and Education Radio (NABER) or

3. Personal Communications Industry Association (PCIA), or

4. Manufacturer of the equipment being installed.

510.5.3 Acceptance Test procedure. Acceptance testing for Emergency responder radio amplification system is required, upon completion of installation. It is the building owner's responsibility to have the radio system tested by qualified personnel to ensure a minimum of 95% two-way coverage on each floor of the building.

A report shall be submitted to the Fire Department at the conclusion of acceptance testing containing a floor plan and the signal strengths at each location tested and other relevant information. A representative of the Fire Department may oversee the acceptance test. Acceptance testing is also required whenever changes occur to the building that would materially change the original field performance test. The test procedure shall be conducted as follows:

1. Each floor of the building shall be divided into a grid of approximately forty (40) equal areas.

2. Testing shall use a two (2) watt, portable transceiver with speaker/microphone and flexible antenna (or any calibrated device which will produce signal levels useable by the prescribed portable radio). Field strength testing instruments must have been calibrated within one (1) year of the date of the acceptance test. Field strength testing instruments must be of the frequency selective type incorporating a flexible antenna similar to the ones used on the hand held transceivers. City Radio System Manager may designate alternate methods of measuring the signal level, which satisfy appropriate levels of public safety coverage.

3. A maximum of two (2) nonadjacent areas will be allowed to fail the test.

4. In the event that three (3) of the areas fail the test, the floor may be divided into eighty (80) equal areas in order to be more statistically accurate. In such event, a maximum of four (4) nonadjacent areas will be allowed to fail the test. After the eighty (80) area tests, if the system continues to fail, the building owner shall have the system altered to meet the 95% coverage requirement.

5. A spot located approximately in the center of a grid area will be selected for the test, then the radio will be keyed to verify two-way communication to and from the outside of the building through the Regional 800 MHz Radio System. Once the spot has been selected,

prospecting for a better spot within the grid area is not permitted. The gain values of all amplifiers shall be measured and the results kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to reestablish the gain values.

6. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the building owner shall be required to rerun the acceptance test to reestablish the gain values.

7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at time of installation and subsequent annual inspections.

510.5.4 FCC compliance. The emergency responder radio coverage system installation and components shall also comply with all applicable federal regulations including, but not limited to, FCC 47 DFR Part 90.219.

510.6 Maintenance. The emergency responder radio coverage system shall be maintained operational at all times in accordance with Sections 510.6.1 through 510.6.3

510.6.1 Testing and proof of Compliance. The emergency responder radio coverage system shall be inspected and tested annually, or whenever structural changes occur to the building that would materially change the original field performance tests by a consultant approved by the Fire Code Official. The performance test shall include at minimum a floor plan and the signal strength in various locations of the building.

Testing shall consist of the following:

1. In-building coverage test as described in Section 510.5.3.
2. Signal boosters shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.

3. Backup batteries and power supplies shall be tested under load of a period of one hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.

4. All other active components shall be checked to verify operation within the manufacturer's specifications.

5. At the conclusion of the testing, a report, which shall verify compliance with Section 510.5.3, shall be submitted to the fire code official not later than January 30th of each year.

510.6.2 Additional frequencies and change of frequencies. The building owner shall modify or expand the frequency range at his or her expense in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this requirement.

510.6.3 Identification. Radio Coverage system shall be identified by a sign located on or near the Fire Alarm Control Panel stating "This building is equipped with an Emergency Responder Radio Coverage System"

510.6.4 Field Testing. Police and Fire Personnel shall at any time have the right to enter onto the property to conduct its own field-testing to be certain that the required level of radio coverage is present.

(14) Amend the first sentence of Section 901.7, System out of service, to read as follows:

Section 901.7 System out of service. Where a fire protection system is out of service, the fire department and the fire code official shall be notified immediately and where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned.

(15) Amend Section 903.2, Where required, as follows:

903.2 Where required. Delete the exception.

903.2.a Automatic sprinkler systems required.

(1) All newly constructed buildings with a gross square footage of 5,000 square feet, regardless of type or use, as well as zero lot line townhouses with an aggregate area of 5,000 square feet or greater must be sprinklered.

(2) Additions to existing buildings that are 50 percent or more of the assessed building valuation which is based off of current information from the King County Assessor's office, and would result in a gross floor area greater than 5,000 square feet must be retrofitted with an automatic sprinkler system. Subject to the approval of the fire chief, a phasing plan of up to five years is permitted.

(3) Floor Area, Gross. For the purpose of this section, "gross floor area" shall be defined as the floor area whether above or below grade within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts, attics, crawl spaces and courts, without deduction for corridors, stairways, closets, the thickness of the interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

(4) For the purposes of this section, fire barriers of any type do not constitute separate buildings. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2)

(16) Amend Section 903.4.2, Alarms, to read as follows:

903.4.2 Alarms. Approved audible and visible alarm notification devices to meet the Americans with Disabilities Act, shall be provided for every automatic sprinkler system in accordance with Section 907 and throughout areas designated by the Fire Code Official. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Exception: With approval of the Fire Code Official, audible and visible alarm notification appliances may be omitted for approved residential sprinkler systems in 1 or 2 family dwelling units if not otherwise specifically required.

(17) Amend Section 903.4.3 to read as follows:

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903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor. Exception: When approved by the Fire Code Official in NFPA 13D and NFPA13R systems.

(18) Add new section to read as follows:

905.3.8 High Rise Building Standpipes. Standpipe risers shall be combination standpipe/sprinkler risers using a minimum pipe size of 6 inches. Two 2-1/2 inch hose connections shall be provided on every intermediate floor level landing in every required stairway. Where pressure reduction valves (PRV) are required, each hose connection shall be provided with its own PRV. The system shall be designed to provide a minimum flow of 300 gpm at a minimum pressure of 150 psi (maximum 200 psi) at each standpipe connection, in addition to the flow and pressure requirements contained in NFPA 14.

(19) Amend Section 905.8 to read as follows:

905.8 Dry Standpipes. Dry standpipes, may be installed in other than high rise buildings when approved by the fire code official.

(20) Amend Section 906.1, Where required, as follows:

906.1 Where required. Portable fire extinguishers shall be installed in all Group A, B, E, F, H, I, M, R1, R-~~s~~2, R-4, and S occupancies.

Amend Exception: R-2 occupancies are not required to provide portable fire extinguishers within each dwelling unit. Fire extinguishers are required in common areas and corridors.

(21) Amend Section 907.2 to read as follows:

907.2 Where required – new buildings and structures. An approved manual, automatic or manual and automatic fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 or where required by the Fire Code Official and provide occupant notification in accordance with Section 907.6, unless other requirements are provided by another section of this code. Where automatic sprinkler protection installed in accordance with Section 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not

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be required. The automatic fire detectors shall be smoke detectors. Where ambient conditions prohibit installation of automatic smoke detection, other automatic fire detection shall be allowed.

(22) Add new Section 907.7.5.2 to read as follows:

907.7.5.2. Monitoring. When required by the Fire Code Official, all fire detection systems shall be monitored and shall meet the following requirements:

- (a) Current NFPA Article 72, National Fire Alarm Code.
- (b) The current International Fire and Building Code.
- (c) The system shall be supervised.
- (d) All signals from the fire alarm control panel shall be transmitted to an approved central station conforming to UL Standard 827, listed by Underwriters Laboratories and approved by the Fire Code Official.
- (e) The building owner must provide the fire department with proof of monitoring service.
- (f) The installer shall provide written certification to the Fire Department that the system has been installed in accordance with approved plans and specifications.
- (g) The system must have a signed maintenance agreement prior to Certificate of Occupancy.

~~(23) Amend Section 1404.5 to read as follows:~~

~~1404.5 Fire watch. When required by the fire code official for building construction or demolition that is hazardous in nature, qualified personnel shall be provided to serve as an on-site fire watch. Fire watch personnel shall be provided with at least one approved means for notification of the fire department and their sole duty shall be to perform constant patrols and watch for the occurrence of fire.~~

(24 23) Amend Section 3304.1 to read as follows:

Section 3304.1 Explosive Materials Storage and Handling – General.
The storage of explosive materials is prohibited within the City Limits.

Exceptions:

1. Materials listed and stored in accordance with IFC 3301.1 “Exceptions 1-5, and 7-9.”
2. Model rocket motors, as defined by NFPA 1122, stored in accordance with NFPA 1122 Sections 4.20.1 and 4.20.2. Quantities of more than one pound shall be stored in accordance with NFPA 1127 Sections 4.19.1 through 4.19.2.4.
3. When approved by the Fire Marshall, high power rocket motors as defined by NFPA 1127 and rocket motor reloading kits, stored in accordance with NFPA 1127 Sections 4.19.1 through 4.19.2.4, 4.19.4 and 4.19.5.

(~~25~~ 24) Amend Section 3305.1 to read as follows:

Section 3305.1 Manufacturing, assembly and testing of explosives, explosive materials, ammunition, blasting agents, and fireworks – General. The manufacturing of explosives, explosive materials, ammunition, blasting agents, and fireworks is prohibited within the City limits.

(~~26~~ 25) Amend Section ~~3404.2.9.5.1~~ 5704.2.9.6 to read as follows:

~~3404.2.9.5.1~~ 5704.2.9.6.1 Locations where above-ground tanks are prohibited.

Locations where Class I and Class II liquids are stored in above-ground tanks outside of buildings shall be regulated in accordance with SMC 21A.50.280: “Critical aquifer recharge areas.”

(~~27~~ 26) Amend Section 3404 5704.2.11.2, Location, to add new item No. 4 as follows:

~~3404~~ 5704.2.11.2 Location. Flammable and combustible liquid storage tanks located underground, either outside or under buildings, shall be in accordance with all of the following:

1. Tanks shall be located with respect to existing foundations and supports such that the loads carried by the latter cannot be transmitted to the tank.

2. The distance from any part of a tank storing liquids to the nearest wall of a basement, pit, cellar, or lot line shall not be less than 3 feet (914 mm).

3. A minimum distance of 1 foot (305 mm), shell to shell, shall be maintained between underground tanks.

4. Tank location shall be in accordance with the limitations of SMC [21A.50.280](#): "Critical aquifer recharge areas."

(~~28~~ 27) Amend Section ~~3406~~ [5706](#).2 as follows:

~~3406~~ [5706](#).2 Storage and dispensing of flammable and combustible liquids. Permanent and temporary storage and dispensing of Class I and II liquids for private use on farms and at Public Maintenance facilities owned by the City of Sammamish or other Public agencies shall be in accordance with Sections 3406.2.1 through 3406.2.8.1.

Exception: Storage and use of fuel oil and containers connected with oil-burning equipment regulated by Section 603 and the International Mechanical Code.

(~~29~~ 28) Amend Section ~~3406~~ [5706](#).2.4.4 to read as follows:

Section ~~3406~~ [5706](#).2.4.4 Locations where above-ground tanks are prohibited. Locations where Class I and II liquids are stored in above-ground tanks shall be regulated in accordance with SMC [21A.50.280](#): "Critical Aquifer Recharge Areas."

(~~30~~ 29) Amend Section ~~3804~~ [6104](#).2 to read as follows:

Section ~~3804~~ [6104](#).2 Maximum capacity within established limits. The aggregate capacity for the storage of Liquid Petroleum Gas (LPG) of any one installation shall not exceed 2,000 gallons water capacity, except that in particular installations this capacity limit may be altered at the discretion of the chief after consideration of special features such as topographical conditions, nature of the occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the fire department.

(~~34~~ 30) Amend Appendix D, Section D106, to read as follows:

SECTION D106 SINGLE FAMILY AND MULTIPLE-FAMILY
RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Single family and Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having more than 100 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1, or 903.3.1.2, or 903.3.1.3 of the International Fire Code.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

(Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-165 § 1; Ord. O2004-148 § 2)

16.05.140 Uniform Plumbing Code adopted.

The ~~2009~~ 2012 Edition of the Uniform Plumbing Code, as adopted by the State Building Code Council in Chapters 51-56 and 51-57 WAC, as published by the International Association of Plumbing and Mechanical Officials, excluding Chapter 1, Administration, is adopted, together with the following amendments:

(1) Amend UPC Section 312.0, Independent Systems, as follows:

312.0 Independent Systems.

The drainage system of each new building and of new work installed in any existing building shall be separate and independent from that of any other building, and, when available, every building shall have an independent connection with a public or private sewer.

Swimming pools shall be provided with a separate and independent drainage system, which shall connect with a public or private sewer. The drainage pipe for the pool, floor drain, and similar fixtures shall be connected either to the side sewer downstream of the main building or structure or to the building sewer downstream of the last plumbing fixture. The main building drain shall be equipped with an accessible backwater valve outside of the building or structure and upstream of the pool drain connection.

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(2) Amend UPC Chapter 6, Table 6-5, deleting “Lawn Sprinkler, each head” from the table.

(3) Amend UPC Section 708.0, Grade of Horizontal Drainage Piping, as follows:

Horizontal drainage piping shall be run in practical alignment and a uniform slope of not less than one fourth (1/4) inch per foot (20.9 mm/m) or two (2) percent toward the point of disposal provided that, where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure to obtain a slope of one-fourth (1/4) of an inch per foot (20.9 mm/m) or two (2) percent. Any such pipe or piping four (4) inches (100 mm) or larger in diameter may have a slope of not less than one-eighth (1/8) of an inch per foot (10.5 mm/m) or one (1) percent, only when first approved by the Code Official. Horizontal drainage piping connected to any dual flush gravity tank water closet shall slope a minimum of one-fourth (1/4) inch per foot.

(4) Adopt and amend UPC Section 713.1, Sewers Required, as follows:

713.1 Every building in which plumbing fixtures are installed and every premises having drainage piping thereon shall have a connection to a public or private sewer.

Exceptions:

1. When no public sewer intended to serve any lot or premises is available in any thoroughfare or right of way abutting such lot or premises, or as otherwise approved under SMC [21A.60.030](#), drainage piping from any building or works shall be connected to an approved private sewage disposal system. The public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred (200) feet (60.8 m) from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by such public sewer.

2. No change shall be required in any portion of a plumbing drainage system in or on an existing building or lot when such work was installed and is maintained in accordance with law in effect prior to the effective date of this code, except when any such plumbing or drainage system or other work regulated by this code is determined by the Authority Having

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Jurisdiction to be in fact dangerous, unsafe, unsanitary, or a nuisance and a menace to life, health, or property.

(5) Adopt UPC Sections 713.3, 713.6, 714.2 and 722 pertaining to building sewers to read as follows:

Section 713.3, 713.6, 714.2 and 722 pertaining to building sewers shall be retained by the City of Sammamish.

(6) Amend UPC Section 713.3 as follows:

713.3 Within the limits prescribed by UPC Section 713.1 hereof, the rearrangement or subdivision into smaller parcels of a lot that abuts and is served by a public sewer shall not be deemed cause to permit the construction of a private sewage disposal system, and all plumbing or drainage systems on any such smaller parcel or parcels shall connect to the public sewer.

(7) Amend UPC Section 1101.11.2.2.2 to read as follows:

Combined System. The secondary roof drains shall connect to the vertical piping of the primary storm drainage conductor downstream of any horizontal offset below the roof. The primary storm drainage system shall connect to the building storm water that connects to an underground public storm sewer. The combined secondary and primary roof drain systems shall be sized in accordance with Section 1106.0 based on double the rainfall for the local area. A relief drain shall be connected to the vertical drain piping using a wye type fitting piped to daylight on the exterior of the building. The piping shall be sized as required for a secondary drain with a 4" minimum.

(8) Adopt Appendix Chapter A, "Recommended Rules for Sizing the Water Supply System."

(9) Adopt Appendix Chapter B, "Explanatory Notes on Combination Waste and Vent Systems."

(40) ~~(11)~~ Adopt Appendix Chapter I, "Installation Standards."

~~(11) Adopt Appendix Chapter H, "Grease Interceptors."~~

(42) ~~(10)~~ Adopt Appendix Chapter ~~L C~~, "Alternate Plumbing Systems," excluding Sections ~~L5 and L6. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)~~ C5 through C7.

16.05.150 ~~Washington State Energy Code~~ International Energy Conservation Code adopted.

The 2009 ~~2012 Washington State Energy-International Energy Conservation~~ Code, as adopted by the State Building Code Council in Chapter 51-11C and Chapter 51-11R WAC, is adopted. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 2)

16.05.160 Documents to be filed and available for public inspection.

At least one copy of the codes, regulations, and standards adopted by reference in this chapter, in the form in which they were adopted, shall be filed in the office of the City clerk and shall be available for use and examination by the public pursuant to RCW 35A.12.140. The City clerk may elect to have these copies kept in the permit center office for use by the public. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2. Formerly § 16.05.170)

16.05.170 Violation.

Any person, firm, corporation or organization violating any of the provisions of this chapter shall be subject to the provisions of SMC Title 23, Code Enforcement. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2. Formerly § 16.05.180)

16.05.180 Adoption of additional state codes.

The following chapter of the Washington Administrative Code, as presently existing and as may be subsequently amended, is adopted by reference: Chapter 51-19 WAC, Washington State Historic Building Code. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2. Formerly § 16.05.190)

16.05.190 Code conflicts resolution.

(1) In case of conflict among the building code, the mechanical code, the fire code and the plumbing code, the first named code shall govern over those following.

(2) In case of conflict between other codes and provisions adopted by this chapter, the code or provision that is the most restrictive, as determined by the building official, shall apply. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2. Formerly § 16.05.200)

16.05.200 Liability.

This chapter shall not be construed to relieve or lessen the responsibility of any person, partnership, firm, association, or corporation owning, building, altering, constructing, or moving any building or structure as defined in the building code, nor shall the City or any officer, employee, or agent of the City assume such liability by reason of any inspection authorized in this chapter or certificate of inspection issued by the City or any of its officers, employees or agents. This chapter shall not create or otherwise establish or designate any particular class or group of persons who will or should be specially

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protected by the terms of this chapter. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 2. Formerly § 16.05.210)



Chapter 16.20
CONSTRUCTION ADMINISTRATIVE CODE

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16.20.010 Short title.

This chapter shall constitute the construction administrative code of the City of Sammamish, hereinafter referred to as “this code.” (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.015 Purpose.

The purpose of the codes and regulations adopted by this code is to provide a consistent method for administration of the construction codes adopted in Chapter [16.05](#) SMC. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.020 Scope.

The provisions of this construction administrative code shall apply to the administration of the following codes as adopted by the state of Washington and the City of Sammamish and as listed:

- (1) ~~2009~~ [2012](#) International Building Code – Chapter 51-50 WAC;
- (2) ~~2009~~ [2012](#) International Residential Code – Chapter 51-51 WAC;
- (3) ~~2009~~ [2012](#) International Mechanical Code – Chapter 51-52 WAC;
- (4) ~~2009~~ [2012](#) National Fuel Gas Code (NFPA 54) – Chapter 51-52 WAC;
- (5) ~~2008~~ [2011](#) Liquefied Petroleum Gas Code (NFPA 58) – Chapter 51-52 WAC;
- (6) ~~2009~~ [2012](#) International Fuel Gas Code – Chapter 51-52 WAC;
- (7) ~~2009~~ [2012](#) Uniform Plumbing Code – Chapters 51-56 and 51-57 WAC;
- (8) ~~2009~~ [2012](#) ~~Washington State Energy Code~~ [International Energy Efficiency Code](#)– Chapter ~~51-11~~ [5-11C and 5-11R](#) WAC. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.025 Definitions.

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. “Webster’s Third International Dictionary of the English Language,” unabridged latest

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edition, shall be considered as providing ordinary accepted meanings. Words used in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

“Action” means a specific response complying fully with a specific request by the City of Sammamish.

“Amended construction documents” means changes or revisions to the approved plans which do not alter the size, shape, height, location or orientation on property, major components of the structural load path, or existing requirements.

“Building division” means the staff of the City of Sammamish community development department under the direction of the building official responsible for review of construction drawings and construction inspection for compliance with adopted building, plumbing, mechanical, fire, and other applicable construction codes.

“Building official” means the officer or other authority designated by the director of community development, charged with the administration and enforcement of the adopted construction codes.

“Building service equipment” means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.

“Complete response” means an adequate response to all requests from City staff in sufficient detail to allow the application to be processed.

“Energy code” means the ~~Washington State Energy Code~~ [International Energy Conservation Code](#) promulgated by the Washington State Building Code Council as adopted by the City of Sammamish.

“Existing building” means a building erected prior to the adoption of this code and Chapter [16.05](#) SMC, or one for which a legal building permit has been issued and approved.

“IBC” means the latest edition of the International Building Code promulgated by the International Code Council as adopted by the City of Sammamish.

“IEBC” means the latest edition of the International Existing Building Code promulgated by the International Code Council as adopted by this jurisdiction.

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“IMC” means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by the City of Sammamish.

“IRC” means the latest edition of the International Residential Code for one- and two-family dwellings promulgated by the International Code Council as adopted by the City of Sammamish.

“NEC” means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association.

“Occupancy” means the purpose for which a building, or part thereof, is used or intended to be used.

“Permit center” means the staff of the City of Sammamish community development department under the direction of the permit center manager responsible for intake and issuance of building, plumbing, mechanical, fire and other development permits.

“Public service agency” shall include those agencies providing noncompetitive services and rates to the public for the purpose of delivering electrical, water, sewer or gas utilities. The equipment installed by a public service agency shall be owned, operated and maintained by that agency.

“PUDs” means public utility districts such as water and sewer, etc.

“SEPA” means the State Environmental Policy Act.

“Shall,” as used in this code, is mandatory.

“SMC” means the latest edition of the Sammamish Municipal Code.

“UPC” means the latest edition of the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by the City of Sammamish.

“Valuation” or “value,” as applied to a building or building service equipment, means and shall be the estimated cost to replace the building and its building service equipment in-kind, based on current material and labor replacement costs, and shall include contractor’s overhead and profit. (Ord. O2010-283 § 1 (Att. A); Ord. O2009-253 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3. Formerly § 16.20.030)

16.20.030 Appendices.

Provisions in the appendices of adopted codes shall not apply unless specifically adopted. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § 16.20.035)

16.20.035 Intent.

The purpose of this code and Chapter [16.05](#) SMC is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § 16.20.040)

16.20.040 Referenced codes.

The codes listed in SMC [16.20.050](#) through [16.20.075](#) and referenced elsewhere in this code and Chapter [16.05](#) SMC shall be considered part of the requirements of this code and Chapter [16.05](#) SMC to the prescribed extent of each such reference. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § 16.20.045)

16.20.045 International Building Code.

Scope. The provisions of the International Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

(1) Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height with separate means of egress and their accessory structures shall comply with the International Residential Code. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § 16.20.050)

16.20.050 International Residential Code.

Scope. The provisions of the International Residential Code for one- and two-family dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height above grade plane with separate means of egress and their accessory structures.

Exception: Live/work units complying with the requirements of Section 419 of the International Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the International Building Code when constructed under the International Residential Code for One- and Two-family Dwellings shall conform to Section 903.3.1.3 of the

International Building Code. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § 16.20.055)

16.20.055 Mechanical code.

(1) Scope. The provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems.

(2) Exceptions.

(a) The International Fuel Gas Code – For all installations utilizing natural gas except those regulated by the IRC and those utilizing LPG.

(b) International Residential Code – For all structures regulated by the IRC except LPG installations.

