

**TITLE XIV
BUILDINGS AND CONSTRUCTION**

Chapters:

- 14.01 Building, Plumbing, and Mechanical Code (Repealed)**
- 14.01 Amendments to the State Building Code (Repealed)**
- 14.01A Island County Building Code**
- 14.01B Noise Level Reduction Ordinance**
- 14.02 Review Procedure for Guiding Development in Flood and Landslide-Prone Areas (Repealed)**
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- 14.03C Burning Permits (Repealed)**
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- 14.04 Uniform House and Road Numbering (Replaced and Superseded)**
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Chapter 14.01**Building, Plumbing, and Mechanical Code**

(Chapter 14.01, Building, Plumbing, and Mechanical Code, and Ord. 72-B-1, March 20, 1972, vol. 14, p. 34, superseded and repealed by Ord. BD-81-1, December 28, 1981, vol. 19, p. 659)

Chapter 14.01**Amendments to the State Building Code**

(Chapter 14.01, Amendments to the State Building Code, and Ord. adopted December 15, 1980, vol. 19, page 219; and amended by Ord. BD-83-1, March 7, 1983, vol. 20, p. 561; Ord. BD-86-1, March 24, 1986, vol. 25, p. 252, effective April 1, 1986; Res. PLG-060-92, November 23, 1992, vol. 34, p. 478; and Ord. PLG-030-93, July 26, 1993, vol. 36, p. 35; repealed by Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218)

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Chapter 14.01A

Island County Building Code

Sections:

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14.01A.010 Adoption of Codes

- A. Except for the amendments to the building code set forth in other sections of this chapter the following codes, rules, and regulations constitute the Island County Building Code which are hereby adopted by reference:
1. The following uniform codes as adopted and amended by rules of the State Building Code Council (Council), in Title 51 of the Washington Administrative Code (WAC):
 - a) The International Building Code and Appendix C, Group U - Agricultural Buildings, published by the International Code Council;
 - b) The International Residential Code published by the International Code Council;
 - c) The International Mechanical Code, published by the International Code Council except that the standards for liquified petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquified Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code);
 - d) The International Fire Code published by the International Code Council, including those standards of the National Fire Protection Association specifically referenced in the International Fire Code: Provided, that, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;
 - e) Except as provided in RCW 19.27.170, the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials: Provided, that any provisions of such code affecting sewers or fuel gas piping are not adopted.

2. The following statutes, rules, and regulations as now adopted or hereafter amended:
 - a) Washington State Energy Code, chapter 51-11 WAC;
 - b) Barrier-Free Design Standards making buildings and facilities accessible to physically handicapped and elderly persons, RCW 70.92.100-70.92.160 and rules adopted by the Council; and
 - c) Washington State Ventilation and Indoor Air Quality Code, chapter 51-13 WAC.
- B. In case of conflict among the codes listed in the subsections of A.1, the earlier named code shall govern over those following. In the case of conflict among the codes listed in subsection A.1 and A.2, the codes in A.2 shall govern.
- C. One copy of each of the International and Uniform Codes listed in subsection A.1 is on file in the office of the Island County Auditor. The International and Uniform Codes listed in subsection A.1 that are updated and amended by the Council are automatically included in the Island County Building Code without the necessity of amendments to this chapter. Copies of those Council updated and amended codes will be placed on file in the office of the Island County Auditor.

(Ord. BD-81-1, December 28, 1981, vol. 19, p. 659; amended by Ord. BD-86-1, March 24, 1986, vol. 25, p. 252; subsections a, b, c, d, and e effective June 11, 1986; subsections f and g effective April 1, 1986; amended by Ord. BD-89-1, July 24, 1989, vol. 30, p. 6; amended by Ord. C-124-91, August 26, 1991, vol. 33, p. 57; amended by Ord. C-98-95, December 18, 1995, vol. 39, p. 207; amended by Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218)

14.01A.020 Enforcement of International Fire Code--Sheriff and Building Official - Island County Building Code Appeals

- A. IFC Enforcement. In fulfillment of Island County's responsibility under the International Fire Code (IFC), the Island County Sheriff shall investigate the cause, origin, and circumstances of fires, when appropriate, and the sheriff also shall establish burn bans pursuant to the procedures of chapter 14.03B ICC. All other county responsibilities under the IFC shall be assumed by the Island County Building Official. This section shall neither add nor reduce county responsibility under the State Building Code and/or the Island County Building Code.
- B. Appeals. For the purposes of appeals under the codes listed in ICC 14.01A.010(A)(1), the board of appeals provided for in those codes shall instead be the Island County Hearing Examiner and an appeal of the decision of the building official shall be made as an appeal of a Type II decision to the Hearing Examiner under the provisions of chapter 16.19 ICC. Building professionals and building officials who are qualified by training and experience shall be entitled to present evidence to the Hearing Examiner as part of the appeal process.

(Ord. C-172-91, December 16, 1991, vol. 33, p. 265; amended by Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218)

14.01A.030 Permit Fees

- A. The building valuation, for purposes of determining permit fees not listed in the adopted fee table, will be taken from the Building Valuation Data as published by the International Code Council or determined based on the contractor bid for the project, whichever is higher. Implementation of new building valuations for permit fees shall have prior approval of the Board of County Commissioners. Building permit fees, mechanical permit fees, plumbing permit fees, and mobile home permit fees will be as set by resolution of the Board of County Commissioners.
- B. **Expiration/renewal fees.** At the end of twenty-four (24) months after the last day of the month that the building permit was issued, if the construction for which a building permit was issued has begun but is not complete, the building permit may be renewed upon application one (1) time only for an additional twelve (12) months. Otherwise, the building permit expires after the expiration of the twenty-four (24) month period. The fee for renewal shall be one-half (1/2) of the original building permit fee. No permit shall be renewed more than once. To finish work not completed at the time of the expiration of a permit and any applicable renewal period, a new building permit must be applied for and obtained and the valuation of the construction for permit fee purposes shall be the cost of the construction remaining to be completed.

(Ord. BD-81-1, December 28, 1981, vol. 19, p. 659; amended by Ord. BD-83-1, March 7, 1983, vol. 20, p. 561; amended by Ord. BD-86-1, March 24, 1986, vol. 25, p. 252, effective April 1, 1986; amended by Ord. BD-89-1, July 24, 1989, vol. 30, p. 6; amended by Ord. C-124-91, August 26, 1991, vol. 33, p. 57; amended by PLG-060-92, November 23, 1992, vol. 34, p. 478; amended by PLG-064-93, January 10, 1994, vol. 36, p. 405; amended by Ord. C-98-95, December 18, 1995, vol. 39, p. 207; amended by Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218)

14.01A.040 No International Building Code Permit Required for Certain Group U Occupancy Structures - Alternative Permit

- A. No permit, fee, or inspection pursuant to the International Building Code shall be required for constructing a Group-U occupancy structure, as defined in the International Building Code, when it is accessory to a private residence or to be used for agricultural purposes, except as provided in subsection B. below.
- B. If the value of material for a Group-U occupancy structure which has been excepted from the International Building Code permit requirement exceeds one thousand dollars (\$1,000.00), then an alternative building permit shall be required. Alternative building permits for Group-U occupancy shall be limited to structures that are one-thousand (1,000) square feet or smaller.
- C. The county building official shall devise an application form and permit form for this alternative permit. The application must include the name, address, and telephone number of the person who will actually build the structure and of the person on whose land the structure is to be built, the location of the structure, the value of materials, and description

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of the type of structure. No person shall build such a structure or allow the same to be built on his/her land without first obtaining the alternative permit. Such a structure shall comply with the International Building Code, providing for a fire separation between a Group-U occupancy and a residence of any kind.

- D. Fees. Each application for an alternative permit shall be accompanied by a permit fee as adopted by resolution of the Board of Island County Commissioners.

(Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218)

14.01A.050 Violations and Penalties

- A. It shall be unlawful for any person, firm, or corporation to keep, use, or maintain a mobile home or manufactured home as a residence on a lot, tract, or parcel of land for more than thirty (30) days without:
1. Enclosing the area under the mobile home or manufactured home with a skirting constructed of suitable materials that are structurally sound and which are compatible with the siding of the mobile/manufactured home or by using a perimeter masonry foundation;
 2. Constructing adequate foundations, with tie-downs per appropriate setup manuals for wind loading, approved by the Island County Building Department; and
 3. The mobile home or manufactured home bearing the insignia of approval as required by the laws of the State of Washington from the State Department of Labor and Industries.
- B. Any person, firm, or corporation violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed one-thousand dollars (\$1,000.00), by imprisonment in the Island County Jail not to exceed ninety (90) days, or by both such fine and imprisonment; Provided, that failure to abate or cure a fire hazard or International Fire Code violation when ordered or notified to do so by the fire marshal, fire inspector, or building official is a Class 1 civil infraction under RCW chapter 7.80. Each separate day or any portion thereof during which any violation of this code occurs or continues shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided.
- C. Notwithstanding the existence or use of any other remedy, Island County may seek legal or equitable relief to enjoin any acts, omissions, or practices which constitute or will constitute a violation of the provisions of this chapter.
- D. In addition to the above penalties and enforcement provisions, any violation of this chapter shall be subject to the enforcement provisions of ICC 17.03.260.

(Ord. BD-81-1, December 28, 1981, vol. 19, p. 659; amended by Ord. BD-83-1, March 7, 1983, vol. 20, p. 561; amended by Ord. BD-86-1, March 24, 1986, vol. 25, p. 252, effective April 1, 1986; amended by Ord. C-53-91, April 1, 1991, vol. 32, p. 292; amended by Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218)

14.01A.060 Severability

The provisions of this code are hereby declared to be separable, and if any section, subsection, sentence, clause, phrase, or portion of this code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code.

(Ord. BD-81-1, December 28, 1981, vol. 19, p. 659)

14.01A.070 Limitation of Liability

This chapter is not intended to create any class of persons to be benefited or protected nor to create any reliance relationship between Island County and builders, building owners, their successors, occupants, or users of structures built with or without a building permit, or any other persons. This chapter is not intended to create any duty running in favor of particular persons. The obligation to comply with the provisions of this chapter are upon the builder and the property owner. Acts or omissions to act by Island County, its officials or employees under this chapter shall not create any liability on the part of Island County or its officials or employees.

(Ord. BD-86-1, March 24, 1986, vol. 25, p. 252, effective April 1, 1986)

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Chapter 14.01B

Noise Level Reduction Ordinance

Sections:

- 14.01B.010 Purpose
- 14.01B.020 Applicability
- 14.01B.030 Definitions
- 14.01B.040 Airport Noise Zones
- 14.01B.050 Building Construction
- 14.01B.060 Design Requirements
- 14.01B.070 Air Leakage for All Buildings
- 14.01B.080 Compliance – 25 Decibels
- 14.01B.090 Compliance – 30 Decibels
- 14.01B.100 Disclosure Statement
- 14.01B.110 Existing Uses
- 14.01B.120 Permits
- 14.01B.130 Variances
- 14.01B.140 Limitation of Liability
- 14.01B.150 Conflicting Regulations
- 14.01B.160 Severability
- 14.01B.170 Effective Date of Adoption

14.01B.010 Purpose

The Island County Comprehensive Plan identifies and values our Airport resources for the substantial economic and transportation value they provide. We also acknowledge that lands surrounding our more heavily utilized facilities need to be afforded additional protection. The Noise Level Reduction Ordinance is intended to:

- A. Increase the compatibility of these facilities with surrounding Residential and Commercial uses by lowering internal noise levels within structures; and
- B. Protect the public health, safety and general welfare by providing for the full disclosure of the noise associated with the operation of aircraft.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.01B.020 Applicability

The regulations set forth herein are applicable to all lands within the delineated airport noise zones set forth in Exhibit “A” and “B”. All lands within the delineated Airport Zones shall comply with the provisions of this Chapter through the review of building permits.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

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TO ALLOW FOR EXHIBITS “A” AND “B” ON THE FOLLOWING TWO PAGES**

14.01B.030 Definitions

- A. **AIRPORT:** Any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes.
- B. **AIRPORT NOISE ZONE:** That area which has been identified as being significantly impacted by airport noise.
- C. **AIRPORT ADMINISTRATOR OR ADMINISTRATOR:** The Island County Building Official.
- D. **ALTERATION:** Any construction which would result in a change in height or lateral dimensions of an existing structure.
- E. **CONSTRUCTION:** The erection or alteration of any structure either of a permanent or temporary character.
- F. **DAY-NIGHT AVERAGE SOUND LEVEL (Ldn):** A basic measure for quantifying noise exposure, namely: The A-weighted sound level averaged over a 24 hour time period, with a 10 decibel penalty applied to nighttime (10:00 P.M. to 07:00 A.M.) sound levels.
- G. **DBA:** The unit of corrected noise level measured in accordance with the “A-weighting scale” which replicates the response characteristics of the ear.
- H. **DECIBEL:** A unit for measuring the relative loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about 130 decibels on a scale beginning with 1 for the faintest audible sound.
- I. **DEPARTMENT:** Island County Planning and Community Development.
- J. **NOISE SENSITIVE AREAS:** Areas in buildings where the normal noise level is low and shall include office areas, classrooms, areas where the public is received and breakrooms.
- K. **NONCONFORMING STRUCTURE:** Any structure, which was lawfully in existence prior to the enactment of these regulations and which does not conform to these regulations.
- L. **PERSON:** Any individual, firm, co-partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee or their similar representative thereof.
- M. **RUNWAY:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- N. **SOUND TRANSMISSION CLASS (STC):** A single number rating for describing sound transmission loss of a wall, partition, window or door.

