



LYNNWOOD CITY COUNCIL Business Meeting

City Hall Council Chambers

19100 44th Ave W

Lynnwood WA 98036

MONDAY, JULY 26, 2021 6:00 PM

-
1. CALL TO ORDER AND FLAG SALUTE
 2. ROLL CALL
 3. APPROVAL OF MINUTES- Council Member Ross
 - A. Minutes from July 6 Work Session, July 12 Business Meeting and July 19 Work Session.
Council Member Ross
[7.06.21 Work Session Minutes.pdf](#)
[7.12.21 Business Meeting Minutes.pdf](#)
[7.19.21 Work session Minutes.pdf](#)
 4. MESSAGES AND PAPERS FROM THE MAYOR
 5. PUBLIC COMMENTS AND COMMUNICATIONS
 6. PRESENTATIONS AND PROCLAMATIONS
 7. WRITTEN COMMUNICATIONS AND PETITIONS
 8. COUNCIL COMMENTS AND ANNOUNCEMENTS- Council Member Sessions
 9. CONSENT AGENDA- Council Member Smith
 - A. Planning Commissioner Confirmation: Rebecca Samy
Ashley Winchell, Community Planning Manager
[Rebecca Samy_redacted.pdf](#)
 - B. Confirmation of DEIC Candidate Lu Jiang
Evan Chinn
[Jiang Lu - DEI -Redacted.pdf](#)
 - C. Bid Award: 60th Ave W Sewer Repair Project
[60th Ave Sewer Repair Bid Tabulation.pdf](#)
 - D. Voucher Approval

10. BUSINESS ITEMS AND OTHER MATTERS

- A. Ordinance Adoption: Development and Access Enhancement Funding Agreement Amendment (Lynnwood Link Extension) (3 of 3).
David Kleitsch, Development & Business Services Director
[Attachment 1 - Staff Report](#)
[Attachment 2 - Draft Ordinance](#)
[Attachment 3 - Exhibit A](#)
[Attachment 4 - Quasi-Judicial Process.pdf](#)
- B. Ordinance: novo on 52nd Development Agreement (item 3 of 3)
David Kleitsch, Director; Ashley Winchell, AICP, Community Planning Manager; and Kristen Holdsworth, AICP, Senior Planner
[Ordinance novo on 52nd DA_final.pdf](#)
[Development Agreement novo on 52nd_final.pdf](#)
- C. Ordinance: Update of the Lynnwood Building and Fire Codes by Amending LMC Titles 9, 15, and 16
Robert Mathias, Deputy Director DBS, Michael Fitzgerald Assistant Chief SSCF
[Memo IBC.IFC Code Ordinance.pdf](#)
[Ordinance.IBCIFC.Strikeouts.Council.pdf](#)
[Ordinance IBC.IFC Adoption.Council.pdf](#)
- D. Contract Award - Community Justice Center Construction
James Nelson, Police Chief; Michelle Meyer, Finance Director; Cathy Robinson, Interim Procurement Manager
[ITB 3348_Procurement Report_Final.pdf](#)

11. PUBLIC HEARING

12. NEW BUSINESS

13. EXECUTIVE SESSION - Real Estate Transaction discussion

ADJOURNMENT

CITY COUNCIL 3.A
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Minutes from July 6 Work Session, July 12 Business Meeting and July 19 Work Session.

DEPARTMENT CONTACT: Lisa Harrison

PRESENTER:

Council Member Ross

ESTIMATED TIME:

5

DEPARTMENT ATTACHMENTS

Description:

[7.06.21 Work Session Minutes.pdf](#)

[7.12.21 Business Meeting Minutes.pdf](#)

[7.19.21 Work session Minutes.pdf](#)



CITY OF LYNNWOOD
CITY COUNCIL WORK SESSION MINUTES
July 6, 2021

1. Roll Call

The meeting was called to order at 6:07 p.m. A quorum was present.

Present:

Member Patrick Decker
Member Christine Frizzell
Member Ruth Ross
Member Shannon Sessions
Mayor Nicola Smith
President George Hurst
Member Jim Smith
Member Julieta Altamirano-Crosby

Councilmember Jim Smith left the meeting about 7:24 p.m.

2. Work Session Item

2.A Briefing 3 of 3: Utility Payment Rules Update

Strategic Planner Corbitt Loch shared recommendations for changes to the utility payment rules to account for Covid Pandemic and related non-payment of utilities. He recommended code rewrite for special rates and annual rebates, including adding those with disabilities to the code.

Loch reviewed the changes for payment, which include extending the due date from 14 to 28 days, voluntary payment plan (pay the most recent month +10% of balance). He also recommended giving the Public Works Director latitude to make exceptions.

Loch shared the number of households and businesses who are behind on their payments for more than 120 days. He also shared the financial aid available for customers.

He then shared the methods they are using to encourage payment, outreach to disadvantaged and underserved, etc. Governor has extended the moratorium until the end of September.

There is the need to develop a city approach after moratoriums. The city is not staffed or prepared to approach each individual account. They recommend giving latitude to the Public Works director for this as well.
Council Members asked questions and made comments.

2.B novo on 52nd (Whispering Pines) Development Agreement (1 of 3)

Director Kleitsch introduced the project which is a development replacing the Whispering Pines development and they have requested some specifics to their agreement. Ashley Winchell presented the requests and plans for the development. She presented the development agreement, as well as the approval process for the development (16 buildings). The process will include a public hearing on July 12th and council action on July 26th.

Council members asked questions and made comments. Kleitsch and Winchell will answer the questions after tonight's meeting:

- What happens to the trees?
- What happens to the carriage houses?
- What about the SF Homes facing this development?
- Will this be phased so that some residents can still stay for a while?
- Is there intent for the police??
- What is the expected rent?

2.C Briefing: Development and Access Enhancement Funding Agreement Amendment (Lynnwood Link Extension)

City Center Program Manager Karl Almgren, explained that this item falls under quasi-judicial process so will need to have a public hearing. Changes are just in one sentence that needs to be changed in an ordinance.

2.D Briefing 2 of 3: City Clerk pilot project

City administrator Art Ceniza kicked off the briefing, emphasizing that a lot of work has been done to get to this point. Interim City Clerk Fitzthum presented a summary of how they arrived at starting the pilot, goals they set for the position, and accomplishments. Council members asked questions and made comments. Anticipated timing for update 3 is some time in August.

3. Mayor Comments and Questions

Mayor Smith mentioned the passing of Jean Kim, a Lynnwood citizen who was a strong advocate for the homeless population. Her legacies include the hygiene station and pallet houses.

4. Council Comments

Council members took turns giving comments and making announcements.

- Council President Hurst announced that meetings will be held in chambers beginning July 12,2021.
- Council Member Sessions reminded citizens that Saturday the 20th from 10-2 is the history and heritage group celebration at Heritage Park.

Adjourn

The meeting was adjourned at 8:25 p.m.



CITY OF LYNNWOOD
CITY COUNCIL BUSINESS MEETING MINUTES
July 12, 2021

1. CALL TO ORDER

2. ROLL CALL

6:03 Council Member Frizzell arrived

Present:

Member Patrick Decker

Member Christine Frizzell

Member Ruth Ross

Member Shannon Sessions

Mayor Nicola Smith

President George Hurst

Member Jim Smith

Member Julieta Altamirano-Crosby

3. APPROVAL OF MINUTES: Council Member Altamirano-Crosby

Moved by Julieta Altamirano-Crosby; seconded by George Hurst to Approve Minutes as written for June 21 Work Session, June 28 Business Meeting and June 24 Finance Committee meeting. .

Motion Passed: 7 - 0

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell, Ruth Ross, Shannon Sessions

Voting Against: None

4. MESSAGES AND PAPERS FROM THE MAYOR

Mayor Smith noted "This is our first meeting back in Chambers, please give us some grace".

5. PUBLIC COMMENTS AND COMMUNICATIONS

The following people gave public comments:

- Elizabeth Lunsford 90837

6. PRESENTATIONS AND PROCLAMATIONS

7. WRITTEN COMMUNICATIONS AND PETITIONS

None

8. COUNCIL COMMENTS AND ANNOUNCEMENTS: Council Member Frizzell

Council members commented about being back in Chambers and various Lynnwood events.

9. CONSENT AGENDA: Council President Hurst

Moved by George Hurst; seconded by Patrick Decker to Approve Claims in the amount of \$2,360,873.94 for the period 6/18/21 through 6/25/21 and approve payroll in the amount of \$1,150,883.78 dated 7/2/21.

Motion Passed: 7 - 0

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell, Ruth Ross, Shannon Sessions

Voting Against: None

9.A Voucher Approval

10. BUSINESS ITEMS AND OTHER MATTERS

Moved by Shannon Sessions; seconded by George Hurst to Adopt Ordinance #3392 - An ordinance of the City of Lynnwood, Washington, relating to utility accounts and payments, Special utility rates and utility rebates; repealing LMC 13.20.080; Adopting a new LMC 13.20.080; Amending chapter 13.34 LMC and providing for an effective date, severability and Summary publication. .

Motion Passed: 7 - 0

Voting For: George Hurst, Jim Smith, Julieta Altamirano-Crosby, Patrick Decker, Christine Frizzell, Ruth Ross, Shannon Sessions

Voting Against: None

10.A Ordinance - Utility Payment Rules

11. Public Hearing

11.A Hearing: Development and Access Enhancement Funding Agreement Amendment (Lynnwood Link Extension) (2 of 3)

The mayor read the rules and procedures for the public hearing.

DBS Director David Kleitsch introduced the subject and explained that it covers a small change to the development agreement with sound transit regarding access enhancement funding, simplifying the language regarding access to funds and corrects a clerical error.

The following gave public comments: Elizabeth Lunsford

Public Hearing was ended at 6:31 pm

11.B

novo on 52nd Development Agreement - Public Hearing (2 of 3)

The Mayor read the rules and procedures again for public hearings. Director Kleitsch, Community Planning Manager Winchell, and Senior Planner Holdsworth provided an overview of the item. Quasi judicial decision by the city council. There has been a request by the developer to 1) allow increased density to preserve income restricted housing units and 2) allow them to go over the height restriction (+3').

Both requests are consistent with the Lynnwood comprehensive plan. Council is up to approve the agreement on July 26th (Business Meeting).

Keith James of the developing company partnering with HASCO explained that to them 'affordable' means 60% of the medium income. Most would be 1-2 bedroom apartments. The development plan includes a fitness center and clubhouse as well as outdoor activities (walking path, community garden, bbq area, seasonal pool). Construction will take about 18-20 months, with demolition starting in October.

Council members asked questions and made comments about the project.

Public Comments:

- Hillary Lohman, current resident of existing Whispering Pines
- Karen Walls, 98037
- Dorian

Public hearing was closed at 7:36 PM.

12. NEW BUSINESS

13. ADJOURNMENT

The council entered executive session at 7:37 pm. The meeting was adjourned at 8:28 pm.



CITY OF LYNNWOOD
CITY COUNCIL WORK SESSION MINUTES
July 19, 2021

1. Roll Call

Present:

Member Patrick Decker
Member Christine Frizzell
Member Ruth Ross
Member Shannon Sessions
Mayor Nicola Smith
President George Hurst
Member Jim Smith
Member Julieta Altamirano-Crosby

2. COMMENTS AND QUESTIONS ON MEMO ITEMS

3. WORK SESSION ITEMS

3.A Planning Commissioner Introduction: Rebecca Samy

Planning Manager Winchell introduces Rebecca Samy, who is new to Lynnwood but has lots of experience in planning. Samy spoke to her experience and answered questions from council members. the mayor invited her to attend the next business meeting when she will be confirmed.

3.B American Rescue Plan Act Funding Overview

Finance Director Meyer shared a presentation with the council regarding the American Rescue Plan. She explained that the rules on how to spend the money have not yet been finalized but expected to soon. They city will receive \$10.9M and has already received 1/2 of those funds. Meyer shared what other agencies are doing and stated that the staff has been developing recommendations on how to spend the money. Council President Hurst asked council members to develop ideas as well for evaluation. A worksession will be held on August 2 and on 8/9 it is hoped that the council will approve expenditures. The council asked questions and made comments.

3.C Community Justice Center Funding

- Director Meyer and Police Chief Nelson shared with the council that the bid for the

CJC came in over the estimate. The city may need to borrow an additional \$5M but this can wait until 2022 since all of the funds will not be spent in 2021. We may be able to use the ARPA funds but Meyer will have to wait until the final rulings.

- Despite the higher bid, the city's liability will be about the same given the low interest rates achieved for the bond issuance.

4. MAYOR COMMENTS

5. COUNCIL COMMENTS

6. EXECUTIVE SESSION - Real Estate transaction discussion

The council entered an executive session at 7:25 pm.

MEMOS FOR FUTURE ACTION

Contract Award - Community Justice Center Construction

ADJOURN

The meeting was adjourned at 8:12 pm.

CITY COUNCIL 9.A
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Planning Commissioner Confirmation: Rebecca Samy

DEPARTMENT CONTACT: Ashley Winchell, Development and Business Services

SUMMARY:

This agenda item requests that City Council confirm the Mayor's appointment of Rebecca Samy to Planning Commission, Position #1.

PRESENTER:

Ashley Winchell, Community Planning Manager

ESTIMATED TIME:

10

BACKGROUND:

Ms. Samy is Principal Planner for Snohomish County. Ms. Samy seeks to give back to her community using her professional planning background.

As provided by Chapter 2.29 LMC, commissioners serve four-year terms. If this nomination is confirmed by the Council, Ms. Samy will serve the planning commission through December 31, 2024.

SUGGESTED ACTION:

Confirm Ms. Samy to position #1 of the Planning Commission.

PREVIOUS COUNCIL ACTIONS:

City Council interviewed Ms. Samy at the Work Session on July 19, 2021

DEPARTMENT ATTACHMENTS

Description:

[Rebecca Samy_redacted.pdf](#)

Board and Commission Application



Submission date: **12 April 2021, 9:10PM**
Receipt number: **69**
Related form version: **2**

All Are Welcome

| | |
|--|---------------------|
| Name | Rebecca Samy |
| Address | [REDACTED] |
| Phone | [REDACTED] |
| Alternate Phone | |
| Email Address | [REDACTED] |
| Are you a registered voter in the City of Lynnwood? | Yes |
| Are you a registered voter somewhere else? | No |
| Please choose the Board or Commission for which you are applying | Planning Commission |

Why are you interested in serving on this board or commission?

I believe that the built environment shapes and influences how a community functions and thrives. The Planning Commission is a great opportunity for me to give back to the community utilizing my professional planning background. As a newer resident to Lynnwood, I am excited by all the work that has gone into making Lynnwood a leader in planning for light rail and the work the city is doing toward more diverse and inclusive housing opportunities. As a Principal Planner for Snohomish County in the Permitting Division I understand how important it is to make sure that codes are implementable, understandable and achieve the results that the community wants to see. Serving on the Planning Commission would be a wonderful chance to help shape future growth efforts while preserving the elements that make Lynnwood unique.

What do you perceive as the role of a board or commission member?

The role of a planning commissioner is to be informed, balanced and provide recommendations to the council. As the planning commission works primarily on issues related to development proposals and land use issues, it would be my duty to understand how land use codes work, implications related to project design proposals, and ask informed questions and provide thoughtful recommendations to the council to better inform their decisions. It is a planning commissioner's duty to represent the interests and be a voice for the community at large. There is also a responsibility to be flexible and open minded when proposals and regulatory changes are presented. It isn't a commissioner's duty to promote a singular or personal agenda, but rather ensure that the community's best interest is the root of any decision or recommendation, even if it is not a popular choice.

How would you represent the interests of the community? **As a new resident to Lynnwood, but long-time resident of Snohomish County I would represent the interconnectivity of the city-county with consideration of regional dynamics. The bigger picture of how the jurisdictions work with each on a regulatory basis to achieve mutual goals. As a parent I also bring a long-term perspective to the work that the planning commission may encounter.**

List any experiences that may assist you in serving in this role. **I have worked in multiple states and jurisdictions (see attached resume) as a planner and understand the complexity of rules and regulations. As a planner in Washington, I work with critical area regulations, shoreline regulations and land use codes every day. I am certified floodplain administrator (CFM) and understand the connections between the built environment, stormwater regulations and increased urbanized flooding. I hold a Master's in Geography and a Bachelor's in History and Geography. My educational background focused on land use planning, but is rooted in history, specifically environmental history. This has provided me with a unique perspective on how humans are shaped by their environment and how the built environment impacts worldview. I am a former AmeriCorps/Utah Conservation Corps crew leader and have practical experience leading people, building trails, sheltering the homeless, and many other experiences related to community building.**

List any other information you would like us to consider. **I believe in giving back to the community. Volunteering for the Planning Commission would be a wonderful way to do so**

Optional resume upload



Date

04/12/2021

CITY COUNCIL 9.B
CITY OF LYNNWOOD
CITY COUNCIL

TITLE: Confirmation of DEIC Candidate Lu Jiang

DEPARTMENT CONTACT: Leah Jensen, Human Resources

SUMMARY:

Confirm Lu Jiang as DEI Commissioner

PRESENTER:

Evan Chinn

ESTIMATED TIME:

5

BACKGROUND:

Lu Jiang applied for the DEIC, has attended several meetings and had a great interview with the DEIC, Mayor Smith and Staff Liaison Evan Chinn. She brings a wealth of experience and background in equity, public service, racial and social justice through her work and volunteer experience as an attorney. She is a 22 year resident of Lynnwood and is eager to serve.

SUGGESTED ACTION:

Confirm DEIC Candidate Lu Jiang

PREVIOUS COUNCIL ACTIONS:

N/a

FUNDING:

N/a

VISIONS AND PRIORITIES ALIGNMENT:

Safe, Welcoming City

DEPARTMENT ATTACHMENTS

Description:

[Jiang Lu - DEI -Redacted.pdf](#)

Board and Commission Application



Submission date: 10 June 2021, 1:30PM

Receipt number: 75

Related form version: 2

All Are Welcome

Name Lu Jiang

Address

Phone

Alternate Phone

N/A

Email Address

Are you a registered voter in the City of Lynnwood?

Yes

Are you a registered voter somewhere else?

No

Please choose the Board or Commission for which you are applying

Diversity, Equity and Inclusion Commission

Why are you interested in serving on this board or commission?

I was born in a non-democratic country and grew up in an impoverished immigrant household, experiencing firsthand the forces that keep disenfranchised people from accessing resources and actualizing their potential. For a short period of time, I experienced the turmoil of homelessness. The harrowing experience of living in poverty—particularly with racist attitudes toward new immigrants—has shaped my commitment to advocate for marginalized populations, fight against racism, and develop solutions that optimize program objectives while establishing intersectional approaches based on diversity, equity, and inclusion.

