

Title 15

BUILDING AND CONSTRUCTION

Chapters:

- 15.04 State Building Codes**
- 15.08 *Repealed***
- 15.12 Utility Permits**
- 15.28 Flood Damage Prevention**

Chapter 15.04**STATE BUILDING CODES**

Sections:

- 15.04.010 State Building Codes adopted.
- 15.04.015 Building permit fees.
- 15.04.017 Grading.
- 15.04.020 Violation – Penalty.

15.04.010 State Building Codes adopted.

The State Building Code, as follows, is adopted by reference:

A. Those certain documents, being marked and designated as the International Building Code, together with Appendices thereto, published by the International Code Council, as amended, excepted to, and adopted by the Washington State Building Code Council effective July 1, 2004, and published as Chapter 51-50 WAC, or as the same may be adopted by the Washington State Building Code Council by law in the future, and the International Residential Code, together with Appendices thereto, published by the International Code Council, as amended, excepted to, and adopted by the Washington State Building Code Council effective July 1, 2004, and published as Chapter 51-51 WAC, or as the same may be adopted by the Washington State Building Code Council by law in the future, be and the same are adopted as the code of the city for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the city, providing for issuance of permits and collection of fees therefor, and providing minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential building and structures within this jurisdiction, and providing a just, equitable and practicable method whereby building and structures from any cause and danger to life, limb, health, morals, property, safety or welfare of the general public, whether the structures may be required to be repaired, vacated, or demolished; and each and all of the regulations, provisions, conditions and terms of such codes, as amended, excepted to, and adopted by the Washington State Building Code Council, are referred to, adopted, and made a part hereof as if fully set out in this chapter;

B. Except as provided in RCW 19.27.031, the International Mechanical Code, together with

Appendices thereto, published by the International Code Council, as amended, excepted to, and adopted by the Washington State Building Code Council effective July 1, 2004, and published as Chapter 51-52 WAC, or as the same may be adopted by the Washington State Building Code Council by law in the future;

C. Except as provided in RCW 19.27.031, the International Fire Code, together with Appendices thereto, published by the International Code Council, as amended, excepted to, and adopted by the Washington State Building Code Council effective July 1, 2004, and published as Chapter 51-54 WAC, or as the same may be adopted by the Washington State Building Code Council by law in the future;

D. Except as provided in RCW 19.27.031 and 19.27.170, the Uniform Plumbing Code and Uniform Plumbing Code Standards, together with Appendices thereto, published by the International Association of Plumbing and Mechanical Officials, as amended, excepted to, and adopted by the Washington State Building Code Council effective July 1, 2004, and published as Chapter 51-56 WAC, or as the same may be adopted by the Washington State Building Code Council by law in the future;

E. The Washington State Energy Code, together with Appendices thereto, as amended, excepted to, and adopted by the Washington State Building Code Council and published as Chapter 51-11 WAC, or as the same may be adopted by the Washington State Building Code Council by law in the future;

F. The Washington State Ventilation and Indoor Air Quality Code, together with Appendices thereto, as amended, excepted to, and adopted by the Washington State Building Code Council and published as Chapter 51-13 WAC, or as the same may be adopted by the Washington State Building Code Council by law in the future;

G. In case of conflict among the codes enumerated in subsections (A), (B), (C) and (D) of this section, the first named code shall govern over those following. (Ord. 05-673 § 1, 2005; Ord. 95-502 § 1, 1995; Ord. 92-452 § 1, 1992)

15.04.015 Building permit fees.

The city, from time to time as they so desire, by resolution, may amend, alter or change fees charged for permits under the State Building Codes adopted pursuant to AMC 15.04.010. (Ord. 09-734 § 1, 2009)

15.04.017 Grading.*

A. Appendix J – Grading to the International Building Code is hereby specifically adopted by reference pursuant to WAC 51-51-0102 File 102.5(d).

B. New Permit. The fee will be calculated by Table 1-A of the 1997 UBC, as follows:

**1997 UNIFORM BUILDING CODE
TABLE 1-A. BUILDING PERMIT FEES**

Total Valuation	Fee
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof

Other Inspections and Fees: Hourly Charge

1. Inspections outside of normal business hours (minimum charge – two hours) \$47.00 per hour*
2. Reinspection fees assessed under provisions of Section 108.8 \$47.00 per hour*
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour) \$47.00 per hour*
4. Additional plan review required by changes, additions or revisions to plans \$47.00 per hour*
5. For use of outside consultants for plan checking and inspections, or both Actual costs**

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**Actual costs include administrative and over head costs.