O. **STRUCTURE:** Any object constructed or installed by man, including but not limited to houses and commercial buildings, designed for human occupancy.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.01B.040 Airport Noise Zones

Airport Noise Zones are hereby established as follows:

Airport Noise Zone	Ldn Values
2	60 to 70
3	Greater than 70

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.01B.050 Building Construction

All new structures and alterations to existing structures shall conform to the following minimum standard unless exempted in this ordinance.

- A. Airport Noise Zone 2 shall have a minimum 25 dba noise level reduction. Noise level reduction is to be measured outdoor to indoor noise; and
- B. Airport Noise Zone 3 shall have a minimum 30 dba noise level reduction. Noise level reduction is to be measured outdoor to indoor noise; or
- C. Where noise sensitive activities are carried on in only a portion of new or reconstructed commercial buildings only those areas judged noise sensitive by the Department need be protected.

All building permits in Airport Noise Zones 2 and 3 shall be reviewed for consistency with this section. If the Department determines that the building design does not meet the minimum standards of this chapter the permit shall not be issued. Applicants submitting building permits in Noise Zones 2 and 3 shall supply the following additional information with the permit:

- A. Details of air leakage control in the following locations:
 - 1. Around windows and door frames;
 - 2. Openings between walls and foundations;
 - 3. Between sole plate and rough flooring;
 - 4. Penetrations through walls, floors or ceilings;

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14.01B.050

5. Between wall panels at corners; and
 6. All other openings in building envelope.
- B. Construction details, sound transmission coefficient (STC) ratings and assemblies of:
1. Exterior walls;
 2. Exterior windows;
 3. Exterior Doors;
 4. Roofs;
 5. Ceilings; and
 6. Ventilation systems.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.01B.060 Design Requirements

The criteria of these sections establish the minimum requirements for acoustic design of the exterior envelope of buildings and for heating, ventilation and air conditioning (HVAC) systems and its parts. The provisions of this ordinance are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this ordinance. These requirements shall apply to all buildings for human occupancy in accordance with ICC 14.01B.050.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.01B.070 Air Leakage for All Buildings

- A. The requirements of this section shall apply to the design of the exterior envelope of all buildings designed for human occupancy. The requirements of this section are not applicable to the separation of interior spaces from each other.
- B. The following locations shall be sealed, caulked, gasketed, or weather-stripped to limit or eliminate air leakage:
1. Exterior joints around windows and door frames between the window or door frame and the framing;
 2. Openings between walls and foundations;
 3. Between the wall sole plate and the rough flooring;
 4. Openings at penetrations of utility services through walls, floor, and ceilings;

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5. Between wall panels at corners; and
 6. All other such openings in the building envelope.
- C. Through the wall, floor, or roof/ceiling penetrations not specifically addressed in these sections shall be designed to limit sound transmission and shall have the same average laboratory sound transmission classification as required for doors.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.01B.080 Compliance – 25 Decibels

Compliance with Section 14.01B.080 “A” through “F” shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 25 decibels.

A. Exterior Walls

1. Exterior walls, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC- 30; or
2. Masonry walls having a weight of at least 25 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered, or 5/8” GWB on furring.
3. Stud walls shall be at least 4 inches in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish.
 - a) Interior surface of the exterior walls shall be of gypsum board or plaster at least ½ inch thick, installed on the studs.
 - b) Continuous composition board, plywood or gypsum board sheathing at least ½ inch thick or equivalent shall cover the exterior side of the wall studs.
 - c) Exterior sheathing panels shall be covered with an approved “house wrap.”
 - d) Insulation material of at least R-13 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber, mineral wool, or foam plastic.

B. Exterior Windows

1. Windows other than as described in this section shall have a laboratory sound transmission class rating of STC- 28 or shall be at least 3/16” thick.
2. All openable windows shall be weather-stripped and airtight when closed so as to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.

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14.01B.080

3. Glass shall be sealed in an airtight manner with a non-hardening sealant or a soft elastomer gasket or gasket tape.
4. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-0230 or TT-S-00153.

C. Exterior Doors

1. Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-26 or all exterior side-hinged doors shall be solid core wood or insulated hollow metal at least 1 3/4" thick and shall be fully weather-stripped.
2. Exterior sliding doors shall be weather-stripped with an efficient airtight gasket system with performance as specified in Section 14.01B.080.B.3. The glass in the sliding doors shall be at least 3/16" thick.
3. Glass, over two square feet in area, in doors shall be sealed in an airtight sealant or in a soft elastomer gasket or glazing tape.
4. The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in Section 14.01B.080.B.5.

D. Roofs

1. Combined roof and ceiling construction other than described in this section and Section 14.01B.080.E shall have a laboratory sound transmission class rating of at least STC- 39 or with an attic or rafter space at least 6 inches deep, and with a ceiling below, the roof shall consist of 1/2 inch composition board, plywood or gypsum board sheathing topped by roofing as required.
2. Open beam roof construction shall follow the energy insulation standard method for batt insulation; a ventilated air space is required.
3. Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33.

E. Ceilings

1. Gypsum board or plaster ceilings at least 1/2 inch thick shall be provided where required by Section 14.01B.080.D above. Ceilings shall be substantially airtight with a minimum of penetrations.
2. Glass fiber or mineral wool insulation, or foam plastic, at least R-19 shall be provided above the ceiling between joists.

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F. Ventilation

1. A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior.
2. The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 26 gauge steel, which shall be lined with 1 inch thick coated glass fiber, and shall be at least five feet long with one 90 degree bend. Approved wall ports or ventilation integrated with the forced air heating system will be allowed.
3. Gravity vent openings in attics shall be as close to code minimum in number and size, as practical.
4. Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors, shall contain at least a five foot length of internal sound-absorbing duct lining. Exhaust ducts less than five feet in length shall be fully lined and shall also meet the provisions of Section 14.01B.070.C. Each duct shall be provided with a bend in the duct such that there is no direct line-of-sight through the duct from the venting cross-section. Duct lining shall be coated glass fiber duct liner at least 1 inch thick. Dryer vents and ducts from kitchen range hoods will be exempt.
5. All exhaust ducts shall be equipped with back draft dampers.
6. Fireplaces shall be provided with well-fitted dampers and tightly fitting glass or metal doors.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292; amended by Ord. C-110-02 [PLG-025-02], January 6, 2003, vol. 47, p. 4, effective November 26, 2002)

14.01B.090 Compliance – 30 Decibels

Compliance with Section 14.01B.090 “A” through “F” shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 30 decibels.

A. Exterior Walls

1. Exterior walls, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC- 35 or Masonry walls having a weight of at least 40 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered, or 5/8” gypsum wall board (GWB) on furring.
2. Stud walls shall be at least 6 inches in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish.
 - a. Interior surface of the exterior walls shall be of gypsum board or plaster at least ½ inch thick, installed on the studs.

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14.01B.090

- b. Continuous composition board, plywood or gypsum board sheathing at least ½ inch thick or equivalent shall cover the exterior side of the wall studs.
- c. Exterior sheathing panels shall be covered with an approved “house wrap.”
- d. Insulation material at least R-19 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber, mineral wool, or foam plastic.

B. Exterior Windows

1. Windows other than as described in this section shall have a laboratory sound transmission class rating of STC- 33 or windows shall be double glazed with panes at least 1/8” thick. Panes of glass shall be separated by a minimum ½ inch sealed air space.
2. All openable windows shall be weather-stripped and airtight when closed so as to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.
3. Glass shall be sealed in an airtight manner with a non-hardening sealant or a soft elastomer gasket or gasket tape.
4. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-0230 or TT-S-00153.

C. Exterior Doors

1. Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC- 33 or all exterior side-hinged doors shall be solid core wood or insulated hollow metal at least 1 ¾” thick and shall be fully weather-stripped.
2. Exterior sliding doors shall be weather-stripped with an efficient airtight gasket system with performance as specified in Section 14.01B.090.B.3. The glass in the sliding doors shall be at least 3/16” thick.
3. Glass, over two square feet in area, in doors shall be sealed in an airtight sealant or in a soft elastomer gasket or glazing tape.
4. The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in Section 14.01B.090.B.5.

D. Roofs

1. Combined roof and ceiling construction other than described in this section and Section 14.01B.090.E shall have a laboratory sound transmission class rating of at

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least STC- 44; or with an attic or rafter space at least 6 inches deep, and with a ceiling below, the roof shall consist of ½ inch composition board, plywood or gypsum board sheathing topped by roofing as required.

2. Open beam roof construction shall follow the energy insulation standard method for batt insulation; a ventilated air space will be required.
3. Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33.

E. Ceilings

1. Gypsum board or plaster ceilings at least 5/8 inch thick shall be provided where required by Section 14.01B.090.D above. Ceilings shall be substantially airtight with a minimum of penetrations.
2. Glass fiber or mineral wool insulation, or foam plastic, at least R- 19 shall be provided above the ceiling between joists.