What do you perceive as the role of a board or commission member?

If selected for the position, I see my role as a collaborator—working closely with Lynnwood DEI Commission to strategize and mobilize public engagement to understand different forms of racism, discrimination, and oppression that BIPOC communities face in public systems. When appropriate, advise the mayor and the city council to eliminate systemic barriers to justice.

How would you represent the interests of the community?

I have lived in the City of Lynnwood for over 22 years. I am familiar with the growing diversity in our city's demographic and the need for local leadership to reflect the population it seeks to serve. The City of Lynnwood has a prominent Asian American and Pacific Islander (AAPI) population. As a member of this community, I am knowledgeable and culturally competent to listen, understand, and communicate the needs of our AAPI constituents. After another wave of anti-Asian hate sweeping across cities in our nation, AAPI interests must be represented on the Lynnwood DEI Commission.

List any experiences that may assist you in serving in this role.

Throughout my life, I have consistently advanced the rights of vulnerable populations. For example, while working as the director for the University of North Dakota Legal Clinic, I managed a case team with three student attorneys. My group focused on representing low-income clients facing housing discrimination and employees who faced workplace sexual harassment from large corporations with a history of discriminatory practices. I represented the North Dakota Council on Abused Women's Services (NDCAWS) in a case that catalyzed the introduction of Senate Bill 2195 (later codified as N.D. CODE § 47-16-17.1), offering protection for victims of domestic violence from housing discrimination and landlord retaliation after a domestic violence incident. After the success of our partnership with NDCAWS, my team launched the first state-wide "Know Your Rights" series where we travel to major cities and remote counties to educate the public, providers, and social workers on new legal protections

for victims of domestic violence and housing discriminations. I am confident that my ability to articulate, influence others constructively, think strategically, and render sound judgments will enable me to succeed as a contributing member of the Lynnwood DEI Commission. I have continued developing and utilizing my interpersonal skills throughout my career to create a more diverse and equitable space for all voices to be heard. For example, in 2019, I designed, managed, and coordinated the acclaimed Gates Foundation All Staff Meeting Series, inviting a broad range of speakers (immigrant students, community partners, program officers, and senior leadership) and curating an immersive audience experience. The wealth of voices representing the populations we served deepened the audience's understanding of the importance of explicit and implicit system-change efforts in the Pre-education through workforce continuum. In addition to the variety of managerial and diplomatic skills I have demonstrated through these activities, my performance track record and reliability have enabled me to cultivate strong relationships with partners, grantees, government liaisons, and a broad range of stakeholders.

List any other information you would like us to consider.

I spent years as a civil litigator in private law practice. My areas of expertise included employment law, sexual harassment, workplace discrimination, wage and hour, and advocacy. My background allowed me to build a thorough understanding of the many legal challenges that today's marginalized communities face. As an unrelenting champion for students and minorities alike, I have established the Equal Justice Endowment at the University of North Dakota and the Women's Empowerment Endowed Scholarship at the Seattle Central College. Each of these unique scholarship opportunities is designed to provide financial support to underserved student populations, regardless of immigration status. In 2017, I was recognized by the Guinness World Records Foundation for the role I played in supporting the Uniting to Combat NTDs Summit—establishing a new Guinness World Record in the largest mobilization of donated medications. In 2020, I was awarded the Young Alumni Achievement Award from the University of North Dakota Alumni Foundation. In my spare time, I coach the International Community High School varsity mock trial team, and have guest lectured at Seattle University and Seattle Central College. I hold a B.A. in Business Management from the University of Washington, and a J.D. from the University of North Dakota School of Law.

Optional resume upload

[Jiang_Lu_Resume_CityofLynnwood_.pdf](#)

Date

06/10/2021

CITY COUNCIL 9.C

CITY OF LYNNWOOD CITY COUNCIL

TITLE: Bid Award: 60th Ave W Sewer Repair Project

DEPARTMENT CONTACT: Marcie MacQuarrie, Public Works

SUMMARY:

Replacement of approximately 1,100 ft of sewer main and laterals along 60th Ave W.

ESTIMATED TIME:

0

BACKGROUND:

Note: This item was brought to the Council Work Session of June 21, 2021. There were no questions raised. The item is now being included for approval of the bid award.

Multiple segments of the sewer main on 60th Ave W have sagged and need to be replaced. The sewer main along 60th Ave and some portions of 204th St SW and 202nd St SW are concrete and have reached the end of their service life, therefore need to be replaced with PVC pipes. This project was identified in the Sewer Comprehensive Plan and funds provided for in Fund 412, Utility Capital Projects.

SUGGESTED ACTION:

Authorize the mayor to enter into, and execute on behalf of the City a construction contract with Rodarte Construction for the 60th Ave W Sewer Repair Project in an amount not to exceed \$949,333.13 with an additional 15% contingency for a total amount of \$1,091,733.10. Sales tax is included.

PREVIOUS COUNCIL ACTIONS:

N/A

FUNDING:

Utility Fund 412.

VISIONS AND PRIORITIES ALIGNMENT:

The Lynnwood Community Vision states that the City is to be a welcoming city that builds a healthy and sustainable environment. The project supports that vision and results in an important improvement to the City's infrastructure that links City of Lynnwood programs, policies, comprehensive plans, mission, and ultimately the Community Vision.

DEPARTMENT ATTACHMENTS

Description:

[60th Ave Sewer Repair Bid Tabulation.pdf](#)

| Bid Schedule | | | | | | | | | | | | | | | |
|--------------|--------------|---|----------|------|---------------------|--------------|--------------|---------------|------------------------|---------------|---------------------|-----------------|------------------------|-----------------|--|
| | | City of Lynnwood | | | | | | | | | | | | | |
| | | Project: 60th Ave W Sewer Repair | | | | | | | | | | | | | |
| | | Bid Opening: | | | Engineer's Estimate | | 01 Rodarte | | 02 Kamins Construction | | 03 SRV Construction | | 04 Monarch Development | | |
| | | Contract #: 3211 | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| ITEM NO. | SPEC Section | BID ITEM | QUANTITY | UNIT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | |
| | | BASE BID - SCHEDULE A | | | | | | | | | | | | | |
| 1 | 1-04 | UNEXPECTED SITE CHANGES | 25000 | CALC | \$1.00 | \$25,000.00 | \$1.00 | \$ 25,000.00 | \$1.00 | \$ 25,000.00 | \$1.00 | \$ 25,000.00 | \$1.00 | \$ 25,000.00 | |
| 2 | 1-05 | RECORD DRAWINGS (\$5,000 MINIMUM BID) | 1 | L.S. | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$ 5,000.00 | \$5,000.00 | \$ 5,000.00 | \$5,000.00 | \$ 5,000.00 | \$7,500.00 | \$ 7,500.00 | |
| 3 | 1-05 | ROADWAY SURVEYING | 1 | L.S. | \$2,000.00 | \$2,000.00 | \$5,000.00 | \$ 5,000.00 | \$6,000.00 | \$ 6,000.00 | \$5,300.00 | \$ 5,300.00 | \$7,920.00 | \$ 7,920.00 | |
| 4 | 1-07 | COVID-19 HEALTH AND SAFETY PLAN (\$3,000 MINIMUM B | 1 | L.S. | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$ 3,000.00 | \$3,000.00 | \$ 3,000.00 | \$3,000.00 | \$ 3,000.00 | \$3,000.00 | \$ 3,000.00 | |
| 5 | 1-07 | SPCC PLAN | 1 | L.S. | \$2,400.00 | \$2,400.00 | \$500.00 | \$ 500.00 | \$500.00 | \$ 500.00 | \$500.00 | \$ 500.00 | \$6,500.00 | \$ 6,500.00 | |
| 6 | 1-09 | MOBILIZATION | 1 | L.S. | \$68,300.00 | \$68,300.00 | \$82,000.00 | \$ 82,000.00 | \$106,818.00 | \$ 106,818.00 | \$120,000.00 | \$ 120,000.00 | \$31,000.00 | \$ 31,000.00 | |
| 7 | 1-10 | PROJECT TEMPORARY TRAFFIC CONTROL | 1 | L.S. | \$50,000.00 | \$50,000.00 | \$119,000.00 | \$ 119,000.00 | \$130,560.00 | \$ 130,560.00 | \$150,500.00 | \$ 150,500.00 | \$99,000.00 | \$ 99,000.00 | |
| 8 | 2-02 | REMOVAL OF STRUCTURES AND OBSTRUCTIONS | 1 | L.S. | \$10,000.00 | \$10,000.00 | \$5,000.00 | \$ 5,000.00 | \$5,214.00 | \$ 5,214.00 | \$6,800.00 | \$ 6,800.00 | \$14,900.00 | \$ 14,900.00 | |
| 9 | 2-02 | SAWCUTTING | 2800 | L.F. | \$2.50 | \$7,000.00 | \$4.00 | \$ 11,200.00 | \$3.60 | \$ 10,080.00 | \$5.75 | \$ 16,100.00 | \$12.95 | \$ 36,260.00 | |
| 10 | 2-05 | POTHOLING | 50 | V.F. | \$200.00 | \$10,000.00 | \$125.00 | \$ 6,250.00 | \$198.00 | \$ 9,900.00 | \$285.00 | \$ 14,250.00 | \$480.00 | \$ 24,000.00 | |
| 11 | 2-09 | SHORING OR EXTRA EXCAVATION CLASS B | 14000 | S.F. | \$2.00 | \$28,000.00 | \$0.25 | \$ 3,500.00 | \$1.98 | \$ 27,720.00 | \$0.40 | \$ 5,600.00 | \$1.75 | \$ 24,500.00 | |
| 12 | 2-09 | STRUCTURE EXCAVATION CLASS B INCL. HAUL | 1750 | C.Y. | \$18.00 | \$31,500.00 | \$10.00 | \$ 17,500.00 | \$1.00 | \$ 1,750.00 | \$24.50 | \$ 42,875.00 | \$49.50 | \$ 86,625.00 | |
| 13 | 2-15 | CELLULAR CONCRETE LIGHTWEIGHT EMBANKMENT MATERIAL | 160 | C.Y. | \$120.00 | \$19,200.00 | \$275.00 | \$ 44,000.00 | \$120.30 | \$ 19,248.00 | \$146.00 | \$ 23,360.00 | \$219.00 | \$ 35,040.00 | |
| 14 | 4-04 | CRUSHED SURFACING BASE COURSE | 170 | TON | \$50.00 | \$8,500.00 | \$55.00 | \$ 9,350.00 | \$1.00 | \$ 170.00 | \$32.00 | \$ 5,440.00 | \$54.00 | \$ 9,180.00 | |
| 15 | 4-04 | CRUSHED SURFACING TOP COURSE | 1930 | TON | \$33.00 | \$63,690.00 | \$55.00 | \$ 106,150.00 | \$1.00 | \$ 1,930.00 | \$32.00 | \$ 61,760.00 | \$54.00 | \$ 104,220.00 | |
| 16 | 5-04 | PLANING BITUMINOUS PAVEMENT | 2550 | S.Y. | \$10.00 | \$25,500.00 | \$8.00 | \$ 20,400.00 | \$4.80 | \$ 12,240.00 | \$5.10 | \$ 13,005.00 | \$8.95 | \$ 22,822.50 | |
| 17 | 5-04 | HMA CL. 1/2 IN. PG 64-22 | 440 | TON | \$140.00 | \$61,600.00 | \$160.00 | \$ 70,400.00 | \$153.87 | \$ 67,702.80 | \$175.00 | \$ 77,000.00 | \$199.00 | \$ 87,560.00 | |
| 18 | 7-04 | SOLID WALL PVC STORM SEWER PIPE 12 IN. DIAM. | 82 | L.F. | \$150.00 | \$12,300.00 | \$125.00 | \$ 10,250.00 | \$200.63 | \$ 16,451.66 | \$205.00 | \$ 16,810.00 | \$275.00 | \$ 22,550.00 | |
| 19 | 7-05 | CATCH BASIN TYPE 2 48 IN. DIAM. | 2 | EACH | \$4,100.00 | \$8,200.00 | \$5,000.00 | \$ 10,000.00 | \$8,875.20 | \$ 17,750.40 | \$4,650.00 | \$ 9,300.00 | \$15,150.00 | \$ 30,300.00 | |
| 20 | 7-05 | MANHOLE 48 IN. DIAM. TYPE 1 | 2 | EACH | \$4,500.00 | \$9,000.00 | \$6,000.00 | \$ 12,000.00 | \$10,675.20 | \$ 21,350.40 | \$6,000.00 | \$ 12,000.00 | \$12,500.00 | \$ 25,000.00 | |
| 21 | 7-05 | CONNECTION TO DRAINAGE STRUCTURE | 9 | EACH | \$1,400.00 | \$12,600.00 | \$2,000.00 | \$ 18,000.00 | \$962.40 | \$ 8,661.60 | \$1,700.00 | \$ 15,300.00 | \$9,800.00 | \$ 88,200.00 | |
| 22 | 7-05 | REPLACE CATCH BASIN GRATE AND FRAME | 1 | EACH | \$800.00 | \$800.00 | \$425.00 | \$ 425.00 | \$1,050.00 | \$ 1,050.00 | \$1,000.00 | \$ 1,000.00 | \$500.00 | \$ 500.00 | |
| 23 | 7-05 | LOCKING SOLID METAL COVER AND FRAME | 1 | EACH | \$800.00 | \$800.00 | \$550.00 | \$ 550.00 | \$1,050.00 | \$ 1,050.00 | \$1,075.00 | \$ 1,075.00 | \$311.00 | \$ 311.00 | |
| 24 | 7-17 | SEWER BYPASS PUMPING | 1 | L.S. | \$20,000.00 | \$20,000.00 | \$10,000.00 | \$ 10,000.00 | \$18,600.00 | \$ 18,600.00 | \$52,250.00 | \$ 52,250.00 | \$16,500.00 | \$ 16,500.00 | |
| 25 | 7-17 | PVC SANITARY SEWER PIPE 6 IN. DIAM. | 207 | L.F. | \$175.00 | \$36,225.00 | \$100.00 | \$ 20,700.00 | \$125.33 | \$ 25,943.31 | \$147.00 | \$ 30,429.00 | \$171.00 | \$ 35,397.00 | |
| 26 | 7-17 | PVC SANITARY SEWER PIPE 8 IN. DIAM. | 1120 | L.F. | \$175.00 | \$196,000.00 | \$181.00 | \$ 202,720.00 | \$264.73 | \$ 296,497.60 | \$164.00 | \$ 183,680.00 | \$191.00 | \$ 213,920.00 | |
| 27 | 7-19 | SEWER CLEANOUT | 2 | EACH | \$1,100.00 | \$2,200.00 | \$1,000.00 | \$ 2,000.00 | \$2,017.20 | \$ 4,034.40 | \$1,000.00 | \$ 2,000.00 | \$3,400.00 | \$ 6,800.00 | |
| 28 | 8-02 | LANDSCAPE RESTORATION INCLUDING PLANT ESTABLISHMENT | 1 | L.S. | \$3,000.00 | \$3,000.00 | \$5,000.00 | \$ 5,000.00 | \$5,673.60 | \$ 5,673.60 | \$8,400.00 | \$ 8,400.00 | \$10,000.00 | \$ 10,000.00 | |
| 29 | 8-04 | CEMENT CONC. TRAFFIC CURB AND GUTTER | 110 | L.F. | \$60.00 | \$6,600.00 | \$95.00 | \$ 10,450.00 | \$79.75 | \$ 8,772.50 | \$69.00 | \$ 7,590.00 | \$159.00 | \$ 17,490.00 | |
| 30 | 8-06 | CEMENT CONC. DRIVEWAY ENTRANCE | 20 | S.Y. | \$95.00 | \$1,900.00 | \$160.00 | \$ 3,200.00 | \$181.44 | \$ 3,628.80 | \$109.00 | \$ 2,180.00 | \$1,125.00 | \$ 22,500.00 | |
| 31 | 8-09 | RAISED PAVEMENT MARKER TYPE 1 | 5 | HUND | \$750.00 | \$3,750.00 | \$340.00 | \$ 1,700.00 | \$188.00 | \$ 940.00 | \$276.00 | \$ 1,380.00 | \$200.00 | \$ 1,000.00 | |
| 32 | 8-09 | RAISED PAVEMENT MARKER TYPE 2 | 2 | HUND | \$1,400.00 | \$2,100.00 | \$700.00 | \$ 1,050.00 | \$522.00 | \$ 783.00 | \$500.00 | \$ 750.00 | \$180.00 | \$ 270.00 | |
| 33 | 8-14 | CEMENT CONC. SIDEWALK | 30 | S.Y. | \$170.00 | \$5,100.00 | \$105.00 | \$ 3,150.00 | \$124.96 | \$ 3,748.80 | \$80.50 | \$ 2,415.00 | \$950.00 | \$ 28,500.00 | |
| 34 | 8-15 | QUARRY SPALLS | 109 | TON | \$60.00 | \$6,540.00 | \$100.00 | \$ 10,900.00 | \$60.00 | \$ 6,540.00 | \$52.00 | \$ 5,668.00 | \$120.00 | \$ 13,080.00 | |
| 35 | 8-18 | MAILBOX SUPPORT TYPE 2 | 1 | EACH | \$695.00 | \$695.00 | \$900.00 | \$ 900.00 | \$600.00 | \$ 600.00 | \$950.00 | \$ 950.00 | \$800.00 | \$ 800.00 | |
| 36 | 8-22 | PLASTIC STOP LINE (TYPE D) | 60 | L.F. | \$25.00 | \$1,500.00 | \$24.00 | \$ 1,440.00 | \$12.60 | \$ 756.00 | \$12.00 | \$ 720.00 | \$149.00 | \$ 8,940.00 | |
| 37 | 8-22 | PLASTIC CROSSWALK LINE (TYPE D) | 60 | S.F. | \$15.00 | \$900.00 | \$24.00 | \$ 1,440.00 | \$24.00 | \$ 1,440.00 | \$23.00 | \$ 1,380.00 | \$159.00 | \$ 9,540.00 | |
| | | | | | | | | | | | | | | | |
| | | | | | SUBTOTAL SCHEDULE A | | | \$ 859,125.00 | | \$ 877,104.87 | | \$ 930,767.00 | | \$ 1,176,625.50 | |
| | | | | | TAXES (10.5%) | | | \$ 90,208.13 | | \$ 92,096.01 | | \$ 97,730.54 | | \$ 123,545.68 | |
| | | | | | TOTAL SCHEDULE A | | | \$829,744.50 | | \$ 969,200.88 | | \$ 1,028,497.54 | | \$ 1,300,171.18 | |
| | | | | | | | | | | | | | | | |

CITY COUNCIL 9.D

**CITY OF LYNNWOOD
CITY COUNCIL**

TITLE: Voucher Approval

DEPARTMENT CONTACT: Michelle Meyer, Finance

SUMMARY:

Voucher Approval

ESTIMATED TIME:

0

SUGGESTED ACTION:

Approve claims in the amount of \$4,259,812.07 for the period 6/26/21 through 7/16/21.
Approve payroll in the amount of \$1,206,201.81 dated 7/16/21.