Grading Plan review will be a minimum of \$35.00 or 25% of the net permit fee, whichever is greater.

Failure to obtain a Grading Permit is a Gross Misdemeanor under AMC.

BONDS: The Building Official may require bonds in order to assure that the work, if not completed properly, will be corrected to eliminate hazardous conditions.
(Ord. 09-741 § 1, 2009; Ord. 09-739 § 1, 2009)

* Code reviser's note: Ordinance 09-739 adds the provisions of this section as Section 15.04.015. The section has been renumbered to avoid duplication.

15.04.020 Violation – Penalty.

Penalties for violation of the Asotin Municipal Code shall be pursuant to and in accordance with Chapter 1.12 AMC. (Ord. 95-502 § 2, 1996)

Chapter 15.08**HOUSING CODE – DANGEROUS
BUILDING ABATEMENT CODE**

(Repealed by Ord. 05-673)

Chapter 15.12**UTILITY PERMITS****Sections:**

- 15.12.010 Who may obtain.
- 15.12.020 Excavations – Prior approval required – Exception.
- 15.12.030 Permittee liability.
- 15.12.040 Utility locates required.
- 15.12.050 Rates.
- 15.12.060 Aerial utility – Permit required – Fee.
- 15.12.070 Backfilling – Notice required.
- 15.12.080 Completion of work – Time limits – Remedy.
- 15.12.090 Completion of work – Inspection – Procedures for compliance.
- 15.12.100 Permits contingent upon inspection.
- 15.12.110 Cuts in streets or roads – Standards.
- 15.12.120 Excavations and backfills – Standards.

15.12.010 Who may obtain.

Permission by the city for street/road/right-of-way excavation or cutting of pavement, sidewalk or other improved street/road/right-of-way for the purpose of making any utility connections or repairs shall be granted only to licensed and bonded contractors or franchised utilities, or their agents. (Ord. 06-685 § 1, 2006)

15.12.020 Excavations – Prior approval required – Exception.

A. No person will be permitted to make any street/road/right-of-way excavations whatsoever without prior written approval of the director of public works.

B. An excavation may be made without prior written approval only in the event of an emergency situation occurring outside of regular business hours. The contractor or franchised utility shall then secure the proper permits on the next regular business day to avoid the double fee for a non-permit cut. (Ord. 06-685 § 1, 2006)

15.12.030 Permittee liability.

The permittee shall be wholly responsible for any damages incurred as a result of any excavation or street/road/right-of-way cut made. (Ord. 06-685 § 1, 2006)

15.12.040 Utility locates required.

Before excavation, all permittees must verify with the city engineer the location of sewer lines

lying within such streets, roads or rights-of-way. (Ord. 06-685 § 1, 2006)

15.12.050 Rates.

The contractor or franchised utility shall compensate the city for all cuts or excavations at the following rates:

- A. Ten cents per linear foot of dug trench.
- B. One cent per linear foot of plowed trench.
- C. One dollar per bell hole. (Ord. 06-685 § 1, 2006)

15.12.060 Aerial utility – Permit required – Fee.

Installation of an aerial utility will require a permit for which \$25.00 shall be charged. (Ord. 06-685 § 1, 2006)

15.12.070 Backfilling – Notice required.

Any contractor obtaining a permit under the provisions of this chapter shall, in addition to complying with all of the other provisions of this chapter, notify the city clerk-treasurer at least 24 hours in advance of the proposed time at which any excavation is to be backfilled to allow the city to schedule inspection and paving. (Ord. 06-685 § 1, 2006)

15.12.080 Completion of work – Time limits – Remedy.

A. The permittee shall complete all work as shown on the permit granted by the date scheduled thereon. Exceptions due to weather or other reasons may be granted by the city engineer in his discretion.

B. Should a permittee fail to complete the work as programmed and shown on the fact of the permit, the city may complete the work and charge the permittee for doing such work. (Ord. 06-685 § 1, 2006)

15.12.090 Completion of work – Inspection – Procedures for compliance.

A. Upon completion of all work, the permittee shall advise the city clerk-treasurer that the work has been completed. The city clerk-treasurer shall then cause the job and work to be inspected.

B. If such inspection reveals the work to have been performed in a satisfactory fashion, the city clerk-treasurer shall so advise the permittee.

C. In the event the work has not been completed in a satisfactory fashion, the city clerk-treasurer shall advise the permittee of the nature and extent of the failure of the job to pass inspection and what corrective work must be done in order that the

work can pass inspection. Any cost incidental thereto shall be borne solely by the permittee for correcting any deficiency in the work to bring it up to standards satisfactory to the city clerk.