F. Ventilation

1. A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior.
2. The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 26 gauge steel, which shall be lined with 1 inch thick coated glass fiber, and shall be at least five feet long with one 90 degree bend. Approved wall ports or ventilation integrated with the forced air heating system will be allowed.
3. Gravity vent openings in attics shall be as close to code minimum in number and size, as practical.
4. Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors, shall contain at least a five foot length of internal sound-absorbing duct lining. Exhaust ducts less than five feet in length shall be fully lined and shall also meet the provisions of Section 14.01B.070.C. Each duct shall be provided with a bend in the duct such that there is no direct line-of-sight through the duct from the venting cross-section. Duct lining shall be coated glass fiber duct liner at least 1 inch thick. Dryer vents and ducts from kitchen range hoods will be exempt.
5. All exhaust ducts shall be equipped with back draft dampers.
6. Fireplaces shall be provided with well fitted dampers and tightly fitting glass or metal doors.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292; amended by Ord. C-110-02 [PLG-025-02], January 6, 2003, vol. 47, p. 4, effective November 26, 2002)

14.01B.100 Disclosure Statement

No person shall sell, lease, or offer for sale or lease any property within an Airport Noise Zone 2 or 3 unless the prospective buyer or lessee has been given notice substantially as follows: To:

The Property at _____ is located within Airport Noise Zone 2 or 3 impacted area. Persons on the premises may be exposed to a significant noise level as a result of airport operations. Island County has placed certain restrictions of construction of property within airport noise zones. Before purchasing or leasing the above property, you should consult the Island County Noise Level Reduction Ordinance to determine the restrictions which have been placed on the subject property, if any.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.01B.110 Existing Uses

- A. No provision of this ordinance shall require the removal, or change or alteration of any structure not conforming to these regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as set forth herein.
- B. No nonconforming structure shall be increased in size without the addition conforming to the required noise level reduction.
- C. In the event that a nonconforming structure has been abandoned for a period of three (3) years or is more than eighty percent (80%) torn down, destroyed, deteriorated, or decayed, the structure or use shall not be resumed, repaired or reconstructed except in conformance with all applicable noise reduction regulations.
- D. Any change of use in the occupancy or use of a building previously not approved for human occupancy to human occupancy use or of one previously not used for sleeping purposes to sleeping use shall not be permitted unless the building, structure or portion of the building complies with this Chapter.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.01B.120 Permits

No new structure may be constructed or established or any existing use or structure substantially changed or altered or repaired within the airport environs zone unless a building permit has been reviewed for its consistency with this Chapter.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.01B.130 Variances

- A. Any person desiring to erect any structure, or increase the size of any structure, or otherwise use his property in violation of the regulations set forth herein may apply to the Island County Building Official for a variance from the Noise Level Reduction regulations in question.
- B. Such variances shall be allowed where a literal application of enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of regulations and this chapter. Provided, that any variance may be allowed subject to any reasonable conditions that the Building Official may deem necessary to effectuate the purposes of this ordinance.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73)

14.01B.140 Limitation of Liability

This chapter is not intended to create any class of persons to be benefited or protected nor to create any reliance relationship between Island County and builders, building owners, landowners, land purchasers, their successors, occupants, or users of structures built with or without a building permit, or any other person. This chapter is not intended to create any duty running in favor of particular persons. The obligation to comply with the provisions of this chapter is upon the property owner, builder and their agents. Acts or omissions to act by Island County, its officials or employees under this chapter shall not create any liability on the part of Island County or its officials or employees.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.01B.150 Conflicting Regulations

In the event of conflict between any Building Code regulations and any other regulations applicable to the same property, the more stringent limitation or regulation shall govern and prevail.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.01B.160 Severability

If any of the provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect with the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73)

14.01B.170 Effective Date of Adoption

Upon approval of the Washington State Building Code Council, this Chapter shall be in full force and effect.¹

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-110-02 [PLG-025-02], January 6, 2003, vol. 47, p. 4, effective November 26, 2002)

Chapter 14.02

Review Procedure for Guiding Development in Flood and Landslide-Prone Areas

(Ord. P-74-3, March 6, 1975, vol. 15, p. 255; amended by Ord. PD-81-6, November 23, 1981, vol. 19, p. 626, codified as chapter 14.02, Review Procedure for Guiding Development in Flood and Landslide-Prone Areas, superseded and repealed by Ord. C-74-91, April 1, 1991, vol. 32, p. 290)

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¹ The Washington State Building Code Council approved this Chapter 14.01B Noise Level Reduction Ordinance in a Public Hearing on November 26, 2002, at Westcoast SeaTac Hotel, SeaTac, Washington.

Chapter 14.02A**Flood Damage Prevention Ordinance****Sections:****14.02A.010 Statutory Authorization, Findings of Fact, Purpose and Objectives****14.02A.020 Definitions****14.02A.030 General Provisions****14.02A.040 Administration****14.02A.050 Provisions for Flood Hazard Reduction****14.02A.010 Statutory Authorization, Findings of Fact, Purpose and Objectives**

- A. **Statutory Authorization.** The Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the County of Island, Washington does ordain as follows:
- B. **Findings of Fact.**
1. The flood hazard areas of Island County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
- C. **Statement of Purpose.** It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
1. To protect human life and health;
 2. To minimize expenditure of public money and costly flood control projects;

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3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. **Methods of Reducing Flood Losses.** In order to accomplish its purpose, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas. However, operation, maintenance and repair of existing dikes, ditches, reservoirs, and other structures and facilities which were created or developed as part of normal flood control activities on or prior to December 31, 1984 may continue pursuant to ICC 17.02.040.E.10.

(Ord. C-74-91 [PLG-019-91], April 1, 1991, vol. 32, p. 290; amended by Ord. C-98-05 [PLG-014-05], August 22, 2005, vol. 2005, p. 261)

14.02A.020 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Appeal: A request for a review of the interpretation of any provision of this ordinance.

Area of Shallow Flooding: A designated AO or AH Zone on the Digital Flood Insurance Rate Map (DFIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of Special Flood Hazard: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Basement: Means any area of the building having its floor sub-grade (below ground level) on all sides.

Breakaway Wall: A wall that is not a part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal High Hazard Area: The area subject to high velocity waters, including but not limited to, storm surge or tsunamis. The area is designated on the DFIRM as Zone V1-V30, VE or V.

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to Island County.

Existing Mobile/Manufactured Home Park or Subdivision: A mobile/manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the mobile/manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by Island County.

Expansion to an Existing Mobile/Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile/manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Study: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Historic Structure: Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The bottom edge of the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 14.02A.050.B.1.b).

Mobile/Manufactured Home: A structure, built to federal Department of Housing and Urban Development (HUD) standards (or which bears an insignia indicating it has passed either a State systems inspection or a State alteration/fire safety inspection), on a permanent chassis and designed and constructed to be transportable in one or more sections for use as a dwelling, with or without a permanent foundation, when connected to the required utilities. A commercial coach, recreational vehicle or motor home, or a modular home (built to Uniform Building Code standards), shall not be considered a mobile/manufactured home.

Mobile/Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more mobile/manufactured home lots for rent or sale.

A tract of land under the ownership or management of one person, firm or corporation where two or more spaces are provided solely for the placement of mobile/manufactured homes for residential purposes. A mobile/manufactured home park shall not include mobile/manufactured home PRDs or subdivisions, recreational vehicle parks or the placement of mobile/manufactured homes as authorized through a Temporary Use Permit.

New Construction: Structures for which the “start of construction” commenced on or after the effective date of this ordinance, an initial DFIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood plain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a flood plain management regulation adopted by Island County and includes any subsequent improvements to such structures.

New Mobile/Manufactured Home Park or Subdivision: A mobile/manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the mobile/manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Island County.

Recreational Vehicle: Any over-the-road trailer, pickup camper or other wheeled mobile unit, with or without motive power, which is designed or converted for temporary human occupancy and licensed or eligible to be licensed as either a motor home, recreational trailer, camper, or other mobile unit by the State of Washington, Department of Licensing, or similar units eligible to be licensed by another state. Recreational vehicles are not dwelling units.

Start of Construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within one-hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a mobile/manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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Structure: In accordance with the International Building Code (IBC), that which is built or constructed, including a gas or liquid storage tank that is principally above ground.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the assessed value of the structure before the damage occurred.

Substantial Improvement: Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure where the cost of the reconstruction, rehabilitation, addition or other improvement to the structure exceeds fifty percent (50%) of the market value of the structure either:

- (1) before the start of construction or the improvement; or
- (2) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any ceiling or floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term substantial improvement can exclude:

- (1) any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

Variance: A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

Water Dependent: A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. C-74-91 [PLG-019-91], April 1, 1991, vol. 32, p. 290; amended by Ord. C-66-98, PLG-006-98, June 8, 1998, vol. 42, p. 217; amended by Ord. C-98-05 [PLG-014-05], August 22, 2005, vol. 2005, p. 261; amended by Ord. C-03-07 [PLG-001-07], January 8, 2007, effective February 1, 2007, vol. 2007, p. 6)

14.02A.030 General Provisions

A. **Lands to Which this Ordinance Applies.** This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Island County.

B. **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Island County, Washington, Unincorporated Areas,” dated February 2, 2007, and any revisions thereto, with an accompanying Digital Flood Insurance Rate Map (DFIRM), and any revisions thereto, is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and the DFIRM are on file at the Island County Permit Centers in Coupeville and on Camano Island.

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- C. **Penalties for Noncompliance.** No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not to exceed one thousand dollars (\$1,000) or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Island County from taking such other lawful action as is necessary to prevent or remedy any violation.
- D. **Abrogation and Greater Restrictions.** This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. Island County does not enforce private easements, covenants, or deed restrictions.
- E. **Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and,
 3. Deemed neither to limit nor repeal any other powers granted under State statutes.
- F. **Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Island County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(Ord. C-74-91 [PLG-019-91], April 1, 1991, vol. 32, p. 290; amended by Ord. PLG-026-95, August 14, 1995, vol. 38, p. 438; amended by Ord. C-03-07 [PLG-001-07], January 8, 2007, effective February 1, 2007, vol. 2007, p. 6)

14.02A.040 Administration

- A. **Establishment of Development Permit.**
1. **Development Permit Required.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 14.02A.030.B. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the "DEFINITIONS".
 2. **Application for Development Permit.** Application for a development permit shall be made on forms furnished by the Island County Permit Center and may include but not be limited to; plans in duplicate drawn to scale showing the nature, location,

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dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the bottom edge of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been flood-proofed;
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 14.02A.050.B.2; and
- d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development if applicable.

B. **Designation of Authority.** The Building Official and Planning Director are hereby appointed to administer and implement this ordinance by reviewing development permit applications in accordance with its provisions.

C. **Duties and Responsibilities of the Building Official, Planning Director and Permit Center.** Duties of the Building Official, Planning Director and Permit Center shall include, but not be limited to:

1. **Permit Review.**

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the provisions of Section 14.02A.050.C are met.
- d) The fee for a development permit shall be fifty dollars (\$50.00) to defray the costs of inspection, review and the maintenance of records.

2. **Use of Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 14.02A.030.B, Basis for Establishing the Areas of Special Flood Hazard, the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 14.02A.050.B, Specific Standards, and 14.02A.050.C, Floodways.

3. Information to be Obtained and Maintained.

- a) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 14.02A.040.C.2, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the bottom edge of the lowest floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new, or substantially improved, and flood-proofed non-residential structures:
 - (i) Obtain and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed, and
 - (ii) Maintain the floodproofing certifications required in Section 14.02A.040.A.2.c).
- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. Alteration of Watercourses.

- a) Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. **Interpretation of DFIRM Boundaries.** The Planning Director shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 14.02A.040.D.

D. Variances and Appeals.**1. Procedures.**

- a) The Hearing Examiner shall act upon applications for variances from the requirements of this ordinance pursuant to Section 16.13.100.A.4 ICC and to the terms and conditions of this section.
- b) The Hearing Examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Official or Planning Director in the enforcement or administration of this ordinance pursuant to Section 16.13.100.A.4 ICC.

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- c) Those aggrieved by the decision of the Hearing Examiner may seek judicial review by the Island County Superior Court, as provided in Section 16.19.170 ICC.
- d) In passing upon such applications, the Hearing Examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and whichever of the following are relevant:
 - (i) The danger that materials may be swept onto other lands to the injury of others;
 - (ii) The danger to life and property due to flooding or erosion damage;
 - (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) The importance of the services provided by the proposed facility to the community;
 - (v) The necessity to the facility of a waterfront location, where applicable;
 - (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) The compatibility of the proposed use with existing and anticipated development;
 - (viii) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- e) Upon consideration of the factors of Section 14.02A.040.D.1.d) and the purposes of this ordinance, the Hearing Examiner may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Hearing Examiner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

2. Conditions for Variances.

- a) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 14.02A.040.D.1.d) have been fully considered. As the lot size increases the technical justification required for issuing a variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 14.02A.040.D.1.d), or conflict with existing local laws or ordinances.
- f) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

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- g) Variances may be issued for nonresidential and accessory buildings that don't exceed ten percent (10%) of the value of the principal structure in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 14.02A.040.D.2.a), and otherwise complies with Sections 14.02A.050.A.1 and 14.02A.050.A.2 of the General Standards.
- h) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Furthermore the applicant shall, before the issuance of the development or building permit, file for record against the title of the property a disclosure statement to notify subsequent property owners of the variance.