DEPARTMENT ATTACHMENTS

Description:

CITY COUNCIL 10.A

CITY OF LYNNWOOD CITY COUNCIL

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

DEPARTMENT CONTACT: Karl Almgren, Development and Business Services

SUMMARY:

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

PRESENTER:

David Kleitsch, Development & Business Services Director

ESTIMATED TIME:

10

BACKGROUND:

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

SUGGESTED ACTION:

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

PREVIOUS COUNCIL ACTIONS:

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

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

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

FUNDING:

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

VISIONS AND PRIORITIES ALIGNMENT:

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

DEPARTMENT ATTACHMENTS

Description:

[Attachment 1 - Staff Report](#)

[Attachment 2 - Draft Ordinance](#)

[Attachment 3 - Exhibit A](#)

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

1 **DATE: June 24, 2021**

2
3 **TO: City Council**

4
5 **FROM: Karl Almgren, City Center Program Manager**

6
7 **SUBJECT: First Amendment Development and Access Enhancement Agreement**

8
9
10 **Background**

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

16
17 The agreement included three access enhancement projects:

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

21
22 These projects are eligible for up to \$2,500,000 total in match with other funds. The
23 agreement intended to allow payment to the City once SEPA (environmental review) of a
24 project has been completed. However, the agreement includes a conflict. The agreement
25 identifies that SEPA and ‘necessary permits to construct’ must be completed. This
26 conflict significantly raises the threshold for receiving funding.

27
28 While the \$2,500,000 is not enough funding to complete any one of the three access
29 enhancement projects; these funds have acted as seed money to support other external
30 revenues (grants). The City is continuing to pursue funding to roll funds forward.

31
32 **Quasi-Judicial Process**

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

41
42 **Staff Analysis**

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

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

3
4 **Environmental Compliance**

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

8
9 **Next Steps**

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



ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED BY THE CITY COUNCIL, the _____ day of _____, 2021.

APPROVED:

Nicola Smith, Mayor

ATTEST/AUTHENTICATED:

Karen Fitzthum, City Clerk

74 APPROVED AS TO FORM:

75

76

77 _____
Rosemary Larson, City Attorney

78

79

80 FILED WITH ADMINISTRATIVE SERVICES: _____

81 PASSED BY THE CITY COUNCIL: _____

82 PUBLISHED: _____

83 EFFECTIVE DATE: _____

84 ORDINANCE NUMBER: _____

DRAFT

85

Exhibit “A”

86

87

First Amendment to the

88

Development and Access Enhancements Funding Agreement

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

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

RECITALS

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

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

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

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

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

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

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

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

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

SOUND TRANSIT

CITY OF LYNNWOOD

By: _____
Kimberly Farley, Deputy Chief Executive
Officer

By: _____
Nicola Smith, Mayor
Date: _____

Date: _____

Authorized by Motion No.

Approved as to form:

By: _____
Mattelyn Tharpe, Legal Counsel 1

Quasi-Judicial Process

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

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

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

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

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

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

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

CITY COUNCIL 10.B

CITY OF LYNNWOOD CITY COUNCIL

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

DEPARTMENT CONTACT: Kristen Holdsworth, Development and Business Services

SUMMARY:

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

PRESENTER:

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

ESTIMATED TIME:

30

BACKGROUND:

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

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

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

SUGGESTED ACTION:

Adopt ordinance approving the development agreement.

PREVIOUS COUNCIL ACTIONS:

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

FUNDING:

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

VISIONS AND PRIORITIES ALIGNMENT:

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

DEPARTMENT ATTACHMENTS

Description:

[Ordinance novo on 52nd DA_final.pdf](#)

[Development Agreement novo on 52nd_final.pdf](#)

1 **CITY OF LYNNWOOD**

2 **ORDINANCE NO. _____**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 APPROVED:

20 _____
21 Nicola Smith, Mayor
22
23
24

25 ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

26
27
28 _____
29 Karen Fitzthum, City Clerk
30

Rosemary Larson, City Attorney

31
32 FILED WITH ADMINISTRATIVE SERVICES: _____

33 PASSED BY THE CITY COUNCIL: _____

34 PUBLISHED: _____

35 EFFECTIVE DATE: _____

36 ORDINANCE NUMBER: _____
37
38

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

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

RECITALS

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

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

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

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

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

SECTION 1. GENERAL PROJECT DESCRIPTION

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

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

reference.

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

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

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

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

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

SECTION 2. AGREEMENT

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

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

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

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

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

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

SECTION 3. DEFAULT

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

SECTION 4. REMEDIES

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

SECTION 5. MISCELLANEOUS

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY:

CITY OF LYNNWOOD
A Washington Municipal Corporation

By: _____
Nicola Smith, Mayor

Approved as to form:

By: _____
Rosemary Larson, City Attorney

STATE OF

WASHINGTON)

COUNTY OF _____)

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

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

NOTARY

Print Name

My Commission expires:

DEVELOPER:

HASCO 52nd Avenue West LLC,
a Washington limited liability company

By: _____

Its: _____

STATE OF

WASHINGTON)

COUNTY OF _____)

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

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

NOTARY

Print Name

My Commission expires:

INLAND NOVO ON 52nd MANAGER, LLC,
a Washington limited liability company

By:_____

Darin Davidson

Its: Manager

STATE OF

WASHINGTON)

COUNTY OF_____)

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

SUBSCRIBED AND SWORN TO before me this_____day of_____,
2021.

NOTARY

Print Name

My Commission expires:

Exhibit A: Legal Description

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

Except the West 30 feet thereof.

CITY COUNCIL 10.C

CITY OF LYNNWOOD CITY COUNCIL

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

DEPARTMENT CONTACT: Robert Mathias, Development and Business Services

SUMMARY:

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

PRESENTER:

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

ESTIMATED TIME:

30

BACKGROUND:

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

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

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

SUGGESTED ACTION:

Council Adoption

PREVIOUS COUNCIL ACTIONS:

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

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

FUNDING:

None Anticipated

VISIONS AND PRIORITIES ALIGNMENT:

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

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

To be a cohesive community that respects all citizens.

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

DEPARTMENT ATTACHMENTS

Description:

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

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

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

Date: July 14, 2021

To: City Council
Mayor Smith

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

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

Summary

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

Introduction

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

Background

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

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

Goal

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

Code Review Process

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

Proposed Amendments

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

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

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

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

Alignment with the Community Vision and Strategic Plan

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

Community Vision:

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

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

To be responsive to the wants and needs of our citizens

Strategic Plan

Strategic Priority #3: Nurture Operational and organization excellence.

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

Recommendation

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

CITY OF LYNNWOOD, WASHINGTON

ORDINANCE NO. _____

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

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

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

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

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

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

**Title 9
FIRE**

Chapters:

- 9.01 Authority
- 9.04 International Fire Code
- 9.06 Fire Lanes
- 9.12 Fireworks
- 9.14 Smoking
- 9.16 Hydrants
- 9.18 Fire Sprinkler Systems
- 9.20 Fire Alarm Systems
- 9.22 Building Construction

Chapter 9.01 Authority

- Section 9.01.010 Title, Authority, and Applicability
- Section 9.01.020 Lynnwood Fire Department Standards
- Section 9.01.030 Adoption of International Fire Code
- Section 9.01.040 Severability
- Section 9.01.050 Fees
- ~~Section 9.01.060 Conflicting Codes~~
- Section 9.01.070 Appeals
- Section 9.01.080 Definitions

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

9.01.010 Title, Authority, and Applicability

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

9.01.020 Lynnwood Fire Department Standards

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

9.01.030 Adoption of International Fire Code

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

9.01.031 Adoption of International Fire Code Appendices.

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

Appendix B: Fire-Flow Requirements for Buildings

Appendix C: Fire Hydrant Locations and Distribution

Appendix D: Fire Apparatus Access Roads

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

Appendix I: Fire Protection Systems – Noncompliant Conditions

Appendix N: Indoor Trade Shows and Exhibitions

9.01.040 Severability

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

9.01.050 Fees

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

9.01.060 ~~Conflicting Codes~~

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

9.01.070 Appeals

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

9.01.080 Definitions

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

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

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

Approving Authority: The City of Lynnwood Fire Marshal

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

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

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

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

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

Common Fireworks: Any fireworks as defined in RCW 70.77.136.

Corporate Counsel: Attorney for the City of Lynnwood, WA

City: The City of Lynnwood, WA

FDC: Fire Department Connection

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

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

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

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

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

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

Fireworks: Any fireworks as defined in RCW 70.77.126.

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

Jurisdiction: The City of Lynnwood, WA

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

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

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

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

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

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

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

Special fireworks: Any fireworks as defined in RCW 70.77.131.

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

9.01.090 New Materials, Processes or Occupancies Requiring Permits

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

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

9.01.100 Violation and Penalty

A. Failure to Comply

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

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

B. Civil Penalty for Operating without a Required Permit

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

Chapter 9.04 International Fire Code

Section 9.04.100 Section 103 amended – Department of Fire Prevention

~~Section 9.04.110 Section 105 amended – Permits~~

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

Section 9.04.125 Section 308 amended – Open Flames / Sky Lanterns

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

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

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

~~Buildings~~

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

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

Section 9.04.170 Section 3103 amended – Temporary Tents and Membrane Structures

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

Section 9.04.190 Section 5601 amended – Explosives and Fireworks

Section 9.04.200 Chapter 57 amended – Flammable and Combustible Liquids

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

9.04.100 Section 103 IFC amended – Department of Fire Prevention

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

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

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

9.04.110 ~~Section 105 IFC amended – Permits~~

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

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

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

~~Section 304.3 “Containers”~~

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

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

9.04.125 Section 308 IFC amended – Open Flame

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

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

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

9.04.128 Chapter 5 IFC adopted and amended – Fire service features.

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

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

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

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

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

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

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

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

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

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

~~(Ord. 3306 § 2 (Exh. 2), 2018)~~

9.04.130 — Section 609 IFC amended — Commercial Kitchen Hoods

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

9.04.140 — Section 806 IFC amended — Decorative Vegetation in New and Existing Buildings

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

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

9.04.150 — Section 901 IFC amended — General Fire Protection Systems

~~Section 901.4 "Installation"~~

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

~~Section 901.6 "Inspection, Testing, and Maintenance"~~

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

9.04.160 Section 2304 IFC amended – Dispensing Operations.

~~Section 2304.3 "Unattended Self-Service Motor Fuel Dispensing Facilities"~~

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

9.04.170 Section 3103 IFC amended – Temporary Tents and Membrane Structures

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

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

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

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

9.04.180 Chapter 34 IFC amended "Tire Rebuilding and Tire Storage"

Section 3405 "Outdoor Storage"

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

Section 3405.6 "Volume more than 150,000 cubic feet" is deleted.

Section 3409 "Indoor Storage"

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

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

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

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

9.04.190 Section 5601 IFC Amended "Explosives and Fireworks"

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

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

Section 5704.1 General. Is amended by adding the following;

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

Section 5704.2.9.6 "Above-Ground Tanks Outside of Buildings"

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

Section 5706 "Special Operations"

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

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

~~9.04.210~~ ~~Section 6104 IFC Amended "Location of LP-Gas Containers"~~

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

~~Chapter 9.06 Fire Lanes~~

~~Section 9.06.010 Fire Lane Specifications~~

~~Section 9.06.020 Temporary Fire Lanes during Construction~~

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

~~Section 9.06.040 Enforcement~~

~~9.06.010 Fire Lane Specifications~~

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

- ~~1. Section 503 "Fire Apparatus Access Roads" is hereby adopted in its entirety.~~
- ~~2. Section D103.1 is deleted.~~
- ~~3. Section D103.6 "Signs" and the associated subsections are deleted.~~
- ~~4. Section D104 "Commercial and Industrial Developments" is deleted.~~

~~9.06.020 — Temporary Fire Lanes during Construction~~

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

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

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

~~9.06.025 — Fire Lane Through Parking Lots~~

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

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

~~9.06.030 — Duty Not to Obstruct Fire Lane~~

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

~~9.06.040 — Enforcement~~

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

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

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

Chapter 9.12 Fireworks

Section 9.12.025 State statutes and regulations adopted by reference.

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

~~Section 9.12.040 Repealed.~~

~~Section 9.12.050 Repealed.~~

~~Section 9.12.060 Repealed.~~

~~Section 9.12.070 Repealed.~~

~~Section 9.12.100 Repealed.~~

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

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

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

518
519 RCW

520 70.77.255(1),
521 (2) and (3) Acts prohibited without appropriate license.
522 70.77.260(2) Application for public display permit.
523 70.77.285 Public display permit – Bond or insurance for liability.
524 70.77.295 Public display permit – Amount of bond or insurance.
525 70.77.435 Seizure of fireworks.
526 70.77.485 Unlawful possession of fireworks.
527 70.77.488 Unlawful discharge or use of fireworks.

528
529

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

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

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

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

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

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

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

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

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

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

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

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

549 ~~**9.12.100 — Fireworks Stands — Operators**~~

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

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

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

553 ~~**9.12.120 — Fireworks Stands — Additional Regulations**~~

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

555 ~~**9.12.130 — Fireworks — Time of Sale and Use**~~

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

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

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

566
567 **9.12.150 Violation – Penalties**

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

572
573 In addition, violation(s) of any of the provisions of this chapter or any of the conditions imposed
574 upon a permit issued hereunder shall subject the permit to suspension or revocation, as
575 provided herein.

576
577 In addition, or alternatively, violation(s) of any of the provisions of this chapter or any of the
578 conditions imposed upon a permit issued hereunder shall subject the applicant to a daily civil
579 penalty in the amount provided by LMC 1.01.085.

580
581 ~~**9.12.160 — Suspension, Denial or Revocation of Permit**~~

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

583

584 **Chapter 9.14 SMOKING IN PUBLIC PLACES**

585 **Sections:**

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

587 9.14.020 Smoking prohibited in city buildings and vehicles.

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

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

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

*Ordinance references Session Laws of Washington.

9.14.020 Smoking prohibited in city buildings and vehicles.

Smoking shall be and is hereby prohibited:

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

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

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

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

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

Chapter 9.16 Hydrants

| | |
|------------------|--|
| Section 9.16.020 | Responsibility |
| Section 9.16.030 | Service by Water Department |
| Section 9.16.040 | Private Hydrant Installation |
| Section 9.16.070 | Leads from Service Main |
| Section 9.16.080 | Private Fire Mains |
| Section 9.16.090 | Hydrant Spacing |
| Section 9.16.100 | Hydrant Spacing in Single-Family Residential Areas |
| Section 9.16.115 | Hydrant Locations and Quantity |
| Section 9.16.140 | Pumper Port Direction |
| Section 9.16.150 | Protection |
| Section 9.16.160 | Replacement |
| Section 9.16.170 | Obstruction Prohibited |
| Section 9.16.180 | Compliance Required |
| Section 9.16.210 | Penalty for Violation |

9.16.020 Responsibility

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

9.16.030 Service by Water Department

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

9.16.040 Private Hydrant Installation

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

9.16.070 Leads from Service Main

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

9.16.080 Private Fire Mains

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

9.16.090 Hydrant Spacing

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

9.16.100 Hydrant Spacing in Single-Family Residential Areas

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

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

9.16.115 Hydrant Locations and Quantity

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

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

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

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

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

9.16.140 Pumper Port Direction

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

9.16.160 Replacement

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

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

9.16.170 Obstruction Prohibited

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

9.16.180 Compliance Required

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

9.16.210 Penalty for Violation

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

Chapter 9.18 Fire Sprinkler Requirements

| | |
|------------------|---|
| Section 9.18.010 | Scope |
| Section 9.18.020 | When Required |
| Section 9.18.030 | Systems Out of Service |
| Section 9.18.040 | Reduction of Required Fire Flows For Buildings with Sprinkler Systems |
| Section 9.18.050 | NFPA 13R System Modifications |
| Section 9.18.060 | System Design |

Section 9.18.070 FDC / Standpipe Location

9.18.010 Scope

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

9.18.020 ~~When Required~~

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

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

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

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

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

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

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

9.18.030 Systems Out of Service

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

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

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

9.18.050 ~~NFPA 13R System Modifications~~

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

9.18.060 System Design

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

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

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

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

9.18.070 FDC / Standpipe Location

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

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

9.18.070 Fire department connection (FDC) location.

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

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

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

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

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

Chapter 9.20 Fire Alarms

- Section 9.20.010 Scope
- Section 9.20.020 When Required
- Section 9.20.030 Systems Out of Service
- Section 9.20.040 Monitoring
- Section 9.20.050 Fire Alarm Control Panels
- Section 9.20.060 Fire Alarm Communication Methods

9.20.010 Scope

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

9.20.020 When Required

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

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

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

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

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

9.20.030 Systems Out of Service

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

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

9.20.040 Monitoring

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

9.20.050 ~~Fire Alarm Control Panels~~

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

9.20.050 Fire alarm control panels.

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

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

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

Section 9.20.060 Fire Alarm Communication Methods

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

~~Chapter 9.22 Commercial Building Construction~~

~~Section 9.22.010 Scope~~

~~Section 9.20.020 New Construction~~

~~Section 9.20.030 Existing~~

9.22.010 Scope

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

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

9.22.020 New Construction

908 A. Proximity of Buildings to Property Lines

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

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

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

922
923 B. Exterior Fire Resistive Construction

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

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

931
932 C. Interior Fire Resistive Construction

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

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

939
940 D. Interior Fire Rated Doors

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

946 **Exceptions:**

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

951
952 **9.22.030. Existing Construction**

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

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

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

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

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

968 Sections:

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

970 **15.04.015 Definitions.**

971 **15.04.020 Repealed.**

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

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

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

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

977 **15.04.050 Repealed.**

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

979 **15.04.060 Repealed.**

980 **15.04.900 Severability.**

981
982 **15.04.010 Adoption of the Uniform Plumbing Code.**

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

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

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

992 ~~Whenever the term "Code" is used herein, it shall mean the Uniform Plumbing Code as adopted~~