(c) NFPA 54 and 58 – For all LPG installations. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § 16.20.060)

16.20.060 Liquid propane gas code.

Scope. The provisions of the National Fuel Gas Code and Liquefied Petroleum Gas Code (NFPA 54 and 58) shall apply to the installation of all materials and equipment utilizing liquid propane gas. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § 16.20.065)

16.20.065 Natural gas code.

Scope. The provisions of the International Fuel Gas Code shall apply to the installation of all materials and equipment utilizing natural gas including gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems, and related accessories except those regulated by the International Residential Code. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3. Formerly § 16.20.070)

16.20.070 Plumbing code.

Scope. The provisions of the Uniform Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3. Formerly § 16.20.075)

16.20.075 Energy code.

The provisions of the ~~Washington State Energy Code~~ International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency. (Ord. O2010-283 § 1 (Att. A))

16.20.080 General applicability.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code and Chapter 16.05 SMC specify different materials, methods of construction or other requirements, the most restrictive shall govern, except that the hierarchy of the codes named in Chapter 19.27 RCW shall govern. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.085 Other laws.

The provisions of this code and Chapter 16.05 SMC shall not be deemed to nullify any provisions of local, state or federal law. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.090 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code or Chapter 16.05 SMC. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.095 Referenced codes and standards.

The codes and standards referenced in this code and Chapter 16.05 SMC shall be considered part of the requirements of this code and Chapter 16.05 SMC to the prescribed extent of each such reference. Where differences occur between provisions of this code and Chapter 16.05 SMC and referenced codes and standards, the provisions of this code and Chapter 16.05 SMC shall apply. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.100 Partial invalidity.

In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.105 Existing structures.

The legal occupancy of any structure existing on the date of adoption of this code and Chapter 16.05 SMC shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, the Sammamish Building and Property Maintenance Code, or as is deemed necessary by the building official or fire marshal for the general safety and welfare of the occupants and the public. Modifications to existing structures shall be permitted to be performed in accordance

with WAC 51-50-480000 (International Existing Building Code). (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.107 Moved buildings.

(1) Buildings or structures moved into or within a jurisdiction shall comply with the provisions of the International Residential Code, Chapter 51-51 WAC, the International Building Code (Chapter 51-50 WAC), the International Mechanical Code (Chapter 51-52 WAC), the International Fire Code (Chapter 51-54 WAC), the Uniform Plumbing Code and Standards (Chapters 51-56 and 51-57 WAC), the Washington State Energy Code (Chapter 51-11 WAC) and the Washington State Ventilation and Indoor Air Quality Code (Chapter 51-13 WAC) for new buildings or structures.

(a) Exception: Group R-3 buildings or structures are not required to comply if:

- (i) The original occupancy classification is not changed; and
- (ii) The original building is not substantially remodeled or rehabilitated.

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

(2) Prior to relocation, a feasibility inspection shall be performed on the building or structure by a registered design professional to document any known structural deficiencies, examine existing plumbing and mechanical systems, inspect insulated areas of the structure and check for life safety deficiencies. A copy of the inspection reports shall be submitted along with a building permit application for relocation.

(3) Structures which do not conform to minimum requirements at the time of initial construction, or current life safety regulations, or are found substantially deficient in structural integrity, shall be subject to correction. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1)

16.20.108 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing or proposed structure or installation, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official. (Ord. O2010-283 § 1 (Att. A))

16.20.109 Structures in areas of special flood hazard.

Buildings located in areas of special flood hazard shall be regulated under the International Building Code, the International Residential Code and the Sammamish Municipal Code. (Ord. O2010-283 § 1 (Att. A))

16.20.110 Creation of enforcement agency.

The building division of the community development department is hereby created and the official in charge thereof shall be known as the building official. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.115 Appointment.

The building official shall be appointed by the chief appointing authority of the City of Sammamish. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.120 Deputies.

In accordance with the prescribed procedures of the City of Sammamish and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.125 Duties and power of building official.

The building official is hereby authorized and directed to enforce the provisions of this code and Chapter [16.05](#) SMC. The building official shall have the authority to render interpretations of this code and Chapter [16.05](#) SMC and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code and Chapter [16.05](#) SMC. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code and Chapter [16.05](#) SMC. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.130 Applications and permits.

The permit center shall receive and review applications for the erection, alteration, demolition and moving of buildings, structures and building service equipment, shall route to the appropriate divisions or departments of the City of Sammamish and/or other agencies for review and approval, and when approved by all appropriate divisions, departments, or agencies, issue the appropriate permit. The building division shall review construction documents for the erection, alteration, demolition and moving of buildings, structures and building service equipment, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code and Chapter [16.05](#) SMC. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.135 Notices and orders.

The building official shall have the authority to issue all necessary notices or orders to ensure compliance with this code and Chapter [16.05](#) SMC. Notices and orders shall be as prescribed in Chapter [23.60](#) SMC. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.138 Tagging of buildings.

Following a City of Sammamish issued formal declaration of emergency, the building official shall be authorized to evaluate and provide building safety evaluations. Evaluations shall generally follow standards from the Applied Technology Council ATC 20, ATC 20-1 or ATC 45 manuals. The procedure shall allow for the tagging of buildings as “Inspected,” “Limited Entry” or “Unsafe” along with associated penalties per SMC [16.20.545](#) for removal of building tags. Notice and orders pertaining to dangerous buildings and appeal procedures established under adopted building codes shall not apply under official declarations of emergency. This section for tagging of buildings shall also apply for unsafe structures and equipment identified in SMC [16.25.150](#). (Ord. O2010-283 § 1 (Att. A))

16.20.140 Inspections.

The building division shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise at the applicant’s expense. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.145 Identification.

Building division personnel shall carry proper identification when inspecting structures or premises in the performance of duties under this code and Chapter [16.05](#) SMC. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.150 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code and Chapter [16.05](#) SMC, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code and Chapter [16.05](#) SMC which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code and Chapter [16.05](#) SMC; provided, that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and

request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.155 Department records.

The permit center shall keep official records of applications received, permits and certificates issued, and fees collected. The building official shall keep official records of reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.160 Liability.

The building official or employee charged with the enforcement of this code and Chapter [16.05](#) SMC, while acting for the City of Sammamish in good faith and without malice in the discharge of the duties required by this code and Chapter [16.05](#) SMC or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code and Chapter [16.05](#) SMC shall be defended by legal representative of the City of Sammamish until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code and Chapter [16.05](#) SMC. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.165 Approved materials and equipment.

Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.170 Used materials and equipment.

The use of used materials and building service equipment which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.175 Modifications.

Wherever there are practical difficulties involved in carrying out the provisions of this code and Chapter [16.05](#) SMC, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code and Chapter [16.05](#) SMC impractical and the

modification is in compliance with the intent and purpose of this code and Chapter [16.05](#) SMC and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department. The building official is authorized to charge an additional fee to evaluate any proposed modification under the provisions of this section. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.180 Alternative materials, design and methods of construction and equipment.

The provisions of this code and Chapter [16.05](#) SMC are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code and Chapter [16.05](#) SMC; provided, that any such alternative has been approved by the building official. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and Chapter [16.05](#) SMC, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code and Chapter [16.05](#) SMC in quality, strength, effectiveness, fire resistance, durability and safety. The building official is authorized to charge an additional fee to evaluate any proposed alternate material, design and/or method of construction and equipment under the provisions of this section. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.185 Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code and Chapter [16.05](#) SMC, shall consist of valid research reports from approved sources. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.190 Tests.

Whenever there is insufficient evidence of compliance with the provisions of this code and Chapter [16.05](#) SMC, or evidence that a material or method does not conform to the requirements of this code and Chapter [16.05](#) SMC, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the City of Sammamish. Test methods shall be as specified in this code and Chapter [16.05](#) SMC or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.195 Permits required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any gas, mechanical or plumbing system, the installation of which is regulated by this code and Chapter [16.05](#) SMC, or to cause any such work to be done, shall first make application to the permit center and obtain the required permit. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.200 Work exempt from permit.

Exemptions from permit requirements of this code and Chapter [16.05](#) SMC shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code and Chapter [16.05](#) SMC or any other laws or ordinances of the City of Sammamish. Permit exemptions for activities outside the footprint of an existing legally established structure shall not apply ~~to areas of flood hazard and City land use within~~ critical areas or within the standard shoreline setbacks, including but not limited to steep slopes, wetland buffers and shoreline designated areas. Permits shall not be required for the following:

(1) Public Service Agencies or Work in the Public Right-of-Way.

- (a) Installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies.
- (b) Work located primarily in a public right-of-way, on public utility towers and poles (but no exemption for wireless communications facilities that are not located in a public way) and hydraulic flood control structures.

(2) Building.

- (a) ~~One-story detached accessory structures accessory to residential buildings constructed under the provisions of the IRC used as tool and storage sheds, tree-supported play structures, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²) and the structure is located in accordance with all land use regulations.~~ IRC accessory structures used as tool and storage sheds, one story tree-supported play structures, playhouses and similar uses, but not including vehicle storage, provided the floor area does not exceed two hundred square feet and except one story tree-supported play structures, the height does not exceed 12 feet from the grade plane to the highest point of the roof.
- (b) Fences not over six feet (1,829 mm) high.
- (c) Oil derricks.

Exhibit 2b

- (d) Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
- (e) Rockery walls which are not over four feet (1,219 mm) in height measured from finished grade to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
- (f) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed two to one.
- (g) Sidewalks and driveways that are not part of an accessible path of travel.
- (h) Decks and associated platforms and steps accessory to buildings which are not more than 30 inches (762 mm) above adjacent grade at any point within 36 inches horizontally to the edge of the open side, are not over any basement or story below and are not part of an accessible path of travel.
- (i) Painting, papering, tiling, carpeting, cabinets, countertops, nonstructural wood or vinyl siding, and similar finish work; provided, that existing accessible features are not altered.
- (j) In-kind re-roofing of one- and two-family dwellings, provided the new roofing material is not removed or replaced.
- (k) Window replacement in IRC structures where no alteration of structural members is required; however, this does not include windows which require safety glass or provide egress under the IRC.
- (l) Replacement of nonstructural siding on IRC structures except for Exterior Insulation Finish systems (EIFS) or stucco finish.
- (m) Temporary motion picture, television and theater stage sets and scenery.
- (n) Prefabricated portable swimming pools and hot tubs accessory to a one- and two-family dwelling or Group R-3 occupancy, which are less than 36 inches (915 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
- (o) Shade cloth structures constructed for garden, nursery or agricultural purposes and not including service systems.
- (p) Swings, slides and other similar playground equipment.

Exhibit 2b

(q) Window awnings supported by an exterior wall of a one- and two-family dwelling or Group R-3 and Group U occupancies, which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

(r) Nonfixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.

(s) Satellite earth station antennas six and one-half feet (two m) or less in diameter or diagonal in zones other than residential zones.

(t) Satellite earth station antennas three and one-quarter feet (one m) or less in diameter in residential zones.

(u) Video programming service antennas three and one-quarter feet (one m) or less in diameter or diagonal dimension, regardless of zone.

(v) Job shacks that are placed at the job site during construction, for which a permit has been issued, may be allowed on a temporary basis and shall be removed upon final approval of construction. A "job shack" means a portable or temporary structure for which the primary purpose is to house equipment or supplies and which may serve as a temporary office during construction activity. Sales offices are not considered construction related.

(w) Flag and light poles located on private property less than or equal to 20 feet in height.

(3) Mechanical.

(a) Portable heating, cooking, or clothes-drying appliances.

(b) Portable ventilation equipment.

(c) Portable cooling unit.

(d) Steam or hot or chilled water piping within any heating or cooling equipment regulated by this code and Chapter [16.05](#) SMC.

(e) Replacement of any part which does not alter its approval or make it unsafe.

(f) Portable evaporative cooler.

(g) Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

(h) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.

(4) Plumbing.

(a) The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipe; provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.

(b) The clearing of stoppages.

(c) Reinstallation or replacement of prefabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes. (Ord. O2010-283 § 1 (Att. A); Ord. O2009-249 § 1; Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.205 Emergency repairs.

Where equipment replacements and equipment repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the permit center. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.210 Ordinary repairs.

Application or notice to the permit center is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.215 Application for permit.

To obtain a permit, the applicant shall first file a complete application as defined by the jurisdiction therefor in writing on a form furnished by the permit center for that purpose. Such application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made.
- (2) The legal description, or the tax parcel number and the street address if available, that will readily identify and definitely locate the proposed building or work.

Exhibit 2b

- (3) The property owner's name, address, and phone number.
- (4) The prime contractor's business name, address, phone number, and current state contractor registration number.
- (5) Either:
 - (a) The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or
 - (b) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than 50 percent of the total amount of the construction project.
- (6) Indicate the use or occupancy for which the proposed work is intended.
- (7) Be accompanied by plans, diagrams, computations and specifications and other information as required in SMC [16.20.255](#) through [16.20.275](#).
- (8) State the valuation of the proposed work.
- (9) Be signed by the applicant, or the applicant's authorized agent.
- (10) Give such other data and information as required by the City of Sammamish.

The information required on the building permit application by subsections (2) through (5) of this section shall be set forth on the building permit document which is issued to the owner, and on the inspection record card which shall be posted at the construction site.

If the information required by subsection (5) of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.220 Action on application.

City staff shall examine or cause to be examined applications for permits and amendments thereto prior to acceptance of the building, plumbing, mechanical or related permit application. If the application or the construction documents are incomplete or lack sufficient information to demonstrate compliance with applicable codes and standards, the application shall be returned to the applicant stating the

reasons therefor. If the City staff is satisfied that the application or construction documents are complete and provide sufficient information to proceed with review, the permit center shall accept the permit application and collect the appropriate submittal fees.

Notwithstanding the language of this or any other provision of this code, no building permit shall be issued until all other project permits related to the project action for which the building permit is sought have been approved and issued, and all related fees, bonds, and approval conditions have been paid and/or satisfied, including but not limited to: SEPA approvals, subdivisions, PUDs, building site plans, conditional use permits, variances, shoreline substantial development permits, critical area alterations permits and frontage improvements.

When a reasonable use exception is required to determine placement of the proposed structure and all appurtenances, the reasonable use exception shall be obtained prior to application for a building permit. If, after the application is submitted, it is determined that the proposed structure must be altered or redesigned in order to comply with land use, fire, or other regulations, the building official is authorized to require the applicant to withdraw said application. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.225 Time limitation of application.

(1) Applications for which no permit is issued within 18 months following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law by the building official. Permit applications that will expire shall be extended to June 30, ~~2013~~ 2016, by the building official upon written request by the applicant, subject to the following:

(a) A counter service fee as established by the current fee schedule.

(2) Applications may be canceled for inactivity if an applicant fails to respond to the building official's written request for revisions, corrections, actions or additional information within 90 days of the date of request. The building official may extend the response period beyond 90 days if within the original 90-day time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information needed by the building official.

(3) The building official may extend the life of an application beyond the expiration period established in subsection (1) of this section, if any of the following conditions exist:

- (a) Compliance with the State Environmental Policy Act is in progress; or
- (b) Any other City review is in progress, provided the applicant has submitted a complete response to City requests for information or corrections; or
- (c) The building official determines that unique or unusual circumstances exist that warrant additional time for such response, and the building official determines that the review is proceeding in a timely manner toward the final City decision; or
- (d) Litigation against the City or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application. (Ord. O2010-283 § 1 (Att. A); Ord. O2009-253 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.230 Validity of permit.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code and Chapter [16.05](#) SMC or of any other ordinance of the City of Sammamish. Permits presuming to give authority to violate or cancel the provisions of this code and Chapter [16.05](#) SMC or other ordinances of the City of Sammamish shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building division from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure wherein violation of this code and Chapter [16.05](#) SMC or of any other ordinances of the City of Sammamish exist. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.235 Expiration of issued permits.

- ~~(1) Every permit issued shall expire two years from the date of issuance. The building official may approve a request for an extended expiration date where a construction schedule is provided by the applicant and approved by the building official prior to permit issuance. Every building permit and its associated ancillary permits issued shall expire in two years from the date of issuance. Within two years of the issuance of the permit for an IRC structure, the outside must be complete including roofing, siding, windows, exterior doors and applicable site and right-of-way improvements. The two years to complete the IRC structure may not be extended.~~
- ~~(2) Every permit that has been expired for one year or less may be renewed for a period of one year for an additional fee as long as no changes have been made to the originally approved plans. For permits that have been expired for longer than one year, a new permit must be obtained and new fees paid. No permit shall be renewed more than once.~~

~~(3) (2) Mechanical and plumbing permits shall expire at the same time as the associated building permit except that if no associated building permit is issued, the mechanical and/or plumbing permit shall expire one year from the date of issuance. Sign permits, mechanical, and plumbing permits not associated with a building permit shall expire one year from the date of issuance.~~

~~(4) (3) The City may authorize a 30-day extension to an expired permit for the purpose of performing a final inspection and closing out the permit as long as not more than 180 days have passed since the permit expired. The 30-day extension, if granted, shall commence on the date of written approval. If the work required under a final inspection is not completed within the 30-day extension period, the permit shall expire. The building official may authorize an additional 30-day extension if conditions outside of the contractor's control delay completion and the contractor can demonstrate that a good faith effort to complete the permitted work in a timely manner is being made. (Ord. O2010-283 § 1 (Att. A); Ord. O2009-253 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3) The building official may grant a thirty-day extension of time for permits when only the final inspection is remaining and all other work has been approved.~~

~~4) It is a violation of this chapter to allow a permit to expire without first obtaining an approved final inspection.~~

~~Exception 1: A new building permit issued for an IRC structure to complete the work covered by a previous, expired permit shall expire in:~~

~~(a) One year if the framing inspection was not approved on the previous permit; or~~

~~(b) Six months if the framing inspection was approved on the previous permit and the exterior of the structure is not completed per subsection (c) of this section; or~~

~~(c) Two years if the outside of the structure is complete including roofing, siding, windows, exterior doors and applicable site and right-of-way improvements.~~

~~Exception 2: For permits resulting from work without a permit or other code enforcement action(s), the expiration date will be determined by the building official.~~

16.20.237 Permit Renewals.

~~An existing building permit may be renewed one time for a fee of one-half the original permit fee, provided the permit has not been expired for more than one year and the framing inspection has been approved. Permit renewals shall expire in:~~

~~(1) Six months if the exterior of the structure is not completed per subsection (2) of this section; or~~

(2) Two years if the outside of the structure is complete including roofing, siding, windows, exterior doors and applicable site and right-of-way improvements.

16.20.240 Suspension or revocation.

The building official is authorized to suspend or revoke a permit issued under the provisions of this code and Chapter [16.05](#) SMC wherever the permit is issued in error, or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter [16.05](#) SMC, or if the permitted structure is being constructed in violation of the permit or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter [16.05](#) SMC. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.245 Placement of permit.

The building permit or copy shall be kept on the site of the work until the completion of the project. For access to permit for inspections, see SMC [16.20.475](#). (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.248 Floor and roof design loads.

(1) Live Loads Posted. Where the live load for which each floor or portion thereof of a commercial or industrial building is or has been designed exceeds 50 pounds per square foot (2.40kN/m²), such design live load shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notice signs.

(2) Issuance of Certificate of Occupancy. A certificate of occupancy required by SMC [16.20.490](#) shall not be issued until the floor load signs required by subsection (1) of this section have been installed.

(3) Restrictions on Loading. It shall be unlawful to place, cause or permit to be placed, on any floor or room of a building, structure or portion thereof, a load greater than is permitted by this code. (Ord. O2010-283 § 1 (Att. A))

16.20.250 Construction documents – Submittal.

Construction documents, statements of special inspections, geotechnical reports, structural observation programs, and other data required to be submitted shall be submitted in one or more sets, as determined by the building official, with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the state of Washington. When special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code and Chapter [16.05](#) SMC. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.255 Information on construction documents.

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed in the proper orientation and layout as it is to be constructed and show in detail that it will conform to the provisions of this code and Chapter [16.05](#) SMC and relevant laws, ordinances, rules and regulations, as determined by the building official. Construction documents shall not be altered once submitted except as required by notice of the City reviewer to achieve compliance with applicable codes. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.260 Fire protection system shop drawings.

Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and Chapter [16.05](#) SMC and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 IBC. Shop drawings shall be prepared by a certified individual as required by the state of Washington. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.265 Means of egress.

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code and Chapter [16.05](#) SMC. In other than one- and two- family dwellings and occupancies in Groups R-2 and R-3, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.270 Exterior wall envelope.

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code and Chapter [16.05](#) SMC. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include

manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

Exception: Subject to the approval of the building official, R-3 one- and two-family dwellings and U occupancies may be exempt from the detailing requirements of this section. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.273 Building enclosure design requirements of Chapter 64.55 RCW.

Building enclosure design documents of new or rehabilitated multifamily buildings that are subject to these regulations shall be submitted at the time of permit application. This section includes buildings containing more than two attached dwelling units and buildings containing nonresidential units if the building also contains more than two attached dwelling units. This section does not apply to hotels, motels, dormitories, care facilities, or floating homes or buildings that contain attached dwelling units that are each located on a single platted lot.

All applications for building construction or rehabilitation shall include design documents prepared and stamped by a Washington State licensed architect or engineer and shall identify the building enclosure (building enclosure documents) including, but not limited to, waterproofing, weather proofing and/or other protection from water or moisture intrusion, unless a recorded irrevocable sale prohibition covenant is submitted to and approved by the City.

The City will not issue a permit for construction or rehabilitative construction unless the building enclosure documents contain a stamped statement in substantially the following form:

The undersigned has provided building enclosure documents that in my professional judgment are appropriate to satisfy the requirements of RCW 64.55.005 through 64.55.090. I acknowledge: (a) that the city building department is not charged with determining whether the building enclosure design documents are adequate or appropriate to satisfy the requirements of RCW 64.55.005 through 64.55.090; and (b) that nothing in RCW 64.55.005 through 64.55.090 requires a building department to review, approve, or disapprove enclosure design documents.

(Ord. O2010-283 § 1 (Att. A))

16.20.275 Site plan.

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size, location, orientation and layout of new construction and existing structures on the site including all roof overhangs, projections, cantilevers and building footprint, distances from lot lines, the established street grades and the proposed finished grades and average grades as required, calculations for building height, and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. Site plans shall also be provided which show width, slope, distance, and surface requirements for emergency vehicle access roads and/or driveways and depict all lots which contain structures served by the access road. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.280 Examination of documents.

The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and Chapter [16.05](#) SMC and other pertinent laws or ordinances. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.285 Use of consultants.

Whenever review of a building permit application requires retention by the City of Sammamish for professional consulting services, the applicant shall reimburse the City of Sammamish the full cost of such professional consulting services. This fee shall be in addition to the normal plan review and building permit fees. The City of Sammamish may require the applicant to deposit an amount with the City of Sammamish estimated in the discretion of the building official to be sufficient to cover anticipated costs for retaining professional consultant services and to ensure reimbursement for such costs. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.290 Approval of construction documents.

When the permit center issues a permit, the construction documents shall be approved by the building division, in writing or by stamp. One set of construction documents so reviewed shall be retained by the City of Sammamish. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.295 Phased approval.

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted; provided, that adequate information and detailed statements have been filed complying with pertinent requirements of this code and Chapter [16.05](#) SMC. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. The permit center is authorized to require that a performance bond be posted with the City in an amount equal to 150 percent of the cost of demolition and removal of the work authorized under a phased approval. The bond shall be refundable upon issuance of a building permit for the complete building or structure and a request in writing for the refund. It shall be the duty of the applicant to request the refund. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.300 Design professional in responsible charge.