(Ord. C-74-91 [PLG-019-91], April 1, 1991, vol. 32, p. 290; amended by Ord. C-98-05 [PLG-014-05], August 22, 2005, vol. 2005, p. 261; amended by Ord. C-03-07 [PLG-001-07], January 8, 2007, effective February 1, 2007, vol. 2007, p. 6)

14.02A.050 Provisions for Flood Hazard Reduction

A. **General Standards.** In all areas of special flood hazards, the following standards are required:

1. **Anchoring.**

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

2. **Construction Materials and Methods.**

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

- c) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. **Utilities and Utility Franchises.**
- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
 - c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. **Subdivision Proposals.**
- a) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - b) All subdivision proposals shall have public or private utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the applicant for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less). The base flood elevation data shall be delineated on the submitted plans.
5. **Review of Building Permits.** Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 14.02A.040.C.2.), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two (2) feet above the highest adjacent grade in these zones may result in higher insurance rates.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 14.02A.030.B., Basis for Establishing the Areas of Special Flood Hazard or Section 14.02A.040.C.2, Use of Other Base Flood Data, the following provisions are required:

1. Residential Construction.

- a) New construction and substantial improvement of any residential structure shall have the bottom edge of the lowest floor, including basement, elevated at or above the base flood elevation.
- b) Crawlspace within floodplains are allowed subject to the following requirements:
 - (i) The interior grade of the crawlspace below the Base Flood Elevation (BFE) must not be more than two (2) feet below the lowest adjacent exterior grade (LAG);
 - (ii) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analysis and building code requirements for flood hazard areas;
 - (iii) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means;
 - (iv) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used;
 - (v) Below-grade crawlspace construction in accordance with the requirements listed above will not be considered basements.
- c) Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (i) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (iii) Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
2. **Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the bottom edge of the lowest floor, including basement, elevated at or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities shall:
- a) Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 14.02A.040.C.3.b).
 - d) Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 14.02A.050.B.1.b).
 - e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood-proofed level (e.g. a building flood-proofed to one (1) foot above the base flood level will be rated as at the base flood level).
3. **Critical Facility.** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base flood plain. Construction of new critical facilities shall be permissible within the base flood plain if no feasible alternative site is available. Critical facilities constructed within the base flood plain shall have the lowest floor elevated to three (3) feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

4. Manufactured Homes.

- a) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the DFIRM on sites:
 - (i) outside of a manufactured home park or subdivision,
 - (ii) in a new manufactured home park or subdivision,
 - (iii) in an expansion to an existing manufactured home park or subdivision, or
 - (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, elevated on a permanent foundation such that the bottom edge of the lowest floor of the manufactured home is elevated to or above the Base Flood Elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement in accordance with the provisions of Section 14.02A.050.A.1.b).
- b) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the DFIRM that are not subject to the provisions of paragraph 14.02A.050.B.4 be elevated so that either:
 - (i) the bottom edge of the lowest floor of the manufactured home is at or above the base flood elevation, or
 - (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles. Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the DFIRM either:

- a) be on the site for fewer than one-hundred-eighty (180) consecutive days,
- b) be fully licensed and ready for highway use, or
- c) meet the permit requirements of paragraph 14.02A.050.B.4 and the elevation and anchoring requirements for “manufactured homes.”

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

- C. **Floodways.** Located within areas of special flood hazard established in Section 14.02A.030.B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

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1. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analysis that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
 - a) repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and
 - b) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent (50%) of the assessed value of the structure either,
 - (i) before the repair, reconstruction, or repair is started, or
 - (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary or safety codes which have been identified by the local code enforcement official or to structures identified as historic places may be excluded in the fifty percent (50%) determination.
 3. If Section 14.02A.050.C.1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.02A.050, Provisions for Flood Hazard Reduction.
- D. **Wetlands Management.** All developments shall be reviewed to determine whether the proposal would limit or disrupt the ability of a wetland to alleviate flooding impacts. The following process should be implemented:
1. Review proposals for development within base flood plains for their possible impacts on wetlands located within the flood plain.
 2. Ensure that development activities in or around wetlands do not negatively affect public safety, health and welfare by disrupting the wetlands' ability to reduce flood and storm drainage.
- E. **Coastal High Hazard Areas.** Located within areas of special flood hazard established in Section 14.02A.030.B are Coastal High Hazard Areas, designated as Zones V1-V30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions of this ordinance, the following provisions shall also apply:
1. All new allowable construction and substantial improvements in Zones V1-V30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:

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- a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one (1) foot or more above the base flood level; and
- b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one (1) percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval); water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of a) and b) of this section.

2. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1-30 and VE, and whether or not such structures contain a basement. The local Permit Center shall maintain a record of all such information.
3. All new construction shall be located landward of the reach of the mean high tide.
4. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square

- foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
- a) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one (1) percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
5. If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access or storage. Such space shall not be used for human habitation.
6. Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the DFIRM on sites:
- a) outside of a manufactured home park or subdivision,
 - b) in a new manufactured home park or subdivision,
 - c) in an expansion to an existing manufactured home park or subdivision, or
 - d) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, shall meet the standards of paragraphs 14.02A.050.F.1 through 9 and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the DFIRM meet the requirements of paragraph 14.02A.050.B.4.b).
7. Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the DFIRM either:
- a) be on the site for fewer than one-hundred-eighty (180) consecutive days,
 - b) be fully licensed and ready for highway use, or
 - c) meet the requirements in paragraphs 14.02A.040.A.1 and 14.02A.050.F.1 through 9.

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A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

8. Prohibit the use of fill for structural support of buildings.
9. Prohibit man-made alteration of sand dunes which would increase potential flood damage.

(Ord. C-74-91 [PLG-019-91], April 1, 1991, vol. 32, p. 290; amended by Ord. C-98-05 [PLG-014-05], August 22, 2005, vol. 2005, p. 261; amended by Ord. C-03-07 [PLG-001-07], January 8, 2007, effective February 1, 2007, vol. 2007, p. 6)

Chapter 14.03

Uniform Fire Code

(Ord. PA-77-01, October 6, 1977, vol. 17, p. 108, codified as chapter 14.03, Uniform Fire Code, superseded and repealed by Ord. BD-81-1, December 28, 1981, vol. 19, p. 659. The following provisions of chapter 14.03, however, remain unaffected by such repeal.)

Section:

14.03.120 Amendments Made in the International Fire Code

14.03.120 Amendments Made in the International Fire Code

The International Fire Code is amended and changed in the following respects:

A. (This subsection repealed by Ord. BD-81-1, December 28, 1981, vol. 19, p. 659.)

B. Definitions.

1. **Fireworks** shall mean and include any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of 25/100 of a grain of explosive content per cap, and toy pistols, toy canes, toy guns, or other devices for use of such caps, the sale and use of which shall be permitted at all times.

2. **Dangerous fireworks** includes any of the following:
 - a) Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, magnesium, potassium picrate, gallic acid, chlorate of potash and sulfur, or chlorate of potash and sugar;
 - b) Firecrackers, salutes, and other explosive articles of similar nature;
 - c) Blank cartridges;
 - d) Skyrockets, rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;
 - e) Roman candles, including all devices which discharge balls of fire into the air;
 - f) Chasers, including all devices which dart or travel about the surface of the ground during discharge;
 - g) Snakes, boa constrictors, and snake nests containing bichloride of mercury;
 - h) All articles for pyrotechnic display which contain gunpowder;
 - i) Articles commonly known as son-of-a-gun, devil-on-the-rock, crackit sticks, and automatic torpedoes which contain arsenic;
 - j) Explosives known as devil-on-the-walk, any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;
 - k) Toy torpedoes of all kinds;
 - l) All pyrotechnic devices having a side fuse;
 - m) Fire balloons or balloons of any type which have burning material of any kind attached thereto; and
 - n) Such other fireworks as may be designated as dangerous by the State Fire Marshal.
3. **Safe and sane fireworks** includes any fireworks not designated as “dangerous fireworks,” except that in all cases only end fuses may be used and the total pyrotechnic content of any one (1) piece shall not exceed one-hundred (100) grams. Each piece shall have lawfully affixed to it the seal of the State Fire Marshal, as prescribed by RCW 70.77.245.
4. **Agricultural and wildlife fireworks** includes fireworks designed or used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the

employment of sound or light, or both, whenever such fireworks are so classified by the State Fire Marshal.

C. Manufacture, sale, and discharge.

1. The manufacture of fireworks within the jurisdictional area is prohibited.
2. Except as hereinafter provided, it shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail, or use or explode any fireworks.
 - a) The Island County Sheriff shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair association, amusement park, other organization, or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the sheriff. Every operator shall have first obtained a state license pursuant to RCW 70.77.305. The display shall be of such character and so located, discharged or fired so as, in the opinion of the sheriff after proper investigation, not to be hazardous to property or endanger any person.
 - b) The sheriff may issue each year permits for the sale of safe and sane fireworks to persons, corporations, or organizations, after investigation and his determination that the location where the fireworks are to be sold is not hazardous to property or endangers any person, and that the persons in charge of selling the fireworks are competent and trained to handle such fireworks. No person under the age of eighteen shall be employed by the permittee in connection with such sale. If the sheriff refuses to issue a permit, the applicant shall have the right of appeal to the Board of County Commissioners of Island County.
3. Applications for permits shall be made in writing and shall be accompanied by a ten-dollar (\$10.00) permit fee. After such privilege shall be granted, sale, possession, use, and distribution of fireworks shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
4. Safe and sane fireworks may be issued, fired, or discharged in the county during the period commencing at 12 noon on the 28th of June and ending at 12 noon on the 6th day of July each year, except as provided in paragraphs 11 and 12 below.
5. Approved no-smoking signs shall be posted at conspicuous locations on all four (4) sides of the fireworks stand or structure and such other places as may be designated by the inspecting authority. Each sign shall have the words "No Smoking by Order of the State Fire Marshal" in red letters not less than two (2) inches in height on white background. All signs shall be maintained in a legible condition.

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6. Smoking and the discharge of fireworks shall be prohibited within twenty-five (25) feet of any building or stand in which fireworks are sold at retail or stored after hours.
7. Each retail fireworks location shall have not less than two (2) water-type extinguishers of not less than two-and-one-half-gallon (2-1/2 gallon) capacity.
8. There shall be no accumulation of dry grass, paper, cardboard, trash, lumber, or other combustibles within one-hundred (100) feet of any retail fireworks outlet.
9. Temporary structures or stands used for the retail sale of safe and sane fireworks shall be removed from the premises within one (1) week after July 6 of each year. Any such stand or structure remaining beyond one (1) week may be removed by the regulating authority at the expense of the permittee or owner.
10. Fireworks shall not be sold or given to minor children under the age of eight (8) unless accompanied by a responsible parent or adult.
11. It shall be unlawful to use, fire, or discharge any safe and sane fireworks along the route of and during any parade or at any place of public assembly or in any commercial use district.
12. It shall be unlawful at any time to throw or toss any safe and sane fireworks at any person, animal, vehicle, or other thing or object.

D. Bond for fireworks permit required. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the sheriff for the payment of all damages which may be caused either to a person or persons or to property by reason of and arising from any acts of the permittee, his agents, employees, or subcontractors.

(Ord. PA-77-01, October 6, 1977, vol. 17, p. 108; amended by Ord. FM-79-01, June 4, 1979, vol. 18, p. 143; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265; amended by Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218)

**Chapter 14.03A
Fire Inspections**

Sections:

- 14.03A.010 Findings**
- 14.03A.020 Definitions**
- 14.03A.030 Annual Inspection--Notice of Occupancy**
- 14.03A.040 Fees**
- 14.03A.050 Receipt**
- 14.03A.060 Responsibility of Landlord**
- 14.03A.070 Penalty and Enforcement Authority**
- 14.03A.080 Other Remedies**
- 14.03A.090 Limitation of Liability**
- 14.03A.100 Severability**

14.03A.010 Findings

The Board of County Commissioners of Island County, Washington, finds that:

- A. This chapter is necessary to more efficiently and effectively enforce the International Fire Code and to better protect the public safety through a program of systematic inspection.
- B. It is fair and also necessary because of limited county resources that the person responsible for premises to be inspected pay a fee sufficient to at least defray the cost to the county of the inspection, administration, and enforcement of the Uniform Fire Code.