993 ~~by this chapter. Whenever the term "City" or "Jurisdiction" is used herein, it shall mean the City~~

994 ~~of Lynnwood.~~

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

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

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

998 ~~Section 106.1 and Section 106.3 adopted by this chapter are deleted and replaced with the~~

999 ~~following wording:~~

1000 ~~106.1 Violations. Any person, firm or corporation violating any of the provisions of this code shall~~

1001 ~~be guilty of a misdemeanor and, each such person, firm, or corporation shall be guilty of a~~

1002 ~~separate offense for each and every day, or portion thereof, during which any violation of any of~~

1003 ~~the provisions of this code is committed, continued, or permitted.~~

1004 ~~106.3 Penalties. Anyone concerned in the violation or failure to comply with the provisions of~~

1005 ~~this code, whether directly committing the act or effecting the omission constituting the offense,~~

1006 ~~or aiding or abetting the same, whether present or absent; and anyone who directly or indirectly~~

1007 ~~counsels, encourages, hires, commands, induces or otherwise procures another to violate or fail~~

1008 ~~to comply with the provisions of this code, is and shall be guilty of a misdemeanor.~~

1009 ~~Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or~~

1010 ~~by imprisonment for not more than 90 days, or by both such fine and imprisonment.~~

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

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

1013 ~~104.4.3 Expiration. Permits become null and void if the authorized work has not been inspected~~

1014 ~~by this department within 180 calendar days of issuance or for a period of 180 calendar days~~

1015 ~~from the last inspection. The total life of permits is limited to a maximum of 540 calendar days,~~

1016 ~~provided it has not expired under the restrictions above.~~

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

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

1019 ~~following wording:~~

1020 ~~104.5 Fees. Fees shall be set forth in a fee resolution adopted, and from time to time amended,~~

1021 ~~by the city council. Value of work shall include all costs related to construction and shall be set~~

1022 ~~by the Building Official using a nationally recognized value table.~~

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

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

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

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

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

~~*Repealed by Ord. 2214.*~~

15.04.055 Section 710.2 amended – Sewage Discharge.

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

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

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

~~*Repealed by Ord. 2214.*~~

~~**15.04.900 Severability.**~~

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

**Chapter 15.08
INTERNATIONAL MECHANICAL CODE**

1057 Sections:

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

1059 **15.08.015 Definitions.**

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

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

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

1063 **15.08.040 Repealed.**

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

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

1066 **15.08.900 Severability.**

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

1068 As amended by this chapter and the State of Washington Building Code Council, the latest

1069 edition of the International Mechanical Code (IMC), as published by the International Code

1070 Council, one copy of which, along with the State of Washington Building Code Council's

1071 amendments, shall be on file with the Lynnwood finance director, are adopted by this reference.

1072 **15.08.015 Definitions.**

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

1074 Whenever the term "Code" is used herein, it shall mean the 2015 International Mechanical Code

1075 as adopted by this chapter. Whenever the term "City" or "jurisdiction" is used herein, it shall

1076 mean the City of Lynnwood.

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

1078 SAME COMMON ATMOSPHERE. An occupied area of a building where multiple supply, return,

1079 or plenum air distribution systems are allowed to mix.

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

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

1082 108.4 Violation penalties. Any person, firm or corporation violating any of the provisions of this

1083 code shall be guilty of a misdemeanor, and each such person, firm or corporation shall be guilty

1084 of a separate offense for each and every day, or portion thereof, during which any violation of

1085 any of the provisions of this Code is committed, continued or permitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1135 Sections:

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

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

1138 **16.04.015 Definitions.**

1139 **16.04.016 Repealed.**

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

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

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

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

1144 **16.04.050 Repealed.**

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

1146 **16.04.065 Repealed.**

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

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

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

1150 ~~**16.04.075**~~ *Repealed.*

1151 ~~**16.04.080**~~ *Repealed.*

1152 ~~**16.04.090**~~ *Repealed.*

1153 ~~**16.04.095**~~ *Repealed.*

1154 **16.04.100** **Section 109.2 amended – Schedule of permit fees.**

1155 ~~**16.04.105**~~ ~~—~~

1156 ~~**16.04.115**~~ ~~**Section 402.8.8 amended – Security grilles and doors.**~~

1157 ~~**16.04.140**~~ *Repealed.*

1158 ~~**16.04.145**~~ ~~**Section 504 amended – Building height and number of stories.**~~

1159 ~~**16.04.150**~~ ~~**Section 1805 amended – Dampproofing and waterproofing.**~~

1160 ~~**16.04.160**~~ ~~**Section 3307 amended – Protection of adjoining property.**~~

1161 ~~**16.04.170**~~ ~~—~~

1162 ~~**16.04.200**~~ *Repealed.*

1163 ~~**16.04.210**~~ ~~**Section 705.5 – Fire-resistance ratings.**~~

1164 ~~**16.04.215**~~ ~~**Section 705.8 amended – Openings.**~~

1165 ~~**16.04.220**~~ ~~**Section 903.2 amended – Where required.**~~

1166 ~~**16.04.225**~~ ~~**Section 1010.1.9.2 amended – Hardware height.**~~

1167 ~~**16.04.230**~~ ~~**Section 1010.1.9.3 amended – Locks and latches.**~~

1168 ~~**16.04.240**~~ ~~**Section 1010.1.9.4 amended – Bolt locks.**~~

1169 ~~**16.04.245**~~ ~~**Section 1010.1.4.4 amended – Security grilles.**~~

1170 ~~**16.04.250**~~ *Repealed.*

1171 ~~**16.04.900**~~ ~~**Severability.**~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1247

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

1249 *~~Repealed by Ord. 2505.~~*

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

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

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

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

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

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

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

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

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

1265 *~~Repealed by Ord. 2216.~~*

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

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

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

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

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

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

1276 ~~4. Be accompanied by plans, diagrams, computations, specifications and other data as required~~
1277 ~~by Section 107 IBC;~~

1278 ~~5. State the valuation of any new building or structure or any addition, remodeling or alteration~~
1279 ~~to an existing building;~~

1280 ~~6. Provide such information and evidence as is required by current State law to be furnished in~~
1281 ~~connection with an application for a building permit or as a prerequisite to the issuance of a~~
1282 ~~building permit;~~

1283 ~~7. Provide such other data and information as may be required by the building official;~~

1284 ~~8. Be signed by the applicant, or the applicant's authorized agent;~~

1285 ~~9. When a contractor is to perform the work, its name, address and current Washington State~~
1286 ~~contractor's license number and city business license number.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1315 *~~Repealed by Ord. 3006.~~*

1316 **~~16.04.080 Repealed.~~**

1317 *~~Repealed by Ord. 2039.~~*

1318 **~~16.04.090 Section 109.1 UBC amended.~~**

1319 *~~Repealed by Ord. 2505.~~*

1320 **~~16.04.095 Repealed.~~**

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

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

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

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

1326 *~~Repealed by Ord. 3006.~~*

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

1328 *~~Repealed by Ord. 3006.~~*

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

1330 *~~Repealed by Ord. 2505.~~*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~16.04.170 Repealed.~~

~~Repealed by Ord. 2039.~~

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

~~Repealed by Ord. 2216.~~

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

~~Repealed by Ord. 2216.~~

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

~~Repealed by Ord. 2216.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1452 Sections:

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

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

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

1456 **16.05.900 Severability.**

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

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

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

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

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

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

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

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

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

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

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

~~16.05.900 Severability.~~

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

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

**Chapter 16.09
INTERNATIONAL RESIDENTIAL CODE**

Sections:

16.09.010 Adoption of the International Residential Code.

16.09.020 Section R101.3 – Intent.

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

16.09.030 Section R104.1 amended – General.

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

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

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

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

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

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

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

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

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

1535 ~~amended by deletion of exceptions number 1 and 2.~~

1536

1537 **~~16.09.030 Section R104.1 amended — General.~~**

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

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

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

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

1542 ~~respect to all matters contained within Appendix J.~~

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

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

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

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

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

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

1549 ~~numbers 1 and 2 to read as follows:~~

1550 ~~Building:~~

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

1552 ~~square feet.~~

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

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

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

1556 ~~intersection;~~

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

1558 **~~16.09.042 Section R105.3.1 amended — Action on application.~~**

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

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

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

1562 ~~process.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~16.09.080 Section R113 amended – Violations.~~

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

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

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

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

~~16.09.090 Section R202 amended – Definitions.~~

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

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

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

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

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

| GROUND SNOW LOAD | WIND DESIGN | | | | SEISMIC DESIGN CATEGORY ^f | SUBJECT TO DAMAGE FROM | | | WINTER DESIGN TEMP ^o | ICE BARRIER UNDERLAYMENT REQUIRED ^h | FLOOD HAZARD ^g | AIR FREEZING INDEX ^j | MEAN ANNUAL TEMP ^j |
|------------------------|-----------------------------|-------------------------------------|-------------------------------------|--|--|-------------------------|----------------------------------|----------------------|---------------------------------------|--|---|---------------------------------------|-------------------------------------|
| | Speed ^d (mph) | Topographic effects ^k | Special wind region ⁱ | Wind-borne debris zone ^m | | Weathering ^a | Frost line depth ^b | Termite ^c | | | | | |
| 25 | 110 | NO | NO | NO | D2 | MODERATE | 18" | SLIGHT | 22 | NO | 1985, 2005; 53061C1305E 53061C1310E 53061C1309E 53061C1320E 53061C1315E All adopted 11/08/1999 | 1500 | 52.8 |

1623 ~~16.09.900 Severability.~~

1624 ~~If any section, sentence, clause or phrase of this chapter should be held to be invalid or~~
1625 ~~unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof~~
1626 ~~shall not affect the validity or constitutionality of any section, subsection, sentence, clause,~~
1627 ~~phrase or word of this chapter.~~

1628 **Chapter 16.10**

1629 **ELECTRIC CODE**

1630 **Sections:**

1631 **16.10.010 Copies of codes on file.**

1632 ~~16.10.020 Purpose.~~

1633 ~~16.10.030 Definitions.~~

1634 ~~16.10.040 Violations.~~

1635 **16.10.050 Codes adopted.**

1636 ~~16.10.060 Permits.~~

1637 ~~16.10.065 Work exempt from permits.~~

1638 ~~16.10.070 Application for permits.~~

1639 ~~16.10.075 Expiration.~~

1640 ~~16.10.080 Plan review fees.~~

1641 ~~16.10.090 Electrical permit fees.~~

1642 ~~16.10.100 Temporary installation.~~

1643 ~~16.10.110 Wiring and circuit specifications — New work.~~

1644 **16.10.120 Effect of chapter on existing wiring.**

1645 **16.10.130 Service entrance conductors.**

1646 ~~16.10.140 Grounding procedures.~~

1647 ~~16.10.150 Raceways.~~

1648 ~~16.10.160 Pool installations.~~

1649 ~~16.10.900 Severability.~~

1650

1651 **Copies of codes on file.**

1652 ~~The city shall at all times keep on file with the finance director, for reference by the general~~
1653 ~~public, not less than one copy of the codes and resolutions, or parts thereof, as herein adopted~~
1654 ~~by reference, together with the amendments and supplements thereto herein made a part of this~~
1655 ~~chapter.~~

1656 ~~The copies of the codes on file may be placed by the finance director in the custody of the office~~
1657 ~~of the building official in order to make them more readily available for inspection and use by the~~
1658 ~~general public. (Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6,~~
1659 ~~2010; Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)~~

1660 **16.10.020 Purpose.**

1661 ~~This chapter is enacted as an exercise of the police power of the city for the benefit of the public~~
1662 ~~at large. It is not intended to create a special relationship with any individual, or individuals, or to~~
1663 ~~identify and protect any particular class of persons. The purpose of this chapter is to provide~~
1664 ~~minimum standards to safeguard persons and property from hazards arising from the use of~~
1665 ~~electricity. (Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010;~~
1666 ~~Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)~~

1667 **16.10.030 Definitions.**

1668 ~~Whenever the following words appear in the codes adopted by reference in this title they are to~~
1669 ~~be interpreted as follows:~~

1670 ~~A. "Administrative authority" means the building official or designee.~~

1671 ~~B. "Chief or director of fire services" means the fire chief or designee.~~

1672 ~~C. "Corporation counsel" means the city attorney or designee.~~

1673 ~~D. "City treasurer" means the finance director or designee.~~

1674 ~~E. "Hazardous location" means a hazardous location as determined by the city of Lynnwood~~
1675 ~~building official or designee.~~

1676 ~~F. "Local zoning code" means the city of Lynnwood zoning code, LMC Title 21, as amended.~~

1677 ~~G. "Municipality" and "the jurisdiction" mean the city of Lynnwood.~~

1678 ~~H. Whenever reference is made to local authority, codes, jurisdiction, and similar concepts~~
1679 ~~within the codes adopted by reference in this chapter, such reference shall apply to the city of~~
1680 ~~Lynnwood. (Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010;~~
1681 ~~Ord. 2683 § 5, 2007; Ord. 2143 § 1, 1997)~~

1682 **16.10.040 Violations.**

1683 ~~Violations as adopted by the NEC and/or the WCEC are deleted and replaced with the following~~
1684 ~~wording:~~

1685 ~~Any person, firm, or corporation violating any of the provisions of this Code shall be guilty of a~~
1686 ~~misdemeanor, and each such person, firm or corporation shall be guilty of a separate offense~~
1687 ~~for each and every day, or portion thereof, during which any violation of any of the provisions of~~
1688 ~~this Code is committed, continued, or permitted.~~

1689 ~~It shall be unlawful for any person to remove, mutilate, destroy or conceal any lawful notice~~
1690 ~~issued or posted by the building official pursuant to the provisions of this Code.~~

1691 ~~Anyone concerned in the violation or failure to comply with the provisions of this Code, whether~~
1692 ~~directly committing the act or effecting the omission constituting the offense, or aiding or~~
1693 ~~abetting the same, whether present or absent; and anyone who directly or indirectly counsels,~~
1694 ~~encourages, hires, commands, induces or otherwise procures another to violate or fail to comply~~
1695 ~~with the provisions of this Code, is and shall be guilty of a misdemeanor.~~

1696 ~~Conviction of any such misdemeanor shall be punishable by a fine of not more than \$1,000 or~~
1697 ~~by imprisonment for not more than 90 days, or by both such fine and imprisonment.~~

1698 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~
1699 ~~5, 2007; Ord. 2143 § 1, 1997)~~

1700 **16.10.050 Codes adopted.**

1701 ~~As amended by the provisions of this chapter, the Washington State adopted National Electrical~~
1702 ~~Code (NEC) issued by the National Fire Protection Association including Annex A, B, C, and the~~
1703 ~~current Washington Cities Electrical Code (WCEC) Parts 1, 2 and 3 are adopted by reference.~~
1704 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~
1705 ~~5, 2007; Ord. 2288 § 1, 1999; Ord. 2143 § 1, 1997)~~

1706 **~~16.10.060 Permits.~~**

1707 ~~WCEC Article 85 as adopted by this chapter is amended by adding thereto the following:~~

1708 ~~A separate permit is required for each building address.~~

1709 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~
1710 ~~5, 2007; Ord. 2288 § 2, 1999; Ord. 2143 § 1, 1997)~~

1711 **~~16.10.065 Work exempt from permits.~~**

1712 ~~WCEC Article 85 as adopted by this chapter is amended by adding thereto the following:~~

1713 ~~An electrical permit shall not be required for the following:~~

1714 ~~All wiring for low voltage installations within a one-family dwelling unit or its accessory structure~~
1715 ~~except wired security, fire or smoke alarm systems, provided the power is supplied by a listed~~

1716 ~~Class 2 power supply and none of the wiring penetrates the wall or ceiling between the dwelling~~
1717 ~~unit and an attached garage or wall separating two dwelling units.~~

1718 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014)~~

1719 **~~16.10.070 Application for permits.~~**

1720 ~~WCEC Article 85 as adopted by this chapter is amended by adding thereto the following:~~

1721 ~~Application for an electrical permit shall be made on a form provided by the building official.~~
1722 ~~Each application shall state the name and address of the owner, vendee, or occupant in~~
1723 ~~possession of the building or premises where the work is to be done, the name of the licensed~~
1724 ~~contractor, if any, making the application, and such other information as the building official may~~
1725 ~~require. The building official shall refuse to issue or may revoke the permit if any statement on a~~
1726 ~~permit application is found to be untrue, or if the permit application is incomplete.~~

1727 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~
1728 ~~5, 2007; Ord. 2288 § 3, 1999; Ord. 2143 § 1, 1997)~~

1729 **~~16.10.075 Expiration.~~**

1730 ~~Expiration of permits as adopted by the NEC and/or the WCEC are deleted and replaced with~~
1731 ~~the following wording:~~

1732 ~~Permits become null and void if the authorized work has not been inspected by this department~~
1733 ~~within 180 calendar days of issuance or for a period of 180 calendar days from the last~~
1734 ~~inspection. The total life of permits is limited to a maximum of 540 calendar days, provided it has~~
1735 ~~not expired under the restrictions above. One extension request for 180 calendar days may be~~
1736 ~~granted if a written request is submitted to the Building Official showing just cause before the~~
1737 ~~expiration date.~~

1738 ~~If a permit expires, the permittee shall obtain a new permit to complete the remainder of the~~
1739 ~~work. The cost of the new permit will be based on the value of the remainder of work per the fee~~
1740 ~~schedule.~~

1741 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010)~~

1742 **~~16.10.080 Plan review fees.~~**

1743 ~~Fees shall be set forth in a fee resolution adopted and from time to time amended by the city~~
1744 ~~council. (Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord.~~
1745 ~~2699 § 25, 2007; Ord. 2683 § 5, 2007; Ord. 2588 § 5, 2005; Ord. 2288 § 4, 1999; Ord. 2218 § 1,~~
1746 ~~1998; Ord. 2143 § 1, 1997)~~

1747 **~~16.10.090 Electrical permit fees.~~**

1748 ~~Fees shall be set forth in a fee resolution adopted and from time to time amended by the city~~
1749 ~~council. (Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord.~~

1750 2699 § 26, 2007; Ord. 2683 § 5, 2007; Ord. 2588 § 6, 2005; Ord. 2288 § 5, 1999; Ord. 2217 § 2,
1751 1998; Ord. 2143 § 1, 1997)

1752 **16.10.100 Temporary installation.**

1753 If the building official finds that the safety of life and property will not be jeopardized, permits
1754 may be issued for temporary electrical installations for use during the construction of buildings
1755 or for carnivals, conventions, festivals, fairs, the holding of religious services, temporary lighting
1756 of streets, or other approved uses. Permission to use such temporary installations shall not be
1757 granted for a greater length of time than 45 days, except that a permit for a temporary
1758 installation to be used for construction of a building may be issued for the period of construction.
1759 Should such temporary lighting be over the street area, the proper authorization for such use of
1760 the street must first be obtained. All such temporary installations shall be made in a manner as
1761 nearly as practicable in conformance with the requirements of this code for permanent work;
1762 provided, that the building official may permit deviations which will not permit hazards to life or
1763 property; and further provided, that whenever such hazards are deemed by the building official
1764 to exist, the building official may at once rescind or cancel the permit covering such installation
1765 and disconnects, or order the disconnection of all energy to such equipment. (Ord. 3266 § 1
1766 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 § 5, 2007; Ord.
1767 2143 § 1, 1997)

1768 **16.10.110 Wiring and circuit specifications—New work.**

1769 The NEC and WCEC Article 310 adopted by this chapter is amended by adding thereto the
1770 following:

1771 **Minimum size of conductors:**

1772 A. In commercial installations, No. 12 American Wire Gauge copper (AWG); control wiring of 24
1773 volts or less is exempt.