When it is required that documents be prepared by a qualified, registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by [Section 1709 IBC Chapter 17 of the IBC](#), the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704 IBC).

~~At least one set of documents prepared by a registered design professional shall bear the seal or stamp of the design professional and shall contain the original signature of the design professional.~~

~~Exceptions:~~

~~(1) Supporting documents such as engineering calculations, geotechnical reports, and specifications need only bear an original stamp and signature on the cover sheet of the supporting documents.~~

~~(2) With permission of the building division, a copy of the original stamp and original signature may be accepted on the documents. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)~~

16.20.305 Deferred submittals.

For the purposes of this section, “deferred submittals” are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the permit center within a specified period. Deferral of any submittal items shall have the prior approval of the building division. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building division. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the permit center with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building division. The permit center is authorized to charge an additional plan review fee to evaluate deferred submittals under the provisions of this section. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.310 Amended construction documents.

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be submitted for approval as an amended set of construction documents along with an application for permit revision. Where changes to the approved plan alter the size, shape, height, location or orientation on the property, major components of the structural load path, or exiting requirements, a new permit application shall be submitted and applicable fee paid. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.315 Retention of construction documents.

One set of approved construction documents shall be retained by the City of Sammamish for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.320 Temporary structure – General.

The building official is authorized to approve a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

Exception: The building official may authorize unheated tents and yurts under 500 square feet accommodating an R-1 occupancy for recreational use as a temporary structure and allow them to be used indefinitely. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.325 Temporary structure – Conformance.

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code and Chapter [16.05](#) SMC as necessary to ensure the public health, safety and general welfare. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.330 Temporary structure – Termination of approval.

The building official is authorized to terminate such permit for a temporary structure or use issued under the provisions of this code and Chapter [16.05](#) SMC wherever the permit is issued in error, or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter [16.05](#) SMC, or if the permitted structure is being constructed in violation of the permit or in violation of any ordinance or regulation of the City of Sammamish or any of the provisions of this code and Chapter [16.05](#) SMC and to order the temporary structure or use to be discontinued. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.335 Payment of fees.

A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.340 Schedule of permit fees.

On buildings, structures, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with this code and the fee schedule as established in the City of Sammamish fee resolution. In no case shall the building permit fee be less than the City's hourly inspection fee multiplied by the number of inspections expected to be performed for work authorized by the permit. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.345 Plan review fees.

When submittal documents are required by SMC [16.20.250](#) through [16.20.310](#) and Chapter [16.05](#) SMC, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The permit center may have the option to charge a deposit, in lieu of the full plan review fee, if the full amount is not known at the time. Any plan review deposit shall be applied toward the total plan review fee owed. The actual permit fees and related plan review fee shall be determined upon completion of the plan

review and the balance owing shall be paid at the time of permit issuance. The plan review fee shall be a separate fee from the permit fees specified in this section and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in SMC [16.20.250](#) through [16.20.310](#), an additional plan review fee shall be charged at the rate shown in the fee resolution established by the City of Sammamish. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.350 Building permit valuations.

The applicant for a permit shall provide an estimated building valuation at the time of application. The final determination of value or valuation under any of the provisions of this code and Chapter [16.05](#) SMC shall be made by the permit center. The April 2002 “Building Standards Magazine” published by the International Council of Building Officials shall be used to determine building valuations for the various building types and occupancies noted in that table, with a regional modifier reflective of construction costs within the City of Sammamish. When a specific building type or occupancy is not noted in the valuation table, the permit center is authorized to use the classification type noted in the table that most closely resembles the proposed type of building or determine a valuation type independently. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.353 Registered plan program.

An applicant who intends to apply for permits to build a number of single-family structures using the same plans may elect to participate in the “Registered Plan Program.” This program is intended to improve customer service by simplifying the application process and reducing plan review times. This program is also intended to encourage variations in building design to produce aesthetically pleasing, yet diversified, neighborhoods that add to the quality of Sammamish as a unique community.

Options are allowed to be submitted with the initial registering of the basic plan to accommodate a variation of building styles using the basic plan. When plans are submitted under the jurisdiction’s “Registered Plan Program,” a plan review fee shall be paid at the time of application for a registered plan.

The building official may have the option to charge a partial deposit, in lieu of the full plan review fee. All portions of fees paid as a deposit amount shall be applied to the total plan review fees owed. The applicant shall be required to pay the balance of amount owed for the plan review prior to final approval of the registered plan.

Valuations used to compute the permit fees shall include all options submitted with a registered plan. When a registered plan consists of a number of plan options that can

produce any number of similar but different buildings, the building official may charge plan review fees based on each different building configuration.

Plan review fees shall be paid for at the time of application for a building permit. The building official may have the option to charge a partial deposit, in lieu of the full plan review fee. All portions of fees paid as a deposit amount shall be applied to the total plan review fees owed. The applicant shall be required to pay the balance of amount owed for the plan review. The plan review fees specified in this subsection are separate fees from the permit fees and are in addition to the permit fees.

Plan orientation: Building construction shall follow the direction, layout and orientation of the plan as approved. Applications to reverse or flip a plan shall only be allowed as an approved option to a registered plan where all drawing floor plans, site plans, sections, elevations and structural drawings reflect the layout of the building to be constructed.

Revisions: Once a plan and associated options are reviewed, approved and registered, changes or revisions to that plan are not permitted ~~without unless approved by the building official in accordance with the registered plan program. or requiring the plan to be resubmitted as a new registered plan and pay full new fees.~~

Field revision: Once a permit is issued for a registered plan, no revisions will be permitted except for minor field changes. Changes other than minor field changes will be considered major changes and require the permit holder to resubmit those changes as a new submittal and pay the appropriate fee. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1)

16.20.355 Work commencing before permit issuance.

Any person who commences any work on a building, structure, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a stop work order and special investigation fee established by the City of Sammamish that shall be in addition to the required permit fees.

When it is determined that construction has taken place that required a permit and construction is at such a stage that structural conformance cannot be visually assured by the City of Sammamish building division, the following will be required:

(1) The building official may require that the owner hire a licensed registered design professional to submit a certified report as to the structural integrity of the structure erected, and the compliance of the structure with applicable construction codes and regulations along with the building permit application. This document (certification) must state any deficiencies and the acceptable (code) corrective action accompany the building permit application and include any deficiencies.

(2) The owner must show proof of inspection and permit for cover of electrical wiring from the Department of Labor and Industries Electrical Inspection Division.

(3) The owner must secure plumbing and/or mechanical permits as appropriate. Inspection of these items may require removal of construction materials in order to validate the systems have been installed correctly.

(4) The owner must be able to substantiate and/or show proof if necessary that he/she is in compliance with all other local, state and federal laws pertaining to land use.

(5) A site inspection and life safety inspection must be performed prior to temporary occupancy or use of the building or structure prior to permit issuance and final inspection. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.360 Related fees.

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.365 Performance bonds.

Prior to the issuance of a demolition permit, the applicant or agent shall post a \$500.00 cash deposit or surety bond to ensure cleanup of the site, which shall be refundable upon final inspection, approval and written request to the permit center from the permit holder.

Exception: Where the demolition permit is issued in conjunction with a building permit for a new structure to be placed in a similar location as building or structure to be demolished. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.370 Refunds.

The permit center may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code and Chapter [16.05](#) SMC. The permit center may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done. No refund shall be made for application or plan review fees where a plan review has been performed and the application is rejected in accordance with SMC [16.20.220](#). The permit center shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of application. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.375 Inspections – General.

Construction or work for which a permit is required shall be subject to inspection by the building division and other agencies as designated on the inspection card. Such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code and Chapter [16.05](#) SMC or of other ordinances of the City of Sammamish. Inspections presuming to give authority to violate or cancel the provisions of this code and Chapter [16.05](#) SMC or of other ordinances of the City of Sammamish shall not be valid. It shall be the duty of the person(s) who perform the work to make request for inspections and cause the work to remain accessible and exposed for inspection purposes. Neither the building division nor the City of Sammamish shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.380 Preliminary inspections.

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.385 Manufacturer's installation instructions.

Manufacturer's installation instructions, as required by this code and Chapter [16.05](#) SMC, shall be available on the job site at the time of inspection. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.390 Required inspections.

The building division, upon notification, shall make the inspections set forth in SMC [16.20.395](#) through [16.20.465](#). (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.393 Temporary erosion and sediment control inspection.

Temporary erosion and sediment control inspections shall be made after all required silt fencing, construction fencing, straw bales, storm drain catch basin inserts (socks), entrance rocking, and other required elements are in place and prior to commencement of construction and/or clearing the site. (Ord. O2010-283 § 1 (Att. A); Ord. O2009-249 § 1)

16.20.395 Footing and foundation inspection.

Footing and foundation inspections shall be made after poles or piers are set, trenches or basement areas are excavated, or excavations for footings are complete, any forms erected, and all required hold-down anchor bolts, hold-down straps, and any required reinforcing steel are in place and supported. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment. Foundation inspections shall also include special

requirements for wood foundations, and for any setbacks required from property lines; building setback lines; critical area buffers; and/or the ordinary high water mark on lake properties. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job; except where concrete is ready-mixed in accordance with ASTM C 94 the concrete need not be on the job. (Ord. O2010-283 § 1 (Att. A); Ord. O2009-249 § 1; Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.400 Concrete slab and under-floor inspection.

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, slab insulation, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.405 Lowest floor elevation certification.

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in IBC Section 1612.5 or IRC Section R324 shall be submitted to the building division. FEMA flood elevation certificates shall contain an original stamp and signature of the surveyor, licensed by the state of Washington, and shall document the elevation of the lowest floor, including basement, and other information required by the flood elevation certificate. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.410 Exterior wall sheathing inspection.

Exterior wall sheathing shall be inspected after all wall framing is complete and strapping and nailing is properly installed but prior to being covered. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.415 Roof sheathing inspection.

The roof sheathing shall be inspected after all roof framing is complete. No roof coverings shall be installed until inspections are made and approved, and confirmation that the height of the structure is in conformance with the requirements of the development code, SMC Title [21A](#), and/or shoreline master program. (Ord. O2010-283 § 1 (Att. A); Ord. O2009-249 § 1; Ord. O2004-148 § 3)

16.20.420 IMC/IPC/Gas/NEC/IFC rough in inspection.

Rough in mechanical, gas piping, plumbing, electrical, and fire suppression systems shall be inspected when the rough in work is complete and, if required, under test. No connections to primary utilities shall be made until the rough in work is inspected and approved. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.425 Frame inspection.

Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, fire suppression piping, heating wires, pipes and ducts are approved. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.430 Flashing and exterior weather barrier inspection.

Flashing and exterior weather barrier inspections shall be made after flashing and weather barrier materials have been installed, but prior to any of the work being covered. Subject to approval of the building official, an approved special inspection agency may be utilized for these inspections during the course of construction. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.435 Lath inspection and gypsum board inspection.

Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, are in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Subject to approval of the building official, an approved special inspection agency may be utilized for these inspections during the course of construction.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly does not require inspection. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.440 Fire-resistant penetrations.

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.445 Energy efficiency inspection.

(1) Envelope.

(a) Wall Insulation Inspection. To be made after exterior wall weather protection and all wall insulation and air vapor retarder, sheet or film materials are in place, but before any wall covering is placed.

(b) Glazing Inspection. To be made after glazing materials are installed in the building.

(c) Exterior Roofing and Vaulted Ceiling Insulation Inspection. To be made after the installation of the roofing and roof insulation, but before concealment.

(d) Slab/Floor Insulation Inspection. To be made after the installation of the slab/floor insulation, but before concealment.

(e) Attic Insulation Inspection. To be made after the installation of the attic insulation and prior to final inspection approval.

(2) Mechanical.

(a) Mechanical Equipment Efficiency and Economizer Inspection. To be made after all equipment and controls required by this code and Chapter [16.05](#) SMC are installed and prior to the concealment of such equipment or controls.

(b) Mechanical Pipe and Duct Insulation Inspection. To be made after all pipe, fire suppression piping and duct insulation is in place, but before concealment.

(3) Lighting and Motors.

(a) Lighting Equipment and Controls Inspection. To be made after the installation of all lighting equipment and controls required by this code and Chapter [16.05](#) SMC, but before concealment of the lighting equipment.

(b) Motor Inspections. To be made after installation of all equipment covered by this code and Chapter [16.05](#) SMC, but before concealment. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.450 Re-inspection.

The building official may require a structure or portions of work to be re-inspected. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which the inspection was requested is not complete; or when previous corrections called for are not made; or when there are reoccurring missed items that have previously been identified to the same builder on multiple lots; or when the approved plans and permit are not on site in a conspicuous or pre-approved location; or when the building is not accessible. In instances where re-inspection fees have been assessed, no additional inspection of the work shall be provided by the City until the required fees are paid. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.455 Other inspections.

In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and Chapter [16.05](#) SMC and other laws that are enforced by the building department. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.460 Special inspections.

In addition to the inspections specified above, the building official is authorized to make or require special inspections for any type of work related to the technical codes by an approved agency at no cost to the City of Sammamish.

(1) In accordance with the building enclosure special inspection requirements of Chapter 64.55 RCW, the owner(s) of affected multiunit residential buildings shall provide the City with a building enclosure inspection report prepared by a third-party, independent, and qualified inspector during the course of initial construction and during rehabilitative construction. Note: the City does not verify the qualifications of the inspector or determine whether the building enclosure inspection is adequate or appropriate. The City is prohibited from issuing a certificate of occupancy for the building until the inspector submits the report to the building department and a signed letter certifying that the building enclosure has been inspected during the course of construction or rehabilitative construction and that the construction is in substantial compliance with the building enclosure design documents.

See SMC [16.20.273](#), Building enclosure design requirements of Chapter 64.55 RCW, for additional requirements. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.465 Final inspection.

The final inspection shall be made after all work required by the building permit is completed. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.470 Inspection agencies.

The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.475 Inspection requests.

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the City of Sammamish when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code and Chapter [16.05](#) SMC. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.480 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building division. The building division, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code and Chapter [16.05](#) SMC. Any

portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building division. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.485 Certificate of occupancy – Use and occupancy.

No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the City has issued a certificate of occupancy therefor as provided herein.

Exceptions:

- (1) Residential accessory buildings or structures.
- (2) Work exempt from permits per SMC [16.20.200](#).

Structures approved under the provisions of the International Residential Code may be issued a certificate of occupancy in the form of a signed-off permit inspection card.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code and Chapter [16.05](#) SMC or of other ordinances of the City of Sammamish. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.490 Certificate of occupancy issued.

After the building division inspects the building or structure and finds no violations of the provisions of this code and Chapter [16.05](#) SMC or other laws that are enforced by the department of building safety, the City of Sammamish shall issue a certificate of occupancy.

Structures approved under the International Residential Code may be issued a certificate of occupancy in the form of a “final inspection” approval signature on the permit inspection card.

For all other structures requiring a certificate of occupancy, the certificate of occupancy shall contain the following information:

- (1) The building permit number.
- (2) The address of the structure.
- (3) The name and address of the owner.
- (4) A description of that portion of the structure for which the certificate is issued.

- (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code and Chapter [16.05](#) SMC for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- (6) The name of the building official.
- (7) The edition of the code under which the permit was issued.
- (8) The use and occupancy, in accordance with the provisions of Chapter 3 of the International Building Code or International Residential Code as applicable.
- (9) The type of construction as defined in Chapter 6 of the International Building Code or International Residential Code as applicable.
- (10) The design occupant load.
- (11) If an automatic sprinkler system is provided, and whether the sprinkler system is required.
- (12) Any special stipulations and conditions of the building permit. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.495 Temporary or phased occupancy.

The building official is authorized to issue a temporary or phased certificate of occupancy before the completion of the entire work covered by the permit; provided, that such portion or portions shall be occupied safely. The building official is authorized to require, in addition to the completion of life safety building components, completion of any or all accessibility components prior to issuance of a temporary or phased certificate of occupancy. The building official shall set a time period during which the temporary or phased certificate of occupancy is valid. The building official is authorized to require that a performance bond be posted with the City in an amount equal to 150 percent of the incomplete work as determined by the design professional. The bond shall be refundable upon inspection, final approval and a request in writing for the refund. It shall be the duty of the applicant to request the refund. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.500 Revocation of certificate of occupancy.

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code and Chapter [16.05](#) SMC wherever the certificate is issued in error, or on the basis of incorrect information provided by the owner or owner's representatives, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or

any of the provisions of this code and Chapter [16.05](#) SMC. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.505 Connection of service utilities.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code and Chapter [16.05](#) SMC for which a permit is required, until released by the building official. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.510 Temporary connection of service utilities.

The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.515 Authority to disconnect service utilities.

The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and Chapter [16.05](#) SMC and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property, or when such utility connection has been made without the required approval. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.520 Appeals – General.

(1) Appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code and Chapter [16.05](#) SMC shall be heard and decided by the hearing examiner following an open record hearing. Following review of the evidence, the examiner shall issue final decisions, including findings and conclusions, based on the issues and evidence in the record.

(2) The hearing examiner's final decision shall be the final decision of the City council on the appeal and shall be conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.525 Appeals – Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code and Chapter [16.05](#) SMC or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code and Chapter [16.05](#) SMC do not fully apply or an

equally good or better form of construction is proposed. The hearing examiner shall have no authority relative to interpretation of the administrative provisions of this code and Chapter [16.05](#) SMC nor shall the hearing examiner be empowered to waive requirements of either this code and Chapter [16.05](#) SMC or the technical codes which are the codes, appendices and referenced code standards adopted by the City of Sammamish. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.530 Unlawful acts.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, and Chapters [16.05](#) and [16.25](#) SMC, or cause same to be done, in conflict with or in violation of any of the provisions of this code, and Chapters [16.05](#) and [16.25](#) SMC. Unlawful acts shall be considered a “civil code violation” as defined in SMC [23.150.010](#). (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.535 Notice of violation.

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code and Chapter [16.05](#) SMC, or in violation of a permit or certificate issued under the provisions of this code and Chapter [16.05](#) SMC. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.540 Prosecution of violation.

If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the City of Sammamish to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code and Chapter [16.05](#) SMC or of the order or direction made pursuant thereto. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 3)

16.20.545 Violation – Penalties.

Any person who violates a provision of this code and Chapter [16.05](#) SMC or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code and Chapter [16.05](#) SMC, shall be subject to penalties as prescribed in SMC Title [23](#), Code Enforcement. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.550 Stop work order – Authority.

Whenever the building official finds any work being performed in a manner either contrary to the provisions of this code and Chapter [16.05](#) SMC or other pertinent laws or ordinances implemented through the enforcement of this code and Chapter [16.05](#) SMC, the building official is authorized to issue a stop work order. Issuance of a notice of violation, infraction or notice and order is not a condition precedent to the issuance of the stop work order. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.555 Stop work order – Issuance.

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Service of the stop work order shall be in accordance with Chapter [23.90](#) SMC. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.560 Stop work order – Effect.

- (1) The building official is authorized to assess a special investigation fee for the issuance of a stop work order when work has started without the issuance of a permit.
- (2) A stop work order represents a determination that a civil code violation has occurred and that any work or activity that is causing or contributing to the violation on the property where the violation has occurred or is occurring must cease.
- (3) A stop work order requires the immediate cessation of the specified work or activity on the named property. Work or activity may not resume unless specifically authorized by the building official or designee.
- (4) A stop work order may be appealed to the City of Sammamish hearings examiner according to the procedures prescribed by Chapter [23.110](#) SMC.
- (5) Failure to appeal the stop work order within the applicable time limits renders the stop work order a final determination that the civil code violation occurred and that work was properly ordered to cease.
- (6) Failure to comply with the terms of a stop work order subjects the person responsible for code compliance to civil penalties and costs. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.565 Stop work order – Remedy – Civil penalties.

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to

remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(1) In addition to any other judicial or administrative remedy, the building official or designee may assess civil penalties for the violation of any stop work order as set forth in the civil penalty schedule contained in Chapter [23.40](#) SMC.

(2) Civil penalties for the violation of any stop work order shall begin to accrue on the first day the stop work order is violated and shall cease on the day the work is actually stopped.

(3) Violation of a stop work order shall be a separate violation from any other civil code violation. Civil penalties assessed create a joint and several personal obligation in all persons responsible for code violation. The City of Sammamish may collect the civil penalties assessed by any appropriate legal means.

(4) In addition to all other remedies, a lien for the value of the civil penalties imposed may be filed against the real property that is subject to compliance with the City of Sammamish building code. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

16.20.570 Unsafe structures and equipment.

Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against entry or that has been abandoned for more than one year, or the applicant or owner fails to request the appropriate inspections shall be deemed unsafe.

Where a structure has been deemed unsafe, the building official or designee shall first issue a notice of violation as prescribed in SMC [16.20.535](#). The notice of violation shall include a statement requiring the unsafe structure or equipment be taken down and removed or made safe, as the building official deems necessary and as provided for in Chapter [16.25](#) SMC, Sammamish Building and Property Maintenance Code. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 3)

Chapter 16.25
SAMMAMISH BUILDING AND PROPERTY MAINTENANCE CODE

Sections:

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- [16.25.270](#) Mechanical and electrical requirements.
- [16.25.275](#) Elevators, escalators and dumbwaiters.
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16.25.010 Short title.

These regulations shall be known as the City of Sammamish Building and Property Maintenance Code, hereinafter referred to as “this code.” (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.015 Scope.

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and shall constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises; and for administration, enforcement and penalties. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.020 Intent.

This code is intended to ensure public health, safety and welfare regarding the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with this title and SMC Titles [17](#), [21A](#) and 21B. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.025 Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.030 Applicability.

The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in this chapter. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.035 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.040 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Sammamish Municipal Code. Nothing in this code shall be construed to cancel, modify or set aside any other provisions of the Sammamish Municipal Code. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.045 Existing remedies.

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.050 Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.055 Historic buildings.

The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings as defined in the International Existing Building Code when such buildings or structures are judged by the code official to be safe and in the

public interest of health, safety and welfare. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.060 Referenced codes and standards.

The codes and standards referenced in this code shall be considered part of the requirements of this code when specifically adopted by the City of Sammamish. Where differences occur between provisions of this code and the referenced standards, the provisions of the referenced codes and standards shall apply. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.065 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.070 Duties and powers of the code official.

(1) The code official shall enforce the provisions of this code.

(2) The code official shall be appointed by the chief appointing authority of the jurisdiction, and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

(3) In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

(4) The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(5) The code official shall have authority as necessary in the interest of public health, safety and general welfare to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

(6) The code official is authorized to make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(7) An initial enforcement determination shall be undertaken regarding buildings or properties whenever the code official has reason to believe that a violation of this code exists, or a complaint is filed with the department by any person; provided, that where complaints have been filed by tenants, the tenant shall first exhaust all remedies provided through the Washington State Landlord Tenant Act, unless circumstances exist that give evidence of an immediate life safety or health condition that warrants an immediate response by the department.

(8) The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

(9) The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as required by state law. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.075 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as per City of Sammamish fee resolution. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.080 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire

safety requirements. The details of action granting modifications shall be recorded and entered in the department files. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.085 Alternative materials, methods and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code; provided, that any such alternative has been approved and complies with all other codes adopted by the City of Sammamish. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.090 Required testing.

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the City. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.095 Test methods.

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.100 Test reports.

Reports of tests shall be retained by the code official for the period required for retention of public records. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.105 Material and equipment reuse.

Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.110 Violations.

Any person, firm, corporation or organization violating any of the provisions of this chapter shall be subject to the provisions of SMC Title [23](#), Code Enforcement. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.145 Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.150 Unsafe structures and equipment.

(1) General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, or is found to be a dangerous building, the code official is authorized to condemn the structure pursuant to the provisions of this code.

(2) Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.

(3) Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(4) Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary or vermin- or rat-infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public, or is declared a dangerous building.

(5) Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

(6) Dangerous Building. For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building; provided, that such conditions or defects exist to the extent that the life, health, property or safety of the public or occupants are endangered.

(a) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged to provide safe and adequate means of exit in case of fire and panic.

(b) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, or torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(c) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stress allowed in the adopted construction codes for new buildings of similar structure, purpose or location.

(d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the adopted construction codes for new buildings of similar structure, purpose or location.

(e) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(f) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the adopted construction codes for new building of similar structure, purpose or location without exceeding the working stresses permitted in the adopted construction codes for such buildings.

(g) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(h) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting

such building; the deterioration, decay or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.

(i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(j) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall within one-third of the base.

(k) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

(l) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants, criminals or immoral persons; or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(m) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the regulations of this jurisdiction as specified in the Sammamish Municipal Code relating to the condition and/or location of structures and buildings.

(n) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(o) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.155 Closing of vacant structures.

(1) If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the

code official is authorized to cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

(2) To secure a building all doors, window openings or other openings on floors accessible from grade shall be closed and locked, or shuttered to prevent casual entry. If openings are damaged so they cannot be secured using normal building amenities, they shall be secured by covering with seven-sixteenths-inch minimum thickness structural panel sheathing cut to fit over the building opening and secured with No. 10 wood screws with fender washers. The screws shall penetrate the wood framing by a minimum of one and one-quarter inch and the screws shall be spaced around the perimeter of the opening at no more than 12 inches on center. The exterior structural panel sheathing shall be painted to match the house.

(3) The code official is authorized to require additional securing measures as deemed necessary. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 4)

16.25.160 Notice.

Whenever the code official has determined that a structure or equipment is unsafe under the provisions of this chapter, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with SMC [16.25.165](#). If the notice pertains to equipment, it shall also be placed on the unsafe equipment. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 4)

16.25.165 Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official is authorized to post on the premises or on defective equipment a placard bearing the words "UNSAFE – DO NOT ENTER OR OCCUPY" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 4)

16.25.170 Placard removal.

The code official is authorized to remove the "UNSAFE – DO NOT ENTER OR OCCUPY" placard whenever the defect or defects upon which the placarding actions were based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this code. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 4)

16.25.175 Prohibited occupancy.

Any occupied structure placarded by the code official is authorized to be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment, shall be liable for the penalties provided by this code. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 4)

16.25.180 Emergency measures.

(1) **Imminent Danger.** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official is authorized to cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(2) **Temporary Safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official is authorized to order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and is authorized to cause such other action to be taken as the code official deems necessary to meet such emergency.

(3) **Closing Streets.** When necessary for public safety, the code official is authorized to temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(4) **Emergency Repairs.** For the purposes of this section, the code official is authorized to employ the necessary labor and materials to perform the required work as expeditiously as possible.

(5) **Costs of Emergency Repairs.** Costs incurred in the performance of emergency work may be paid by the jurisdiction. The legal counsel of the jurisdiction is authorized to institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(6) Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code. For provisions related to appeals, see Chapters [20.10](#) and [23.110](#) SMC. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.185 Demolition.

(1) General. The code official shall have the authority to order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

(2) Notices and Orders. All notices and orders shall comply with SMC Title [23](#), Code Enforcement.

(3) Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall have the authority to cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(4) Salvage Materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.190 Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

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Words stated in the present tense include the future; words stated in the masculine gender include the feminine gender and the feminine the masculine; the singular number includes the plural and the plural, the singular.

Where terms are not defined in this code and are defined in the Sammamish Municipal Code and those codes adopted under the Sammamish Municipal Code, such terms shall have the meanings ascribed to them as in those codes.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

“Approved” means approved by the code official.

“Basement” means that portion of a building which is partly or completely below grade.

“Bathroom” means a room containing plumbing fixtures including a bathtub or shower.

“Bedroom” means any room or space used or intended to be used for sleeping purposes.

“Code official” means the official who is charged with the administration and enforcement of this code, or any duly authorized representative.

“Condemn” means to adjudge unfit for occupancy.

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Easement” means that portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

“Exterior property” means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

“Extermination” means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

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“Garbage” means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

“Guard” means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

“Habitable space” means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

“Housekeeping unit” means a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

“Imminent danger” means a condition which could cause serious or life-threatening injury or death at any time.

“Infestation” means the presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

“Inoperable motor vehicle” means a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

“Labeled” means devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

“Let for occupancy” or “let” means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

“Occupancy” means the purpose for which a building or portion thereof is utilized or occupied.

“Occupant” means any individual living or sleeping in a building, or having possession of a space within a building.

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“Openable area” means that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

“Operator” means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

“Owner” means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

“Person” means an individual, corporation, partnership or any other group acting as a unit.

“Premises” means a lot, plot or parcel of land, easement or public way, including any structures thereon.

“Public way” means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

“Rooming house” means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

“Rooming unit” means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

“Rubbish” means combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

“Sleeping Unit” means a room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not for both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

“Strict liability offense” means an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the

defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

“Structure” means that which is built or constructed or a portion thereof.

“Tenant” means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

“Toilet room” means a room containing a water closet or urinal but not a bathtub or shower.

“Ventilation” means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

“Workmanlike” means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

“Yard” means an open space on the same lot with a structure. (Ord. O2010-283 § 1 (Att. A); Ord. O2007-214 § 1; Ord. O2004-148 § 4)

16.25.195 General requirements.

(1) Scope. The provisions of this chapter and SMC Title [8](#) shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(2) Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(3) Vacant Structures and Land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.200 Exterior property areas.

(1) Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition in accordance with this code and the provisions of Chapter [8.05](#)

SMC. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(2) Grading and Drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

(3) Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(4) Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

(5) Exhaust Vents. Clearances to property lines and openings into a building prescribed in the codes applicable to the installation of pipes, ducts, conductors, fans or blowers shall be maintained.

(6) Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(7) Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.205 Swimming pools, spas, and hot tubs.

(1) Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

(2) Enclosures. Private swimming pools, hot tubs and spas containing water more than 36 inches (915 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Openings in the fence or barrier shall not allow the passage of a 4-inch-diameter sphere. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool

side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.210 Exterior structure.

(1) General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(2) Protective Treatment. All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(3) Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

(4) Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(5) Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(6) Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weather proof and properly surface-coated where required to prevent deterioration.

(7) Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or

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deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(8) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(9) Overhang Extensions. All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(10) Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch, balcony, and all appurtenances attached thereto shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(11) Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(12) Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(13) Window, Skylight and Door Frames. Every window, skylight, and door frame shall be kept in sound condition, good repair and weather tight.

(a) Glazing. All glazing materials shall be maintained free from cracks and holes.

(b) Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(c) Doors. All exterior doors, door assemblies, operator systems if provided and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with SMC [16.25.280\(1\)\(c\)](#).

(14) Building Security. Doors, windows or hatchways for dwelling units, rooming units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.215 Interior structure.

(1) General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(2) Structural Members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(3) Interior Surfaces. All interior surfaces shall be maintained in a sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, mold and other defective surface conditions shall be corrected.

(4) Stairs and Walking Surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(5) Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(6) Interior Doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.220 Handrails and guards.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1,067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.225 Rubbish and garbage.

(1) Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage as set forth in SMC 8.05.020.

(2) Disposal of Rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(a) Rubbish Storage Facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

(b) Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises and are defined as an attractive nuisance as set forth in SMC 8.05.020.

(3) Disposal of Garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers maintained for regular collection.

(a) Garbage Facilities. The owner of every dwelling shall supply an approved leak-proof, covered, outside garbage container.

(b) Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(c) Recyclable Materials and Solid Waste Storage. Space required by WAC 51-50-009 for the storage of recycled materials and solid waste shall be maintained to meet the needs of the occupancy, efficiency of pickup, and shall be available to occupants and haulers. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.230 Extermination.

(1) Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

(2) Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(3) Single Occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

(4) Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

(5) Occupant. The occupant of any structure shall be responsible for the continued rodent- and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.235 Light and ventilation.

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any structures that do not comply with the requirements of this chapter.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with this title and locally adopted amendments shall be permitted.

(1) Natural Light. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room

Exhibit 2c

shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

(2) The glazed areas need not be installed in rooms where an emergency rescue and escape opening is not required and artificial light is provided capable of producing an average illumination of six footcandles (65 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

(3) Common Halls and Stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination; provided, that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress and stairways, shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one footcandle (11 lux) at floors, landings and treads.

(4) Other Spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(5) Ventilation. Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in subsection (1) of this section.

Exceptions:

(a) Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(b) The glazed areas need not be operable where an emergency rescue and escape opening is not required and an approved mechanical ventilation system capable of producing 0.35 air change per hour in the room is installed or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (78 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.

(6) Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by subsection (5) of this section, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(7) Cooking Facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the code official.

(8) Process Ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(9) Clothes Dryer Exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.240 Occupancy limitations.

(1) Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(2) Minimum Room Widths. A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(3) Minimum Ceiling Heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134 mm).

Exceptions:

(a) In one- and two-family dwellings, beams or girders spaced not less than four feet (1,219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height.

(b) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six

feet eight inches (2,033 mm) with not less than six feet four inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.

(c) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1,524 mm) or more shall be included.

(4) Bedroom Requirements. Every bedroom shall comply with the following requirements:

(a) Area for Sleeping Purposes. Every bedroom shall contain at least 70 square feet (6.5 m²) of floor area.

(b) Water Closet Accessibility. In other than Group R-3 occupancies (single-family residence), every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom and shall have access to at least one water closet and lavatory located on the same story as the bedroom.

(c) Prohibited Occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

(d) Other Requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of SMC [16.25.245](#) through [16.25.260](#); the heating facilities and electrical receptacle requirements of SMC [16.25.270](#); and the smoke alarm and emergency escape requirements of SMC [16.25.280](#).

(5) Food Preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.245 Plumbing facilities and fixture requirements.

The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided in existing structures. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit

another person to occupy any structure or premises which does not comply with the requirements of this chapter or the provisions of this title and SMC Title [17](#).

(1) Number and Type of Fixtures. Plumbing fixtures shall be provided and maintained in the quantity and location as required under the building and plumbing codes in existence at the time the occupancy was first approved by the jurisdiction unless subsequently approved to be relocated or removed under an approved permit.

(2) Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(3) Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(4) Location of Employee Toilet Facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

(5) Floor Surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.250 Plumbing systems and fixtures.

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. Plumbing fixtures shall have adequate clearances for usage and cleaning.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross-connection, back siphonage, improper installation, deterioration or damage or for similar

reasons, the code official shall require the defects to be corrected to eliminate the hazard. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.255 Water system.

(1) General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with this title and SMC Title [17](#).

(2) Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(3) Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(4) Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit (43 degrees Celsius). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, except where allowed by this title and SMC Title [17](#). An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.260 Sanitary drainage system.

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.265 Storm drainage.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall be discharged in a manner consistent with the Sammamish Municipal

Code and shall not be discharged in a manner that creates a public nuisance. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.270 Mechanical and electrical requirements.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

(1) Heating Facilities Required. Heating facilities shall be provided in structures as follows:

(a) Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms.

(b) Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

(c) Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

(i) Processing, storage and operation areas that require cooling or special temperature conditions.

(ii) Areas in which persons are primarily engaged in vigorous physical activities.

(d) Room Temperature Measurement. The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

(2) Mechanical Appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water-heating appliances shall be properly installed

and maintained in a safe working condition, and shall be capable of performing the intended function.

(a) Removal of Combustion Products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

(b) Clearances. All required clearances to combustible materials shall be maintained.

(c) Safety Controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

(d) Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(e) Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(f) Duct Systems. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(3) Electrical Facilities. Every occupied building shall be provided with an electrical system in compliance with the following requirements:

(a) Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the State Electrical Code as administered by Washington State Department of Labor and Industries.

(b) Electrical System Hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(c) Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner in accordance with the State Electrical Code.

(d) Receptacles. Every habitable space in a dwelling shall contain receptacle outlets as required by the State Electrical Code. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter as required by the State Electrical Code. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

(e) Lighting Fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain lighting fixtures as required by this title, SMC Title [17](#) and the State Electrical Code.

(f) Extension Cords. Extension cords shall not be used for permanent wiring. Extension cords shall not extend from one room to another; be placed across a doorway; extend through a wall or partition; or be used in any area where such cord may be subject to physical damage. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.275 Elevators, escalators and dumbwaiters.

Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator, or as required by state law.

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)

16.25.280 Fire safety requirements.

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

(1) Means of Egress.

(a) General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with this title and SMC Title [17](#).

(b) Aisles. The required width of aisles in accordance with this title and SMC Title [17](#) shall be unobstructed.

(c) Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by this title and SMC Title [17](#).

(d) Emergency Escape Openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools; bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(2) Fire-Resistance Ratings.

(a) Fire-Resistance-Rated Assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

(b) Opening Protective. Required opening protective shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(3) Fire Protection Systems.

(a) General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with this title and SMC Title [17](#).

(b) Smoke Alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3 and R-4 and in dwellings not regulated in

Group R occupancies, regardless of occupant load at all of the following locations:

(i) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

(ii) In each room used for sleeping purposes.

(iii) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level; provided, that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with this title and SMC Title [17](#).

(4) Power Source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring; provided, that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery-operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

(5) Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Groups R-2, R-3 and R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

(a) Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.

(b) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes. (Ord. O2010-283 § 1 (Att. A); Ord. O2004-148 § 4)





City Council Agenda Bill

Meeting Date: June 17, 2013

Date Submitted: June 12, 2013

Originating Department: Public Works

Clearances:

<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input checked="" type="checkbox"/> Public Works

Subject: Second Reading of Ordinance to vacate approximately 10,156 square feet of unopened right of way previously titled the J.A. Huvinen Road Extension.

Action Required: Adopt Ordinance to approve vacation of J.A. Huvinen Road

Exhibits:

1. Vicinity Map showing general area of the proposed right of way vacation
2. Ordinance to vacate right of way

Budget: Not applicable

Summary Statement:

The City has received a petition from the owner of King County Assessor's Parcel No. 0924069300, located at 21928 SE 28th Street Sammamish, WA 98075, requesting that the City vacate the 10,156 square feet of unopened public right of way (known as the J.A. Huvinen Road Extension) that currently bisects their property. The applicant has submitted a complete street vacation request petition and all necessary supporting information as required by Chapter PWS 05 of the City's Interim Public Works Standards, "Street and Alley Vacation Procedures".

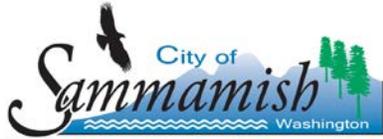
Staff is recommending that the City Council approve the vacation as requested.

Background:

The City is in receipt of a petition signed by the adjacent property owner requesting the vacation of 10,156 square feet of unopened right of way titled J.A. Huvinen. As submitted, the petition met all of the requirements described in Section PWS 05 of the City's Interim Public Works Standards. As required by law, on May 7, 2013 City Council passed a resolution establishing a public hearing to hear public testimony related to the requested right of way vacation petition. The resolution set the public hearing for June 4, 2013 at the regularly scheduled City Council meeting.

City Council held the public hearing on June 4, 2013 and received testimony from the current property owners and their legal counsel.

City staff has reviewed the subject right of way vacation request thoroughly and evaluated the public benefit of approval and of denial.



City Council Agenda Bill

Historical records indicate that a group of property owners petitioned the County in 1929 to upgrade an existing privately maintained road to serve properties south of Pine Lake. One of the property owners included was the owner of the property that is now the subject of this right of way vacation request. A portion of the requested roadway was constructed by the County in 1931 and stopped just west of the subject property being reviewed under this request. King County has a deed dated 1935 that shows the transfer of the subject right of way from the Sorengs to King County in preparation of the J.A. Huvinen extension. It appears that through the design process, an alternative alignment was selected for the roadway. The same property owner (the Sorengs) deeded the necessary right of way to the County for the realignment in 1936. The J.A. Huvinen was subsequently constructed using the alternative alignment.

This vacation request is very similar to a vacation request that was before the City Council in early 2008. In that case, the right of way for Beaver Lake Drive existed in two separate alignments. The unopened portion was vacated by the City of Sammamish at no cost to the underlying property owners.

During the staff report, City Council requested the unopened right of way to the west of the subject property be included in the final vacation ordinance. After review with the City's legal counsel, this would need to be re-noticed and new public hearing held. Staff is recommending that this be done in the fall.

Financial Impact:

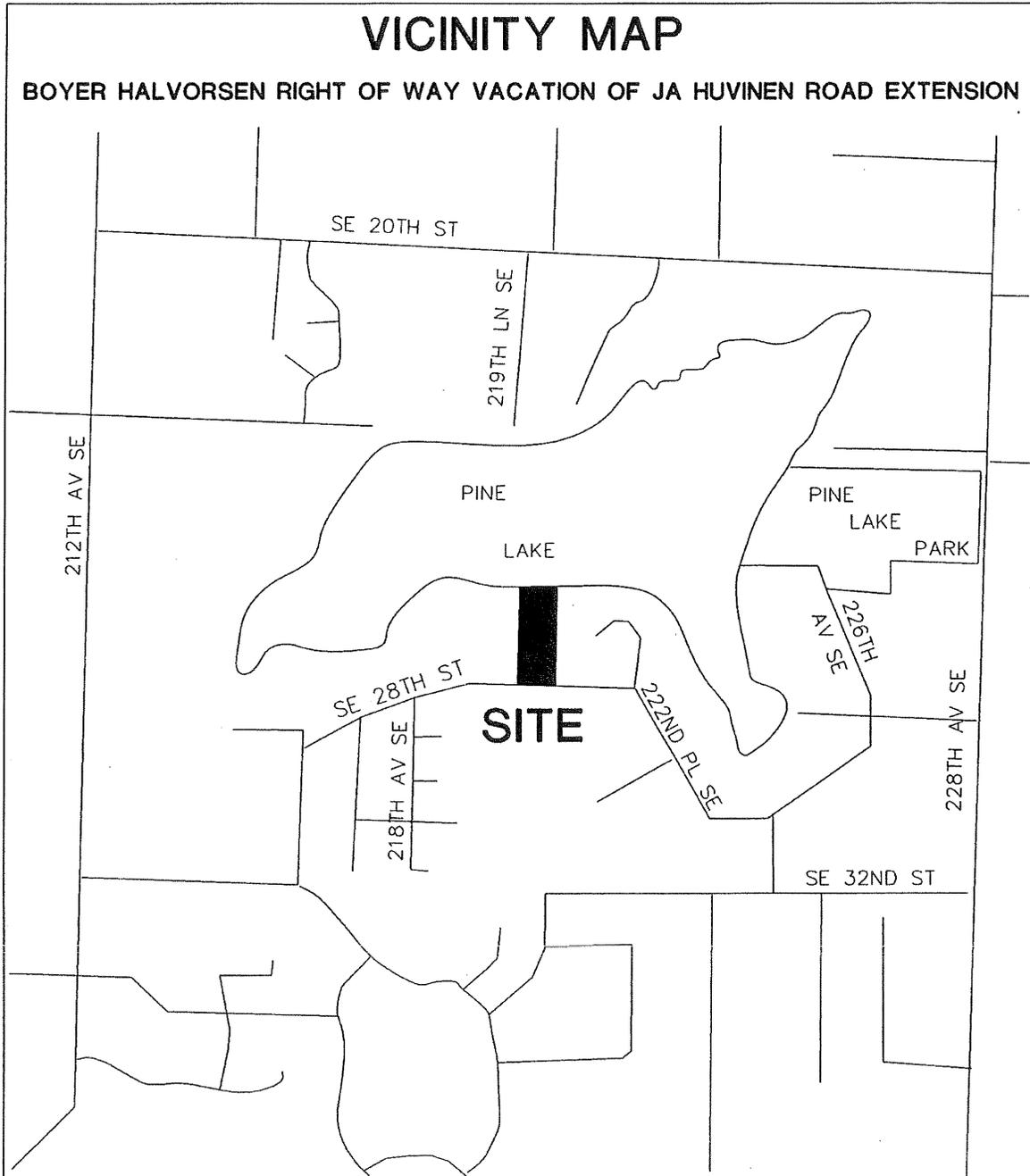
Due to the fact that history of the property and the roadway construction it is clear that the underlying parcel dedicated two tracts of right of way, while only one roadway alignment was constructed staff is recommending that the City Council approve the vacation of the subject right of way at no cost to the underlying property owner. This would be consistent with the prior action taken by City Council in early 2008.

Recommended Motion:

Adopt Ordinance approving the vacation of unopened right of way known as J.A. Huvinen Road Extension.