(Ord. C-21-87, June 22, 1987, effective August 1, 1987, vol. 27, p. 96; amended by Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218)

14.03A.020 Definitions

The terms “chief” or “fire prevention bureau” as found in the International Fire Code for the purposes of this chapter shall mean and include the Island County Building Official and his designees.

(Ord. C-21-87, June 22, 1987, effective August 1, 1987, vol. 27, p. 96; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265; amended by Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218)

14.03A.030 Annual Inspection--Notice of Occupancy

- A. Buildings or structures in occupancy groups A, B, E, F, H, I, LC as conditioned in the code, M, R-1, R-2 as conditioned in the code, R-4, S, Child Day Care, Adult Homes, and Family Homes as defined by the International Fire Code, and future editions of the International Fire Code as may in the future be in effect in Island County, and buildings or structures in which home industries are conducted under the Island County Zoning Ordinance, chapter 17.03 ICC, shall be subject to an annual fire inspection by the Island County Building Official or his designee. That home industry commonly known as a bed and breakfast which has guest accommodations for three (3) or less persons is exempt from the inspection. The building official may also exempt from inspection those places inspected by the State Fire Marshal.
- B. No person shall begin or commence an occupancy or home industry subject to inspection under this chapter after the 1st day of August, 1987, without first having the fire inspection. If no occupancy inspection has occurred within five (5) working days of written application therefor, occupancy may commence and continue, subject to a subsequent satisfactory inspection.

(Ord. C-21-87, June 22, 1987, effective August 1, 1987, vol. 27, p. 96; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265; amended by Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218)

14.03A.040 Fees

Fees shall be charged for the inspections based upon the square footage of the occupancy inspected, as adopted by resolution of the Board of Island County Commissioners.

The fee is not prorated for mid-year inspections. This fee schedule applies to the initial fire inspection and, if a notice of violation is issued, also covers a second inspection to check on compliance. An additional fee of fifty dollars (\$50.00) per inspection shall be charged for each reinspection beyond the second inspection when subsequent compliance checks are needed within the same calendar year. No fees shall be charged to a fire protection district located entirely or partly within Island County, in consideration of the services provided to Island County by the fire protection districts.

(Ord. C-21-87, June 22, 1987, effective August 1, 1987, vol. 27, p. 96; amended by Ord. C-59-90, May 7, 1990, vol. 31, p. 123; amended by Ord. PLG-043-93, January 10, 1994, vol. 36, p. 402)

14.03A.050 Receipt

The building official shall issue a receipt for payment of the inspection fee. The person responsible for carrying on or causing the occupancy shall pay the fee, shall post the receipt in a conspicuous place on the premises, and shall show it on request to the building official or his designee. The receipt shall not excuse violations of law.

(Ord. C-21-87, June 22, 1987, effective August 1, 1987, vol. 27, p. 96; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265)

14.03A.060 Responsibility of Landlord

When any building or premises are rented or leased or when use, occupancy , or control of any building or premises is divided, the owner or landlord shall be the responsible party under this ordinance for those portions of the building or premises which remain under his control, use, or occupancy and for common or shared areas such as entrances, halls, restrooms, storage rooms, and parking lots.

(Ord. C-21-87, June 22, 1987, effective August 1, 1987, vol. 27, p. 96)

14.03A.070 Penalty and Enforcement Authority

- A. **Penalty.** It shall be unlawful and punishable as a civil infraction under RCW chapter 7.80 for any person or corporation to:
1. Refuse entry to the building official or his designee for the purpose of conducting the inspection or reinspection after the official has identified himself, stated his purpose to inspect, and displayed a search warrant for inspection, or to obstruct or interfere with the inspection or reinspection (a Class 1 civil infraction);
 2. Fail or refuse to post the receipt as required by this chapter (a Class 4 civil infraction);
 3. Fail or refuse to show the receipt to the building official or his designee upon request (a Class 4 civil infraction);
 4. Fail or refuse to pay the fee for the inspection or reinspection in accordance with this chapter (a Class 1 civil infraction);
 5. Begin an occupancy or home industry subject to inspection under this chapter after the 1st day of August, 1987, without first having the fire inspection (a Class 4 civil infraction);
 6. Fail to abate or cure a fire hazard or International Fire Code violation when ordered or notified to do so by the building official (a Class 1 civil infraction).

Each day or portion thereof during which any infraction occurs or continues shall be a separate infraction and separately punishable. Adjudication of the infraction shall not excuse the violation or a continuation of the violation.

- B. **Enforcement Authority.** The Island County Building Official and his designees, the Island County Sheriff and his deputies, and any other law enforcement officer are enforcement officers within the meaning of RCW chapter 7.80. This provision shall not limit any other authority of these persons.

(Ord. C-21-87, June 22, 1987, effective August 1, 1987, vol. 27, p. 96; amended by Ord. C-52-91, April 1, 1991, vol. 32, p. 291; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265; amended by Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218)

14.03A.080 Other Remedies

Notwithstanding the existence or use of a civil infraction, the building official or Island County may seek other legal or equitable relief to enjoin any acts, omissions, or practices which constitute or will constitute a violation of this chapter, ordinances, or the International Fire Code.

(Ord. C-21-87, June 22, 1987, effective August 1, 1987, vol. 27, p. 96; amended by Ord. C-52-91, April 1, 1991, vol. 32, p. 291; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265; amended by Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218)

14.03A.090 Limitation of Liability

This chapter is not intended to create any class of persons to be benefited or protected or to create any reliance relationship between Island County or its officials and the owners, tenants, or users of any buildings, structures, or premises, or their successors. This chapter is not intended to create any duty running in favor of particular persons. The building official and his designees are not required to conduct inspections beyond the resources of Island County, and the failure to conduct an inspection or reinspection is not intended to create a liability. This chapter shall not be construed to hold Island County or its officials or employees responsible for any damage to persons or property by reason of any inspection or reinspection or any other action or omission taken pursuant to this chapter. The receipt in section 14.03A.050 is for accounting purposes and is not to be construed as proof of code compliance.

(Ord. C-21-87, June 22, 1987, effective August 1, 1987, vol. 27, p. 96; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265)

14.03A.100 Severability

The provisions of this chapter are declared to be separable, and if any provision or portion of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. C-21-87, June 22, 1987, effective August 1, 1987, vol. 27, p. 96)

Chapter 14.03B

Burn Ban

Sections:

- 14.03B.010 Findings**
- 14.03B.020 Burn Ban Defined**
- 14.03B.030 Proclamation of Burn Ban**
- 14.03B.040 Public Notice**
- 14.03B.050 Duration**
- 14.03B.060 Territory Covered**
- 14.03B.070 Effect of Burn Ban on Burning Permits**
- 14.03B.080 Penalty**
- 14.03B.090 Enforcement Authority**

14.03B.010 Findings

The Board of County Commissioners of Island County, Washington, finds that outdoor burning under hot and dry atmospheric conditions or other local circumstances may create an unsafe risk of spread of fire. This ordinance providing for a burn ban is in the interests of the public safety and welfare by reducing the risk of spread of fire.

(Ord. C-57-90, May 7, 1990, vol. 31, p. 121)

14.03B.020 Burn Ban Defined

Burn ban means a prohibition on the kindling, igniting, maintaining, or permitting of any bonfire or rubbish fire out of doors. A rubbish fire includes, but is not limited to, a fire within an outdoor burn barrel. A fire, the primary purpose of which is cooking, which is contained within a metal, stone, brick, or other nonflammable enclosure is not a prohibited fire. The burn ban does not include any fire which is permitted by or within the regulation of the Department of Natural Resources of the State of Washington.

(Ord. C-57-90, May 7, 1990, vol. 31, p. 121)

14.03B.030 Proclamation of Burn Ban

- A. The Island County Sheriff shall have authority to proclaim a burn ban when atmospheric conditions or other local circumstances create a risk of spread of fire or other hazardous condition.
- B. The burn ban order shall be in writing, signed by the sheriff, and kept on file for public inspection in the offices of the sheriff and county auditor. Additional copies may be distributed in the discretion of the sheriff to facilitate knowledge of the burn ban and facilitate enforcement.
- C. The written order establishing the burn ban shall state the atmospheric conditions or other local circumstances creating the risk of spread of fire or other hazardous conditions on which the burn ban is based, state the beginning and termination date of the ban, and the territory within Island County covered by the ban.

(Ord. C-57-90, May 7, 1990, vol. 31, p. 121; amended by Ord. 172-91, December 16, 1991, vol. 33, p. 265)

14.03B.040 Public Notice

The sheriff shall cause notice of the burn ban to be made to at least one (1) newspaper and at least one (1) radio or television station serving the territory covered by the ban. The sheriff may take other discretionary steps to publicize the ban.

(Ord. C-57-90, May 7, 1990, vol. 31, p. 121; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265)

14.03B.050 Duration

- A. The burn ban shall be effective immediately upon issuance and filing in the office of the sheriff, unless a later effective date is set in the written order.
- B. The order for burn ban shall specify a termination date which may not be later than thirty (30) days after the effective date of the ban, and if no termination date is specified, the duration shall be thirty (30) days.
- C. The sheriff may terminate the burn ban at an earlier date by written order.
- D. The burn ban may be renewed for succeeding periods up to thirty (30) days in the same manner as provided for establishing a burn ban.

(Ord. C-57-90, May 7, 1990, vol. 31, p. 121; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265)

14.03B.060 Territory Covered

The order establishing the burn ban shall specify the territory covered, which may be any of the following, but no other: all of Island County, all of Whidbey or Camano Islands, or the entirety of a fire protection district. The territory covered by the burn ban does not include any territory or lands within the exclusive jurisdiction of the Department of Natural Resources of the State of Washington for fire regulation or fire protection purposes.

(Ord. C-57-90, May 7, 1990, vol. 31, p. 121)

14.03B.070 Effect of Burn Ban on Burning Permits

A burn ban voids any previously issued burning permit for permission to burn during the duration of the burn ban. When the burn ban terminates, any remaining period of a burning permit is effective.

(Ord. C-57-90, May 7, 1990, vol. 31, p. 121; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265)

14.03B.080 Penalty

Any person, firm, or corporation which violates an order for a burn ban commits a Class-2 civil infraction, as established by RCW chapter 7.80 as it now exists or may later be amended; **provided**, that any person who refuses or fails to immediately extinguish a fire prohibited by the burn ban, when requested to do so by the sheriff, or other law enforcement officer who is personally present, commits a misdemeanor punishable by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety (90) days or by a fine fixed by the court of not more than one-thousand dollars (\$1,000), or by both such imprisonment and fine.

(Ord. C-57-90, May 7, 1990, vol. 31, p. 121; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265)

14.03B.090 Enforcement Authority

The Island County Sheriff and his deputies, and any other law enforcement officer are enforcement officers within the meaning of RCW chapter 7.80. This provision shall not limit any other authority of these persons.

(Ord. C-57-90, May 7, 1990, vol. 31, p. 121; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265)

Chapter 14.03C

Burning Permits

(Ord. C-55-93, August 2, 1993, vol. 36, p. 63, codified as chapter 14.03C, Burning Permits, superseded and repealed by Ord. C-117-01, October 22, 2001, vol. 45, p. 471)

Chapter 14.03D

Outdoor Burning Permits

Sections:

- 14.03D.010 Authority**
- 14.03D.020 Definitions**
- 14.03D.030 Burning Prohibited/Burning without Permits/Burning Permits Required**
- 14.03D.040 Burning Permit Fees**
- 14.03D.050 Penalties**
- 14.03D.060 Limitation of Liability**
- 14.03D.070 Conflicts/Severability**

14.03D.010 Authority

This ordinance is enacted under the authority of the Washington Clean Air Act, Revised Code of Washington sections 70.94.745, 70.94.750, 70.94.780, 70.94.430, 70.94.431, Washington Administrative Code (WAC) section 173-425-060 and the Memorandum of Agreement between the Northwest Air Pollution Authority, Island and Skagit Counties, signed by the Board of Island County Commissioners on August 6, 2001.