1774 B. In residential installation, No. 14 AWG copper.

1775 C. In all installations, no aluminum wire shall be used.

1776 **Exceptions:**

1777 1. Service entrance conductors.

1778 2. Branch circuits of 50 amperes or greater.

1779 (Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §
1780 5, 2007; Ord. 2143 § 1, 1997)

1781 **16.10.120 Effect of chapter on existing wiring.**

1782 A. The provisions of this chapter are not intended to apply to electrical installations in existence
1783 at the time of its adoption, except in those cases which, in the opinion of the building official, are

1784 found to be dangerous to life or property, and except as is otherwise specifically provided in this
1785 chapter.

1786 B. Whenever an existing electrical service is to be moved, altered, or enlarged, the service
1787 equipment may be required to be reinstalled in conformance with this chapter and Chapter
1788 16.14 LMC for underground utilities.

1789 ~~Exception: Repair and/or upgrade of the electrical service of a single-family residence with~~
1790 ~~existing overhead service drop.~~

1791 C. Additions or alterations to existing electrical systems shall be done using materials and
1792 methods equivalent to or exceeding the currently adopted national, state and city of Lynnwood
1793 electrical codes.

1794 D. Conductors not in use shall be removed. (Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh.
1795 A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 § 5, 2007; Ord. 2288 § 6, 1999; Ord. 2143 § 1, 1997)

1796 **16.10.130 Service entrance conductors.**

1797 The NEC and WCEC Article 230 as adopted by this chapter is amended by adding thereto the
1798 following:

1799 Service entrance conductors shall be installed in the following manner:

1800 A. Minimum coverage shall be 24 inches below finished grade.

1801 ~~B. Distribution equipment and conductor shall be of the same rating. On existing services, the~~
1802 ~~ampacity of installed conductors shall be labeled on service distribution equipment when not of~~
1803 ~~the same rating.~~

1804 C. Where current limiters are permitted, they shall be installed in an approved enclosure, and
1805 labeled "current limiters."

1806 D. Where Section 230-95(c) of the National Electrical Code applies, tests shall be performed by
1807 an approved testing agency.

1808 ~~E. Single-family dwellings may be served with approved direct burial cable, provided such cable~~
1809 ~~shall be sleeved under paving, and installed to conform to Sections 230(d) and 300-5 of the~~
1810 ~~National Electric Code.~~

1811 ~~(Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~
1812 ~~5, 2007; Ord. 2288 § 7, 1999; Ord. 2143 § 1, 1997)~~

1813 **~~16.10.140 Grounding procedures.~~**

1814 ~~The NEC and WCEC Article 250 as adopted by this chapter is amended by adding thereto the~~
1815 ~~following:~~

1816 Flexible metal conduit shall contain an equipment grounding conductor sized per National
1817 Electrical Code.

1818 (~~Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~
1819 ~~5, 2007; Ord. 2288 § 8, 1999; Ord. 2143 § 1, 1997)~~

1820 **~~16.10.150 Raceways.~~**

1821 The NEC and WCEC Article 330 as adopted by this chapter is amended by adding thereto the
1822 following:

1823 Metal Clad (M.C.) cable used in commercial applications shall not be smaller than No. 12 AWG
1824 copper, with a grounding conductor contained within the outer jacket, approved per National
1825 Electrical Code for use only with approved fittings.

1826 (~~Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~
1827 ~~5, 2007; Ord. 2143 § 1, 1997)~~

1828 **~~16.10.160 Pool installations.~~**

1829 The NEC and WCEC Article 680 as adopted by this chapter is amended by adding thereto the
1830 following:

1831 All electrical equipment installed in the water, walls or deck of any pool or fountain shall comply
1832 in full with the provisions of Article 680 of the National Electrical Code, without distinguishing
1833 between “storable” and “permanently installed” pools and fountains.

1834 (~~Ord. 3266 § 1 (Exh. A), 2017; Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 §~~
1835 ~~5, 2007; Ord. 2143 § 1, 1997)~~

1836 **~~16.10.900 Severability.~~**

1837 If any section, subsection, sentence, clause, phrase, or word of this chapter should be held to
1838 be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
1839 unconstitutionality thereof shall not affect the validity or constitutionality of any other section,
1840 subsection, sentence, clause, phrase, or word of this chapter. (~~Ord. 3266 § 1 (Exh. A), 2017;~~
1841 ~~Ord. 3063 § 1 (Exh. A), 2014; Ord. 2840 § 6, 2010; Ord. 2683 § 5, 2007; Ord. 2143 § 2, 1997)~~

1842 **Section 6. Amendment.** Chapter 16.24 of the Lynnwood Municipal Code is hereby amended
1843 as follows:

1844

1845 **Chapter 16.16**

1846 **SIGNS***

1847 **Sections:**

1848 ~~16.16.010 Adoption of Uniform Code.~~

1849 ~~16.16.015 Definitions.~~

1850 ~~16.16.016 Section 208 USC amended – “Ground sign” defined.~~

1851 ~~16.16.017 Section 210 USC amended – “Marquee sign” defined.~~

1852 ~~16.16.018 Section 212 USC amended – “Pole sign” defined.~~

1853 ~~16.16.019 Section 213 USC amended – “Roof sign” defined.~~

1854 ~~16.16.020 Section 214 USC amended – “Sign” defined.~~

1855 ~~16.16.030 Section 217 USC amended – “Wall sign” defined.~~

1856 ~~16.16.040 Subsection 303(3) USC amended – Sign restrictions.~~

1857 ~~16.16.050 Section 304 USC amended – Fees.~~

1858 ~~16.16.060 Section 305 USC amended – Maintenance.~~

1859 ~~16.16.070 Subsection 401.6 added to USC – Erector’s name.~~

1860 ~~16.16.071 Subsections 403.5 and 403.6 USC amended – Design and construction~~
 1861 ~~projection and clearance – Projection over alleys – Clearance from streets.~~

1862 ~~16.16.072 Chapter 5 USC deleted – Fin signs.~~

1863 ~~16.16.074 Section 602 USC amended – Pole signs design.~~

1864 ~~16.16.076 Section 603 USC amended – Pole signs projection and clearance.~~

1865 ~~16.16.078 Section 701 USC amended – Ground signs general.~~

1866 ~~16.16.080 Section 702 USC amended – Ground signs design.~~

1867 ~~16.16.081 Section 703 USC amended – Ground signs projection.~~

1868 ~~16.16.082 Section 802 USC amended – Roof signs design.~~

1869 ~~16.16.083 Subsection 803.1 USC amended – Roof signs projection and clearance,~~
 1870 ~~projection.~~

1871 ~~16.16.084 Section 902 USC amended – Wall signs design.~~

1872 ~~16.16.085 Subsections 903.1 and 903.2 USC amended – Wall signs projection and~~
 1873 ~~clearance, projection – Thickness.~~

1874 ~~16.16.086 Section 1002 USC amended – Projecting signs design.~~

1875 ~~16.16.087 Subsection 1003.1 USC amended — Projecting signs projections and~~
1876 ~~clearance, projection.~~

1877 ~~16.16.088 Section 1101 USC amended — Combination signs general.~~

1878 ~~16.16.089 Sections 1102, 1103.1 and 1103.2 USC amended — Combination signs design~~
1879 ~~— Projection and clearance, projection — Projection and clearance, thickness.~~

1880 ~~16.16.090 Subsection 1302.2 USC deleted.~~

1881 ~~16.16.100 Section 1401 USC amended — Temporary signs.~~

1882 ~~16.16.110 Subsection 1402.1 USC deleted.~~

1883 ~~16.16.120 Subsection 1402.3 USC deleted.~~

1884 ~~16.16.125 Subsections 402.2 and 402.3 of the USC deleted and amended.~~

1885 ~~16.16.130 Immoral or obscene advertising prohibited.~~

1886 ~~16.16.140 Expired advertising sign — Removal — Lien.~~

1887 ~~16.16.150 Subsection 103.4 USC amended — Violation and penalty.~~

1888 ~~16.16.155 Subsection 103.3 USC — Board of appeals.~~

1889 ~~16.16.900 Severability.~~

1890 ~~*For provisions relating to sign code adoption by reference, see RCW 35.21.180.~~

1891 ~~16.16.010 Adoption of Uniform Code.~~

1892 As amended by the provisions of this chapter, the Uniform Sign Code, 1997 Edition, by the
1893 International Conference of Building Officials, one copy of which shall be on file in the office of
1894 the Lynnwood city clerk, is adopted by this reference. (Ord. 2683 § 6, 2007; Ord. 1900 § 1,
1895 1992; Ord. 1538 § 1, 1986)

1896 ~~16.16.015 Definitions.~~

1897 A. Section 201 USC Amended. Section 201 of the edition of the Uniform Sign Code adopted by
1898 this chapter, entitled “General Definitions,” is amended by adding thereto the following
1899 paragraph:

1900 Whenever the term “Code” is used herein, it shall mean the provisions of Chapter 16.16 LMC
1901 and the edition of the Uniform Sign Code as adopted by Chapter 16.16 LMC. Whenever the
1902 term “City” or “jurisdiction” is used herein, it shall mean the City of Lynnwood. Whenever the
1903 term “Building Code” is used in this chapter, it shall mean the International Building Code.

1904

1905 ~~B. Whenever the term “code” is used in this chapter, it shall mean the provisions of this chapter~~
1906 ~~and the provisions of the edition of the Uniform Sign Code as adopted by this chapter.~~
1907 ~~Whenever the term “city” or “jurisdiction” is used in this chapter, it shall mean the city of~~
1908 ~~Lynnwood.~~

1909 ~~C. Whenever a sign is not defined in this code, its definition shall be per LMC 21.02.665 through~~
1910 ~~21.02.720 as interpreted by the community development director. (Ord. 2683 § 6, 2007; Ord.~~
1911 ~~1900 § 2, 1992)~~

1912 **~~16.16.016 Section 208 USC amended – “Ground sign” defined.~~**

1913 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
1914 ~~Section 208 defining “ground sign” and inserting in its place the following wording:~~

1915 ~~“Ground sign” is a freestanding sign which is not more than 3.5 feet in height and permanently~~
1916 ~~placed in the ground.~~

1917 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 3, 2000)~~

1918 **~~16.16.017 Section 210 USC amended – “Marquee sign” defined.~~**

1919 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
1920 ~~Section 210 defining “marquee sign” and inserting in its place the following wording:~~

1921 ~~“Marquee sign” is a sign placed on, constructed in or attached to a marquee.~~

1922 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 4, 2000)~~

1923 **~~16.16.018 Section 212 USC amended – “Pole sign” defined.~~**

1924 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
1925 ~~Section 212 defining “pole sign” and inserting in its place the following wording:~~

1926 ~~“Pole sign” is any permanent freestanding sign which does not meet the definition of a ground~~
1927 ~~sign, monument sign, internal information sign or incidental sign.~~

1928 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 5, 2000)~~

1929 **~~16.16.019 Section 213 USC amended – “Roof sign” defined.~~**

1930 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
1931 ~~Section 213 defining “roof sign” and inserting in its place the following wording:~~

1932 ~~“Roof sign” is a business sign erected upon or above a roof or a parapet of a building.~~

1933 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 6, 2000)~~

1934 **~~16.16.020 Section 214 USC amended – “Sign” defined.~~**

1935 The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom
1936 Section 214 defining “sign” and inserting in its place the following wording:

1937 “Sign” is any structure, device, object or display used to identify, advertise, direct or attract
1938 attention to a business, product, service, activity, place, person, institution or event using words,
1939 figures, graphics, symbols, fixtures, colors, illumination or projected images, for example
1940 balloons with or without letters or pictorial figures on them.

1941 (Ord. 2683 § 6, 2007; Ord. 2310 § 7, 2000)

1942 **~~16.16.030 Section 217 USC amended – “Wall sign” defined.~~**

1943 The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom
1944 Section 217 defining “wall sign” and inserting in its place the following wording:

1945 “Wall sign” is any business sign painted on, or attached directly to and supported by a wall of a
1946 building or structure with the exposed face of the sign generally parallel to the wall.

1947 (Ord. 2683 § 6, 2007; Ord. 2310 § 8, 2000)

1948 **~~16.16.040 Subsection 303(3) USC amended – Sign restrictions.~~**

1949 The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom
1950 Subsection 303(3), regarding signs less than six feet above grade, and inserting in its place the
1951 following wording:

1952 3. Signs less than three square feet per sign face, if attached to a building below the roof line.

1953 (Ord. 2683 § 6, 2007; Ord. 1990 § 5, 1992; Ord. 1538 § 4, 1986)

1954 **~~16.16.050 Section 304 USC amended – Fees.~~**

1955 The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom
1956 Section 304, entitled “Fees,” and inserting in its place the following wording:

1957 Fees. Fees shall be set forth in a resolution adopted and from time to time amended by the city
1958 council.

1959 (Ord. 2683 § 6, 2007; Ord. 1900 § 6, 1992; Ord. 1538 § 5, 1986)

1960 **~~16.16.060 Section 305 USC amended – Maintenance.~~**

1961 The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom
1962 Section 305, entitled “Maintenance,” and inserting in its place the following wording:

1963 305. Maintenance. All signs and sign support structures together with all their supports, braces,
1964 guys and anchors, shall be kept in repair and in proper state of preservation. All signs shall be
1965 kept in good repair and maintained in a safe condition and any damage or deterioration
1966 including but not limited to missing sign faces, cabinet covers and sign components; damaged

1967 structural elements; and rust or peeling paint shall be repaired. The display surface of all signs
1968 shall be kept neatly painted or posted at all times. Presently existing signs may not be altered or
1969 re-erected unless in conformity with this Code and LMC Title 21. Damaged or deteriorated signs
1970 shall be repaired within 30 days of notification by the City.

1971 (~~Ord. 2683 § 6, 2007; Ord. 2310 § 9, 2000~~)

1972 **~~16.16.070 Subsection 401.6 added to USC — Erector's name.~~**

1973 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by adding a new~~
1974 ~~subsection to Section 401 thereof, entitled "General," to read as follows:~~

1975 ~~401.6 Erector's Name. Every sign shall have posted on it the name of the sign erector and date~~
1976 ~~of erection. Such name and date shall be of sufficient size and contrast to be readable from a~~
1977 ~~reasonable distance. Failure to provide such name and date shall be grounds for rejection of the~~
1978 ~~sign by the building official.~~

1979 (~~Ord. 2683 § 6, 2007; Ord. 1990 § 8, 1992; Ord. 1538 § 7, 1986~~)

1980 **~~16.16.071 Subsections 403.5 and 403.6 USC amended — Design and construction~~**
1981 **~~projection and clearance — Projection over alleys — Clearance from streets.~~**

1982 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
1983 ~~Subsections 403.5, entitled "Design and Construction Projection and Clearance — Projection~~
1984 ~~over Alleys" and 403.6, entitled "Clearance from Streets," and inserting in their place the~~
1985 ~~following wording:~~

1986 ~~Sec. 403.5 Projection over Alleys. Signs or sign structures shall not project into a public alley.~~

1987 ~~Sec. 403.6 Clearance from Streets. Signs shall conform to the setbacks from streets set forth in~~
1988 ~~Chapter 21.16 LMC.~~

1989 (~~Ord. 2683 § 6, 2007; Ord. 2310 § 10, 2000~~)

1990 **~~16.16.072 Chapter 5 USC deleted — Fin signs.~~**

1991 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
1992 ~~Chapter 5, entitled "Fin Signs." (Ord. 2683 § 6, 2007; Ord. 2310 § 11, 2000)~~

1993 **~~16.16.074 Section 602 USC amended — Pole signs design.~~**

1994 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
1995 ~~Section 602, entitled "Pole Signs Design," and inserting in its place the following wording:~~

1996 ~~Sec. 602. Supports for pole signs shall be placed upon private property and shall be securely~~
1997 ~~built, constructed and erected to conform with requirements specified in Chapter 4 and Chapter~~
1998 ~~21.16 LMC.~~

1999 (~~Ord. 2683 § 6, 2007; Ord. 2310 § 12, 2000~~)

2000 **~~16.16.076 Section 603 USC amended – Pole signs projection and clearance.~~**

2001 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
2002 ~~Section 603, entitled “Pole Signs Projection and Clearance,” and inserting in its place the~~
2003 ~~following wording:~~

2004 ~~Sec. 603. Projection of pole signs shall conform to the requirements of Section 403 and Chapter~~
2005 ~~21.16 LMC.~~

2006 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 13, 2000)~~

2007 **~~16.16.078 Section 701 USC amended – Ground signs general.~~**

2008 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
2009 ~~Section 701, entitled “Ground Signs General,” and inserting in its place the following wording:~~

2010 ~~Sec. 701. Ground signs may be constructed of materials meeting the requirements of this code,~~
2011 ~~except as provided in Chapter 4 and Chapter 21.16 LMC.~~

2012 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 14, 2000)~~

2013 **~~16.16.080 Section 702 USC amended – Ground signs design.~~**

2014 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
2015 ~~Section 702, entitled “Ground Signs Design,” and inserting in its place the following wording:~~

2016 ~~Sec. 702. Ground Sign Design. Ground signs should be designed in accordance with the~~
2017 ~~requirements specified in Chapter 4 and Chapter 21.16 LMC. Ground signs may be constructed~~
2018 ~~of combustible material.~~