D. When the corrective work has been completed, the permittee shall so advise the city clerk-treasurer, who shall then cause the work to be re-inspected. If the corrective work is found satisfactory, the city clerk-treasurer shall so advise the permittee. In the event the work is not satisfactory, the city engineer shall set standards for completion and perform all further inspections. (Ord. 06-685 § 1, 2006)

15.12.100 Permits contingent upon inspection.

The issuance of any permit under the provisions of this section is contingent upon satisfactory inspection reports regarding the contractor's compliance with the requirements and specifications as set forth in any and all subsections of any applicable section of this chapter. (Ord. 06-685 § 1, 2006)

15.12.110 Cuts in streets or roads – Standards.

A. All cuts into street asphalt or concrete cement shall be trued so that the marginal line of the cut will form a rectangle with straight edges and vertical faces.

B. All street/road cuts shall extend six inches beyond excavation points to provide a nondisturbed shoulder for patching.

C. The use of a concrete saw will be required for cutting concrete cement sidewalks, curbs and gutters, and for other special provisions. (Ord. 06-685 § 1, 2006)

15.12.120 Excavations and backfills – Standards.

A. Excavation shall be made in such manner and with the necessary precautions to protect the workmen and general public at all times.

B. Excavations made in all streets, alleys, or sidewalks of the city for whatever purpose shall be backfilled in accordance with the following instructions:

1. All excavated trench material shall be replaced with approved backfill material.

2. Approved backfill material for street/road excavations shall consist of native fill material compacted to 95 percent of standard proctor density.

3. The top six inches of fill material shall consist of five-eighths-inch minus crushed rock.

4. All street/road cuts backfilled with native material may be tested to certify the approved native backfill density. (Ord. 06-685 § 1, 2006)

Chapter 15.28

FLOOD DAMAGE PREVENTION*

Sections:

Article I. General Provisions

- 15.28.010 Statutory authorization.
- 15.28.020 Findings of fact.
- 15.28.030 Purpose of provisions.
- 15.28.040 Definitions.
- 15.28.050 Flood loss reduction methods.
- 15.28.060 Applicability.
- 15.28.070 Special flood hazard area – Establishment.
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- 15.28.090 Construction of provisions.
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- 15.28.280 Floodways.
- 15.28.285 Encroachments.
- 15.28.290 Critical facilities.

* Prior ordinance history: Ord. 255.

Article I. General Provisions

15.28.010 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. (Ord. 87-389 § 1.1, 1987)

15.28.020 Findings of fact.

A. The flood hazard areas of the city 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.

B. 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 floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 87-389 § 1.2, 1987)

15.28.030 Purpose of provisions.

It is the purpose of this chapter 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:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. 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;
- F. 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;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 87-389 § 1.3, 1987)

15.28.040 Definitions.

Unless specifically defined in this section, words or phrases used in this chapter shall be inter-

preted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Accessory structure” means nonresidential structures such as garages, sheds, garden buildings, pole buildings, grain bins, and barns which are considered normal for farming or ranching activities.

“Appeal” means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

“Area of shallow flooding” means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). 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” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A or V.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letter A or V.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Breakaway wall” means a wall that is not 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” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-30, VE or V.

“Critical facility” means 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, and facilities which produce, use, or store hazardous materials or hazardous waste.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining,

dredging, filling, grading, paving, excavation, drilling operations or storage of equipment and materials located within the area of special flood hazard.

“Elevated building” means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the 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 adopted floodplain management regulations.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the 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” means 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 Rate Map (FIRM)” means 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 the community.

“Flood Insurance Study” means 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” means 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 a designated height.

“Lowest floor” means 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 nonelevation design requirements of this chapter, AMC 15.28.250(B).

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the 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 adopted floodplain management regulations.

“Recreational vehicle” means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 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 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 foundations 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.

“Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

a. Before the improvement or repair is started; or

b. 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 wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

2. The term does not, however, include either:

a. Any project for improvement of a structure to correct 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

b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Water dependent” means 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. 02-606 § 1, 2002; Ord. 87-389 § 2, 1987)

15.28.050 Flood loss reduction methods.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. 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;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas. (Ord. 87-389 § 1.4, 1987)

15.28.060 Applicability.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. (Ord. 87-389 § 3.1, 1987)

15.28.070 Special flood hazard area – Establishment.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the City of Asotin,” dated October 29, 1986, with the accompanying flood insurance maps and any revision thereto is adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at Asotin City Hall, 130 2nd Street, Asotin, Washington. (Ord. 05-656 § 1, 2005; Ord. 87-389 § 3.2, 1987)