(Ord. C-117-01, October 22, 2001, vol. 45, p. 471)

14.03D.020 Definitions

Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter shall have the following meanings:

- A. "Land clearing burning" means outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects (i.e., projects that clear the land surface so it can be developed, used for a different purpose, or left unused). (RCW 70.94.750(2)).

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- B. “Natural vegetation” means unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood. (WAC 173-425-030(11)).
- C. “Nuisance” means an emission of smoke or any other air contaminant that unreasonably interferes with the use and enjoyment of the property upon which it is deposited. (RCW 70.94.030(2)).
- D. “Outdoor burning” means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion. (RCW 70.94.743(2)).
- E. “Recreational fire” means cooking fires, campfires, and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking, pleasure, or ceremonial purposes. Fires used for debris disposal purposes are not considered recreational fires. (WAC 173-425-030(21)).
- F. “Residential burning” means the outdoor burning of leaves, clippings, prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee. (RCW 70.94.750(1)).
- G. “Storm or flood debris burning” means fires consisting of natural vegetation deposited on lands by storms or floods that have occurred in the previous two years and resulted in an emergency being declared or proclaimed in the area by the county or state government and burned on such lands by the property owner or his or her designee. (RCW 70.94.743 (1)(c)).

(Ord. C-117-01, October 22, 2001, vol. 45, p. 471)

14.03D.030 Burning Prohibited/Burning without Permits/Burning Permits Required

- A. **Types of Burning Prohibited – Oak Harbor Urban Growth Area, Langley Urban Growth Area, and Freeland Non-Municipal Urban Growth Area.** Pursuant to WAC 173-425-040(2), both residential burning and land clearing burning are prohibited in the Oak Harbor Urban Growth Area and the Langley Urban Growth Area as designated under ICC 17.03.080, both depicted in the Island County Zoning Atlas and Appendix B to Ordinance C-123-98, and the Freeland Non-Municipal Urban Growth Area designated and depicted in the Freeland Sub Area Plan adopted as Ordinance C-129-07 (PLG-022-07).² Residential burning and land clearing burning of material originating in those urban growth areas that is transported outside the urban growth areas is also prohibited. Recreational fires and storm or flood debris burning in those urban growth areas are allowed as set forth in subsections B. through H. below.

² **Reviser’s Note:** Appendix “B”, “Urban Growth Areas, Transition Areas and Joint Planning Areas,” may be obtained from the Island County Planning and Community Development Department.

- B. Burning Allowed Without Permit.** The following types of outdoor fires are allowed in the unincorporated areas of Island County, except on State Department of Natural Resources protected lands as defined by RCW 76.04.005(4)³, without a permit so long as they comply with the other conditions of this chapter and chapter 173-425 WAC:
1. Any size recreational fire outside the Oak Harbor Urban Growth Area, the Langley Urban Growth Area, and the Freeland Non-Municipal Urban Growth Area;
 2. A recreational fire within the Oak Harbor Urban Growth Area, the Langley Urban Growth Area, and the Freeland Non-Municipal Urban Growth Area where the burning fuel area is equal to or less than three (3) feet in diameter and/or two (2) feet in height; and
 3. Residential burning, outside the Oak Harbor Urban Growth Area, the Langley Urban Growth Area, and the Freeland Non-Municipal Urban Growth Area where such burning is prohibited, where the burning fuel area is equal to or less than four (4) feet in diameter and/or three (3) feet in height.
- C. County Burning Permit Required.** A person may only cause or allow an outdoor fire in the unincorporated area of Island County, except on State Department of Natural Resources protected lands as defined by RCW 76.04.005(4), if the person first obtains a burning permit issued by the Island County Fire Warden or his designee for the following types of outdoor burning as allowed under chapter 173-425 WAC⁴:
1. Residential burning, outside of the Oak Harbor Urban Growth Area, the Langley Urban Growth Area, and the Freeland Non-Municipal Urban Growth Area where such burning is prohibited, where the burning fuel area is greater than four (4) feet in diameter and/or three (3) feet in height;
 2. Land clearing burning, outside of the Oak Harbor Urban Growth Area, the Langley Urban Growth Area, and the Freeland Non-Municipal Urban Growth Area where such burning is prohibited;
 3. Storm and flood debris burning; and
 4. Recreational fires, within the Oak Harbor Urban Growth Area, the Langley Urban Growth Area, and the Freeland Non-Municipal Urban Growth Area, where the burning fuel area is greater than three (3) feet in diameter and/or two (2) feet in height.

³ For burning permits and burning regulations on State Department of Natural Resources protected lands, contact the Department of Natural Resources. For burning permits in the City of Oak Harbor, Town of Coupeville, and the City of Langley, contact those cities or town.

⁴ For burning permits for agricultural burning, weed abatement fires, fire fighting instruction fires, rare and endangered plant regeneration fires, Indian ceremonial fires, and any other type of outdoor burning not covered by this chapter, contact the Northwest Clean Air Agency.

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- D. **Conditions on Recreational Fires Allowed without a Permit or with Verbal or Electronic Permit.** Recreational fires allowed without a permit, as allowed under subsection B.(1) or (2) above, or allowed by a verbal or electronic permit, must comply with the following conditions:
1. The person responsible for the fire must contact the Island County Fire Warden or his designee for information on the burning conditions for each day;
 2. A fire may not be ignited, and must be extinguished, if an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning, is declared for the area;
 3. The fire must be fueled only by firewood, that is, bare untreated wood, or charcoal and the fire must not include garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal, or any substance that normally releases toxic emissions, dense smoke, or obnoxious odors when burned;
 4. If any emission from the fire is detrimental to the health, safety, or welfare of any person, if it causes damage to property or business, or if it causes a nuisance, the fire must be extinguished immediately;
 5. A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it;
 6. No fires are to be within fifty (50) feet of structures;
 7. Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire.
- E. **Conditions on Residential Burning Allowed without a Permit or with Verbal or Electronic Permit.** Residential burning without a permit, as allowed under subsection B.(3) above, or allowed by a verbal or electronic permit, must comply with the following conditions:
1. The person responsible for the fire must contact the Island County Fire Warden or his designee for information on the burning conditions for each day;
 2. A fire may not be ignited, and must be extinguished, if an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning, is declared for the area;
 3. The fire must not include garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal, or any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned;

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4. The fire must not include materials hauled from another property;
5. If any emission from the fire is detrimental to the health, safety, or welfare of any person, if it causes damage to property or business, or if it causes a nuisance, the fire must be extinguished immediately;
6. A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it;
7. No fires are to be within fifty (50) feet of structures;
8. Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire;
9. Any burn pile must not be larger than four (4) feet by four (4) feet by three (3) feet;
10. Only one (1) pile at a time may be burned, and each pile must be extinguished before lighting another;
11. If an outdoor container is used for burning, it must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half (1/2) inch; and
12. No fire is permitted within five hundred (500) feet of forest slash.

Persons not able to meet these requirements or the requirements in WAC 173-425-050 must apply for and receive a written permit from the Island County Fire Warden or his designee before burning. Failure to comply with all requirements of this subsection voids any applicable permit or permission to burn without a permit, and the person responsible for burning will be subject to enforcement action under ICC 14.03D.050 below as well as all other penalties and enforcement provided in chapter 70.94 RCW and chapter 173-425 WAC.

- F. To be valid, a permit must be issued by the Island County Fire Warden or his designee. Conditions may be imposed in the permit for the protection of life, property, or air quality, and the Island County Fire Warden or his designee may suspend or revoke permits when conditions warrant. A permit shall be effective only under the conditions and for the periods stated therein.
- G. The Island County Fire Warden or his designee may inspect or cause to be inspected the area involved and issue a burning permit if:
 1. All requirements relating to fire fighting equipment, the work to be done, and precautions to be taken before commencing the burning have been met;
 2. No unreasonable danger will result; and

OUTDOOR BURNING PERMITS

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3. Burning will be done in compliance with air quality standards established by chapter 70.94 RCW and ICC 8.08A.390, Island County Health Regulations, regarding outdoor burning.

- H. Either with or without a burning permit, it is unlawful for any person to cause or allow outdoor burning that causes an emission of smoke or any other air contaminant that is detrimental to the health, safety, or welfare of any person, that causes damage to property or business, or that causes a nuisance. The Island County Fire Warden or his designee may refuse, revoke, or postpone permits to burn, or order burning not requiring a permit to cease, when necessary for the safety of adjacent property such as during a burn ban, when the burning would or is causing a nuisance, or when necessary in his judgment to prevent air pollution as provided in chapter 70.94 RCW.

(Ord. C-117-01, October 22, 2001, vol. 45, p. 471; amended by Ord. C-03-09, February 23, 2009, vol. 2009, p. 74)

14.03D.040 Burning Permit Fees

The fees for burning permits shall be established by resolution of the Board of Island County Commissioners.

(Ord. C-117-01, October 22, 2001, vol. 45, p. 471)

14.03D.050 Penalties

- A. Failure to obtain a written burning permit as required by this chapter, failure to comply with any condition of a burning permit once issued, or any other burning in violation of this chapter shall be a civil infraction. Each day of violation constitutes a separate infraction.
- B. A notice of infraction of this burning permit ordinance shall be processed pursuant to the provisions of RCW chapter 7.80 and the Infraction Rules for Courts of Limited Jurisdiction (IRLJ). The Island County Fire Warden or his designee is the enforcement officer.
- C. Civil infractions of this ordinance are as follows:
 1. Land Clearing Burning – Class 2 civil infraction, \$125;
 2. Residential Fires – Class 4 civil infraction, \$25;
 3. Recreational Fires – Class 4 civil infraction, \$25; and
 4. Storm/Flood Debris Fires – Class 4 civil infraction, \$25.

In addition to the above civil infraction amounts, a violator is also required to pay the burning permit fee if it has not already been paid.

- D. Other or additional penalties or enforcement provisions apply as contained in chapter 70.94 RCW and chapter 173-425 WAC.

(Ord. C-117-01, October 22, 2001, vol. 45, 471; amended by Ord. C-153-01, December 17, 2001, vol. 46, p. 49)

14.30D.060

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14.03D.060 Limitation of Liability

This chapter is not intended to create any specific persons to be benefited or protected or any class of persons to be benefited or protected nor to create any reliance relationship between Island County and any persons. This chapter is not intended to create any duty running in favor of any particular persons, but is adopted to promote the general health, safety and welfare of the public at large. The obligation to comply with the provisions of this chapter is upon those who cause or allow outdoor fires and their agents. Acts or omissions to act under this chapter by Island County, its officials or employees shall not create any liability on the part of Island County, its officials or employees.

(Ord. C-117-01, October 22, 2001, vol. 45, p. 471)

14.03D.070 Conflicts/Severability

To the extent that any provision of this chapter conflicts with provisions of the Washington Clean Air Act, chapter 70.94 RCW, or the implementing Department of Ecology Outdoor Burning regulations, chapter 173-425 WAC, those provisions of state statutes and regulations shall prevail. Should any section, subsection, paragraph, sentence, clause, or phrase of this chapter be found unconstitutional or invalid for any reason, such finding shall not affect the validity of the remaining portion of this ordinance.