2019 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 15, 2000)~~

2020 **~~16.16.081 Section 703 USC amended – Ground signs projection.~~**

2021 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
2022 ~~Section 703, entitled “Ground Signs Projection,” and inserting in its place the following wording:~~

2023 ~~Sec. 703. Ground signs shall not project beyond the legal setback per Chapter 21.16 LMC.~~

2024 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 16, 2000)~~

2025 **~~16.16.082 Section 802 USC amended – Roof signs design.~~**

2026 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
2027 ~~Section 802, entitled “Roof signs design,” and inserting in its place the following wording:~~

2028 ~~Sec. 802. Roof signs shall be thoroughly secured and anchored to the frame of the building over~~
2029 ~~which they are constructed and erected and shall be designed in accordance with the~~
2030 ~~requirements specified in Chapter 4 and Chapter 21.16 LMC.~~

2031 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 17, 2000)~~

2032 **~~16.16.083 Subsection 803.1 USC amended – Roof signs projection and clearance,~~**
 2033 **~~projection.~~**

2034 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
 2035 ~~Subsection 803.1, entitled “Roof Signs Projection and Clearance, Projection,” and inserting in its~~
 2036 ~~place the following wording:~~

2037 ~~Sec. 803.1. Projection. Roof signs may not project beyond the legal setback line complying with~~
 2038 ~~the requirements specified in Section 403 and Chapter 21.16 LMC.~~

2039 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 18, 2000)~~

2040 **~~16.16.084 Section 902 USC amended – Wall signs design.~~**

2041 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
 2042 ~~Section 902, entitled “Wall Signs Design,” and inserting in its place the following wording:~~

2043 ~~Sec. 902. Wall signs shall be designed in conformance with the requirements specified in~~
 2044 ~~Chapter 4 and Chapter 21.16 LMC.~~

2045 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 19, 2000)~~

2046 **~~16.16.085 Subsections 903.1 and 903.2 USC amended – Wall signs projection and~~**
 2047 **~~clearance, projection – Thickness.~~**

2048 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
 2049 ~~Subsections 903.1, entitled “Wall Signs Projection and Clearance Projection,” and 903.2,~~
 2050 ~~entitled “Thickness,” and inserting in their place the following wording:~~

2051 ~~Sec. 903.1. Projection. Wall signs shall not project over public property.~~

2052 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 20, 2000)~~

2053 **~~16.16.086 Section 1002 USC amended – Projecting signs design.~~**

2054 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
 2055 ~~Section 1002, entitled “Projecting Signs Design,” and inserting in its place the following wording:~~

2056 ~~Sec. 1002. Projecting signs shall be designed in accordance with the requirements specified in~~
 2057 ~~Chapter 4 and Chapter 21.16 LMC.~~

2058 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 21, 2000)~~

2059 **~~16.16.087 Subsection 1003.1 USC amended – Projecting signs projections and clearance,~~**
 2060 **~~projection.~~**

2061 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
2062 ~~Subsection 1003.1, entitled “Projecting Signs Projection and Clearance, Projection,” and~~
2063 ~~inserting in its place the following wording:~~

2064 ~~Sec. 1003.1. Projection. Signs may not project over public property.~~

2065 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 22, 2000)~~

2066 **~~16.16.088 Section 1101 USC amended – Combination signs general.~~**

2067 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
2068 ~~Section 1101, entitled “Combination Signs General,” and inserting in its place the following~~
2069 ~~wording:~~

2070 ~~Sec. 1101. Combination signs shall be constructed of noncombustible materials, except as~~
2071 ~~specified in Chapter 4 and Chapter 21.16 LMC.~~

2072 ~~The individual requirements of roof, projecting and pole signs shall each be applied to~~
2073 ~~combination signs incorporating any or all of the requirements specified in this chapter and~~
2074 ~~Chapter 21.16 LMC.~~

2075 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 23, 2000)~~

2076 **~~16.16.089 Sections 1102, 1103.1 and 1103.2 USC amended – Combination signs design –~~**
2077 **~~Projection and clearance, projection – Projection and clearance, thickness.~~**

2078 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
2079 ~~Section 1102, entitled “Combination Signs Design,” Subsection 1103.1, entitled “Projection and~~
2080 ~~Clearance, Projection,” and Subsection 1103.2, entitled “Projection and Clearance, Thickness,”~~
2081 ~~and inserting in its place the following wording:~~

2082 ~~Sec. 1102. Supports for combination signs shall be placed in or upon private property and shall~~
2083 ~~be securely built, constructed and erected to conform with the requirements specified in Chapter~~
2084 ~~4 and Chapter 21.16 LMC.~~

2085 ~~Sec. 1103.1. Projection. Combination signs may not project over public property or beyond a~~
2086 ~~legal setback line as specified in Chapter 21.16 LMC.~~

2087 ~~(Ord. 2683 § 6, 2007; Ord. 2310 § 24, 2000)~~

2088 **~~16.16.090 Subsection 1302.2 USC deleted.~~**

2089 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
2090 ~~Subsection 1302.2, entitled “Erector’s Name.” (Ord. 2683 § 6, 2007; Ord. 1900 § 10, 1992; Ord.~~
2091 ~~1538 § 9, 1986)~~

2092 **~~16.16.100 Section 1401 USC amended – Temporary signs.~~**

2093 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
2094 ~~Section 1401, entitled "Temporary Signs." (Ord. 2683 § 6, 2007; Ord. 1959 § 1, 1993; Ord. 1900~~
2095 ~~§ 11, 1992; Ord. 1538 § 10, 1986)~~

2096 **~~16.16.110 Subsection 1402.1 USC deleted.~~**

2097 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
2098 ~~Subsection 1402.1 providing an exception for temporary cloth signs. (Ord. 2683 § 6, 2007; Ord.~~
2099 ~~1900 § 12, 1992; Ord. 1538 § 11, 1986)~~

2100 **~~16.16.120 Subsection 1402.3 USC deleted.~~**

2101 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom~~
2102 ~~the second paragraph of Subsection 1402.3 regarding sign projections and clearance. (Ord.~~
2103 ~~2683 § 6, 2007; Ord. 1900 § 13, 1992; Ord. 1538 § 12, 1986)~~

2104 **~~16.16.125 Subsections 402.2 and 402.3 of the USC deleted and amended.~~**

2105 ~~The edition of the Uniform Sign Code adopted by this chapter is amended by deleting~~
2106 ~~Subsections 402.2 and 402.3 and inserting in their place the following wording:~~

2107 ~~Section 402.2 Standards of quality—Standards of quality shall conform to the requirements of~~
2108 ~~the International Building Code as adopted.~~

2109 ~~Section 402.3 Materials—Materials used in signs and sign structures shall be of the grade and~~
2110 ~~quality as specified in the International Building Code.~~

2111 ~~(Ord. 2683 § 6, 2007)~~

2112 **~~16.16.130 Immoral or obscene advertising prohibited.~~**

2113 ~~It is unlawful to display on any outdoor advertising structure or billboard any advertising or~~
2114 ~~advertisement which is immoral or obscene. (Ord. 2683 § 6, 2007; Ord. 1538 § 13, 1986)~~

2115 **~~16.16.140 Expired advertising sign – Removal – Lien.~~**

2116 ~~A. Any sign now or hereafter existing which no longer advertises a bona fide business~~
2117 ~~conducted or products sold shall be taken down and removed by the owner, agent or person~~
2118 ~~having the beneficial use of the building or structure or property upon which such sign may be~~
2119 ~~found within 10 days after written notification from the building official, and upon failure to~~
2120 ~~comply with such notice within the time specified in such order, the building official is authorized~~
2121 ~~to cause removal of such sign, and any expense incidental thereto shall be paid by the owner of~~
2122 ~~the building or structure to which such sign is attached. In the event of a failure of payment of~~
2123 ~~such expense of removing such sign or structure, the building official shall refuse to grant a~~
2124 ~~permit to the same parties for any sign or structure until such expense and charges have been~~
2125 ~~paid.~~

2126 ~~B. In the event that any work required to be done by any landowner or violator of this chapter~~
2127 ~~shall not be done such that the city shall be required to perform such work, the city shall be~~

2128 entitled to a lien upon the land upon which the work shall be done and may refuse to permit any
2129 further use or occupancy of the subject land until the expenses incurred by the city shall be
2130 repaid to it. (Ord. 2683 § 6, 2007; Ord. 1538 § 14, 1986)

2131 **~~16.16.150 Subsection 103.4 USC amended — Violation and penalty.~~**

2132 The edition of the Uniform Sign Code adopted by this chapter is amended by adding to
2133 Subsection 103.4 thereof, entitled “Violations,” the following paragraphs:

2134 Any person, firm or corporation violating any of the provisions of this Code shall be guilty of a
2135 misdemeanor, and any such person, firm or corporation shall be guilty of a separate offense for
2136 each and every day, or portion thereof, during which any violation of any of the provisions of this
2137 Code are committed, continued or permitted.

2138 Anyone concerned in the violation or failure to comply with the provisions of this Code, whether
2139 directly committing the act or effecting the omission constituting the offense, or aiding or
2140 abetting the same, whether present or absent; and anyone who directly or indirectly counsels,
2141 encourages, hires, commands, induces or otherwise procures another to violate or fail to comply
2142 with the provisions of this Code, is and shall be guilty of a misdemeanor.

2143 Upon conviction of any such misdemeanor, such person, firm, or corporation shall be
2144 punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or
2145 by both such fine and imprisonment.

2146 (Ord. 2683 § 6, 2007; Ord. 1990 § 14, 1992; Ord. 1538 § 15, 1986)

2147 **~~16.16.155 Subsection 103.3 USC — Board of appeals.~~**

2148 The edition of the Uniform Sign Code adopted by this chapter is amended by deleting therefrom
2149 Subsection 103.3 entitled “Board of Appeals” and inserting in its place the following wording:

2150 103.3.1 General. The hearing examiner shall hear and decide appeals of orders, decisions or
2151 determinations made by the building official relative to the application and interpretation of this
2152 code in accordance with Chapter 16.50 LMC.

2153 103.3.2 Limitations on Authority. An application for appeal shall be based on a claim that the
2154 true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted,
2155 the provisions of this code do not fully apply or an equally good or better form of construction is
2156 proposed. The hearing examiner shall have no authority to waive requirements of this code.

2157 (Ord. 2683 § 6, 2007)

2158 **~~16.16.900 Severability.~~**

2159 If any section, subsection, paragraph, sentence, clause, phrase or word of this chapter should
2160 be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
2161 unconstitutionality thereof shall not affect the validity or constitutionality of any other section,

2162 subsection, paragraph, sentence, clause, phrase or word of this chapter. (Ord. 2683 § 6, 2007;
2163 Ord. 1959 § 2, 1993)

2164

2165 **Chapter 16.24**
2166 **INTERNATIONAL SWIMMING POOL AND SPA CODE**

2167 Sections:

2168 **16.24.010 Adoption of the International Swimming Pool and Spa Code.**

2169 **16.24.015 Definitions.**

2170 **16.24.020 Repealed.**

2171 **16.24.025 Repealed.**

2172 **16.24.030 Abandoned swimming pools.**

2173 **16.24.040 Repealed.**

2174 **16.24.050 Setbacks.**

2175 **16.24.052 Section 105.5.3 and Section 105.5.4 amended – Expiration.**

2176 **16.24.055 Fees.**

2177 **16.24.060 Repealed.**

2178 **16.24.070 Section 107.4 amended – Violation penalties.**

2179 **16.24.080 Section 108 amended – Means of appeal.**

2180 **16.24.900 Severability.**

2181 **16.24.010 Adoption of the International Swimming Pool and Spa Code.**

2182 As amended by the provisions of this chapter and the State of Washington Building Code
2183 Council, the latest adopted version of the International Swimming Pool and Spa Code (ISPSC),
2184 one copy of which, along with the State of Washington Building Code Council's amendments,
2185 shall be on file in the office of the Lynnwood city clerk, is adopted by this reference.

2186 **16.24.015 Definitions.**

2187 ~~Section 201 adopted by this chapter is amended by adding thereto the following paragraph:~~

2188 ~~Whenever the term "Code" is used herein, it shall mean the 2015 International Swimming Pool~~
2189 ~~and Spa Code as adopted by this Chapter. Whenever the term "City" or "Jurisdiction" is used~~
2190 ~~herein, it shall mean the City of Lynnwood.~~

2191 ~~**16.24.020 Amendments and additions.**~~

2192 ~~*Repealed by Ord. 1504.*~~

2193 ~~**16.24.025 Chapter 5 of Uniform Code deleted — Fuel gas piping.**~~

2194 ~~*Repealed by Ord. 3006.*~~

2195 **16.24.030 Abandoned swimming pools.**

2196 Swimming pool installations which have been determined to be abandoned shall be filled with
2197 sand or other granular materials as may be approved by the administrative authority.

2198 ~~**16.24.040 Safety devices.**~~

2199 ~~*Repealed by Ord. 3006.*~~

2200 ~~**16.24.050 Setbacks.**~~

2201 ~~All swimming pools, portable or permanent, shall be placed so as to observe the minimum~~
2202 ~~setbacks for structures.~~

2203 ~~**16.24.052 Section 105.5.3 and Section 105.5.4 amended — Expiration.**~~

2204 ~~Section 105.5.3 and section 105.5.4 adopted by this chapter are deleted and replaced with the~~
2205 ~~following wording:~~

2206 ~~Permits become null and void if the authorized work has not been inspected by this department~~
2207 ~~within 180 calendar days of issuance or for a period of 180 calendar days from the last~~
2208 ~~inspection. The total life of permits is limited to a maximum of 540 calendar days, provided it has~~
2209 ~~not expired under the restrictions above. One extension request for 180 calendar days may be~~
2210 ~~granted if a written request is submitted to the Building Official showing just cause before the~~
2211 ~~expiration date.~~

2212 ~~If a permit expires, the permittee shall obtain a new permit to complete the remainder of the~~
2213 ~~work. The cost of the new permit will be based on the value of the remainder of work per the fee~~
2214 ~~schedule.~~

2215 **16.24.055 Fees.**

2216 Section 105.6 adopted by this chapter is deleted and replaced with the following wording:

2217 105.6 Fees. Fees shall be set forth in a resolution adopted and from time to time amended by
2218 the city council.

2219 ~~**16.24.060 Building official — Enforcement of chapter.**~~

2220 ~~*Repealed by Ord. 1504.*~~

2221 ~~**16.24.070 Section 107.4 amended — Violation penalties.**~~

2222 ~~Section 107.4 adopted by this chapter is deleted and replaced with the following wording:~~

2223 ~~Any person, firm or corporation violating any provision of this Code shall be deemed guilty of a~~
2224 ~~misdemeanor, and each such person, firm, or corporation shall be guilty of a separate offense~~
2225 ~~for each and every day, or portion thereof, during which any violation of any of the provisions of~~
2226 ~~this Code is committed, continued or permitted.~~

2227 ~~Anyone concerned in the violation or failure to comply with the provisions of this Code, whether~~
2228 ~~directly committing the act or effecting the omission constituting the offense, or aiding or~~
2229 ~~abetting the same, whether present or absent; and anyone who directly or indirectly counsels,~~
2230 ~~encourages, hires, commands, induces or otherwise procures another to violate or fail to comply~~
2231 ~~with the provisions of this Code, is and shall be guilty of a misdemeanor.~~

2232 ~~Upon conviction of any such misdemeanor, such person, firm, or corporation shall be~~
2233 ~~punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or~~
2234 ~~by both such fine and imprisonment.~~

2235 **16.24.080 Section 108 amended – Means of appeal.**

2236 Section 108 adopted by this chapter is deleted and replaced with the following wording:

2237 108.1 Application for appeal. The hearing examiner shall hear and decide appeals of orders,
2238 decisions or determinations made by the building official relative to the application and
2239 interpretation of this code in accordance with Chapter 16.50 LMC.

2240 108.2 Limitations on Authority. An application for appeal shall be based on a claim that the true
2241 intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the
2242 provisions of this code do not fully apply or an equally good or better form of construction is
2243 proposed. The hearing examiner shall have no authority to waive requirements of this code.

2244 **~~16.24.900 Severability.~~**

2245 ~~If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional~~
2246 ~~by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the~~
2247 ~~validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of~~
2248 ~~this chapter.~~

2249 **Section 7. Amendment.** Chapter 16.44 of the Lynnwood Municipal Code is hereby amended
2250 as follows:

2251 **Chapter 16.44**

2252 **INTERNATIONAL PROPERTY MAINTENANCE CODE**

2253 Sections:

2254 **16.44.010 Adoption of the International Property Maintenance Code.**

2255 **16.44.011 Chapter 1 amended – Scope and administration.**

2256 **16.44.015 Definitions.**

2257 **16.44.020 Section 106 amended – Violations.**

2258 **16.44.030 Section 111 amended – Means of appeals.**

2259 **16.44.900 Severability.**

2260 **16.44.010 Adoption of the International Property Maintenance Code.**

2261 As amended by this chapter and the State of Washington Building Code Council, the latest
2262 edition of the International Property Maintenance Code (IPMC), as published by the
2263 International Code Council, one copy of which, along with the State of Washington Building
2264 Code Council's amendments, shall be on file with the Lynnwood finance director, are adopted
2265 by this reference.

2266 **~~16.44.011 Chapter 1 amended – Scope and administration.~~**

2267 ~~Chapter 1 adopted by this chapter is amended to include the requirements adopted by the city~~
2268 ~~of Lynnwood in Chapter 16.08 LMC titled "Regulation and Abatement of Unsafe and Unsanitary~~
2269 ~~Structures."~~

2270 **~~16.44.015 Definitions.~~**

2271 ~~Section 201 adopted by this chapter is amended by adding thereto the following paragraph:~~

2272 ~~Whenever the term "Code" is used herein, it shall mean the 2015 International Property~~
2273 ~~Maintenance Code as adopted by this chapter. Whenever the term "City" or "Jurisdiction" is~~
2274 ~~used herein, it shall mean the City of Lynnwood.~~

2275 **~~16.44.020 Section 106 amended – Violations.~~**

2276 ~~Section 106 adopted by this chapter is deleted and replaced with the following wording:~~

2277 ~~Any person, firm or corporation violating any of the provisions of this code shall be guilty of a~~
2278 ~~misdemeanor, and any such person, firm, or corporation shall be guilty of a separate offense for~~
2279 ~~each and every day, or portion thereof, during which any violations of any of the provisions of~~
2280 ~~this code are committed, continued or permitted.~~

2281 ~~Anyone concerned in the violation or failure to comply with the provisions of this code, whether~~
2282 ~~directly committing the act or effecting the omission constituting the offense, or aiding or~~
2283 ~~abetting the same, whether present or absent; and anyone who directly or indirectly counsels,~~
2284 ~~encourages, hires, commands, induces or otherwise procures another to violate or fail to comply~~
2285 ~~with the provisions of this code, is and shall be guilty of a misdemeanor.~~

2286 ~~Upon conviction of any such misdemeanor, such person, firm, or corporation shall be~~
2287 ~~punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or~~
2288 ~~by both such fine and imprisonment.~~

16.44.030 Section 111 amended – Means of appeals.

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

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

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

~~16.44.900 Severability.~~

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

~~**Section 8. Severability.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance should be held to be invalid or unconstitutional or inapplicable by a court of competent jurisdiction, such invalidity or unconstitutionality or inapplicability thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this Ordinance.~~

Section 9. Effective Date. This Ordinance shall be in full force and effective five (5) days after passage and publication as provided by law. Publication shall be by summary publication of the Ordinance Title.