VICINITY MAP

BOYER HALVORSEN RIGHT OF WAY VACATION OF JA HUVINEN ROAD EXTENSION



An Engineering Services Company

11255 Kirkland Way, Suite 300
Kirkland, WA 98033
p. 425.827.2014 | f. 425.827.5043

Civil | Structural | Planning | Survey
paceengrs.com

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. R2013 - _____**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, VACATING A PORTION OF UNOPENED
RIGHT OF WAY TITLED JA HUVINEN ROAD
EXTENSION NEAR SE 28TH STREET**

WHEREAS, a petition signed by the single owner of the property located adjacent to SE 28th Street (parcel number 0924069300) was filed with the City Clerk of the City of Sammamish requesting a street vacation of 10,156 square feet of unopened right of way that was originally dedicated for the J.A. Huvinen Road Extension; and

WHEREAS, on May 7, 2013 City Council passed Resolution 2013-533 calling for a public hearing; and

WHEREAS, on June 4, 2013 a public hearing was held and public testimony taken regarding vacation of said unopened right of way; and

WHEREAS, the Council finds there are sufficient grounds for the vacation of said portions of City right-of-way, and that vacation thereof would be in the public interest; and

WHEREAS, the Council finds that, in June, 1936, petitioner's predecessors Andrew and Gladys Soreng deeded to King County other property of square footage and value approximately equivalent to the property now sought to be vacated, and King County did construct a public right-of-way (now known as SE 28th Street) over and across said deeded property; and

WHEREAS, in light of the foregoing, the Council concludes that compensation for the property sought to be vacated is not required pursuant to PWS.05.110.B and .C;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Street Vacation. The following described portion of City right-of-way are hereby vacated:

THAT PORTION OF THE UNOPENED RIGHT OF WAY OF JA HUVINEN ROAD EXTENSION, REVISION NO. 2, AS SURVEYED BY KING COUNTY IN 1929 AND 1935, LYING WITHIN THE EAST 164.03 FEET OF GOVERNMENT LOT 4, SECTION 9, TOWNSHIP 24 NORTH, RANGE 6 EAST, WM AND LYING NORTH OF SE 28TH STREET (JA HUVINEN) AS DESCRIBED IN RIGHT OF WAY QUIT CLAIM DEEDS RECORDED UNDER RECORDING NUMBERS

2851533 AND 2913942.

AS DEPICTED ON THE ATTACHED DRAWING LABELED ATTACHMENT A

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**PASSED BY THE SAMMAMISH CITY COUNCIL AT A REGULAR MEETING
THEREOF ON THE ____ DAY OF JUNE 2013.**

CITY OF SAMMAMISH

Mayor Tom Odell

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

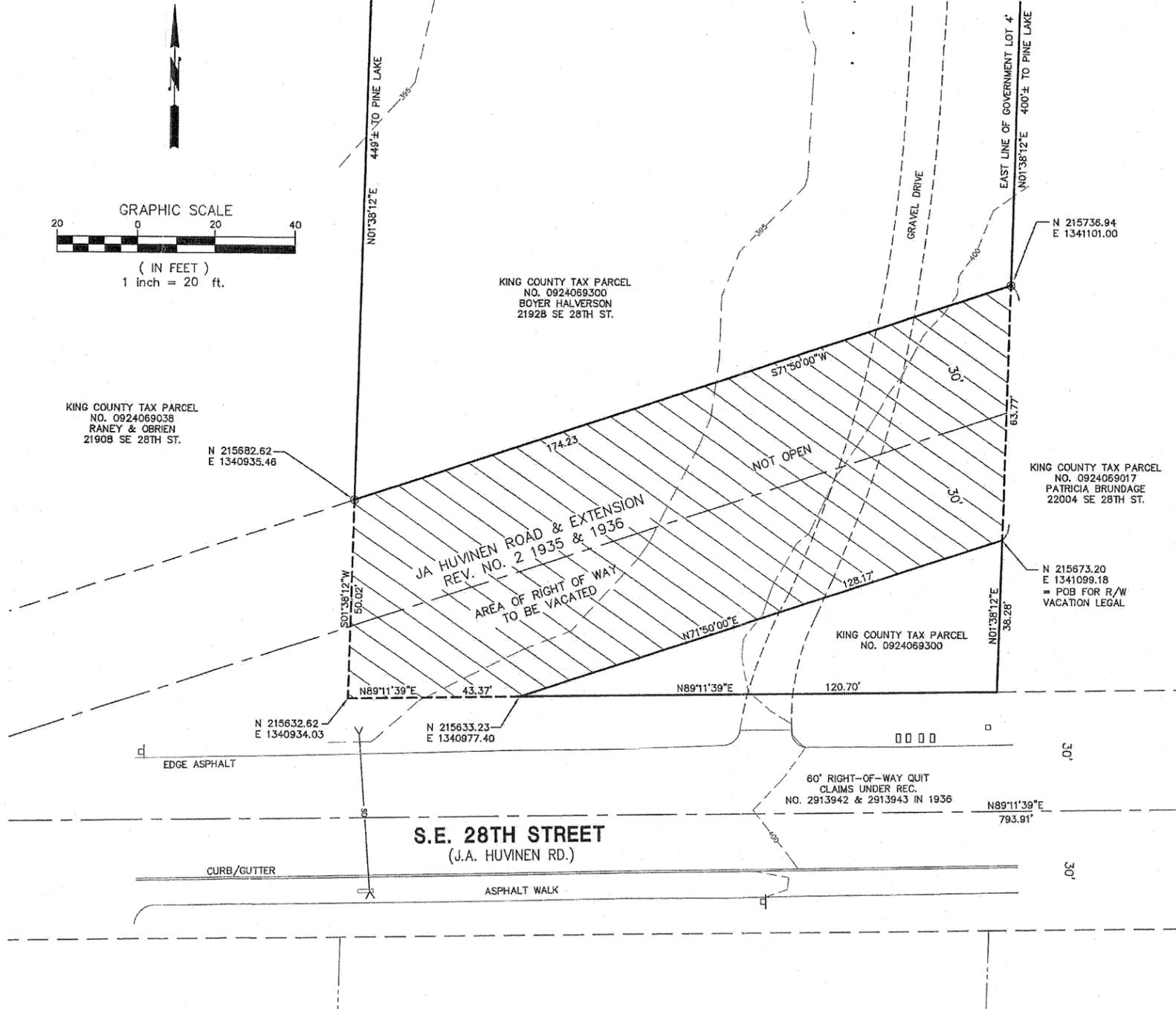
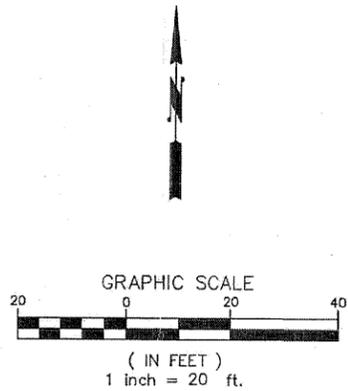
Filed with the City Clerk:

Passed by the City Council:

Date of Publication:

Effective Date:

PORTION OF: GOV'T LOT 4, NW 1/4, SECTION 9, T. 24N., R. 6E., W.M.



RECORD LEGAL DESCRIPTION:

PROPERTY

THE EAST 164.03 FEET OF GOVERNMENT LOT 4, SECTION 9, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON;

LYING NORTH OF SE 28TH STREET (HUVENEN COUNTY ROAD.)

AREA TO BE VACATED

THAT PORTION OF THE UNOPENED RIGHT OF WAY OF J.A. HUVINEN ROAD EXTENSION, REVISION NO. 2, AS SURVEYED BY KING COUNTY IN 1929 AND 1935, LYING WITHIN THE EAST 164.03 FEET OF GOVERNMENT LOT 4, SECTION 9, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M. AND LYING NORTH OF SE 28TH STREET (L.A. HUVINEN ROAD) AS DESCRIBED IN RIGHT OF WAY QUIT CLAIM DEEDS RECORDED UNDER RECORDING NUMBERS 2851533 AND 2913942.

SITUATE IN THE CITY OF SAMMAMISH, COUNTY OF KING, STATE OF WASHINGTON. THE ABOVE DESCRIBED RIGHT OF WAY AREA CONTAINS 10,156 SQUARE FEET OR 0.233 ACRES, MORE OR LESS.

NOTES:

HORIZONTAL DATUM: NAD 83/91 (SEE NOTE BELOW)

VERTICAL DATUM: NAVD 88 FROM KING COUNTY DATUM FOR MONUMENTS DS15 & DS17

REFERENCE SURVEY UNDER RECORDING NUMBER 20030324900003 FOR BOUNDARY CONTROL & PLACEMENT.

ALL DISTANCES SHOWN ARE GROUND DISTANCES UNLESS OTHERWISE NOTED.

THE LOCATION AND DESCRIPTION OF ALL SURVEY MARKERS SHOWN HEREON ARE BASED ON FIELD OBSERVATIONS TAKEN ON APRIL 2012, UNLESS OTHERWISE INDICATED.

WORK PERFORMED IN CONJUNCTION WITH THIS SURVEY UTILIZED THE FOLLOWING EQUIPMENT AND PROCEDURES: (A) 2" GEODIMETER 600 SERIES ELECTRONIC TOTAL STATION, MAINTAINED TO THE MANUFACTURER'S SPECIFICATIONS PER W.A.C. 332-130-100. (B) FIELD TRAVERSE, EXCEEDING REQUIREMENTS SET FORTH IN W.A.C. 332-130-090.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO SHOW ALL EASEMENTS.

THIS TOPOGRAPHIC SURVEY DRAWING ACCURATELY PRESENTS SURFACE FEATURES LOCATED DURING THE COURSE OF THIS SURVEY. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED SOLELY UPON INFORMATION PROVIDED BY OTHERS AND PACE ENGINEERS, INC. DOES NOT ACCEPT RESPONSIBILITY OR ASSUME LIABILITY FOR THEIR ACCURACY OR COMPLETENESS. CONTRACTOR/ENGINEERS SHALL VERIFY EXACT SIZE AND LOCATION PRIOR TO CONSTRUCTION. CALL FOR LOCATE: UTILITY LOCATION SERVICE: 1-800-425-5555.

LEGEND:

● FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "P-A-C-E PLS 23345" (UNLESS NOTED OTHERWISE). 4/15/05.

— CENTER LINES
 - - - EXISTING PROPERTY LINES
 - - - RIGHT-OF-WAY LINES
 - - - NEW PROPERTY LINES

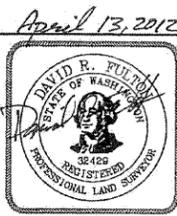
▨ AREA OF R/W TO BE VACATED

□ MAILBOX
 □ TELEPHONE RISER
 □ SIGN

0000.dwg 04-01-02 4:05:02 PM XXX

SURVEYORS CERTIFICATE
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF BOYER HALVORSEN IN MARCH OF 2012.
David R. Fulton
 DAVID R. FULTON CERTIFICATE NUMBER 32429

RECORDER'S-AUDITOR'S CERTIFICATE
 NO. _____
 FILED FOR THIS _____ DAY OF _____, 20____
 AT _____ M IN SURVEY VOL. _____ AT PAGE _____
 AT THE REQUEST OF PACE ENGINEERS, INC.
 SUPT. OF RECORDS-AUDITOR MGR. - DEPUTY AUDITOR



April 13, 2012

PACE
 An Engineering Services Company

11255 Kirkland Way, Suite 300
 Kirkland, WA 98033
 p. 425.827.2014 | f. 425.827.5043
 Civil | Structural | Planning | Survey
 paceengrs.com

MAP CHK. REVISIONS:

RECORD OF SURVEY			
FOR			
SE 28TH ST. RIGHT OF WAY VACATION			
BOYER HALVORSEN PROPERTY			
DRAWN BY:	SCALE:	FIELD BOOK:	FIELD CREW:
FW	1"=20'	444	PG/BE
DATE:		PROJECT NO.	
04/13/12		12387.10	



City Council Agenda Bill

Meeting Date: June 17, 2013

Date Submitted: June 12, 2013

Originating Department: Public Works

Clearances:

<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Rec
<input type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input checked="" type="checkbox"/> Public Works

Subject: NE 8th St/233rd Ave NE Intersection Improvements Project
Contract #C2012-140
Final Project Acceptance

Action Required: Adopt the attached Resolution No. R2013_____ accepting the NE 8th St/233rd Ave NE Intersection Improvements Project as completed.

Exhibits:

1. Resolution of Project Acceptance
2. Final Contract Voucher Certificate C2012-140

Budget: This project is funded through the adopted 2012 Neighborhood Capital Improvement (340-117-595-30-63-00), Intersection Improvement Program (340-115-595-30-63-00), and Sidewalk Program (340-118-595-63-00) budgets. A total of \$810,500 from these three CIP funds was allocated for this project.

Summary Statement:

All work for the above referenced contract has been completed in accordance with the project specifications and plans approved by the City Engineer. This project provided for construction of a new roundabout at the intersection of NE 8th Street and 233rd Avenue NE including sidewalks, curbs, gutters, asphalt paving, storm drains, illumination, signage, and pavement markings. This project was constructed in conjunction with Lake Washington School District's (LWSD) improvements to Eastlake High School which included adding a secondary access to NE 8th Street via 233rd Avenue NE.

This project was completed on time and within the budgeted amount for construction. The final construction contract amount was \$606,111.88. There were no contractor claims filed against the City, and no liquidated damages were assessed against the contractor. The recommended action approves the final contract amount and constitutes the final acceptance of the work by the project contractor, Award Construction Inc. of Ferndale, Washington.

Background:

On June 18, 2012, City Council authorized the City Manager to award and execute a construction contract with Award Construction Inc. for construction of NE 8th St/233rd Ave NE Intersection Improvements Project in the amount of \$575,152.80 in addition to a 10% construction contingency. Construction began in July 2012 and was substantially completed in September 2012.



City Council Agenda Bill

Financial Impact:

The completed improvements were constructed within the project budget. LWSD contributed 14.5% towards the cost to construct this improvement. A summary of the budget and actual expenditures is below:

Program		2012 Budget	Construction Actual
Intersection Improvements	340-115-595-30-63-00	\$ 318,100	\$ 242,444.75
Neighborhood Projects	340-117-595-30-63-00	\$ 100,000	\$ 72,733.42
Sidewalk Program	340-118-595-61-63-00	\$ 392,400	\$ 290,933.71
TOTALS:		\$ 810,500	\$ 606,111.88

Project Expenditures

Design & Construction Inspection (Jacobs Engineering Group, Inc.)	\$ 181,275
Construction (Award Construction, Inc.)	\$ 606,112
Utility Relocation (Puget Sound Energy)	\$ 44,000
Property Restoration (Brickman Group Landscaping)	\$ 14,500
ROW Acquisition (Church of Joy)	\$ 8,700
LWSD Contribution (14.5% of construction costs)	\$ (87,886)
TOTAL PROJECT EXPENDITURES:	\$ 766,701

Recommended Motion:

Approve the final contract amount with Award Construction, Inc. of Ferndale, Washington, for the base amount of \$575,152.80, plus bid item quantity increases and decreases which resulted in a final contract amount of \$606,111.88 and adopt Resolution No. R2013- _____ accepting construction of NE 8th St/233rd Ave NE Intersection Improvement Project as complete as of June 17, 2013.

**CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2013- ____**

**A RESOLUTION OF THE CITY OF SAMMAMISH,
WASHINGTON, ACCEPTING THE NE 8th ST/233RD AVE NE
INTERSECTION IMPROVEMENTS PROJECT AS COMPLETE.**

WHEREAS, at the Council meeting of June 18, 2012 the City Council authorized award of the construction contract for the NE 8th St/233rd Ave NE Intersection Improvements Project; and

WHEREAS, the City Manager entered into Contract C2012-140 for construction of the NE 8th St/233rd Ave NE Intersection Improvements Project with Award Construction, Inc. on June 19, 2012; and

WHEREAS, the project was substantially completed by the contractor on September 7, 2012; and

WHEREAS, the project was completed within the adopted project budget and within the authorized construction contract plus contingencies amount;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. Project Acceptance. The City of Sammamish hereby accepts the NE 8th St/233rd Ave NE Intersection Improvements Project as complete.

Section 2. Authorization of Contract Closeout Process. The City of Sammamish Director of Public Works and City Clerk are hereby authorized to complete the contract closure process upon receiving appropriate clearances from the Department of Revenue, and the Department of Employment Security.

Section 3. Effective Date. This resolution shall take effect immediately upon signing.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 17th DAY OF JUNE 2013.**

CITY OF SAMMAMISH

Mayor Thomas T. Odell

Exhibit 1

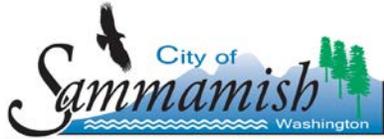
ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: June 12, 2013
Passed by the City Council: [Click here to enter a date.](#)
Resolution No.: R2013-_____



City Council Agenda Bill

Meeting Date: June 17, 2013

Date Submitted: June 12, 2013

Originating Department: Community Development

Clearances:

<input checked="" type="checkbox"/> City Manager	<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

Subject: Consultant contract for Comprehensive Plan Rewrite, Studio 3MW

Action Required: Authorize the City Manager to Sign Contract

Exhibits: A. Consultant Contract, Scope and Budget

Budget: \$219,200 From Planning Professional Services

Summary Statement:

This Council action would authorize the City Manager to sign a contract with Studio 3MW for comprehensive planning, public involvement and SEPA review consultant services related to the Sammamish Comprehensive Plan Rewrite. The Comprehensive Plan is the overall general policy guide for planning under the Growth Management Act. The adopted 2013-2014 city budget includes sufficient funding for this contract.

Background:

A rewrite of the comprehensive plan is intended to meet the Growth Management Act comprehensive plan update requirement, and final adoption is scheduled by June 30, 2015. As needed, revisions to the Comprehensive Plan goals, objectives, and policies, and GIS maps will be developed. The rewrite will address local priorities as well as state and regional requirements that relate to the Comprehensive Plan. Examples include: Updated population and job targets, land capacity inventory, sustainability strategy, annexation issues, critical areas and shoreline policies, economic development, and other related policy issues. A SEPA review and environmental checklist will be included. An early and continuous public involvement program is also associated with the development of the plan.

Financial Impact: \$219,200 (includes a \$20,000 Contingency Budget)

Recommended Motion: Authorize the City Manager to sign the consultant contract as shown.

**CITY OF SAMMAMISH
AGREEMENT FOR SERVICES**

Consultant: Studio 3MW LLP

This Agreement is entered into by and between the City of Sammamish, Washington, a municipal corporation, hereinafter referred to as the "City," and Studio 3MW LLP, hereinafter referred to as the "Consultant."

WHEREAS, the City desires to have certain services performed for its citizens; and

WHEREAS, the City has selected the Consultant to perform such services pursuant to certain terms and conditions;

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth below, the parties hereto agree as follows:

1. **Scope of Services to be Performed by Consultant.** The Consultant shall perform those services described in Exhibit "A" of this agreement. In performing such services, the Consultant shall comply with all federal, state, and local laws and regulations applicable to the performance of such services. The Consultant shall perform services diligently and completely and in accordance with professional standards of conduct and performance.

2. **Compensation and Method of Payment.** The Consultant shall submit invoices for work performed using the form set forth in Exhibit "B".

The City shall pay Consultant:

[Check applicable method of payment]

___ According to the rates set forth in Exhibit "___"

A sum not to exceed: \$219,200

\$20,000 of the above amount is a contingency fund for additional work as requested by the City not included in the attached scope of work. Specific written authorization is required from the City prior to expenditure of these funds.

The Consultant shall complete and return to the City Exhibit "C," Taxpayer Identification Number, prior to or along with the first invoice submittal. The City shall pay the Consultant for services rendered within ten days after City Council approval.

3. **Duration of Agreement.** This Agreement shall be in full force and effect for a period commencing upon execution and ending December 31, 2015, unless sooner terminated under the provisions of the Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance is required.

4. **Ownership and Use of Documents.** Any records, files, documents, drawings, specifications, data or information, regardless of form or format, and all other materials produced by the Consultant in connection with the services provided to the City, shall be the property of the City whether the project for which they were created is executed or not

5. **Independent Contractor.** The Consultant and the City agree that the Consultant is an independent contractor with respect to the services provided pursuant to this Agreement. The Consultant will solely be responsible for its acts and for the acts of its agents, employees, subconsultants, or representatives during the performance of this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties hereto.

6. **Indemnification.** The Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the negligent acts, errors or omissions of the Consultant, in performance of this Agreement, except for injuries and damage caused by the sole negligence of the City.

Exhibit 1

7. Insurance.

A. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

Minimum Scope of Insurance

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession.

Minimum Amounts of Insurance

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Consultant's insurance shall not be cancelled by either party except after thirty (30) days prior written notice has been given to the City

Verification of Coverage

Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

8. Record Keeping and Reporting.

A. The Consultant shall maintain accounts and records, including personnel, property, financial, and programmatic records, which sufficiently and properly reflect all direct and indirect costs of any nature expended

Exhibit 1

and services performed pursuant to this Agreement. The Consultant shall also maintain such other records as may be deemed necessary by the City to ensure proper accounting of all funds contributed by the City to the performance of this Agreement.

B. The foregoing records shall be maintained for a period of seven years after termination of this Agreement unless permission to destroy them is granted by the Office of the Archivist in accordance with RCW Chapter 40.14 and by the City.

9. **Audits and Inspections.** The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review, or audit by the City during the performance of this Agreement.

10. **Termination.**

A. This City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon seven days prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports or other materials prepared by the Consultant pursuant to this Agreement shall promptly be submitted to the City

B. In the event this Agreement is terminated or suspended, the Consultant shall be entitled to payment for all services performed and reimbursable expenses incurred to the date of termination.

C. This Agreement may be cancelled immediately if the Consultant's insurance coverage is canceled for any reason, or if the Consultant is unable to perform the services called for by this Agreement.

D. The Consultant reserves the right to terminate this Agreement with not less than fourteen days written notice, or in the event that outstanding invoices are not paid within sixty days.

E. This provision shall not prevent the City from seeking any legal remedies it may otherwise have for the violation or nonperformance of any provisions of this Agreement.

11. **Discrimination Prohibited.** The Consultant shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Consultant under this Agreement, on the basis of race, color, religion, creed, sex, age, national origin, marital status, or presence of any sensory, mental, or physical handicap.

12. **Assignment and Subcontract.** The Consultant shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City.

13. **Conflict of Interest.** The City insists on the highest level of professional ethics from its consultants. Consultant warrants that it has performed a due diligence conflicts check, and that there are no professional conflicts with the City. Consultant warrants that none of its officers, agents or employees is now working on a project for any entity engaged in litigation with the City. Consultant will not disclose any information obtained through the course of their work for the City to any third party, without written consent of the "City". It is the Consultant's duty and obligation to constantly update its due diligence with respect to conflicts, and not the City's obligation to inquire as to potential conflicts. This provision shall survive termination of this Agreement.

14. **Confidentiality.** All information regarding the City obtained by the Consultant in performance of this Agreement shall be considered confidential. Breach of confidentiality by the Consultant shall be grounds for immediate termination.

15. **Non-appropriation of funds.** If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Consultant and shall not be obligated to make payments for services or amounts incurred after the end of the current fiscal period. This Agreement will terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the City in the event that the terms of the provision are effectuated.

Exhibit 1

16. **Entire Agreement.** This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. Either party may request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

17. **Notices.** Notices to the City of Sammamish shall be sent to the following address:

City of Sammamish
Attn: Emily Arteche, Senior Planner
801 228th Avenue SE
Sammamish, WA 98075
Phone number: (425) 295-0522

Notices to the Consultant shall be sent to the following address:

Company Name Studio 3MW LLP
Contact Name Deborah Munkberg
Street Address 101 Stewart St. #350
City, State Zip Seattle, WA 98101
Phone Number 206.834.3897
Email deborah@inovapcd.com

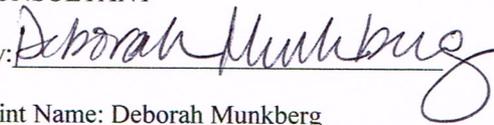
18. **Applicable Law; Venue; Attorneys' Fees.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorneys' fees and costs of suit, which shall be fixed by the judge hearing the case and such fee, shall be included in the judgment.

19. **Severability.** Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part with a valid and enforceable provision that comes as close as reasonably possible to expressing the intent of the stricken provision.

CITY OF SAMMAMISH, WASHINGTON

CONSULTANT

By: _____

By: 

Print Name: _____

Print Name: Deborah Munkberg

Title: City Manager

Title: Principal

Date: _____

Date: _____

Attest/Authenticated:

Approved As To Form:

City Clerk

City Attorney

Attachment A

City of Sammamish Comprehensive Plan Rewrite Scope of Services

Introduction

The City of Sammamish (City) is undertaking a rewrite of the City's Comprehensive Plan. Keys to the success of this project include the following:

1. Meeting all requirements for the 2015 update established by the GMA
2. Addressing any relevant legislative changes that have taken place since 2003.
3. Simplifying and streamlining the Plan.
4. Delivery of all work products on schedule.
5. Providing for early, continuous, and effective public outreach amongst a wide variety of residents.
6. Focusing on priority issues, including rewriting each Element, adding required Elements as well as optional Elements.
7. Increasing reader/user accessibility, and developing an updated document format suitable for electronic and paper publication.
8. A style of writing that uses "one voice".
9. Reflecting issues identified through staff, City Council and Planning Commission interviews.
10. Effective communication between the City project manager and team and the Consultant.

The City has selected the Studio 3MW team (Consultant) to lead preparation of the Comprehensive Plan rewrite. The following is a list of people who will be working on this contract and their assigned responsibilities: Deborah Munkberg, AICP, Project Manager, Joseph W Tovar, Principal in Charge, Chris Mefford, and Mark Goodman, Demographics and Buildable Lands Review, Marcia Wagoner, Public Engagement, Julia Walton, Sustainability, Randy Young, Capital Facilities, Michael Read, Editing and Design, and Jessie Hartmann, Production. It is agreed that replacement of any of these people or any significant change in their job responsibilities will require City approval.