(Ord. C-117-01, October 22, 2001, vol. 45, p. 471)

Chapter 14.03E

Fire Flow and Fire Access Ordinance North Whidbey UGA Enterprise Area

Sections:

- 14.03E.010 Purpose**
- 14.03E.020 Applicability**
- 14.03E.030 Definitions**
- 14.03E.040 Fire Flow Requirements for Buildings**
- 14.03E.050 General Limitations**
- 14.03E.060 Fire Hydrant Spacing**
- 14.03E.070 Modifications to Buildings**
- 14.03E.080 Fire Apparatus Access Roads**
- 14.03E.090 Permits**
- 14.03E.100 Variances**
- 14.03E.110 Limitation of Liability**

**FIRE FLOW AND FIRE ACCESS ORDINANCE
NORTH WHIDBEY UGA ENTERPRISE AREA**

14.03E.010

14.03E.120 Conflicting Regulations

14.03E.130 Severability

14.03E.140 Effective Date of Adoption

14.03E.010 Purpose

This Chapter implements a set of fire standards that are consistent with the Oak Harbor Fire Standards in the North Whidbey Enterprise Area. Pursuant to County-Wide Planning Policies and the Island County/Oak Harbor Interlocal Agreement, the area inside the Enterprise Area is expected to be annexed by Oak Harbor. Infrastructure associated with fire flow and fire access should therefore be the same for both Island County and the City of Oak Harbor.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.03E.020 Applicability

The regulations set forth herein are applicable to all land within the North Whidbey Enterprise Area set forth in Exhibit A. All lands within the North Whidbey Enterprise Area shall comply with the provisions of this Chapter through the review of building permits.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.03E.030 Definitions

- A. **Department:** Island County Planning and Community Development.
- B. **Fire flow:** The rate of water delivery needed for the purpose of fighting fires in addition to requirements for normal domestic maximum instantaneous demand as referenced in guidelines published by the State Department of Health entitled "Design Standards for Public Water Supply."
- C. **Residual pressure:** The pressure on the water distribution system within the vicinity of one or more hydrants flowing fire flow.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.03E.040 Fire Flow Requirements for Buildings

- A. The following procedure shall be used to determine fire flow requirements for all buildings or portions of buildings. It is not intended to apply to structures other than buildings. The fire flow requirement is the quantity of water in gallons per minute needed to control an anticipated fire in a building or group of buildings. When determining fire flow, the minimum residual pressure shall be 20 pounds per square inch and the flow duration shall be two hours.

- B. Fire flow may be modified upward by the Department where conditions indicate an unusual susceptibility to group fires or conflagrations. An upward modification shall not be more than twice that required for the building under consideration.
- C. Determination. The minimum fire flow shall not be less than that specified in Table 14.03E.040. Exception: The required fire flow may be reduced up to seventy-five percent (75%) when the building is provided with an approved automatic sprinkler system, but in no case less than one thousand five hundred (1,500) gallons per minute.
- D. In types I-FR and II-FR construction only the three largest successive floor areas shall be used to calculate the required fire flow.
- E. Calculations shall depend on development variables which include, but are not limited to: Type of construction, building height, roofing, materials and processes housed, and configurations of exposed areas. The Department shall determine whether or not a variable condition exists presenting additional hazards. The decision shall be made in accordance with nationally recognized standards for fire protection.

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**FIRE FLOW AND FIRE ACCESS ORDINANCE
NORTH WHIDBEY UGA ENTERPRISE AREA**

14.03E.040

**Table 14.03E.040
Construction Type**

Flow (In Gallons per minute)	I-F.R. II-F.R.	II 1-Hr. III 1-Hr.	IV – H.T. V 1-Hr.	II-N III-N	V-N
1,500	22,700	12,700	8,200	5,900	3,600
1,750	30,200	17,000	10,900	7,900	4,800
2,000	38,700	21,800	12,900	9,800	6,200
2,250	48,300	24,200	17,400	12,600	7,700
2,500	59,000	33,200	21,300	15,400	9,400
2,750	70,900	39,700	25,500	18,400	11,300
3,000	83,700	47,100	30,100	21,800	13,400
3,250	97,700	54,900	35,200	25,900	15,600
3,500	112,700	63,400	40,600	29,300	18,000
3,750	128,700	72,400	46,400	33,500	20,600
4,000	145,900	82,100	52,500	37,900	23,300
4,250	164,200	92,400	59,100	42,700	26,300
4,500	183,400	103,100	66,000	47,700	29,300
4,750	203,700	114,600	73,300	53,000	32,600
5,000	225,200	126,700	81,100	56,600	36,000
5,250	247,700	139,400	89,200	65,400	39,600
5,500	271,200	152,600	97,700	70,600	43,400
5,750	295,900	166,500	106,500	77,000	47,400
6,000	Unlimited	Unlimited	115,800	83,700	51,500
6,250	“	“	125,500	90,600	55,700
6,500	“	“	135,500	97,900	60,200
6,750	“	“	145,800	106,800	64,800
7,000	“	“	156,700	113,200	69,600
7,250	“	“	167,900	121,300	74,600
7,500	“	“	179,400	129,600	79,800
7,750	“	“	191,400	138,300	85,100
8,000	“	“	Unlimited	Unlimited	Unlimited

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.03E.050 General Limitations

- A. This Chapter specifically exempts one- and two-family dwellings from all requirements contained herein.
- B. The required fire flow for new buildings may not exceed the available water supply.
- C. In no event shall the required fire flow exceed four thousand five hundred (4,500) gallons per minute nor shall buildings require fire flow in excess of the estimated available fire flow in gallons per minute as projected by the City of Oak Harbor Comprehensive Water Plan.
- D. For the purposes of this section, buildings, or portions of buildings, separated by a four-hour fire resistive wall constructed in accordance with the Building Code shall be considered as separate buildings.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.03E.060 Fire Hydrant Spacing

Fire hydrants shall be spaced not more than three hundred (300) feet along public streets or approved fire access routes. Buildings shall not be located more than three hundred (300) feet from the nearest fire hydrant, and if more than one hydrant is required to meet required fire flow demand, all hydrants shall be within six hundred (600) feet of the building.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.03E.070 Modifications to Buildings

Buildings may not be added to or be changed in any manner which would increase the required fire flow without providing for the required increase.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.03E.080 Fire Apparatus Access Roads

Fire apparatus access roads shall be provided for every facility, building or portion of a building when any portion of an exterior wall of the first story is located more than one hundred fifty (150) feet from fire apparatus access as measured by an approved route around the exterior of the building or facility.

Exceptions:

- A. When buildings are completely protected with an approved fire sprinkler system, the provisions may be modified by the Department.
- B. When access roads cannot be installed due to location on property, topography, or non-negotiable grades the Department may require additional fire protection systems.

**FIRE FLOW AND FIRE ACCESS ORDINANCE
NORTH WHIDBEY UGA ENTERPRISE AREA**

14.03E.080

More than one fire apparatus access road shall be required when it is determined by the Department that access by a single road might be impaired by vehicle congestion or other factors that could limit access.

Fire apparatus access roads shall have an unobstructed width of not less than twenty (20) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches.

Exception: Vertical clearance may be reduced when approved and signs are installed and maintained indicating the established vertical clearance.

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

Fire apparatus access roads shall have a turning radius of not less than forty (40) feet and a maximum grade of ten (10) percent.

Dead-end fire apparatus access roads in excess of one hundred fifty (150) feet in length shall be provided with provisions for turning around of fire apparatus approved by the Department.

Bridges used as part of fire apparatus access roads shall be approved and maintained in accordance with nationally recognized standards. Vehicle load limits shall be posted at both entrances to bridges.

When required by the Department, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit obstruction by parking or other obstructions.

Any approvals required for access roads shall be obtained from the Department.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.03E.090 Permits

All building permit applications in the North Whidbey Enterprise Area shall be reviewed for its consistency with this Chapter. All applications must be submitted with a minimum of five (5) copies of the building plans.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.03E.100 Variances

- A. Any person desiring to erect any structure, or increase the size of any structure, in a manner that is not consistent with the standards set forth herein may apply to the Department for a variance from the fire flow and access regulations in question.
- B. Such variances shall be allowed when a literal application of enforcement of the regulations would result in practical difficulty or unnecessary hardships and the variance granted would

14.03E.100

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not be contrary to the public interest but do substantial justice and be in accordance with the spirit of regulations and this Chapter. Provided, that any variance may be allowed subject to any reasonable conditions that the Department may deem necessary to effectuate the purposes of this ordinance.

- C. In areas of the North Whidbey Enterprise Zone that do not have Oak Harbor City water available, or if the Department finds that connection to the Oak Harbor City water supply would be an unnecessary hardship, the Department may apply the fire flow standards of ICC 13.03A.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.03E.110 Limitation of Liability

This chapter is not intended to create any class of persons to be benefited or protected nor to create any reliance relationship between Island County and builders, building owners, landowners, land purchasers, their successors, occupants, or users of structures built with or without a building permit, or any other persons. This chapter is not intended to create any duty running in favor of particular persons. The obligation to comply with the provisions of this chapter are upon the property owner, builder and their agents. Acts or omissions to act by Island County, its officials or employees under this chapter shall not create any liability on the part of Island County or its officials or employees.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.03E.120 Conflicting Regulations

In the event of conflict between any Building Code regulations and any other regulations applicable to the same property, the more stringent limitation or regulation shall govern and prevail.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.03E.130 Severability

If any of the provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect with the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

14.03E.140 Effective Date of Adoption

Upon adoption by Island County, this Chapter shall be in full force and effect.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

Chapter 14.04

Uniform House and Road Numbering

(Ord. 14-30, February 14, 1971, vol. 14, p. 19; amended by Res. C-61-87, September 14, 1987, vol. 27, p. 223; amended by Res. C-123-87, December 21, 1987, vol. 27, p. 446, codified as chapter 14.04, Uniform House and Road Numbering, replaced and superseded by Ord. C-32-96, July 1, 1996, vol. 40, p. 44)

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Chapter 14.04A

Addressing Policy

Sections:

- 14.04A.010 Intent**
- 14.04A.020 Definitions**
- 14.04A.030 Naming of Public Roads**
- 14.04A.040 Naming of Private Roads**
- 14.04A.050 Road Naming Criteria**
- 14.04A.060 Renaming Existing Private Roads**
- 14.04A.070 Approval of Road Names**
- 14.04A.080 Notification of Road Name Selection**
- 14.04A.090 Posting Road Names**
- 14.04A.100 Address System**
- 14.04A.110 House Numbering System**
- 14.04A.120 Address Assignment**
- 14.04A.130 Address Posting**
- 14.04A.140 Appeals**
- 14.04A.150 Penalties**

14.04A.010 Intent

This policy is intended to guide the comprehensive addressing of unincorporated Island County for the purposes of ensuring that development in unincorporated areas can be located and identified by emergency response units.

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44; amended by Ord. C-87-00 [R-43-00], October 2, 2000, vol. 45, p. 34)

14.04A.020 Definitions

- A. **Addressing Board** - A board known as the "Addressing Board" is hereby established consisting of five (5) members appointed by the Board of Island County Commissioners with the purpose of assisting county staff in assigning road names and hearing appeals of address assignment and private road name determinations. The Addressing Board shall consist of one (1) member each from law enforcement, fire protection, Public Works Department, and one citizen each from Whidbey and Camano Islands.
- B. **I-COM** - Island County Emergency Services Communications Center.
- C. **Named Road** - Any private or public road that bears a name officially recognized by the County.
- D. **Post or Posting** - The visible display of address information.
- E. **Private Road** - Any road, drive, trail or easement not owned and/or maintained by a public agency that provides access to more than one (1) parcel of land.
- F. **Quadrant Base Lines** - The north-south and east-west axes that divide each island into four (4) sections (quadrants).

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44; amended by Ord. C-56-98, June 1, 1998, vol. 42, p. 201; amended by Ord. C-87-00 [R-43-00], October 2, 2000, vol. 45, p. 34)

14.04A.030 Naming of Public Roads

All public roads that serve to connect two (2) or more other named roads shall be named. The following public roads do not require naming except as deemed necessary by the Addressing Board:

- A. Roads which only serve as access to publicly-owned facilities such as parks, parking lots, boat ramps, maintenance shops, etc.
- B. A wide portion of a road within the right-of-way of the main road which does not physically form an intersection with the main road. A driveway joining the main road is not considered an intersection.
- C. Roads which provide access to four (4) or fewer parcels.

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44; amended by Ord. C-56-98, June 1, 1998, vol. 42, p. 201; amended by Ord. C-87-00 [R-43-00], October 2, 2000, vol. 45, p. 34)

14.04A.040 Naming of Private Roads

- A. All private roads providing access to five (5) or more parcels of land shall be named.
- B. Property owners may opt to have private roads serving two (2) or more properties named.