Section 10. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2016.

APPROVED:

Nicola Smith, MAYOR

ATTEST/AUTHENTICATED:

2332 , Finance Director

2333

2334 APPROVED AS TO FORM:

2335

2336

2337

2338

Rosemary Larson, City Attorney

CITY OF LYNNWOOD, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE INTERNATIONAL BUILDING AND FIRE CODES AS ADOPTED BY THE CITY; AMENDING TITLE 9, TITLE 15, CHAPTER 16.04, CHAPTER 16.05, CHAPTER 16.09, CHAPTER 16.10, CHAPTER 16.24 AND CHAPTER 16.44 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING CHAPTER 16.16 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

WHEREAS, the City Council desires to update certain chapters of the Lynnwood Municipal Code to conform to the newly adopted State codes which became effective upon the date of adoption, and to make other necessary or advisable revisions to the codes as adopted by the City; and

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

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

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

**Title 9
FIRE**

Chapters:

- 9.01 Authority
- 9.04 International Fire Code Amendments
- 9.12 Fireworks
- 9.14 Smoking in Public Places
- 9.16 Fire Hydrants
- 9.18 Fire Sprinkler Requirements
- 9.20 Fire Alarm Requirements

Chapter 9.01 Authority

- Section 9.01.010 Title, Authority, and Applicability
- Section 9.01.020 Lynnwood Department of Fire Prevention Standards
- Section 9.01.030 Adoption of International Fire Code
- Section 9.01.031 Adoption of International Fire Code Appendices
- Section 9.01.040 Severability
- Section 9.01.050 Fees
- Section 9.01.060 Conflicting Codes
- Section 9.01.070 Appeals
- Section 9.01.080 Definitions

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

9.01.010 Title, Authority, and Applicability

The Lynnwood fire code is comprised of the International Fire Code (IFC), with Washington State amendments and locally adopted regulations. While it is the intent of the City of Lynnwood to be consistent with regional, state and national good practice, the City of Lynnwood is responsible for the evaluation of risk and benefit regarding the public health, safety and welfare. As such, the City has exercised and continues to reserve its right to institute local rules and regulations governing the development and use of businesses, operations, occupancies, and structures. The City shall retain the full and ultimate authority for code adoption, interpretation, and enforcement.

9.01.020 South County Fire Standards

Fire marshal services are provided by South Snohomish County Fire & Rescue Regional Fire Authority County Fire (South County Fire) through interlocal agreement with the City, under the authority of Chapter 39.34, Revised Code of Washington, dated October 1, 2017. It is the intent of the City and South County Fire to enforce the provisions of adopted codes in a manner that is consistent, fair, without undue burden, efficient, and beneficial to the short and long-term health, safety and economic well-being of the citizens, businesses, employees and visitors of our community. In meeting this intent and in accordance with the authority and jurisdiction granted in the International Fire Code Chapter 1, the South County Fire "Fire Protection & Prevention Standards" have been created. They are formulated as individual standards on specific topics as deemed necessary. Requirements found in the International Fire Code, state law, community development guides, or other references are not generally repeated herein.

9.01.030 Adoption of International Fire Code

Under the statutory authority of RCW [19.27.031](#) and [19.27.074](#), the International Fire Code (IFC), latest Edition, as published by the International Code Council including amendments set forth in Chapter [51-54A](#) WAC, and subsequently amended by this chapter, is hereby adopted including referenced standards in Chapter 80, the appendices adopted in LMC 9.01.031, and South County Fire's (SCF) Fire Prevention Standards. One copy of this document shall be on file with the fire code official.

9.01.031 Adoption of International Fire Code Appendices.

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

Appendix B: Fire-Flow Requirements for Buildings

Appendix C: Fire Hydrant Locations and Distribution

Appendix D: Fire Apparatus Access Roads

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

Appendix I: Fire Protection Systems – Noncompliant Conditions

Appendix N: Indoor Trade Shows and Exhibitions

9.01.050 Fees

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

9.01.070 Appeals

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

9.01.080 Definitions

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

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

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

Approving Authority: The South County Fire (SCF) fire marshal

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

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

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

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

Code or Fire Code: This title, as now existing or hereafter amended, and the edition of the International Fire Code as adopted by this title.

Common Fireworks: Any fireworks as defined in RCW 70.77.136.

Corporate Counsel: Attorney for the City of Lynnwood, WA

City: The City of Lynnwood, WA

FDC: Fire Department Connection

Fire Chief: The Chief of the South Snohomish County Fire and Rescue (SSCFR).

Fire Code Official: the SSCFR Fire Marshal. Person in charge of the Fire Prevention Bureau.

Fire Department: The South Snohomish County Fire and Rescue Regional Fire Authority (SSCFR), also known as South County Fire (SCF).

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

Fire Flow: The amount of water required to extinguish a fire. Also see IFC Appendix B.

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

Fireworks: Any fireworks as defined in RCW 70.77.126.

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

Jurisdiction: The City of Lynnwood, WA

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

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

“Regional Fire Authority” (RFA) means South Snohomish County Fire and Rescue (SSCFR) Regional Fire Authority, also known as South County Fire (SCF).

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

Special fireworks: Any fireworks as defined in RCW 70.77.131.

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

Chapter 9.04 International Fire Code Amendments

Section 9.04.040 Section 503 IFC amended – Fire Apparatus Access Roads

Section 9.04.125 Section 308 IFC amended – Open Flame

Section 9.04.1.26 Section 404 IFC amended – Fire Safety, Evacuation and Lockdown Plans

Section 9.04.170 Section 3103 IFC amended – Temporary Tents and Membrane Structures

Section 9.04.190 Section 5601 IFC amended – Explosives and Fireworks

Section 9.04.200 Chapter 57 IFC amended – Flammable and Combustible Liquid Storage

9.04.040 Fire Apparatus Access Roads

Section 503 of the International Fire Code as published in the model code is hereby adopted with the following changes.

503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided and maintained for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 200 feet of all portions of the facility and all portions of the *exterior walls* of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Exceptions:

1. The *fire code official* is authorized to increase the dimension of 200 feet where the building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

9.04.170 Section 3103 IFC amended – Temporary Tents and Membrane Structures

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

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

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

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

The provisions of section [9.04.170](#) may be modified for temporary (3 days or less) occurrences upon written request to the fire code official in conjunction with the building official, given that additional safety features are provided.

9.04.190 Section 5601 IFC Amended “Explosives and Fireworks”

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

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

Section 5704.1 General. Is amended by adding the following;

1. In no case shall aboveground storage tanks over 100 gallons; whether fixed or portable, be located less than 20 feet from a property line or another building.
2. Tank size shall be limited to 1000 gallons of any single product.

- 228 3. Listed tanks divided into two separate 1000-gallon storage compartments are allowed,
229 providing each compartment contains a different product (i.e. 1000 gallons of gasoline
230 and 1000 gallons of diesel).
231

232 **Section 5704.2.9.6 “Above-Ground Tanks Outside of Buildings:**
233

234 Section 5704.2.9.6.1 “Locations where above-ground tanks are prohibited” is deleted and
235 replaced with the following; Storage of flammable or combustible liquids (Class I and Class II
236 liquids) in outside above-ground tanks is prohibited in all areas of the city except those zoned for
237 industrial use; provided, that, above-ground flammable or combustible liquid tanks may be
238 installed on property zoned general commercial, when approved by the City of Lynnwood Fire
239 Chief and the Community Development Director, subject to the provisions of LMC Title 21, the
240 requirements of the International Fire Code, as adopted by this chapter.
241

242 **Section 5706 “Special Operations:**
243

244 Section 5706.4 “Bulk Plants or Terminals” is amended by adding the following: Storage of Class
245 I, Class II and Class III-A liquids in bulk plants is prohibited in all areas of the city.
246

247 In the event of any conflict between the provisions of this chapter and the provisions of the edition
248 of the International Fire Code as adopted by this chapter, the most restrictive requirements shall
249 prevail.
250

251 **Appendix D**
252

253 **D101 General**
254

255 New sections D101.2, D101.3, D101.4 and is added as follows:
256

257 **D101.2 Buildings and facilities.** *Approved* fire apparatus access roads shall be provided
258 and maintained for every facility, building or portion of a building hereafter constructed or moved
259 into or within the jurisdiction. The fire apparatus access road shall comply with the requirements
260 of this section and shall extend to within 200 feet of all portions of the facility and all portions of
261 the *exterior walls* of the first story of the building as measured by an *approved* route around the
262 exterior of the building or facility.

263 **Exceptions:**

- 264 2. The *fire code official* is authorized to increase the dimension of 200 feet where any
265 of the following conditions occur:
266 2.1. The building is equipped throughout with an *approved automatic sprinkler*
267 *system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or
268 903.3.1.3.
269

270 **D101.3 Additional access.** The *fire code official* is authorized to require more than one
271 fire apparatus access road based on the potential for impairment of a single road by vehicle
272 congestion, condition of terrain, climatic conditions or other factors that could limit access.
273

274 **D101.4 Specifications.** Fire apparatus access roads shall be designed, installed, and
275 maintained in accordance with Appendix D and the Fire Standards.
276

D101.5 Authority. The *fire code official* shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

D103 Minimum Specifications

Sections D103.2, D013.3, and D103.4 are hereby amended as follows:

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades between 10 percent and 15 percent where all buildings and structures other than Group U occupancies are protected throughout with an automatic fire sprinkler system may be *approved* by the *fire code official*.

D103.3 Turning radius. The minimum turning radius shall be 25' inside and 40' outside.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 200' shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

| LENGTH (feet) | WIDTH (feet) | TURNAROUNDS REQUIRED |
|--------------------------|----------------------------------|---|
| 0-200 | 20 | None required |
| 201-500 | 20 | 120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1 or as published in the Fire Standards |
| 501-750 | 26 | 120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-d-sac in accordance with Figure D103.1 or as published in the Fire Standards |
| Over 750 | Special approval required | |

Chapter 9.12 Fireworks

Section 9.12.025 State statutes and regulations adopted by reference.
Section 9.12.030 Purchase, sale, discharge and use of fireworks prohibited.
Section 9.12.140 Public Display of Fireworks – Rules – Investigation – Permit.
Section 9.12.150 Violation – Penalties

9.12.025 State statutes and regulations adopted by reference.

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

RCW

70.77.255(1),

- 314 (2) and (3) Acts prohibited without appropriate license.
315 70.77.260(2) Application for public display permit.
316 70.77.285 Public display permit – Bond or insurance for liability.
317 70.77.295 Public display permit – Amount of bond or insurance.
318 70.77.435 Seizure of fireworks.
319 70.77.485 Unlawful possession of fireworks.
320 70.77.488 Unlawful discharge or use of fireworks.

321

322 **9.12.030 Purchase, sale, discharge and use of fireworks prohibited.**

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

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

330 C. This chapter does not prohibit the use of flares or fuses in connection with the operation of
331 motor vehicles, railroads, or other transportation agencies for signal, warning or illumination
332 purposes.

333 **9.12.140 Public Display of Fireworks– Rules – Investigation – Permit**

334 The Fire Marshal shall be authorized to adopt reasonable rules for the issuance or denial of a
335 permit for a public display of fireworks. Following receipt of an application for a permit under RCW
336 70.77.260(2) for a public display of fireworks, the Fire Marshal shall investigate whether the
337 character and location of the display as proposed would be hazardous to property or dangerous
338 to any person. Based on the investigation, the Fire Marshal shall submit a report of findings and
339 a recommendation for, or against the issuance of the permit, together with reasons, to the finance
340 director who shall forward the report to the City Council. The City Council shall grant the
341 application if it meets the requirements of Chapter 70.77 RCW and this chapter.

342

343 **9.12.150 Violation – Penalties**

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

348

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

352

353 In addition, or alternatively, violation(s) of any of the provisions of this chapter or any of the
354 conditions imposed upon a permit issued hereunder shall subject the applicant to a daily civil
355 penalty in the amount provided by LMC 1.01.080.

356

357 **Chapter 9.14 SMOKING IN PUBLIC PLACES**

358 **Sections:**
359 9.14.010 State statute adopted by reference – Smoking in public places.
360 9.14.020 Smoking prohibited in city buildings and vehicles.
361
362 **9.14.010 State statute adopted by reference – Smoking in public places.**
363 A. Chapter 70.160 RCW* relating to smoking in public places is hereby adopted by reference as
364 and for the Lynnwood Municipal Code as if set forth in full herein.
365 B. The amendment, addition or repeal by the Washington Legislature of any section of any of
366 the adopted statutes set forth in subsection (A) of this section shall be deemed to amend this
367 chapter and the statutes contained in this chapter which are adopted by reference in conformity
368 with the amendment, addition or repeal, and it shall not be necessary for the legislative authority
369 of this city to take any action with respect to such addition, amendment or repeal, as provided
370 by RCW 35A.12.140.
371 *Ordinance references Session Laws of Washington.
372 **9.14.020 Smoking prohibited in city buildings and vehicles.**
373 Smoking shall be and is hereby prohibited:
374 A. In all city buildings, offices and vehicles, including those buildings, offices or vehicles owned,
375 rented or leased by the city.
376 B. Within a distance of 50 feet of any public entrance to any city building; and
377 C. Within a distance of 25 feet of any employee entrance to any city building.
378 D. The term “entrance” as used herein includes any doorway, stairway, breezeway, porch or
379 landing leading directly into any building operated by the city and accessible to city employees
380 and/or private citizens.
381 E. Signage shall be posted in areas where smoking is prohibited prior to enforcement of this
382 section.
383 **Chapter 9.16 Hydrants**
384 Section 9.16.020 Responsibility
385 Section 9.16.030 Service by Water Department
386 Section 9.16.040 Private Hydrant Installation
387 Section 9.16.070 Leads from Service Main
388 Section 9.16.080 Private Fire Mains
389 Section 9.16.090 Hydrant Spacing in Areas Other than One- and Two-Family Residential
390 Areas
391 Section 9.16.100 Hydrant Spacing in One- and Two-Family Residential Areas
392 Section 9.16.115 Hydrant Locations and Quantity
393 Section 9.16.140 Pumper Port Direction
394 Section 9.16.160 Replacement
395 Section 9.16.170 Obstruction Prohibited
396 Section 9.16.180 Compliance Required
397 Section 9.16.210 Penalty for Violation
398
399
400 **9.16.020 Responsibility**

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

9.16.030 Service by Water Department

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

9.16.040 Private Hydrant Installation

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

9.16.070 Leads from Service Main

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

9.16.080 Private Fire Mains

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

9.16.090 Hydrant Spacing in Areas Other than One- and Two-Family Residential Areas

In areas other than one- and two-family residential use, fire hydrants shall be installed at intersections and have a maximum lateral spacing of 330 feet with no structure in excess of 150 feet from a fire hydrant. If the distance between intersections is over 400 feet, an additional hydrant shall be installed to limit the distance between hydrants to a maximum of 330 feet.

9.16.100 Hydrant Spacing in One- and Two-Family Residential Areas

In areas zoned for one- and two-family residential use, public hydrants shall be installed at street intersections and shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a fire hydrant. The length of panhandles or access tracts shall be included in the measurement.

9.16.115 Hydrant Locations and Quantity

A. Hydrants used to supply fire department connections (FDCs) shall be within 50 feet of such connection or as approved by the fire code official.

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

C. The number of hydrants used to provide fire flows shall be as specified in IFC Table C102.1, except that all buildings over 5,000 square feet shall be protected by a minimum of two hydrants; one of which shall be located within 150 feet of the most remote location of the

exterior wall of the first story. The second hydrant may be located up to 330 feet (as measured by vehicle travel) from the first hydrant. For fire flows requiring more than two hydrants, additional hydrants shall be installed in approved locations with a maximum spacing of 330 feet. The number, spacing, and/or location of hydrants may be modified by the fire marshal as needed to ensure adequate fire protection.

Exception: One- and two-family dwellings.

9.16.140 Pumper Port Direction

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

9.16.160 Replacement

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

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

9.16.170 Obstruction Prohibited

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

9.16.180 Compliance Required

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

9.16.210 Penalty for Violation

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

Chapter 9.18 Fire Sprinkler Requirements

Section 9.18.010 Scope

491 Section 9.18.020 Where Required
492 Section 9.18.030 Systems Out of Service
493 Section 9.18.040 Fire Flow for Buildings with Sprinkler Systems
494 Section 9.18.060 System Design
495 Section 9.18.070 Fire department connection (FDC) Location
496

497 **9.18.010 Scope**

498 The following fire sprinkler and standpipe requirements apply to all commercial (and residential
499 where indicated) buildings. In cases where the IFC is more restrictive, the more restrictive
500 requirements shall prevail.

501 | **9.18.020 Where required.**

502 In addition to the requirements of Section 903.2, an approved automatic fire sprinkler system
503 shall be installed and maintained throughout all buildings, structures, floors, and suites
504 described in this section. All sprinkler and standpipe systems shall be installed per the
505 applicable NFPA and South County Fire (SCF) fire sprinkler standard. For the purposes of this
506 section, spaces separated by fire walls, fire barriers, fire partitions and fire-resistance-rated
507 horizontal assemblies noted in IBC Chapter 7 shall not be considered to be separate area(s) or
508 building(s). Partial area automatic sprinkler systems are prohibited.

509 A. In every building constructed under the International Residential Code containing three or
510 more attached dwelling units. One- and two-family dwellings located 500 feet or greater from a
511 public or private hydrant (the length of panhandles or access tracts shall be included in this
512 measurement) shall require a residential fire sprinkler system. Residential or quick response
513 standard sprinkler heads shall be used in accordance with their approved listing in the dwelling.