Cooperation Provision

It is understood that multiple consultants will be working on the comprehensive plan update and that cooperation amongst consultants is required. The City will convene periodic meetings to review progress on project tasks, and consultants are expected to cooperate with one another by detailing what they need from one another and when they need it. Appropriate changes will be made to consultant work statements if required.

Project Schedule

The attached project schedule shall assure that the delivery is consistent with other parts of the work statement. The following identifies specific tasks and work products associated with each task.

Project Tasks

Exhibit 1

1. Project Prioritization

This task will identify all plan amendments to be included in this scope of services and amendments, if any, to be deferred for future action. Potential plan amendments will be identified based on:

Information Source	Assumptions
WA Department of Commerce <i>Periodic Update Checklist for Cities</i>	City has reviewed Commerce <i>Checklist</i> and identified existing gaps and/or areas of inconsistency in the Comprehensive Plan.
Puget Sound Regional Council <i>Vision 2040</i>	City has reviewed <i>Vision 2040</i> for new requirements and identified existing gaps and/or areas of inconsistency in the Comprehensive Plan.
King County <i>Countywide Planning Policies</i>	City has reviewed the <i>Countywide Planning Policies</i> for new requirements and identified existing gaps and/or areas of inconsistency in the Comprehensive Plan.
Locally desired amendments	City to provide a list of any additional locally-desired amendments to Consultant in an amended or separate contract if beyond this scope of work.

Based on this review, the Consultant will prepare a draft memo describing recommendations for all actions to be included in this scope of services and actions, if any, to be deferred for future action. Consultant will review the draft memo with the City and make revisions based on City guidance.

WORK PRODUCTS:

1. Draft and Final Project Prioritization Memo

2. Public Involvement Plan

In collaboration with the City, the Consultant will prepare a Public Involvement Plan (PIP). The PIP will meet GMA requirements for early and continuous public involvement and will provide a strategic framework for community education, engagement and outreach activities that inform and support the preparation of the Comprehensive Plan update. The PIP will identify specific tasks and timeframes for outreach activities.

WORK PRODUCTS:

1. Draft and Final Public Involvement Plan

3. Data Review

In coordination with the City, the Consultant will assemble a library of pertinent background documents, including pertinent data from the City, special purpose districts serving Sammamish, King County, Puget Sound Regional Council, and Washington Department of Commerce. The Consultant will review this information and, working in collaboration with the City, identify any existing data gaps and a strategy to fill those gaps.

WORK PRODUCTS:

1. List of available references and key contacts
2. As needed, strategy to obtain missing data

Exhibit 1

4. Project Initiation Workshop

Consultant will lead a workshop with staff to review fundamental project goals, approach, constraints and opportunities, establishing a framework for all future work. Consultant will organize and facilitate this workshop with key City staff in order to specifically address:

- a) Desired outcomes and goals for the project
- b) Project scope and schedule
- c) Consultant and City roles
- d) Project prioritization, based on Task 1
- e) Public Involvement Plan, based on Task 2
- f) Potential challenges that may impact project progress and goals

WORK PRODUCTS:

1. Project charter, summarizing information above

5. Internal Interviews and Workshops

In order to ensure that the project will meet City goals and benefits from internal knowledge about key City issues, as well as staff experience with the existing Comprehensive Plan, the Consultant will:

- a) Conduct informal interviews with interested Council and Planning Commission members to identify key goals, interests, concerns and other pertinent information; and
- b) Facilitate up to three interdepartmental staff workshops to review potential plan direction; brainstorm concepts and provide feedback on draft work products. The Consultant anticipates an early workshop to review the work program and to hear feedback on the existing plan and suggested actions to consider as part of the rewrite process. Two additional workshops will be conducted during the planning process prior to key decision points.

WORK PRODUCTS:

1. Summaries of meetings with Council and Planning Commission members
2. Summary materials describing the staff workshops, findings and conclusions

6. Prepare plan framework

Early consideration and identification of the plan framework will maximize the overall effectiveness of all work products. In collaboration with the City, the Consultant will prepare a plan framework document that will serve as the roadmap for the future plan and interim work products. The Consultant will also identify features to enhance effectiveness of communicating plan priorities and rationale to stakeholders. For example, key plan priorities and implementation strategies could be summarized in an “at a glance” brochure and early consideration of goals for the online edition of the plan will ensure that all communication goals for the plan are successfully met.

WORK PRODUCTS:

1. Preliminary table of contents
2. Document storyboard
3. Strategy for supporting deliverables

7. Demographic and Buildable Lands Review

The Consultant will support the City in updating the 2014 Buildable Lands Review, providing consultation and review as requested by City staff.

Exhibit 1

WORK PRODUCTS:

1. Contributions to updated buildable lands analysis

8. Existing Comprehensive Plan Review

The focus of this task will be on cleaning out the document to clearly reflect city goals and to remove contradictory and unnecessary information. The Consultant will conduct a review of the existing Comprehensive Plan in order to identify (1) outdated/unnecessary information; (2) contradictory policies; (3) overlapping and repetitive goals/policies; and (4) policies that are regulatory in nature; (5) technical data or text better housed in an appendix or a support document outside the plan itself and (6) other categories as identified by the project team. The Consultant will highlight and color code text in each category and, in collaboration with the City, determine appropriate disposition for the identified text.

WORK PRODUCTS:

1. Marked-up copy of the existing Comprehensive Plan, based on the categories defined above
2. Identification of policies to retain, delete or relocate

9. GMA Comprehensive Plan Rewrite

The Consultant will lead the rewrite of the Comprehensive Plan, based on the approach and City/Consultant roles described on the following pages. Consultant will work with staff in a collaborative and iterative process to prepare individual elements of the Plan. Consultant will compile elements into a complete draft plan, reviewing for editorial and substantive consistency. Two rounds of internal staff review for the compiled preliminary draft Plan are assumed as part of this task.

WORK PRODUCTS:

1. Preliminary, revised and final versions of all plan elements
2. Compiled Comprehensive Plan document, structured as established in Task 3.

Exhibit 1

Plan Element	Approach	City Role	Consultant Role
Introduction	Include an updated vision statement and other information useful to the reader in understanding how to use the Plan. Clarify how Sammamish' Vision fits within the broader and longer term (beyond 20 years) vision for the City in Vision 2040.	Guidance on content, review and comment on draft text	Prepare draft and revised text
Growth Management	Update information and relocate based on guidance from Task 3.	Guidance on content, review and comment on draft text	Prepare draft and revised text
Land Use	Abbreviate background data, incorporate health related goals and policies, update and streamline goals and policies based on new growth targets	Review and comment on draft text	Prepare draft and revised goals, policies and supporting text
Environment and Conservation	Abbreviate background data, update and streamline goals and policies; ensure consistency with updated Critical Areas Ordinance	Review and comment on draft text	Prepare draft and revised goals, policies and supporting text
Transportation	Work in collaboration with transportation consultant for updates; incorporate goals and policies related to physical activity.	Oversight of City's transportation consultant; review and comment on draft text	Incorporate updated information; prepare draft and revised goals, policies and supporting text
Housing	Work in collaboration with ARCH for updates	Coordinate with ARCH; review and comment on draft text	Incorporate updated information; prepare draft and revised goals, policies and supporting text
Economic Development	Prepare new element based on direction from the City's Economic Development Strategic Plan	Guidance on content, review and comment on draft text	Prepare draft and revised goals, policies and supporting text
Utilities and Public Services	Abbreviate background data, update and streamline goals and policies; ensure consistency with Capital Facilities Plan	Review and comment on draft text	Prepare draft and revised goals, policies and supporting text
Capital Facilities	Incorporate updated facility inventory, forecasts of future	Review and comment	Prepare draft and

Exhibit 1

Plan Element	Approach	City Role	Consultant Role
	needs, required capital improvement projects, and financing plan.	on draft text	revised goals, policies and supporting text
Essential Public Facilities	Incorporate updated goals and policies into other plan sections, such as Land Use; Utilities and Public Services; or Capital Facilities	Review and comment on draft text	Update goals and policies and incorporate into agreed upon element
Parks, Recreation, Open Space	Update to incorporate applicable goals and policies from the recently updated Parks, Recreation and Open Space Plan	Review and comment on draft text	Prepare draft and revised goals, policies and supporting text
Shoreline Element	Format the goals and policies portions of the City’s adopted Shoreline Master Program into a new Element of the Comprehensive Plan, taking care to maintain consistency with the other Plan Elements.	Guidance on content, review and comment on draft text	Prepare draft and revised goals, policies and supporting text
Sustainability Element	Build from the City’s 2011 Sustainability Strategy to incorporate sustainability strategies and implementation measures.	Guidance on content, review and comment on draft text	Prepare draft and revised goals, policies and supporting text
Implementation Element	Consider addition of an implementation element that compiles and prioritizes all implementation tasks from each element of the plan	Review and comment on draft text	Compilation of implementation actions from each element

Exhibit 1

10. SEPA Review

Consultant will prepare a Draft SEPA Checklist that provides a review and record of all environmental topics, based on available City data. The Consultant will use the information gathered in prior tasks to provide an expanded review of land use, plans and policies, public services and utilities, transportation and the natural environment. Other environmental topics will be addressed briefly and qualitatively based on available data.

WORK PRODUCTS:

1. Draft and Final SEPA Expanded Environmental Checklist

11. Public Involvement

Specific public engagement activities will be as identified based on the final PIP prepared in Task 2. All public involvement activities will meet the GMA mandate for “early and continuous public engagement.” In order to ensure outreach encompasses a wide variety of interests and helps build project ownership, the Consultant will use an integrated multi-pronged approach to provide multiple opportunities for both in-person and electronic conversations. A brief description of these approaches is provided below.

Face to face conversations. The Consultant will work collaboratively with interested community organizations from arts, business, education, development, and environment to engage in a meaningful discussion about the future of the city. In addition to traditional public workshops, the Consultant proposes to go directly to where people gather – to schools, local coffee shops, community events, and other local and community activities. The idea is to catch people where they typically gather; when they’re engaged in activities they’ve chosen and conduct our outreach in a way that complements those activities.

Project website. The Consultant will develop a project website that builds upon early project momentum, facilitates collaboration and exchange of ideas, disseminates key project information, and provides a graphic “dashboard” illustrating project progress and upcoming opportunities for engagement. Additionally, the website could facilitate as a repository for project ideas and imagery. For example, the site could utilize a Pinterest board to allow users to tag imagery that illustrates their vision or concept.

Social media. As appropriate, the Consultant will reach out to a core set of stewards who are active in social media to share with friends and family. This will build a broader base of informed and interested people who may want to come and actively participate in meetings and events. The Consultant will seek to engage local bloggers, using their websites to rally online followers to share their ideas in at project events.

WORK PRODUCTS:

- Work products to be defined in the PIP developed in Task 2.

12. Planning Commission and City Council Review

The Consultant will support the City at Planning Commission and City Council meetings and hearings to review the updated Comprehensive Plan. Consultant support will be tailored to meet project needs and could include early workshops and training sessions, public presentation, attendance, facilitation of discussions and follow-up activities. Additional editorial revisions to the document are assumed as part of this process. The current land use and vision statement is assumed to remain largely unchanged. If substantial or additional policy changes beyond this scope are identified during the legislative process an amended or separate scope of work and contract may be necessary.

WORK PRODUCTS:

1. Public meeting support
2. Document revisions based on City direction.

Contingency

A \$20,000 contingency budget is included to allow flexibility in responding to unanticipated project issues. If needed, this budget would be allocated to specific tasks and Consultant staff based on written City direction. Consultant will not access the contingency budget without specific written direction and approval from the City.

Assumptions

The Sammamish Comprehensive Plan Rewrite project scope and budget are based upon the following assumptions. Additional service requests or alterations beyond those described in the Scope of Services will require supplemental contract modifications or explicit, pre-approved substitutions. Consultant will not perform additional work without written authorization from the City.

1. Consultant and City will establish a regular weekly or biweekly project management call to ensure continued coordination and progress on the project. Consultant and City will review the City's detailed MS Project task list and Gantt chart at these regular meetings. City provided items will be discussed at this time. Action will be taken if needed to avoid adversely impacting costs and the project schedule.
2. The City has completed an updated capital facilities inventory for use by the Consultant and will provide a copy of the inventory per the time specified in the City's MS task list Gantt chart.
3. This scope of services includes identification of regulatory amendments that may be required to ensure continued consistency with the Comprehensive Plan, but does not include preparation of any regulatory amendments.
4. The scope does not include original data collection except as explicitly described in this scope. Research and data collection will be based on readily available secondary sources of information, including reports, inventories, maps and other similar literature from local government and other sources.
5. Except as specifically noted above, all Consultant deliverables will be limited to electronic file transfers. The City is responsible for document reproduction and distribution of all review and final drafts.
6. The budget presents cost estimates for each task. Time may be transferred from one task to another due to greater or lesser level of effort, provided that each task shall be completed and the total budget shall not be exceeded.

Exhibit 1

7. The City will post and mail meeting advertisements, schedule informal outreach meetings, arrange meeting rooms for public meetings and conduct other logistical tasks for public outreach activities.
8. The Consultant will have primary responsibility for coordinating, reviewing, and editing information obtained from the team members or other consultants working on the project to ensure that the individual sections of the report are prepared as one cohesive document consistent in style and content.
9. The City will have responsibility for compiling and coordinating City comments on work products. City edits for each document will be consolidated and conveyed in one document to the Consultant.
10. The City will make available to the Consultant all pertinent government documents, studies, GIS data layers and mapping and other technical information pertaining to the project per the time specified in the City's MS Project task list and Gantt chart subject to software/product licensing permissions. All documents will be returned to the City as appropriate upon completion of this contract.
11. The Consultant is not responsible for delays in the schedule resulting from delays in the provision of critical information or in decision-making by the City. The Consultant shall notify the City when the Consultant believes that a delay could occur. If a delay has occurred the Consultant shall notify the City in writing.
12. If any additional work is required because of error or omissions by the Consultant, such work will be done without change to the contract price.
13. The City will review and have the opportunity to edit all presentation material in advance of any staff or public meeting.
14. The City will provide updated Growth Targets and Buildable Lands data to the Consultant, per the time specified in the City's MS Project task list and Gantt chart.

Exhibit 1

City of Sammamish Comprehensive Plan Rewrite
Budget

Task	Studio 3MW					JWT	CAI	HYCO	Totals
	Munkberg	Walton	Wagoner	Read	Hartmann				
	\$150	\$150	\$150	\$150	\$100	\$150	\$125	\$220	
1. Project Prioritization	24					12			36
2. Public Engagement Plan	4		16						20
3. Data Review	16					16	12	12	56
4. Project Initiation Workshop	8		8	8		8	8	8	48
5. Internal Interviews and Workshops	16		40	8					64
6. Prepare Plan Framework	8			16		4			28
7. Demographic and Buildable Lands Review	4					4	40		48
8. Existing Comprehensive Plan Review	16				8	24		4	52
9. GMA Comprehensive Plan Rewrite	160	40		60	40	80	80	60	520
10. SEPA Review	40					8	24		72
11. Public Engagement	60		100	24	16	32	24		256
12. Planning Commission and City Council Review	20		40			16	8	16	100
Total Hours	376	40	204	116	64	204	196	100	1300
Labor Total	\$ 56,400	\$ 6,000	\$ 30,600	\$ 17,400	\$ 6,400	\$ 30,600	\$ 24,500	\$ 22,000	\$193,900
Direct Expenses			\$800			\$300	\$300	\$300	\$1,400
Subconsultant Fee (5%)*									\$3,900
Contingency									\$20,000
TOTAL COST									\$219,200

* Includes project management time and direct expenses associated with subconsultant management

Comprehensive Plan Periodic Update Project Project Schedule

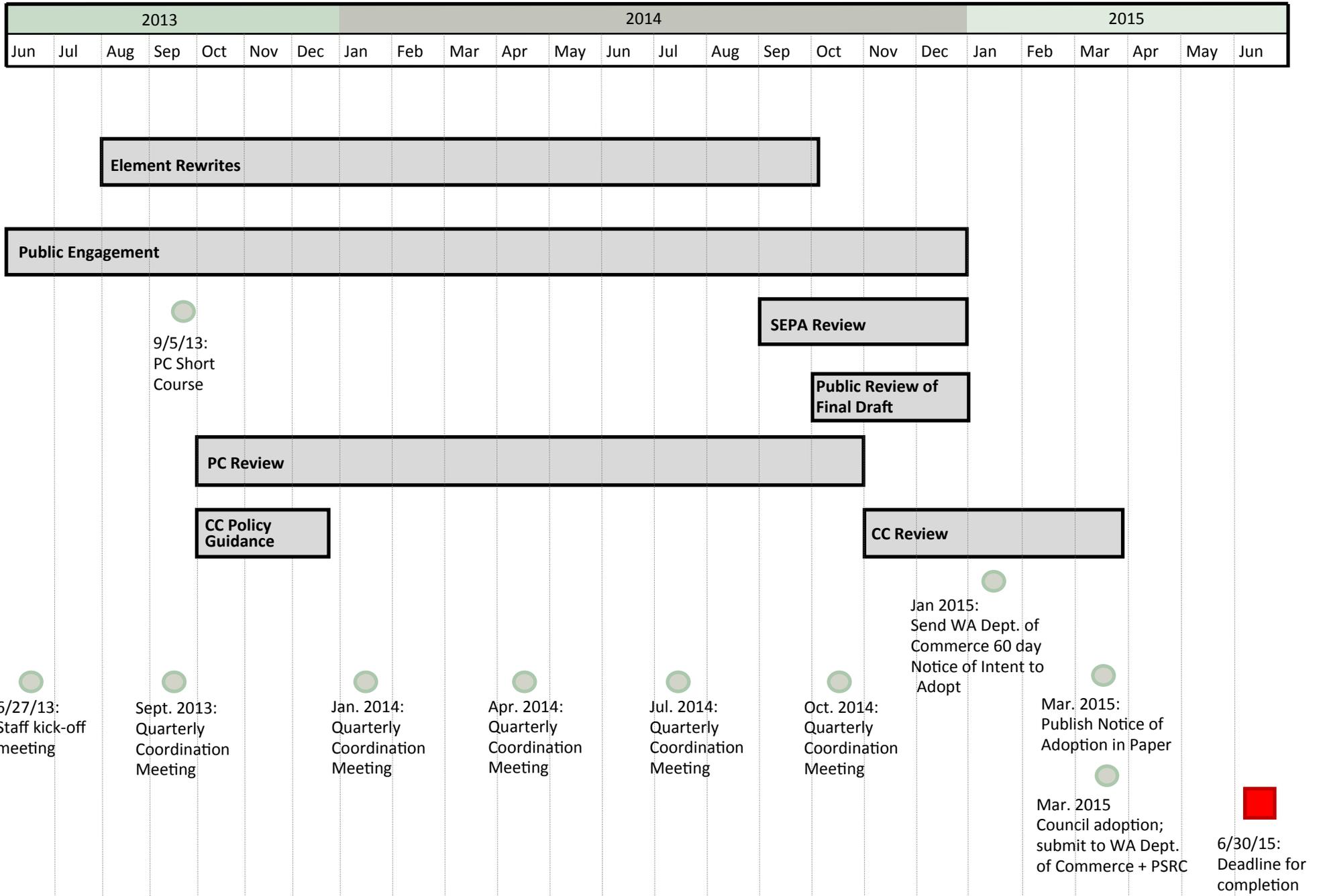


EXHIBIT B



REQUEST FOR CONSULTANT PAYMENT

To: City of Sammamish
801 228th Avenue SE
Sammamish, WA 98075
Phone: (425) 295-0500
FAX: (425) 295-0600

Invoice Number: _____ Date of Invoice: _____

Consultant: _____

Mailing Address: _____

Telephone: _____

Email Address: _____

Contract Period: _____ Reporting Period: _____

Amount requested this invoice: \$ _____

Specific Program: _____

Authorized signature

ATTACH ITEMIZED DESCRIPTION OF SERVICES PROVIDED

For Department Use Only

Total contract amount	
Previous payments	
Current request	
Balance remaining	

Authorization to Consultant: \$
Account Number:
Date:

Approved for Payment by: _____

Date: _____

Exhibit 1

Finance Dept.

Check # _____

Check Date: _____

EXHIBIT C



TAX IDENTIFICATION NUMBER

In order for you to receive payment from the City of Sammamish, the must have either a Tax Identification Number or a Social Security Number. The Internal Revenue Service Code requires a Form 1099 for payments to every person or organization other than a corporation for services performed in the course of trade or business. Further, the law requires the City to withhold 20% on reportable amounts paid to unincorporated persons who have not supplied us with their correct Tax Identification Number or Social Security Number.

Please complete the following information request form and return it to the City of Sammamish prior to or along with the submittal of the first billing invoice.

Please check the appropriate category:

_____ Corporation

Partnership

_____ Government Consultant

_____ Individual/Proprietor

_____ Other (explain)

TIN No.: 46-1778674

Social Security No.: 535-66-4701

Print Name: Deborah Munkberg

Title: Principal

Business Name: Studio 3MW LLP

Business Address: 101 Stewart St #350, Seattle WA 98101

Business Phone: 206.834.3897

Date

Authorized Signature (Required)



City Council Agenda Bill

Meeting Date: June 17, 2013

Date Submitted: June 12, 2013

Originating Department: Community Development

Clearances:

<input checked="" type="checkbox"/> City Manager	<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

Subject: Professional services contract with Prothman Company for temporary planning services

Action Required: Authorize the City Manager to sign the contract

Exhibits: 1. Contract with Exhibits A (Scope of Work) and B (Prothman letter)

Budget: 2013-2014 General Fund/Community Development operating budget (professional services account number 001-058-558-60-41-00). An adjustment is anticipated to be made during the 2013-2014 Biennial Budget update process with the cost offset by increased permit revenues.

Summary Statement:

As the economic recovery proceeds, increased applications for building and land use approvals are being received. Customer inquiries from the citizens, development community, real estate professionals and neighbors of proposed developments have also increased proportionally. In order to maintain customer service levels both in development/permit review and neighborhood responsiveness, additional staff time is needed. A contract with Prothman Company for temporary planner services is proposed in order to maintain appropriate levels of service. The contract amount of \$140,000 is based on a mid-level Associate Planner through 2014, and will be addressed during the 2013 budget adjustment process. The additional cost is expected to be offset by greater land use and building fee collections.

Financial Impact:

Sufficient appropriation exists within the 2013-2014 General Fund/Community Development operating budget. In addition, an adjustment is anticipated to be made during the 2013-2014 Biennial Budget update process, increasing the budget for professional services (account number 001-058-558-60-41-00). The cost of the contracted services will be offset by increased permit revenues.

Recommended Motion:

Authorize the City Manager to sign the contract.

**CITY OF SAMMAMISH
PERSONAL/PROFESSIONAL SERVICES AGREEMENT (SF)**

This Agreement is entered into by and between the City of Sammamish, Washington, hereafter referred to as the "City," and Prothman Company, hereafter referred to as the "Contractor".

WHEREAS, the City has a need to have certain services performed; and

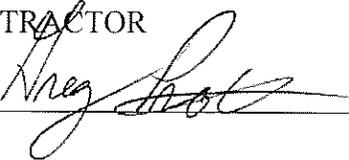
WHEREAS, the City desires to have the Contractor perform such services pursuant to certain terms and conditions;

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth below, the parties hereto agree as follows:

1. **Scope of Services to be Performed by Contractor.** The Contractor shall perform those services described on Exhibit "A" attached hereto and incorporated herein. In performing such services, the Contractor shall at all times comply with all federal, state, and local statutes, rules, and ordinances applicable to the performance of such services.
2. **Compensation and Method of Payment.** The City shall pay the Contractor for services rendered the sum of not to exceed \$ 140,000. Upon completion of the services, the Contractor shall submit an invoice to the City and payment thereon shall be made within ten days following City Council approval.
3. **Duration of Agreement.** This Agreement shall be in full force and effect from the date of execution through December 31, 2014.
4. **Independent Contractor.** The Contractor and the City agree that the Contractor is an independent contractor with respect to the services provided pursuant to this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties hereto. The City shall not be responsible for paying, withholding, or otherwise deducting any customary state or federal payroll deductions, or otherwise assuming the duties of an employer with respect to the Contractor or any employee of the Contractor.
5. **Indemnification.** The Contractor shall indemnify, defend, and hold harmless the City, its agents, and employees from and against any and all liability arising from injury or death to persons or damage to property resulting in whole or in part from negligent acts or omissions of the Contractor, its agents, or employees.
6. **Termination.** This Agreement may be terminated by written mutual agreement of the parties, or by one party giving to the other at least seven days advance written notice of intent to terminate.

- 7. **Assignment and Subcontract.** The Contractor shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City.
- 8. **Entire Agreement.** This Agreement contains the entire agreement between the parties and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either party. Either party may request changes to the Agreement. Proposed changes that are mutually agreed upon shall be incorporated by written amendments to this Agreement.
- 9. **Applicable Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorneys' fees and costs of suit.

CONTRACTOR

By: 

Address:
371 NE Gilman Blvd, Ste 350
Issaquah, WA 98027

Phone: 206.368.0050
Fax: 425.270.3496

DATE: 6-11-13

Email: greg@prothman.com

Social Security No. or Tax Identification No. 91-2170148

CITY OF SAMMAMISH, WASHINGTON

By: _____
City Manager

DATE: _____

Attest/Authenticated:

City Clerk

Approved as to form:

City Attorney

EXHIBIT A

Scope of Services to be Provided by Contractor

The Contractor shall furnish the following services:

Temporary planner Steve Munson @ \$42.00 per hour
Any change in planner requires city approval

June 11, 2013

Mr. Ben Yazici
City Manager
City of Sammamish
801 228th Ave SE
Sammamish, WA 98075

Dear Mr. Yazici:

Thank you for your confidence in the Prothman Company. Below is our standard agreement for providing interim services. Would you please sign and return a copy to our offices. Please call me if you have any questions.

Term. The term of this Agreement is ongoing, provided the City may terminate this agreement at any time.

Prothman Interim Planner. The Prothman Interim Planner serves as a Prothman Company employee assigned to the City of Sammamish and shall perform such duties as assigned by the City. The City shall have the right to direct the Prothman Company to replace the Interim Planner at any time.

Employer Duties of the Prothman Company. The Prothman Company shall provide a Prothman Company employee qualified to act as the City's Interim Planner during the term of the contract. The Prothman Company shall (1) pay all wages and other remuneration to its employee who is provided under this Agreement, (2) prepare and file all payroll tax returns and reports, (3) pay all amounts due and owing pursuant to the payroll tax returns and reports, (4) prepare, file, and furnish to the employee applicable employee tax forms, and (5) prepare and file, with a copy to the City, applicable employer tax forms.

Duties of the City. When applicable, the City shall provide a work place for the Interim Planner and maintain the work place in accordance with applicable health and working standards, notify the Prothman Company immediately of all employee injuries and provide reimbursement to the Interim Planner for costs incurred as a result of performing City business such as mileage, travel expenses and other similar costs at the normal City rates and in accordance with the City's cost reimbursement policies applicable to City employees.

Fees & Expenses. The Interim Planner's hourly rate is \$42.00 for each hour worked by the Interim Planner. Invoices will be submitted to the City every two weeks and are due within twenty (20) days of receipt. A 3% charge will be added reflecting Prothman's City of Issaquah and Washington State B&O tax obligations. The City is also responsible for any client-required licenses, fees or taxes. Delinquent payments will be subject to a late payment charge of 12% (annual) and which will be applied to any unpaid balance owed commencing seven (7) days after the payment due date.

Indemnification. The Prothman Company shall indemnify, defend, and hold harmless the City for the purposes of all required payroll deductions and withholdings, legally required workers' compensation insurance and other employee benefits. The City releases and agrees to indemnify, defend, and hold harmless the Prothman Company, the employees of the Prothman Company, and personnel, directors, and officers of the Prothman Company from any and all

Exhibit 1

actions, claims, damages, or injuries to persons or property, penalties, obligations or liabilities arising out of or related to the services performed by the interim employee that are under the control of the City and are within the course and scope of City employment. The Prothman Company releases and agrees to indemnify, defend, and hold harmless the City, its officers, employees and consultants, from any and all actions, claims, damages, or injuries to persons or property, penalties, obligations or liabilities arising out of or related to the acts or omissions of the interim employee that are not under the control of the City or are not within the course and scope of City employment. If the City is notified or becomes aware of any alleged improper or illegal activities by the interim employee the City shall notify the Prothman Company immediately.

Accepted by:

CITY OF SAMMAMISH

PROTHMAN

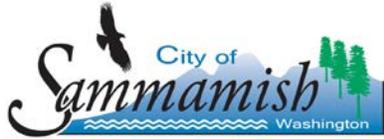
Ben Yazici
City Manager

Date



Greg Prothman
President

06/11/2013
Date



City Council Agenda Bill

Meeting Date: June 17, 2013

Date Submitted: June 12, 2013

Originating Department: Public Works

Clearances:

<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input checked="" type="checkbox"/> Public Works

Subject: 2013 Pavement Program Interlocal between Sammamish Plateau Water and Sewer District

Action Required: Authorize the City Manager to execute the attached Interlocal Agreement

Exhibits: 1. Interlocal Agreement between the City of Sammamish and Sammamish Plateau Water and Sewer District

Budget: There is no impact to the budget

Summary Statement:

Sammamish Plateau Water and Sewer District (SPWSD) has utility structures located within the limits of 2013 street paving projects. After the road paving work, each of these structures will require adjustment to the finished road surface elevation. The City and SPWSD agree that it benefits the public to complete this work through the contract between the City and the City's paving contractor. The Public Works Department is recommending that the City Council authorize the City Manager to accept this Interlocal Agreement and move towards completing the work.

Background:

SPWSD operates and maintains the sanitary sewers and water main in a portion of streets being overlaid with new pavement. Sanitary sewer manholes and water valve boxes need to be adjusted to the new paved surface elevation. A pay item for this type of work is included in the City's contract specifications for the paving projects and is publicly bid. This Interlocal Agreement allows the City to pay for the work to adjust the utility structures and submit the costs of the work to SPWSD for reimbursement. By combining the work under one contract impacts to the traveling public are minimized and overall cost savings realized by Sammamish rate payers.

Financial Impact:

There is no impact to the budget.

Recommended Motion:

Move to authorize the City Manager to execute the attached Interlocal Agreement with Sammamish Plateau Water and Sewer District.

INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAMMAMISH AND THE SAMMAMISH PLATEAU WATER AND SEWER DISTRICT FOR THE ADJUSTMENT OF MANHOLE AND VALVE BOX CASTINGS ASSOCIATED WITH THE CITY OF SAMMAMISH 2013 PAVEMENT PRESERVATION PROGRAM PROJECTS

This Agreement ("Agreement") is made and entered into by and between the City of Sammamish, a municipal corporation (the "City") and the Sammamish Plateau Water and Sewer District, a municipal corporation (the "District" or "SPWSD") (individually a "Party" and collectively the "Parties"), for the purposes set forth below.

WHEREAS, the City will prepare Plans and Specifications for the City's various projects included as part of the 2013 Pavement Preservation Program ("Projects"), and will publicly bid the Projects, and award the Projects to the lowest responsible bidder ("Contractor"); and

WHEREAS, the District provides water and sewer services in the general area of the Projects; and

WHEREAS, the District has manhole castings, valve box castings and meter boxes within the limits of the Projects that will need to be adjusted to final grade following the City's pavement work; and

WHEREAS, the City and the District can achieve cost savings and benefits in the public interest by adjusting the District's manhole and valve box castings during construction of the Projects, hereinafter referred to as the "District Work; and

WHEREAS, the City and the District have the authority to undertake joint and cooperative action pursuant to Chapter 39.34 RCW;

NOW, THEREFORE, in consideration of the following terms and conditions, the Parties agree as follows:

I. BIDDING

A. The City shall incorporate a complete and final set of the District's Plans and Specifications for the District Work into the Contract Bid Documents for the Projects as a deductive alternate in such manner as to allow, to the extent possible, identification of cost allocations between the parties.

B. The City shall furnish the District with the bid prices for the District Work for the District's approval. Within two weeks of receiving the bid prices, the District shall notify the City in writing that the District either approves or rejects their portion of the contract. The City shall not proceed with the District Work until the City has received approval from the District. If bids are received which, in the estimation of the District, are not acceptable for the District's portion, all or a portion of the

District Work shall be deleted from the contract. Bid awards shall be made to the lowest responsible bidder for the total project, subject to applicable laws and regulations.

- C. If the District rejects the City's lowest responsible bid, the District may select its own contractor to do the District Work. In that event;
 - 1. The District shall require its contractor to coordinate all District Work located within the project site with the City's contractor, without unreasonably interfering with or delaying the City's contractor. The District shall notify its contractor of such requirement, and shall provide written notice to the City and the City's contractor ten days prior to beginning the District Work.
 - 2. If the District's contractor unreasonably delays or impacts the City's contractor, the District agrees to defend, indemnify, and hold City harmless from and against any such unreasonable delay or impact if a claim is presented by the City's contractor, provided the City shall give the District prompt notice of any potential claim as soon as the City has received knowledge thereof.
 - 3. As part of any asphalt pavement overlay work, the City shall have its contractor provide surface divots or pavement markers on any casting encountered during the City's overlay work.

II. CONTRACT ADMINISTRATION

A. City Responsibilities

- 1. The City shall provide the administrative and clerical services necessary for the execution of the District Work.
- 2. The City shall include in the Contract Plans engineering specifications and details provided by the District.
- 3. The City will notify the District of any changes required by the City which substantially change the nature of the Utility Work and shall obtain the District's approval of such changes. Such approval shall not be unreasonably withheld by the District. Written notification by the City shall be given to the District prior to the commencement of the work.
- 4. Upon written notice from the District of any changes to the District Work needed during construction, the City shall make such changes, if feasible, to the City's Contract with the Contractor as part of the Contract's standard change order process.
- 5. The City shall provide the District with the Contractor's proposed schedule for the District Work and written notice when the Contractor begins the District Work.
- 6. The City will make monthly progress payments to the Contractor for District Work accepted by the District as complete.
- 7. The City will submit the paid monthly invoices to the District for reimbursement of District Work completed and accepted by the District. The

City shall invoice the District no later than December 13, 2013 to allow the District to process, and pay for the completed work within the same calendar year

8. The City will not grant the Contractor Final Acceptance until the District has provided the City with written notice that the District's Work is complete and approved for final acceptance.

B. District Responsibilities

1. The District shall provide engineering specifications and details, and an estimate of utility adjustments to be included in the Project Contract Plans and Specifications, and an Engineering Estimate of the proposed District Work.
2. The District shall provide inspection to verify proper compliance with requirements in the Project Contract Plans and Specifications while the Contractor is doing the District Work and shall provide the City with a written summary of pay item quantities to be included in the City's monthly progress payments to the Contractor.
3. The District shall promptly provide the City with written documentation describing any change(s) in the District Work required during construction.
4. The District shall provide the Contractor with a new casting to replace any casting that was damaged prior to the Project.
5. Upon notice from the Contractor that the District Work is complete, the District shall, within five working days, complete a final inspection of the completed work, and provide to the City a list of the accepted work and/or provide an itemized and detailed response as to why any portion of the District Work cannot be given acceptance.
6. The District shall assist in the approximate location of all castings to be adjusted. However the Contractor shall be responsible for determining the exact location of the casting with a metal detector.

III. PAYMENT

- A. The District shall reimburse the City at the unit bid prices for each SPWSD manhole casting, SPWSD valve box casting and SPWSD meter box adjusted, and for providing traffic control associated with the District Work, as bid by the Contractor for the Project. The following pay items will pertain to the District Work:

1. Flaggers and Spotters
2. Adjust SPWSD Manhole
3. Adjust SPWSD Valve Box
4. Adjust SPWSD Meter Box

Other District Work pay items may be added by project specific engineering details and specifications provided by the District and included in the City's Contract documents.

- B. The District shall reimburse the City at the unit bid prices bid for any other work approved by the District and completed by the Contractor for the District Work in accordance with the Project Specifications, or in conformance with a District approved and City executed change order.
- C. In the event the Contractor uncovers any materials, while doing work solely related to completion of the District Work, that require special handling and/or disposal under any local, state or federal laws or regulations (including, but not limited to, hazardous waste, dangerous waste, toxic waste or contaminated soil) the District will be responsible for all costs incurred in handling and/or disposing of such materials.
- D. All payments shall be due within forty-five (45) days from the date the City invoices the District for the District Work performed on the Project, and when due shall accrue simple interest at the rate of one percent per month.

IV. INDEMNIFICATION AND HOLD HARMLESS

- A. Each Party to this Agreement agrees to protect, defend, and indemnify the other Party, its officers, officials, employees, and agents from any and all costs, claims, claims for delay, judgments and/or awards of damages arising out of or in any way resulting from the Party's default, failure of performance, or negligent conduct associated with this Agreement, by the Party, its employees, subcontractors or agents.
- B. Each Party agrees that its obligations under this provision extend to any claim, demand, and/or cause of action brought by or on behalf of any of its employees or agents. The foregoing indemnity is specifically and expressly intended to constitute a waiver of each Party's immunity under Washington's Industrial Insurance Act, RCW Title 51, but only as respects the other Party, and only to the extent necessary to provide each Party with a full and complete indemnity of claims made by the other Party's employees. The Parties acknowledge that these provisions were specifically negotiated and agreed upon by them.
- C. In the event either Party incurs any costs, including attorney fees or expert witness fees, to enforce this Agreement, and prevails in such enforcement action, all such costs and fees shall be recoverable from the losing Party.
- D. The provisions of this section shall survive the expiration or earlier termination of the Agreement with regard to any event that occurred prior to or on the date of such expiration or earlier termination.

V. INDEMNIFICATION OF UTILITY AND INSURANCE

- A. The City shall require the contractor building the Project to have the District named as an additional insured on all policies of insurance to be maintained by contractor(s) under the terms of any Project contract(s), with the City's contractor building the Project required to maintain Commercial General Liability Insurance, Commercial Automobile Insurance and Workers Compensation and provide satisfactory proof thereof prior to commencing construction.
- B. The City shall require the contractor building the Project to indemnify, defend, and save harmless the District and its officers, agents, or employees from any claim, real or imaginary, filed against the District or its officers, agents, or employees alleging damage or injury arising out of the contractor's participation in the Project.
- C. The City shall contractually require the contractor building the Project to be solely and completely responsible for safety of all persons and property during performance of the work. The contractor shall be contractually required to comply with all applicable City and State regulations, ordinances, orders, and codes regarding safety.

VI. OTHER PROVISIONS

- A. The City agrees to cause the District Work to be constructed in a good and workmanlike manner in accordance with the terms of this agreement and the Contract Bid Documents.
- B. This Agreement contains the entire agreement of the Parties and supersedes all prior discussions. This Agreement may be amended only in writing, signed by both Parties.
- C. Nothing contained herein is intended to, nor shall be construed to, create any rights in any third party, or to form the basis for any liability on the part of the Parties or their officials, officers, employees, agents or representative, to any third party.
- D. Waiver of any default or breach of this Agreement shall not be deemed to be a waiver of any other prior or subsequent default or breach and shall not be construed to be a modification of the terms of this Agreement unless stated to be such through written agreement of both Parties.
- E. If any provision of this Agreement is held invalid or unenforceable by a court of competent jurisdiction, the remainder of the Agreement shall not be affected thereby and shall continue in full force and effect if such remainder would then continue to serve the purposes and objectives of the Parties.
- F. This Agreement is authorized under RCW 39.34.080. Nothing herein shall be construed to create a partnership or joint venture between the Parties.

- G. The individuals signing this Agreement on behalf of the respective Party represent and warrant they have the power and authority to do so.
- H. The recitals set forth above are incorporated herein by this reference.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective as of the date last written below ("Effective Date").

CITY OF SAMMAMISH

SAMMAMISH PLATEAU
WATER AND SEWER DISTRICT

Signature



Signature

Ben Yazici, City Manager

John C. Krauss, General Manager

Date

6/7/13

Date



STUDY SESSION NOTES

Joint Study Session with Lake Washington and Issaquah School District Board Members May 14, 2013

Mayor opened the study session of the Sammamish City Council at 6:30 p.m.

Open Study Session

6:30 pm

Topics for Joint Meeting/Dinner with School Boards

- Emergency Management Shelter Option
 - Use of Public School Facilities
 - Logistics
- Update: Upcoming Bond and Levy Measures
- Issaquah School District Superintendent Succession Plan
- Underage Drinking in Sammamish
- Community Center Update
- Other Topics

Adjourn Joint Meeting

Begin Study Session

7:00 pm

Public Comment

This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.

Bob Keller, Spoke regarding the preceding joint meeting.

Topics

- Public Works Standards
- NE 25th Way Neighborhood Traffic Management Program
- 244th Avenue SE Non-Motorized Project
- Six Year Transportation Plan

Adjournment

9:30 pm



City Council Agenda Bill

Meeting Date: June 17, 2013

Date Submitted: June 11, 2013

Originating Department: Public Works

Clearances:

City Manager

Attorney

Admin Services

Community Development

Finance & IT

Fire

Parks & Recreation

Police

Public Works

Subject: 2013-2018 Six-Year Transportation Improvement Plan (TIP)

Action Required: Adopt Resolution

Exhibits:

1. Adopt Resolution No. R2013_____ adopting the 2013-2018 Six-Year Transportation Improvement Plan
2. 2014-2019 Six-Year Transportation Improvement Plan

Budget: Not Applicable

Summary Statement:

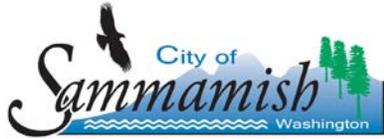
All cities are required by state law (RCW Chapter 35.77) to have a Six-Year Transportation Improvement Program (TIP) and to adopt an update of the TIP annually. These updates must be pursuant to one or more public hearings and shall be consistent with the City's Comprehensive Plan. Lastly, the annual TIP must be filed with the Secretary of Transportation within thirty days after adoption.

The TIP is a planning document containing transportation capital improvement programs and projects the City foresees undertaking over the next six years. The TIP by itself does not authorize projects to move forward nor provide funding for any of its listed projects; for that to occur requires that individual projects be funded through the City's normal budget adoption process.

Background:

This is an annual adoption that is required by State law. Resolution 2012-497 adopting the 2013-2018 TIP was unanimously approved (6-0) at the June 18, 2012 City Council Meeting and included \$17.7 million in transportation improvements. The 2014-2019 TIP includes \$39.1 million in transportation improvements, representing a significant increase (approximately 121%) from the previous year's TIP.

This update to the TIP is continuing the annual progression along the 18-year TIP that was developed in collaboration with the new road impact fee adopted by the City Council in 2006; however the majority of the concurrency-related capital roadway projects have been pushed out to later years than what was previously approved. The most significant change to this update includes advancing the schedule of the Sahalee Way NE concurrency improvements. As discussed with Council at the May 14 Study Session, this project is being accelerated due to increased traffic volumes utilizing this corridor and to ensure that adequate capacity is available for continued growth.



City Council Agenda Bill

Additionally, the proposed future improvements to East Lake Sammamish Parkway NE (projects 1 & 2) continue to be listed on the TIP while the Level of Service Update process continues to move forward. The Planning Commission is in the process of preparing its recommendation to Council. This topic is scheduled to come before the Council this September.

Financial Impact:

There is no financial impact at this time. The 6-year TIP is a planning document and as such does not commit the City to any financial obligations. Council will encounter and address the financial impacts in the future as they appropriate funding for the various projects listed in the 6-year TIP. Listing a project on the TIP allows it to be eligible for grant funding.

Recommended Motion:

Move to adopt, by Resolution Number 2013-____, the 2014-2019 Six-Year Transportation Improvement Plan as attached.

**CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2013-_____**

**A RESOLUTION OF THE CITY OF SAMMAMISH,
WASHINGTON, ADOPTING AN UPDATED SIX-YEAR
TRANSPORTATION IMPROVEMENT PLAN FOR 2014-2019**

WHEREAS, state law requires the legislative body of each city to prepare and adopt a comprehensive transportation improvement plan for the ensuing six years; and

WHEREAS, the purpose of such plan is to assure that each city shall have plans looking to the future, for not less than six years, as a guide in carrying out a coordinated transportation program; and

WHEREAS, if a city has adopted a comprehensive plan, state law provides that the transportation improvement plan shall be consistent with the comprehensive plan; and

WHEREAS, the adoption of a transportation improvement plan will allow the City to coordinate planning efforts, mitigate certain transportation impacts, and pursue grant funding for transportation projects; and

WHEREAS, the updated plan is consistent with recent changes to RCW 35.77.010 and incorporates urban planning approaches that promote physical activity and non-motorized and transit oriented projects; and

WHEREAS, City Council has conducted a public hearings to receive comments on the proposed plan;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. Adoption of Transportation Improvement Plan. The City hereby adopts the Six-Year Transportation Improvement Plan, 2014-2019, attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE _____ DAY OF _____, 2013**

CITY OF SAMMAMISH

APPROVED

Mayor Tom Odell

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: _____, 2013

Passed by the City Council: _____, 2013

Resolution No.: R2013 - _____



DRAFT 2014 - 2019 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM

Project List and Total Project Expenditure Summary* (*subject to City Council budget decisions)

All Projects costs and revenue projections are in 2011 dollars

TIP	Project Title	Total Project	2014	2015	2016	2017	2018	2019	Future Years	6 Yrs Total		
CONCURRENCY	CAPITAL PROJECTS	1 East Lake Sammamish Parkway NE - ♦ NE 26th St to 196th Ave NE Widen with bike lanes and pedestrian facilities	12,630,000							12,230,000	0	
		2 East Lake Sammamish Parkway NE - ♦ 196th Ave NE to 187th Ave NE Widen with bike lanes and pedestrian facilities	15,910,000							15,510,000	0	
		3 Issaquah-Pine Lake Rd - Klahanie Blvd to SE 32nd Widen to 3 lanes with bike lanes, curb, gutter, and sidewalk	22,370,000							22,370,000	0	
		4 Issaquah-Pine Lake Rd - SE 48th to Klahanie Blvd Widen to 5 lanes with bike lanes, curb, gutter and sidewalk	23,850,000				800,000	1,500,000	2,500,000	19,050,000	4,800,000	
		5 East Lake Sammamish Parkway SE / SE 24th St Intersection Construct traffic signal, turn lanes, curb, gutter & sidewalk	5,010,000							5,010,000	0	
		6 Sahalee Way NE - 220th Ave NE to North City Limits Widen to 3 lanes with bike lanes, curb, gutter, and sidewalk	21,240,000		1,100,000	1,600,000	7,420,000	11,120,000			21,240,000	
		7 218th Ave SE - SE 4th St to E Main St Widen to 2 lanes with curb, gutter, and sidewalk	1,000,000		1,000,000						1,000,000	
		8 228th Ave SE - SE 32nd St to Issaquah-Pine Lake Rd Provide additional southbound through lane	800,000		125,000	675,000					800,000	
		9 Sammamish ITS Phase I - 228th Avenue Establish an Intelligent Transportation System along 228th Avenue from Issaquah-Pine Lake Rd to NE 12th Pl	600,000	200,000								200,000
		10 Public Works Trust Fund Loan Repayment 228th Ave NE Improvements	10,546,410	554,667	552,000	549,333	546,667	544,000	541,333	1,616,000	3,288,000	
NON-MOTORIZED	PROGRAMS	11 Sahalee Way NE - NE 25th Way to NE 37th Wy Provide non-motorized facilities (design only)	100,000	100,000							100,000	
		12 Non-motorized Transportation Projects Sidewalks, Trails, Bikeways, and Paths, etc.	4,400,000	650,000	750,000	750,000	750,000	750,000	750,000		4,400,000	
		13 Sidewalk Projects Various sidewalk projects, includes gap projects, extensions, safety improvements.	1,500,000	250,000	250,000	250,000	250,000	250,000	250,000		1,500,000	
		14 Intersection and Safety Improvements Various intersection and other spot improvements as needed, including channelization, signing, safety improvements, signalization, or other traffic control devices.	1,200,000	200,000	200,000	200,000	200,000	200,000	200,000		1,200,000	
		15 Neighborhood CIP Various capital improvements including safety improvements, gap projects, bike routes, pedestrian safety enhancements, and school zone safety improvements.	600,000	100,000	100,000	100,000	100,000	100,000	100,000		600,000	
		16 Local Improvement Districts Matching funds for use with neighborhood cooperative LID improvements	0	0	0	0	0	0	0		0	
6-Yr Total Project Expenditures - Transportation			2,054,667	4,077,000	4,124,333	10,066,667	14,464,000	4,341,333	75,786,000	39,128,000		
Total Expenditures			2,054,667	4,077,000	4,124,333	10,066,667	14,464,000	4,341,333	75,786,000	39,128,000		

♦ NOTE: Future phases of improvements for East Lake Sammamish Parkway are listed until planned Level of Service revisions are adopted in 2013

	100%	100%	100%	100%	100%	100%
Operating Contribution Percentage	100%	100%	100%	100%	100%	100%
2014 Beginning Fund Balance	13,740,000	0	0	0	0	0
Transportation Fund Revenue (REET)	1,500,000	1,250,000	1,200,000	1,100,000	1,100,000	1,100,000
Road Impact Fees	2,700,000	2,250,000	2,250,000	2,000,000	2,000,000	2,000,000
Anticipated grants			1,500,000	3,500,000		
TOTAL	17,940,000	3,500,000	4,950,000	6,600,000	3,100,000	3,100,000
Accumulative Project Expenditures	2,054,667	6,131,667	10,256,000	20,322,667	34,786,667	39,128,000
Annual Cash Flow Surplus or Deficit	15,885,333	-577,000	825,667	-3,466,667	-11,364,000	-1,241,333
Accumulative Cash Flow Surplus or Deficit	15,885,333	15,308,333	16,134,000	12,667,333	1,303,333	62,000

Exhibit 2



City Council Agenda Bill

Meeting Date: June 17, 2013

Date Submitted: June 12, 2013

Originating Department: City Manager

Clearances:

<input checked="" type="checkbox"/> City Manager	<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

Subject: Medical Marijuana Moratorium Extension

Action Required: First Reading and public hearing

Exhibits: 1. Proposed Ordinance with Exhibit A (work program)

Budget: No Impact

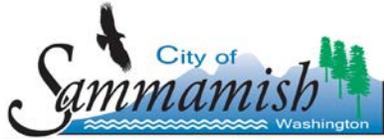
Summary Statement: State Law regarding Medical Cannabis is in conflict with Federal Law. The truncated and partially vetoed version of ESSSB 5073 that became effective July 22, 2011, passes many of the governor's concerns to cities, and the recent passage of Initiative 502 does not provide further clarity. Meanwhile, a great deal of confusion remains related to medical cannabis.

Background:

Legislative Action: Engrossed Second Substitute Senate Bill 5073 (ESSSB 5073) passed the state legislature on April 22, 2011, and was partially approved by the Governor on April 29, 2011. Some of the changes that were approved for incorporation into RCW 69.51A, the chapter dealing with Medical Marijuana include:

1. Up to ten qualifying patients may join together and have a collective garden with a maximum of 45 plants.
2. A minimum of 15 days must elapse before a qualified provider can switch from being the provider for one patient to another qualified patient. (This change addresses the argument used by many dispensaries to justify providing cannabis to multiple patients, one after another.)
3. Medical marijuana gardens cannot be open to the view of the general public (individual gardens cannot be visible from the public right of way).

The governor vetoed provisions in the legislation regarding the licensing of producers, processors and dispensers and establishing a state registry for patients, providers and collective gardens. The rationale was a letter from the US Department of Justice that the legislation was in conflict with Federal Drug Laws and that employees of the state could be at risk of federal prosecution if they processed licenses for production and sale of medical cannabis under the law. Medical Cannabis remains a class I drug under Federal Law.



City Council Agenda Bill

Zoning and Business Regulations: ESSSB 5073 also provided that cities may adopt and enforce zoning regulations, business license requirements and business taxes for collective gardens. This could put cities in conflict with federal law and in the position the governor sought to avoid for state employees.

The City Council adopted Ordinance 2011-309 on July 18, 2011, establishing a six month moratorium on the establishment of collective gardens within the City of Sammamish. The moratorium was renewed by Ordinance 2012-320, effective January 18, 2012, Ordinance 2012-328, effective July 18, 2012, and Ordinance 2012-340, effective January 18, 2013. At this point in time, additional regulatory clarity at the state and federal level is still not available, and the current proposed ordinance would renew the moratorium for an additional six months. The city would continue to review how other jurisdictions are dealing with this issue and determine what, if any, specific zoning and/or business regulations should apply to medical marijuana dispensaries and/or collective gardens. A work program is attached as Exhibit A.

Provisions for a Moratorium: State law authorizes cities to impose moratoria to maintain the status quo while considering impending zoning, land use or similar regulations (RCW 36.70A.390). A moratorium is typically valid for six months though it may be renewed with six month extensions if a public hearing is held and findings of fact are made prior to each renewal.

Financial Impact: None

Recommended Motion: Staff recommends that the Council open the public hearing, take testimony and continue the Public Hearing to July 2, 2013 for the second reading and adoption of the Ordinance.

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2013-**

**AN INTERIM ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, EXTENDING A MORATORIUM ON THE
ESTABLISHMENT OF COLLECTIVE GARDENS; DEFINING
“COLLECTIVE GARDENS;” AND ESTABLISHING AN
EFFECTIVE DATE.**

WHEREAS, Initiative Measure No. 692, approved November 3, 1998, created an affirmative defense for “qualifying patients” to the charge of possession of cannabis; and

WHEREAS, the initiative and current Chapter 69.51A RCW are clear that nothing in its provisions are to be “construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes;” and

WHEREAS, the Washington State Department of Health opines that it is “not legal to buy or sell” medical cannabis and further opines that “the law [Chapter 69.51A RCW] does not allow dispensaries;” leaving enforcement to local officials; and

WHEREAS, the City acknowledges the right of qualified health care professionals to recommend the medical use of cannabis, acknowledges the affirmative defense available to qualifying patients from the possession of cannabis as well as the right of patients to designate a “designated provider” who can “provide” rather than sell cannabis to “only one patient at any one time;” and

WHEREAS, the Legislature has passed E2SSB 5073 (the Act) and the Governor has signed the bill but has vetoed several sections of the bill; and

WHEREAS, E2SSB 5073 was effective on July 22, 2011, and

WHEREAS, the Act authorizes “collective gardens” which would authorize certain qualifying patients the ability to produce, grow and deliver cannabis for medical use; and

WHEREAS, the City Council deemed it to be in the public interest to establish a zoning moratorium pending local review of the anticipated changes in the law, which was implemented by Ordinance 2011-309 on July 18, 2011; and extended by Ordinance 2012-320, effective January 18, 2012, and Ordinance 2012-328, effective July 18, 2012, and Ordinance 2012-340, effective January 18, 2013; and

Exhibit 1

WHEREAS, the recent passage of Initiative 502 has not yet provided any additional clarity related to medical cannabis collective gardens; and

WHEREAS, no clarity regarding state and federal regulations related to the licensing, establishment, maintenance, or continuation of any medical cannabis collective garden is currently available; and

WHEREAS, a public hearing was held on June 17, 2013 in the City Council Chambers at City Hall; and

WHEREAS, on May 16, 2013, the Washington State Liquor Control Board (“WLCB”) issued informal draft regulations concerning implementation of I-502, which draft includes provisions for issuance of licenses for retailers of marijuana without respect to whether a purchaser is a “qualifying patient” as defined in the Act; and

WHEREAS, the WLCB has indicated it plans to issue draft regulations in approximately mid-June, 2013, with final adoption in approximately August, 2013 and issuance of marijuana producer, processor and retail licenses to qualified applicants beginning in December, 2013; and

WHEREAS, issuance and implementation of the WLCB’s final regulations may affect the City Council’s ability to comprehensively evaluate the need and/or appropriateness of medical marijuana collective gardens within the City of Sammamish;

WHEREAS, the City intends to implement the work program set forth in Exhibit A;

WHEREAS, the Council deems it in the public interest to renew the current moratorium continued by Ordinance 2012-340 for an additional six months in order to investigate this issue further and obtain regulatory clarity and guidance on how to proceed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Pursuant to the provisions of RCW 35A.63.220 and 36.70A.390, a zoning moratorium is hereby enacted in the City of Sammamish prohibiting the acceptance, processing, or approval of any license, permit, or other ministerial or discretionary approval authorizing the licensing, establishment, maintenance, or continuation of any medical cannabis collective garden. A “collective garden” is an area or garden where qualifying patients engage in the production, processing, transporting, and delivery of cannabis for medical use as set forth in the Act and subject to the limitations therein.

Section 2. Collective gardens as defined in Section 1 are hereby designated as prohibited uses in the City of Sammamish. In accordance with the provisions of RCW 35A.82.020 and SMC 5.05, no business license shall be issued to any person for a collective garden, which are hereby defined to be prohibited uses under the ordinances of the City of Sammamish.

Section 3. Upon receipt of sufficient information and/or guidance on this issue, the Sammamish City Council shall identify an appropriate time to refer the issue to the Sammamish Planning Commission for review and recommendations.

Section 4. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this interim Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. This Ordinance shall be effective for a period of six months from the date of enactment unless: sooner terminated by action of the Council; or, renewed for one or more additional six-month periods as provided by state law.

Section 7. Recitals Adopted as Findings of Fact. The Sammamish City Council adopts as its preliminary findings of fact the recitals set forth above. The Council may adopt additional findings in the event that additional public hearings are held or evidence is presented to the City Council.

Section 8. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 9. This moratorium shall be effective five days after passage and publication, but no sooner or later than the termination of the moratorium imposed by Ordinance 2012-340 (July 18, 2013).

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON JULY 2nd, 2013.**

CITY OF SAMMAMISH

Mayor Thomas T. Odell

ATTEST/AUTHENTICATED:

Exhibit 1

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:

First Reading:

Public Hearing:

Passed by the City Council:

Date of Publication:

Effective Date: July 18, 2013

Exhibit 1

EXHIBIT A

Monitor WLCB rulemaking process, actions of peer cities and Association of Washington Cities guidance

Review the final WLCB rules, local regulation examples and timeframe

Seek policy guidance from the City Council

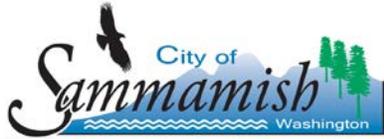
Develop options based on policy guidance from City Council

Complete Planning Commission review, public hearing and recommendation to the Council

State Environmental Policy Act (SEPA) review and threshold determination

Complete State of Washington Department of Commerce 60-day Notice of Intent to Adopt

City Council review, public hearing, and adoption of regulations



City Council Agenda Bill

Meeting Date: June 17, 2013

Date Submitted: June 12, 2013

Originating Department: City Manager

Clearances:

<input checked="" type="checkbox"/> City Manager	<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

Subject: Recreational Marijuana Moratorium

Action Required: First reading and public hearing

Exhibits: 1. Proposed Ordinance

Budget: No Impact

Summary Statement:

The passage of Initiative 502 legalized the recreational use of marijuana in Washington State for adults 21 years of age and older, and calls for the State to license marijuana producers, processors and retailers. The Washington State Liquor Control Board (LCB) is in the process of adopting a comprehensive set of regulations for licensing of these facilities. On May 16th they issued their initial draft rules for producers, processors and retailers. Because I-502 is silent regarding medical marijuana it creates a separate licensing process for providing marijuana for recreational use and does not affect local regulations for medical marijuana. The State anticipates issuance of producer, processor and retailer licenses beginning December 1, 2013. The Federal government's Controlled Substances Act still prohibits the possession and distribution of marijuana for any purpose.

Background:

There is uncertainty related to the State of Washington requirements related to recreational marijuana since the State is still in the process of developing these rules. There is uncertainty as well related to the federal government response and other legal issues. Therefore, it is recommended that the City adopt a moratorium on producers, processors and retailers of recreational marijuana until additional information is available. At that time, zoning and other requirements would be considered by the Planning Commission and Council.

The City Council is also considering the extension of the current moratorium on medical marijuana collective gardens. This is a separate moratorium that would apply to producers, processors and retailers of recreational marijuana.

State law authorizes cities to impose moratoria to maintain the status quo while considering impending zoning, land use or similar regulations (RCW 36.70A.390). A moratorium is typically valid for six months



City Council Agenda Bill

though it may be renewed with six month extensions if a public hearing is held and findings of fact are made prior to each renewal.

Recommended Motion:

Staff recommends that the Council open the public hearing, take testimony and continue the Public Hearing to July 2, 2013 for second reading and adoption of the Ordinance.

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO.**

AN INTERIM ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, IMPOSING A MORATORIUM ON THE ESTABLISHMENT OF CERTAIN MARIJUANA-RELATED FACILITIES; DEFINING SAID CERTAIN MARIJUANA-RELATED FACILITIES; ENTERING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, recent amendments to Chapter 69.51A RCW have expanded the scope of certain activities involving the use of marijuana for medical purposes, including the ability of “qualifying patients” to create and participate in “collective gardens” for the purpose of producing, processing, transporting, and delivering marijuana for medical use, subject to certain conditions; and

WHEREAS, Ordinance Nos. 2011-309, 2012-320, and Ordinance 2012-328 enacted and extended a moratorium on the establishment, licensing, and permitting of collective gardens within the city; and

WHEREAS, in 2012, the voters of the state of Washington passed Initiative 502, which authorizes the issuance of marijuana producer, processor and retailer licenses, subject to the proviso that retail sale and certain acts of producing and processing marijuana in accordance with I-502 and implementing regulations shall not be a criminal or civil offense under Washington state law, and subject to the further proviso that no such license shall be issued shall not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older; and

WHEREAS, under Initiative 502 the Washington State Liquor Control Board (“WLCB”) is tasked with adopting no later than December 1, 2013 rules establishing the procedures and criteria for the licensing and operation of marijuana producers, processors and retailers; and

WHEREAS, on May 16, 2013, the Washington State Liquor Control Board (“WLCB”) issued informal draft rules; and

WHEREAS, the WLCB has indicated it plans to issue draft rules in approximately mid-June, 2013, with final adoption in approximately August, 2013 and issuance of marijuana producer, processor and retail licenses to qualified applicants beginning in December, 2013; and

WHEREAS, marijuana production, processing and retailing uses and facilities authorized by Initiative 502 must be addressed in the City's zoning code, but the impacts of these uses are still largely unknown, and the regulations that the City will need to address are uncertain pending the WLCB's formal adoption of licensing regulations and procedures; and

WHEREAS, a public hearing was held on June 17, 2013 in the City Council Chambers at City Hall; and

WHEREAS, the Council deems it in the public interest to impose a moratorium for a period of six months in order to investigate this issue further and obtain regulatory clarity and guidance from the WLCB's rules;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Definitions. As used in this ordinance, the following terms have the definitions set forth below:

"Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

"Marijuana processor" means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

"Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

"Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

"Marijuana retailer" means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

Section 2. Moratorium Imposed. Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, a zoning moratorium is hereby enacted in the City of Sammamish prohibiting the acceptance, processing, or approval of any license, permit, or other ministerial or discretionary approval authorizing the licensing, establishment, maintenance, or continuation of any use of property by a marijuana producer, marijuana processor, or marijuana retailer, or for use by any person for the production, processing, and/or retailing of marijuana.

Section 3. Marijuana Production, Processing and Retailing Prohibited. Pursuant to the moratorium imposed in Section 2, marijuana production, processing and retailing as defined in Section 1 are hereby designated as prohibited uses in the City of Sammamish while this ordinance is in effect. In accordance with the provisions of RCW 35A.82.020 and SMC 5.05, no business license shall be issued to any person for marijuana production, processing or retailing, and any permits issued for any of these uses in error or based on a vague and/or misleading application description during this moratorium are null and void, and without legal force or effect.

Section 4. Upon receipt of sufficient information and/or guidance on this issue, the Sammamish City Council shall identify an appropriate time to refer the issue to the Sammamish Planning Commission for review and recommendations.

Section 5. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this interim Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

Section 6. Recitals Adopted as Findings of Fact. The Sammamish City Council adopts as its preliminary findings of fact the recitals set forth above. The Council may adopt additional findings in the event that additional public hearings are held or evidence is presented to the City Council.

Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 9. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

Section 10. Duration. This ordinance shall be in effect for a period of six months from the effective date set forth above, and shall automatically expire at the conclusion of that six-month period unless extended as provided in RCW 35A.63.220 and RCW 36.70A .390, or unless earlier terminated by action of the City Council.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE ____ DAY OF _____ 2013.**

CITY OF SAMMAMISH

Mayor Tom Odell

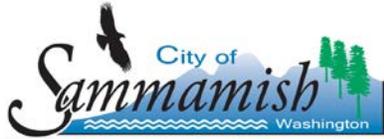
ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:
Public Hearing:
First Reading:
Public Hearing:
Passed by the City Council:
Date of Publication:
Effective Date:



City Council Agenda Bill

Meeting Date: June 17, 2013

Date Submitted: June 13, 2013

Originating Department: Community Development

Clearances:

<input checked="" type="checkbox"/> City Manager	<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Parks & Recreation
<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Police
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Fire	<input type="checkbox"/> Public Works

Subject: Emergency ordinance to amend the sunset provisions contained within the Environmentally Critical Areas (ECA) regulations

Action Required: Council review and motion to adopt Emergency Ordinance

Exhibits: 1. Proposed Ordinance

Budget: N/A

Background:

On December 20, 2005 the City Council adopted O2005-193, which amended and updated the City of Sammamish's environmentally critical area regulations.

Ordinance O2005-193 resulted in significant changes to the then-current environmentally critical area regulations; consequently the City Council included a "sunset" clause for certain portions of the regulations to assure an evaluation of these provisions by the sunset date. The sunset date was originally set as January 3, 2010, which was 48 months after the effective date of O2005-193; the date was subsequently extended through July 3, 2013 with the approval of Ordinance O2012-338 in December 2011.

The City Council has started their deliberations on amendments to the environmentally critical area regulations, but will not have completed their deliberations prior to sunset provisions taking effect on July 3, 2013. Consequently this emergency ordinance will extend the sunset provisions through July 31, 2013.

Financial Impact: N/A

Recommended Motions: Adopt the Emergency Ordinance

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2013- XXX**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, AMENDING CHAPTER 21A.50
(ENVIRONMENTALLY CRITICAL AREAS), OF
THE SAMMAMISH MUNICIPAL CODE TO
EXTEND THE SUNSET DATE; DECLARING AN
EMERGENCY; AND SCHEDULING A PUBLIC
HEARING**

WHEREAS, the City Council adopted Ordinance 2005-193, which amended the Sammamish Municipal Code to update the City's environmentally critical area regulations to meet the requirements of state law; and

WHEREAS, the City Council included provisions within Ordinance 2005-193, which would automatically sunset provisions for wetland, stream, and lakes and ponds protection forty eight (48) months after the effective date of Ordinance 2005-193; and

WHEREAS, the City Council adopted Ordinance 2009-274 on December 1, 2009, which extended the sunset provisions to seventy two (72) months after the effective date of Ordinance 2005-193; and

WHEREAS, the City Council adopted Ordinance 2011-315 on December 6, 2011, which extended the sunset provisions to eighty-four (84) months after the effective date of Ordinance 2005-193; and

WHEREAS, the City Council adopted Ordinance 2012-338 on December 6, 2011, which extended the sunset provisions to ninety-one (91) months after the effective date of Ordinance 2005-193; and

WHEREAS, the City has undertaken an update of the adopted regulations for environmentally critical areas in 2012 and 2013; and

WHEREAS, the City Council has held a public hearings on the proposed amendments to the environmentally critical area regulations on May 7, May 20, and June 4, 2013; and

WHEREAS, the City Council has started their deliberations on amendments to the environmentally critical area regulations, but will not have completed their deliberations prior to sunset provisions taking effect on July 3, 2013; and

WHEREAS, the City Council desires to provide for additional time to complete the amendments by extending the sunset date to assure a thorough and inclusive process; and

WHEREAS, the City Council has concluded that it is in the interest of the public health, safety and welfare to adopt this emergency ordinance to allow sufficient time to complete their deliberations on proposed amendments to the environmentally critical area regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendments to the Municipal Code. Sammamish Municipal Code (SMC) 21A.50.400 Sunset provisions, is amended to read as follows: “The provisions contained in SMC 21A.50.290, Wetlands – Development standards, 21A.50.310 (6)(a), wetland mitigation ratios, and 21A.50.330, Streams – Development standards, shall revert to those in effect prior to January 3, 2006, ~~91 months following the January 3, 2006 effective date of the ordinance codified in this chapter unless renewed or revised on July 31, 2013.~~”

Section 2. The Council does hereby find that an emergency exists and that immediate action is necessary. This ordinance shall be effective immediately upon passage by five (5) or more votes.

Section 3. The City Clerk is directed to schedule a public hearing within sixty days of the date of adoption of this ordinance in accordance with RCW 35A.63.220.

Section 4. The above "Whereas" clauses of this ordinance constitute specific findings by the Council in support of passage of this ordinance. If any part or portion of this ordinance is declared invalid for any reason, such declaration of invalidity shall not affect any remaining part or portion.

ADOPTED BY THE CITY COUNCIL AT A SPECIAL MEETING THEREOF ON THE 17TH DAY OF JUNE, 2013.

CITY OF SAMMAMISH

Mayor Thomas T. Odell

ATTEST/AUTHENTICATED:

Exhibit 1

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:

Passed by the City Council:

Date of Publication:

Effective Date:

Exhibit 1