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44; amended by Ord. C-56-98, June 1, 1998, vol. 42, p. 201)

14.04A.050 Road Naming Criteria

The following criteria shall guide the selection of both public and private road names:

- A. No two (2) roads on Camano Island shall have the same or substantially similar sounding name. No two (2) roads within a nineteen (19) mile radius of each other on Whidbey Island shall have the same or substantially similar sounding name.

The following examples are considered the same or substantially similar sounding: Elk Rd. & Elk Dr.; Noon Rd. & Boon Rd.; Almo Dr. & Malmo Ct.

- B. Road names shall be assigned on a first-come, first-served basis.
- C. Road names shall be no longer than sixteen (16) characters including spaces but excluding road classification.
- D. Road names shall not contain a compass direction ("East," "West," "North," or "South") unless existing prior to the adoption of this policy and approved by the Addressing Board.
- E. Road names shall consist of no more than two (2) words excluding road classification description.
- F. Road names shall be easily pronounced and easily spelled. Questionable road names shall be referred to I-COM for recommendation of approval (i.e. Caelfind Ave pronounced as Keelin Avenue, or Wynter Rd. vs. Winter Rd., Knapp Rd. vs. Napp Rd.).
- G. Road names shall not consist of numbers or a single letter.
- H. All roads that do not dead end or terminate in a cul-de-sac shall have the road classification of Road, Avenue, Drive, Street, Parkway or Boulevard.
- I. All roads that dead end or terminate in a cul-de-sac shall have the road classification of Lane, Court, Way, Terrace or Place.
- J. All roads that return to their point of origin shall have the road classification of Circle.
- K. A road that begins and ends at two (2) different locations along another road, shall have the road classification of Loop (see diagram 1).
- L. When two (2) differently named roads connect at a point other than at an intersection, there shall be a definite point defined and signed where one ends and the other begins.
- M. Two (2) roads that are interrupted by terrain or by existing development patterns shall bear different names when eventual connection is not likely.

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44; amended by Ord. C-87-00 [R-43-00], October 2, 2000, vol. 45, p. 34)

14.04A.060 Renaming Existing Private Roads

Existing private roads with names consisting of numbers shall be reassigned names composed of alphabetical characters.

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44)

14.04A.070 Approval of Private Road Names

- A. When a private road has to be named or renamed, the assessed property owners on that road shall be requested by the Island County Public Works Department or its authorized agent in writing, by mail, to select a road name subject to the above criteria. If a majority of the property owners on a road do not make a recommendation within forty-five (45) days, or if the recommendation duplicates or substantially duplicates the name of a road already in use or previously recommended, the Island County Public Works Department or its authorized agent will make a name selection.
- B. Building permits for parcels accessed from unnamed easements that meet the criteria for naming shall be issued temporary addresses based on the easement's intersection with the closest named road until the easement can be named.

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44; amended by Ord. C-56-98, June 1, 1998, vol. 42, p. 201; amended by Ord. C-87-00 [R-43-00], October 2, 2000, vol. 45, p. 34)

14.04A.080 Notification of Road Name Selection

The Public Works Department or its authorized agent shall notify affected property owners in writing, by mail, of their new road name and new address, if applicable. The County or its authorized agent shall also notify the United States Postal Service, serving utility companies and emergency service agencies.

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44; amended by Ord. C-87-00 [R-43-00], October 2, 2000, vol. 45, p. 34)

14.04A.090 Posting Road Names

- A. It shall be the duty of the County Engineer to sign and identify all existing public intersections by the erection and maintenance of adequate signs and posts.
- B. Property owners using private roads to access their properties shall be responsible for the posting and maintenance of private road name signs in locations visible at the private road's intersection(s) with adjoining public or private roads. The County may offer to post private road signs, for a fee, if the private road intersects a public road. Property owners shall post private road names within thirty (30) days of mailing of written notice to the property owners.
- C. All street signs and signing shall meet or exceed standards set by Island County.

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44; amended by Ord. C-56-98, June 1, 1998, vol. 42, p. 201)

14.04A.100 Address System

The County shall be divided into two (2) numbering areas, consisting of Whidbey Island and Camano Island, each divided into quadrants. The Whidbey Island quadrants shall be divided north and south along the north line of Township 31 North, and east and west along the division line between Range 1 East and Range 2 East. The Camano Island quadrants shall be divided north and south by the north line of Township 31 North and east and west along the east line of Range 2 East (see diagram 5).

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44; amended by Ord. C-56-98, June 1, 1998, vol. 42, p. 201)

14.04A.110 House Numbering System

- A. Address numbers on County roads and private roads shall increase with distance from “00” at the quadrant base lines at the rate of four hundred (400) numbers per mile. Addresses shall coincide with the addressing grid except as specified in subsections B and E below. Even numbers shall be on the right hand side of the road, facing the direction in which the numbers progress. (See diagram 3)
- B. In the case of a meandering road or where a road changes course, addresses shall be based on the road's predominant direction and shall be continuous regardless of the road's course. Addresses shall coincide with the addressing grid at the end of the road nearest to the addressing baseline and increase at the rate of four hundred (400) numbers per road mile.
- C. A road's predominant direction shall be determined by the angle formed by a straight line drawn from the end of the road that is closest to the quadrant base line to its extreme other end. Angles less than or equal to forty-five (45) degrees from the horizontal shall be considered East-West. Angles greater than forty-five (45) degrees from horizontal shall be considered North-South. (See diagram 2)
- D. Addresses for roads that cross a quadrant base line shall incorporate a single directional character following the address number (E, W, N or S example: 2001 E Nevell Rd.) indicating on which side of the quadrant base line that segment of the road lies. The road shall be addressed with respect to this direction and not the road's predominant direction. (See diagram 3)
- E. Addresses on State Highway 20 and State Highway 525 shall be assigned according to the State's milepost system with intervals of one-thousand (1,000) numbers per road mile.

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44; amended by Ord. C-56-98, June 1, 1998, vol. 42, p. 201)

14.04A.120 Address Assignment

- A. The Public Works Department, or its authorized agent, shall assign or reassign addresses to existing development to comprehensively implement the County's addressing system.

- B. The Public Works Department shall assign addresses to new development at the time of building permit issuance and prior to plat map recording in accordance with the adopted addressing system and applicable State law.
- C. Temporary addresses for new construction on unnamed private roads shall be issued where necessary in accordance with 14.04A.070.
- D. Addresses shall be assigned according to the location of the driveway's intersection on the named road. An address may be assigned on the basis of a building's main entrance if that entrance is clearly visible from the named road and provides the most direct access to the main entrance of the building provided that sufficient information is provided for an adequate determination (see diagram 4).
- E. Addresses for circular roads shall be assigned in a counter-clockwise direction with even numbers on the right side of the road.
- F. Loop roads shall be addressed in a clockwise or counter-clockwise direction based on their predominant direction in relation to the addressing grid. Even numbers shall be on the right hand side of the road, facing the direction in which the numbers progress. (See diagram 1)
- G. Where one side of a road is in a city and addressed according to the city plan and the other side is in the county, or where small city and county segments alternate back and forth along a section of road, the County may decide to address those sections of the road adjacent to the city consistent with the city plan to avoid confusion.
- H. Only one (1) address shall be assigned per parcel except as specified in subsection K below.
- I. A single parcel developed with multiple habitable buildings shall conform to the following:
 - 1. Mobile home parks and similar establishments shall designate each unit or space with a number in the address (i.e., No. 1, Space 1, etc.) unless the owner elects to name the roads and address each unit or space as individual parcels.
 - 2. All other types of development sharing a single parcel, such as multiple single family residences, apartments, duplexes, condominiums, office complexes, schools, hospital campuses and commercial shopping centers, shall designate each building with a letter following the address (i.e., 4002 Main St. Bldg. A). Building letter designations shall progress from left to right and/or nearest to farthest as the buildings are viewed from the named road or in a counter-clockwise order for loop configurations or as deemed appropriate by the addressing authority.
- J. Multi-unit buildings shall have a number designation for each unit.
 - 1. Numbering for each single level buildings shall start with one (1) and proceed to the total number of units in the building. Numbering for each multi-level buildings shall be assigned three (3) digit numbers (or four (4) in buildings with ten (10) or more floors) to each unit where the left most digit(s) reflects the level of the unit (i.e. the first unit on the third floor shall be 301).

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2. The unit number shall be appended to the building letter where multiple buildings exist. Example: A12, Apt. A12, Suite A12, etc.
 3. Unit number designation shall progress from left to right as the building is viewed from the front side of the building. "Front side" is defined as the side from which the primary access (front door) to the units are located.
- K. Multiple addresses shall be assigned to one parcel only if separate habitable structures have different primary accesses to a named road. All buildings sharing an access shall have the same address.
- L. Parcels that are primarily accessed by pedestrian paths or sidewalks and are not accessible to land based emergency response vehicles shall be assigned addresses relative to the pedestrian access as if the pedestrian access were a road. The pedestrian access shall be named in accordance with 14.04A.050 - Road Naming Criteria except that the classification shall be "Walk."

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44; amended by Ord. C-56-98, June 1, 1998, vol. 42, p. 201; amended by Ord. C-87-00 [R-43-00], October 2, 2000, vol. 45, p. 34)

14.04A.130 - Address Posting

Within thirty (30) days of mailing of written notice from the County or its authorized agent, the property owner shall post the address in a manner that it can be read from the public or private road accessing the addressed property and provide adequate identification of the addressed property in accordance with the following:

- A. Addresses shall be posted on the addressed building, with one-half inch (1/2") channel numerals at least five inches (5") in height, in colors contrasting with the background in such manner and location as to be clearly visible from the road.
- B. In instances where the main building's posted address is not clearly visible from the road, house numbers shall be visibly posted at one (1) location at a height between four feet (4') and eight feet (8') from road level and anywhere within an arc of thirty feet (30') from the point of intersection of the driveway with the named road, with numerals at least three inches (3") high on a contrasting background and visible when traveling in either direction.
- C. Multiple building complexes (i.e., apartment complexes, mobile home parks, etc.) where the primary entrance to all addressed buildings or units are not clearly visible from the street, shall display a map directory of the complex drawn to a minimum scale of 1" = 20' and no smaller than 2 ft. X 2 ft. in overall size at each entrance to the complex.
- D. Addresses shall be posted prior to final inspection for structures that require an address.
- E. Building letters for multiple building complexes shall be minimum twelve (12) inches in height with one (1) inch channel for buildings where multiple unit buildings exist and five

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(5) inches in height with one-half (1/2) inch channel for buildings where no multiple unit buildings exist. Building letters shall be posted on each building in a conspicuous location. Unit numbers shall be a minimum of three (3) inches in height and posted near the entrance to each unit.

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44; amended by Ord. C-87-00 [R-43-00], October 2, 2000, vol. 45, p. 34)

14.04A.140 Appeals

- A. Affected property owners may appeal private road names or assigned addresses to the Addressing Board within twenty-one (21) days of the date that written notice is sent to the property owner. To be timely, the written notice of appeal must be received within the twenty-one (21) day time limit.
- B. A decision of the Addressing Board may be appealed to the Board of County Commissioners within twenty-one (21) days of the date that written notice of the decision of the Addressing Board is sent to the property owner. To be timely, the written notice of appeal must be received within the twenty-one (21) day time limit.
- C. Affected property owners may request a special hearing by the Board of County Commissioners to review a public road name within twenty-one (21) days of its approval by the Board of County Commissioners. To be timely, the written notice of request for a special hearing must be received within the twenty-one (21) day time limit.

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44; amended by Ord. C-56-98, June 1, 1998, vol. 42, p. 201)

14.04A.150 - Penalties

Any individual, firm or corporation refusing or failing to comply with the terms of ICC 14.04A.090.B and/or ICC 14.04A.130 may be subject to a civil penalty not to exceed the amount of one-hundred dollars (\$100). The Director of Planning & Community Development or his designee is the enforcement officer and violations shall be processed in the Island County District Court in accordance with chapter 7.80 RCW and applicable court rules.

(Ord. C-32-96, July 1, 1996, vol. 40, p. 44)