514 B. In all new buildings and structures with a fire area of 5,000 or greater square feet, regardless
515 of type or use.

516 C. In all new buildings without adequate fire flow.

517 D. In existing buildings, structures, or suites that undergo an addition or change in use where
518 the new total fire area is 5,000 square feet or greater.

519 E. In all existing buildings or structures that undergo an alteration, repair, modification, or similar
520 improvement requiring a building permit without adequate fire flow.

521 F. In existing buildings, structures, suites, or occupancies where the value of all alterations or
522 repairs performed within a 72-month period exceeds 50 percent of the assessed value of the
523 building at the time of the first alteration, repair, modification, or similar improvement requiring a
524 building permit, an automatic fire sprinkler system and/or fire standpipes shall be installed
525 throughout the building if one would otherwise be required for the building if of new construction.
526 The value of the building shall be as listed by the Snohomish County assessor's office or other
527 acceptable method approved by the fire code official. Buildings not listed with an appraised
528 value shall utilize an alternate method of valuation prescribed by the fire code official.

529 G. In all existing buildings, structures, occupancies, or suites that undergo an alteration, repair,
530 modification, or similar improvement in accordance with the International Existing Building Code
531 (IEBC).

532 H. In existing buildings, structures, occupancies, or suites having an existing automatic fire
533 sprinkler system that does not provide protection to all areas, when the unprotected areas
534 undergo an alteration, repair, modification, or similar improvement requiring a building permit,
535 those unprotected areas shall be provided with protection as approved by the fire code official.

536 I. Where required emergency fire access road grade is 12 percent or greater.

537 J. Open air parking garage standpipes. Approved dry standpipes shall be installed when
538 adequate fire protection is not available for vehicles parked in open-air parking garages or
539 rooftops.

540 **9.18.030 Systems Out of Service**

541 For the first 48-hours, the owner may provide a competent adult to serve as a Fire Watch. After
542 the initial 48-hours, the Fire Watch must be provided by a licensed and bonded private security
543 company or other approved means until the system is returned to full service. The owner must
544 furnish the Fire Marshal with the name and contact information of the competent adult and/or
545 security company within 8 hours of implementing a Fire Watch.
546

547 | **9.18.040 Fire flow for buildings with sprinkler systems.**

548 The fire flow required by IFC Appendix B may be reduced by 50 percent when an approved
549 automatic fire sprinkler is installed throughout the building.

550 **9.18.060 System Design**

551
552 A. Sprinkler systems shall be capable of delivering a minimum of a 10 percent safety factor in
553 addition to the required system demand of 20 psi residual pressure.

554 B. Approved supervised indicating control valves shall be provided at the point of connection to
555 the riser on each floor in buildings three or greater stories.

556 C. Sprinkler protection for R1 and R2 shall be provided on exterior balconies, decks, and ground
557 floor patios provided there is a roof or deck above. Sidewall sprinklers that are used to protect
558 such areas shall be permitted to be located such that their deflectors are within one inch to six
559 inches below the structural members and a maximum distance of 14 inches below the deck of
560 the exterior balconies and decks that are constructed of open wood joist construction.

561 D. All "M," "S" and "H" occupancy (as defined by the IBC) canopies and overhangs that exceed
562 four feet in width shall be provided with fire sprinklers regardless of construction type.

563 E. Townhouses as defined by the IBC shall be provided with an NFPA 13D fire sprinkler system.

564 **9.18.070 Fire department connection (FDC) location.**

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

568 All FDCs shall be installed in accordance with the appropriate NFPA and SCF's fire sprinkler
569 standard.

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

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

580 Exception: One- and two-family dwellings.

581 **Chapter 9.20 Fire Alarms**

| | | |
|-----|------------------|----------------------------------|
| 582 | Section 9.20.010 | Scope |
| 583 | Section 9.20.020 | Where Required |
| 584 | Section 9.20.030 | Systems Out of Service |
| 585 | Section 9.20.040 | Monitoring |
| 586 | Section 9.20.050 | Fire Alarm Control Panels |
| 587 | Section 9.20.060 | Fire Alarm Communication Methods |
| 588 | | |

589 | **9.20.010 Scope.**

590 The following fire alarm requirements apply to all commercial buildings over 3,000 square feet or
591 greater. In cases where the IFC is more restrictive, the more restrictive requirements shall prevail.
592
593

594 | **9.20.020 Where required.**

595 In addition to the requirements of Section 907.2, an approved, monitored automatic fire alarm
596 system shall be installed and maintained throughout all buildings, structures, floors, and suites
597 described in this section. If conflicts exist between the IFC and this section, this section shall
598 prevail. Fire alarm systems shall be installed per the applicable NFPA and SCF fire alarm
599 standard. For the purposes of this section, spaces separated by fire walls, fire barriers, fire
600 partitions and fire-resistance-rated horizontal assemblies noted in IBC Chapter 7 shall not be
601 considered to be separate area(s) or building(s). Partial area fire alarm systems are prohibited.

602 Exception: Structures regulated by the International Residential Code.

- 603 A. In all new buildings and structures with a fire area of 3,000 or greater square feet,
604 regardless of type or use.
- 605 B. In existing buildings or structures that undergo an addition or change of use where the
606 new total fire area is 3,000 square feet or greater.
- 607 C. In existing building or structures when the value of all alterations or repairs performed
608 within a 72-month period exceeds 50 percent of the assessed value of the building at the time of
609 the first alteration, repair, modification, or similar improvement requiring a building permit,
610 automatic fire alarm systems shall be installed throughout the building if one would otherwise be
611 required for the building if of new construction. The value of the building shall be as listed by the
612 Snohomish County assessor's office or other acceptable method approved by the fire code
613 official. Buildings not listed with an appraised value shall utilize an alternate method of valuation
614 prescribed by the fire code official.
- 615 Exceptions: IRC building structures and Group U occupancies.
- 616 D. In existing buildings, structures, occupancies, or suites that undergo alterations, repair,
617 or modification that have an existing fire alarm system that does not protect all areas and/or
618 lacks adequate occupant notification devices shall have those protection features added at the
619 time of tenant improvement.
- 620 E. In existing buildings, structures, occupancies, or suites that undergo an addition,
621 alteration, repair, or modification that have fire sprinkler protection but lack a fire alarm system.

622 **9.20.030 Systems Out of Service**

- 623 A. For the first 48-hours, the owner may provide a competent adult to serve as a Fire Watch.
624 After the initial 48-hours, the Fire Watch must be provided by a licensed and bonded private
625 security company or other approved means until the system is returned to full service. The owner
626 must furnish the Fire Marshal with the name and contact information of the competent adult and/or
627 security company within 8 hours of implementing a Fire Watch.
- 628 B. Upon completion of work on a new or modified fire alarm system, it shall be pre-tested
629 by the installing technician and an acceptance test shall be performed in the presence of the
630 Fire Marshal. The request for the acceptance test shall be made via the city's permit request
631 phone number within 24-hours after the completion of the work or will be subject to a \$75/day
632 fine.

633 **9.20.040 Monitoring**

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

637 | **9.20.050 Fire alarm control panels.**

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

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

643 B. Systems and their components shall be listed and approved for the purpose for which
644 they are installed. All new fire alarm systems shall be addressable, and each device shall have
645 its own address that shall annunciate to an approved central station.

646 **Section 9.20.060 Fire Alarm Communication Methods**

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

652
653 **Section 2. Amendment.** Title 15 of the Lynnwood Municipal Code is hereby amended as
654 follows:

655 **Chapter 15.04**
656 **UNIFORM PLUMBING CODE**

657 Sections:

658 **15.04.010 Adoption of the Uniform Plumbing Code.**

659 **15.04.040 Section 104.5 amended – Plumbing permit fees.**

660 **15.04.045 Section 107.1 and Section 107.2 amended – Board of appeals – Limitations of**
661 **authority.**

662 **15.04.055 Section 710.2 amended – Sewage Discharge**

663

664 **15.04.010 Adoption of the Uniform Plumbing Code.**

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

672 **15.04.040 Section 104.5 amended – Plumbing permit fees.**

673 Section 104.5 and Table No. 104.5 adopted by this chapter are deleted and replaced with the
674 following wording:

675 104.5 Fees. Fees shall be set forth in a fee ordinance adopted, and from time to time amended,
676 by the city council. Value of work shall include all costs related to construction and shall be set
677 by the Building Official using a nationally recognized value table.

678 **15.04.045 Section 107.1 and Section 107.2 amended – Board of appeals – Limitations of**
679 **authority.**

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

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

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

15.04.055 Section 710.2 amended – Sewage Discharge.

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

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

Chapter 15.08
INTERNATIONAL MECHANICAL CODE

Sections:

15.08.010 Adoption of the International Mechanical Code.

15.08.050 Section 109 amended – Means of appeal.

15.08.010 Adoption of the International Mechanical Code.

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

15.08.030 Section 106.5.2 amended – Fee schedule.

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

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

15.08.050 Section 109 amended – Means of appeal.

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

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

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

Section 3. Amendment. Chapter 16.04 of the Lynnwood Municipal Code is hereby amended as follows:

Chapter 16.04
INTERNATIONAL BUILDING CODE*

Sections:

16.04.010 Adoption of the International Building Code.

16.04.100 Section 109.2 amended – Schedule of permit fees.

16.04.010 Adoption of the International Building Code.

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

16.04.035 Section 113 amended – Board of appeals.

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

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

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

16.04.100 Section 109.2 amended – Schedule of permit fees.

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

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

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

**Chapter 16.05
INTERNATIONAL ENERGY CONSERVATION CODE**

Sections:

16.05.010 Adoption of the International Energy Conservation Code.

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

16.05.010 Adoption of the International Energy Conservation Code.

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

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

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

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

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

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

**Chapter 16.09
INTERNATIONAL RESIDENTIAL CODE**

Sections:

16.09.010 Adoption of the International Residential Code.

16.09.050 Section R108.2 – Schedule of permit fees.

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

16.09.010 Adoption of the International Residential Code.

As amended by this chapter and the State of Washington Building Code Council under Chapter 51-51 WAC, the latest adopted version of the International Residential Code (IRC), published by

the International Code Council, except Chapters 11 and 25 through 43, one copy of which, along with the State of Washington Building Code Council Amendments, shall be on file in the office of the Lynnwood finance director, is adopted by reference.

16.09.050 Section R108.2 – Schedule of permit fees.

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

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

16.09.070 Section R112 amended – Board of appeals.

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

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

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

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

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

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

| GROUND SNOW LOAD | WIND DESIGN | | | | SEISMIC DESIGN CATEGORY ^f | SUBJECT TO DAMAGE FROM | | | WINTER DESIGN TEMP ^e | ICE BARRIER UNDERLAYMENT REQUIRED ^h | FLOOD HAZARD ^g | AIR FREEZING INDEX ^j | MEAN ANNUAL TEMP ^l |
|------------------------|-----------------------------|-------------------------------------|-------------------------------------|--|--|-------------------------|----------------------------------|----------------------|---------------------------------------|--|---|---------------------------------------|-------------------------------------|
| | Speed ^d (mph) | Topographic effects ^k | Special wind region ⁱ | Wind-borne debris zone ^m | | Weathering ^a | Frost line depth ^b | Termite ^c | | | | | |
| 25 | 110 | NO | NO | NO | D2 | MODERATE | 18" | SLIGHT | 22 | NO | 1985, 2005; 53061C1305E 53061C1310E 53061C1309E 53061C1320E 53061C1315E All adopted 11/08/1999 | 1500 | 52.8 |

Section 6. Amendment. Chapter 16.10 of the Lynnwood Municipal Code is hereby amended as follows:

Chapter 16.10

ELECTRIC CODE

Sections:

- 16.10.010** Copies of codes on file.
- 16.10.050** Codes adopted.
- 16.10.080** Plan review fees.
- 16.10.090** Electrical permit fees.
- 16.10.120** Effect of chapter on existing wiring.

819 **16.10.130 Service entrance conductors.**

820

821 **16.10.010 Copies of codes on file.**

822 The city shall at all times keep on file with the finance director, for reference by the general
823 public, not less than one copy of the codes and resolutions, or parts thereof, as herein adopted
824 by reference, together with the amendments and supplements thereto herein made a part of this
825 chapter.

826 The copies of the codes on file may be placed by the finance director in the custody of the office
827 of the building official to make them more readily available for inspection and use by the public.

828 **16.10.050 Codes adopted.**

829 As amended by the provisions of this chapter, the Washington State adopted National Electrical
830 Code (NEC) issued by the National Fire Protection Association including Annex A, B, C

831 **16.10.090 Electrical permit fees.**

832 Fees shall be set forth in a fee ordinance adopted and from time to time amended by the city
833 council.

834 **16.10.120 Effect of chapter on existing wiring.**

835 A. The provisions of this chapter are not intended to apply to electrical installations in existence
836 at the time of its adoption, except in those cases which, in the opinion of the building official, are
837 found to be dangerous to life or property, and except as is otherwise specifically provided in this
838 chapter.

839 B. Whenever an existing electrical service is to be moved, altered, or enlarged, the service
840 equipment may be required to be reinstalled in conformance with this chapter and Chapter
841 16.14 LMC for underground utilities.

842 C. Additions or alterations to existing electrical systems shall be done using materials and
843 methods equivalent to or exceeding the currently adopted national, state and city of Lynnwood
844 electrical codes.

845 D. Conductors not in use shall be removed.

846 **16.10.130 Service entrance conductors.**

847 The NEC and WCEC Article 230 as adopted by this chapter is amended by adding thereto the
848 following:

849 Service entrance conductors shall be installed in the following manner:

850 A. Minimum coverage shall be 24 inches below finished grade.

851 BĞ. Where current limiters are permitted, they shall be installed in an approved enclosure, and
852 labeled "current limiters."

853 CĐ. Where Section 230-95(c) of the National Electrical Code applies, tests shall be performed
854 by an approved testing agency.

855 **Section 8. Amendment.** Chapter 16.24 of the Lynnwood Municipal Code is amended to read
856 as follows:

857 **Chapter 16.24**
858 **INTERNATIONAL SWIMMING POOL AND SPA CODE**

859 **Sections:**
860 **16.24.010 Adoption of the International Swimming Pool and Spa Code.**
861 **16.24.030 Abandoned swimming pools.**
862 **16.24.055 Fees.**
863 **16.24.080 Section 108 amended – Means of appeal.**

864
865 **16.24.010 Adoption of the International Swimming Pool and Spa Code.**

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

870 **16.24.030 Abandoned swimming pools.**

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

873 **16.24.055 Fees.**

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

875 105.6 Fees. Fees shall be set forth in an ordinance adopted and from time to time amended by
876 the city council.

877 **16.24.080 Section 108 amended – Means of appeal.**

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

879 108.1 Application for appeal. The hearing examiner shall hear and decide appeals of orders,
880 decisions or determinations made by the building official relative to the application and
881 interpretation of this code in accordance with Chapter 16.50 LMC.

882 108.2 Limitations on Authority. An application for appeal shall be based on a claim that the true
883 intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the
884 provisions of this code do not fully apply or an equally good or better form of construction is
885 proposed. The hearing examiner shall have no authority to waive requirements of this code.

Section 9. Amendment. Chapter 16.44 of the Lynnwood Municipal Code is hereby amended as follows:

Chapter 16.44
INTERNATIONAL PROPERTY MAINTENANCE CODE

Sections:

16.44.010 Adoption of the International Property Maintenance Code.

16.44.030 Section 111 amended – Means of appeals.

16.44.010 Adoption of the International Property Maintenance Code.

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

16.44.030 Section 111 amended – Means of appeals.

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

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

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

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

Section 12. Publication. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2021.

APPROVED:

Nicola Smith, MAYOR

ATTEST/AUTHENTICATED:

925 Karen Fitzthum, City Clerk

926

927 APPROVED AS TO FORM:

928

929

930 _____
Rosemary Larson, City Attorney

CITY COUNCIL 10.D

CITY OF LYNNWOOD CITY COUNCIL

TITLE: Contract Award - Community Justice Center Construction

DEPARTMENT CONTACT: Cathy Robinson, Executive Office

SUMMARY:

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

PRESENTER:

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

ESTIMATED TIME:

10

BACKGROUND:

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

SUGGESTED ACTION:

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

FUNDING:

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

The ordinance that established the parameters for the bond issuance, Ordinance No. 3387 which was adopted on March 22, 2021, allowed for a maximum True Interest Cost (TIC) of 4.0%; the actual TIC for the bonds is 2.5%. Because of this low interest rate, the City may issue additional principal funding to cover the full cost of the construction contract without exceeding the initial anticipated annual debt service payment funded through Criminal Justice Sales Tax.

The City's financial advisors and bond counsel are preparing an ordinance outlining the parameters for a subsequent bond issuance. The additional funding for the Community Justice Center, not to exceed \$5 million, can be issued in 2022 in conjunction with the scheduled refunding on the City's 2012 bonds to save on costs of issuance.

The proposed authorizing ordinance will be discussed at the August 2, 2021 Council Work Session and presented for approval at the August 9, 2021 Council Business Meeting.

The updated revenue and expenditure amounts for the project will be incorporated into the Mid-Biennial Budget Review process.

DEPARTMENT ATTACHMENTS

Description:

[ITB 3348_Procurement Report_Final.pdf](#)

PROCUREMENT REPORT

Contract No.: 3348 – Community Justice Center Construction

| |
|---|
| Type of Contract: One-time construction contract. |
| Term of Contract: Estimated date of project completion (new construction and tenant improvements) is August 28, 2023. |
| Background/Purpose of Contract: The Police Department and Consultant worked together to bring Council a design and proposal for construction of a new Community Justice Center. Council approved moving the project forward by soliciting bids for the building construction. |
| Cost (includes sales tax if applicable): \$56,380,704.52, which includes the base bid, three additive alternate items, and sales tax. |
| Advanced Planning: Procurement Division worked closely with the Police Department and Design Consultant staff to develop the solicitation for these services. |
| Method of Procurement: Invitation to bid process was used as the cost for this project was greater than \$350,000. a |
| Solicitation: The City issued a formal advertised invitation to bid #3348 on May 6, 2021. Six bids were received. The City selected the lowest, responsive, responsible bidder for the base bid and all three additive alternate items. |
| Recommended Action: Approve award of construction contract to FORMA Construction Company for the Community Justice Center project, in the amount of \$56,380,704.52 and authorize change orders up to 10% of the contract amount. |
| Procurement Officer: Cathy Robinson Date: July 13, 2021 |