15.28.080 Greater restrictions to apply.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 87-389 § 3.4, 1987)

15.28.090 Construction of provisions.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 87-389 § 3.5, 1987)

15.28.100 Liability disclaimer.

The degree of flood protection required by this chapter 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 manmade or natural causes. This chapter 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 chapter shall not create liability on the part of city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made under this chapter. (Ord. 87-389 § 3.6, 1987)

15.28.110 Violation – Penalty.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter 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 chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more the 90 days, or both, for each violation, and in addition shall pay costs and expenses involved in the case. Nothing contained in this chapter shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 87-389 § 3.3, 1987)

Article II. Administration

15.28.120 Development permit – Required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in AMC 15.28.070. The permit shall be for all structures including manufactured homes, as set forth in AMC 15.28.040, and for all development includ-

ing fill and other activities, also as set forth in AMC 15.28.040. (Ord. 87-389 § 4.1-1, 1987)

15.28.130 Development permit – Application.

Application for a development permit shall be made on forms furnished by the building official and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, 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 lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in AMC 15.28.260; and
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Ord. 87-389 § 4.1-2, 1987)

15.28.140 Administrator designated.

The building official is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 87-389 § 4.2, 1987)

15.28.150 Building official – Duties.

Duties of the building official shall include, but not be limited to:

- A. Permit Review.
 1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 2. 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;
 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of AMC 15.28.280(A) are met;
- B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with AMC 15.28.070, 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 AMC 15.28.240 through 15.28.280;

C. Information to Be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study or required as in subsection (B) of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (B) of this section:

a. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and

b. Maintain the floodproofing certifications required in AMC 15.28.130(C);

3. Maintain for public inspection all records pertaining to the provisions of this chapter;

D. Alteration of Watercourses.

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

E. Interpretation of FIRM Boundaries. 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 AMC 15.28.160 and 15.28.170. (Ord. 05-656 § 2, 2005; Ord. 87-389 § 4.3, 1987)

15.28.160 Appeal board.

A. The city council shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the building official in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the city council, or any taxpayer, may appeal such decision to the Asotin County superior court, as provided by statute.

D. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

11. 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 subsection (D) of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The building official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 87-389 § 4.4-1, 1987)

15.28.170 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 lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing AMC 15.28.160(D)(1) through (11) have been fully considered. As the lot

size increases the technical justification required for issuing the variance increases.

B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

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:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. 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 AMC 15.28.160(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.

G. Variances may be issued for nonresidential buildings 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 subsection (A) of this section and otherwise complies with AMC 15.28.190 and 15.28.200.

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. (Ord. 87-389 § 4.4-2, 1987)

Article III. Flood Hazard Reduction

15.28.180 General standards.

In all areas of special flood hazards, the standards in AMC 15.28.190 through 15.28.270 are required. (Ord. 87-389 § 5.1, 1987)

15.28.190 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.) (Ord. 87-389 § 5.1-1, 1987)

15.28.200 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.

D. Water wells shall be located on high ground that is not in the floodway. (Ord. 09-736 § 1, 2009; Ord. 87-389 § 5.1-2, 1987)

15.28.210 Utilities.

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 05-656 § 3, 2005; Ord. 87-389 § 5.1-3, 1987)

15.28.220 Subdivision proposals.

A. All subdivision proposals shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public 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.

D. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less). (Ord. 87-389 § 5.1-4, 1987)

15.28.230 Building permit review.

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (AMC 15.28.150(B)), 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 judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. (Ord. 87-389 § 5.1-5, 1987)

15.28.240 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in AMC 15.28.070 or 15.28.150(B), the provisions set out in AMC 15.28.250 through 15.28.270 are required. (Ord. 87-389 § 5.2, 1987)

15.28.250 Residential construction.

A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation.

B. Fully enclosed areas below the lowest floor that 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:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of

floodwaters. (Ord. 05-656 § 4, 2005; Ord. 87-389 § 5.2-1, 1987)

15.28.260 Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above base flood elevation, or, together with attendant utility and sanitary facilities, shall:

A. Be floodproofed 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 AMC 15.28.150(C)(2);

D. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in AMC 15.28.250(B);

E. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level). (Ord. 05-656 § 5, 2005; Ord. 87-389 § 5.2-2, 1987)

15.28.270 Manufactured homes.

A. All manufactured homes to be placed or substantially improved within Zones A1-A30, AH, and AE on the community's FIRM on sites:

1. Outside of a manufactured home park or subdivision;

2. In a new manufactured home park or subdivision;

3. In an expansion to an existing manufactured home park or subdivision; or

4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately

