

Title 16

BUILDINGS AND CONSTRUCTION*

Chapters:

- 16.04 Building Permits**
- 16.08 Building Code**
- 16.12 Plumbing Code**
- 16.16 Mechanical Code**
- 16.20 Fire Code**
- 16.24 Dangerous Buildings**
- 16.27 Manufactured Homes**
- 16.28 Mobile Home Parks**
- 16.32 Satellite Receiving Systems**
- 16.36 Mobile Home (MH) Zones and Mobile Home Subdivisions**
- 16.40 Electrical Code**
- 16.44 Energy Code**
- 16.48 Barrier-Free Design**
- 16.52 Road, Bridge and Municipal Construction**
- 16.53 Best Management Practices for Construction and Site Development**
- 16.54 Stormwater Management and Erosion Control**
- 16.56 Model Energy Conservation Standards**
- 16.60 Ventilation and Indoor Air Quality Code**
- 16.64 Historic Building Code**
- 16.68 Uniform Dwelling Code**
- 16.72 *Repealed***
- 16.76 Radon Monitoring**
- 16.80 Construction Permit Appeals**
- 16.90 Residential Care Facilities and Adult Family Homes**

*For statutory provisions on the construction of buildings, see Chapter 19.27 RCW; for sign provisions, see Chapter 18.06 EMC.

Chapter 16.04

BUILDING PERMITS

Sections:

- 16.04.010 Plot plan – Required – Contents.
- 16.04.020 Survey – Required – Purpose.
- 16.04.030 Issuance – Conditions.
- 16.04.040 Variance – Cancellation when.
- 16.04.044 Building permit fees.
- 16.04.050 Plan review fee.
- 16.04.052 Expiration of permits and plan review.

16.04.010 Plot plan – Required – Contents.

All applicants for building permits within the town shall submit at the time of applying for a building permit a plot plan of the property upon which the proposed building is to be built, showing the proposed location of the building on the property and setting forth the measurements of the setback requirements, in accordance with the ordinances of the town. (Ord. 74-15 § 1, 1974).

16.04.020 Survey – Required – Purpose.

All applicants for building permits shall give evidence of a survey of their property which establishes all property lines and corners at the time of applying for a building permit, in order that the town building inspectors can verify the location of the property lines to check the accuracy of the plot plan submitted by the applicant. (Ord. 74-15 § 2, 1974).

16.04.030 Issuance – Conditions.

No applicants for building permits shall be issued permits unless they have complied with the requirements of EMC 16.04.010 and 16.04.020. (Ord. 74-15 § 3, 1974).

16.04.040 Variance – Cancellation when.

All variances more than one year old following the date of issuance which have not been used by the party or successors to whom issued, be and the same are canceled and terminated. (Ord. 74-15 § 4, 1974).

16.04.044 Building permit fees.

Building permit fees for residential and commercial construction shall be charged in conformance to Section 108 of the 2006 International Building Code, Section R108 of the 2006 International Residential Code, Section 106.5.2 of the 2006 International Mechanical Code and Section 103.4.1 of the 2006 Uniform Plumbing Code. The

value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, profit, fire extinguishing systems, and any other pertinent equipment. Fees shall be calculated from Table 1 from the Building Valuation Data as published by the International Code Council with the regional cost modifier in Table 2 and the valuation as set forth in Table 3, except as follows:

A. Computation of fees for mobile homes located on individual lots shall be the same as for conventional houses.

B. Structures not classed as buildings such as retaining walls, dog kennels, decks, signs, docks and the like shall be charged fees based on the actual cost of labor and materials according to Table 3 of this code.

C. Repair to structures such as re-siding, or painting decks under 30 inches in height, replacing of doors, or any other nonstructural repair shall not require a building permit.

D. The permit fee for the addition to any building shall be computed on the same basis as the building permit.

E. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under the issued permit.

F. Mechanical Permit Fees. 2006 International Mechanical Code Section 106.5.2 amended. Mechanical fees shall be calculated at 15 percent of the building permit fee.

G. Plumbing Permit Fees. 2006 Uniform Plumbing Code Section 103.4.1 amended. Plumbing fees shall be calculated at 15 percent of the building permit fee.

H. A technology fee of \$10.00 shall be applied to each permit issued for permit software upgrades, training and related computer maintenance and replacement.

I. Permits requiring plan review and inspections that are required by the Washington State Energy Code and the Washington State Ventilation and Indoor Air Quality Code shall require a \$60.00 plan review and inspection fee.

Tables 1, 2 and 3, attached to the ordinance codified in this section, are incorporated herein by this reference. (Ord. 2007-25 § 3, 2007; Ord. 2005-18 § 3, 2005; Ord. 2005-06 § 3, 2005; Ord. 2004-07 § 3, 2004).

16.04.050 Plan review fee.

Building plan review fees shall be 65 percent of the building permit fee as determined in EMC 16.04.044 and as follows:

A. When submittal documents are required, a plan review fee shall be paid at the time of submitting the documents for plan review.

B. The plan review fees specified in this section are separate fees from the permit fees specified in EMC 16.04.044.

C. Revised plans submitted during the plan review process which have uncorrected plan review items shall require additional plan review fees on the third submittal. The additional fee shall be \$47.00 per hour with a minimum of two hours.

D. Plan review fee will be non-refundable. (Ord. 2007-25 § 4, 2007; Ord. 2005-18 § 4, 2005; Ord. 2005-06 § 4, 2005; Ord. 2004-07 § 4, 2004; Ord. 92-5 § 15, 1992; Ord. 84-10 § 1, 1984).

16.04.052 Expiration of permits and plan review.

A. Permits shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned or has not received an inspection at any time after the work is commenced for a period of 180 days. Before work can be recommenced, a new permit shall first be obtained to do so, and the fee therefor shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further, that such suspension and abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

B. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by subsection A of this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

C. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data

submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time of action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. (Ord. 2007-25 § 5, 2007; Ord. 2005-18 § 5, 2005; Ord. 2005-06 § 5, 2005; Ord. 2004-07 § 5, 2004).

Chapter 16.08

BUILDING CODE

Sections:

- 16.08.010 International codes – Adopted by reference.
- 16.08.012 *Repealed.*
- 16.08.014 International codes – Copies on file.
- 16.08.015 *Repealed.*
- 16.08.016 Section 110.1 of the International Building Code amended – Certificate of occupancy.
- 16.08.018 Investigations.
- 16.08.020 Fire zone established.
- 16.08.030 Building official – Designated – Authority.
- 16.08.040 Administration – Forms and notices.
- 16.08.050 Town clerk – Duties.
- 16.08.060 Resolution of conflicting provisions.

16.08.010 International codes – Adopted by reference.

Pursuant to RCW 35A.12.140, the following codes of technical regulations are adopted by this reference as if fully set forth, subject to the modifications or amendments set forth in this chapter and with the exception of those provisions of the codes set forth in this chapter:

A. Adoption of the International Building Code. The International Building Code, 2009 Edition, including Appendix E, published by the International Code Council, as amended by the Washington State Building Code Council and published in Chapter 51-50 WAC, is adopted by this reference, except as amended.

B. Adoption of the International Residential Code. The International Residential Code, 2009 Edition, including Appendix L, published by the Washington State Building Code Council and as

amended by the Washington State Building Council and published as Chapter 51-51 WAC, is adopted by this reference.

C. Adoption of the International Mechanical Code. The International Mechanical Code, 2009 Edition, published by the International Code Council, as amended by the Washington State Building Code Council, and published as Chapter 51-52 WAC.

D. Adoption of the Uniform Plumbing Code. The Uniform Plumbing Code, 2009 Edition, published by the International Association of Plumbing and Mechanical Officials, as amended by the Washington State Building Code Council and published as Chapters 51-56 and 51-57 WAC, is adopted by this reference.

E. Adoption of the International Fire Code. The International Fire Code, 2009 Edition, published by the International Code Council, as amended by the Washington State Building Code Council and published as Chapter 51-54 WAC, is adopted by this reference.

F. Adoption of the International Fuel Gas Code. The International Fuel Gas Code, 2009 Edition, published by the International Code Council, except unvented room heaters in Section 621, is adopted by this reference.

G. Adoption of the International Property Maintenance Code. The International Property Maintenance Code, 2009 Edition, published by the International Code Council, is adopted by this reference.

H. Adoption of the Washington State Energy Code, 2006 Edition, as amended by the Washington State Building Code Council and filed as Chapter 51-11 WAC, is adopted by this reference.

I. Minimum Design Requirements. The following climatic and geographic design criteria are adopted pursuant to Section R301.2 of the International Residential Code:

Ground Snow Load	Wind Design		Seismic Design Category ^f	Subject to Damage From			Winter Design Temp ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
	Speed ^d (mph)	Topographic Effects ^k		Weathering ^a	Frost Line Depth ^b	Termite ^c					
35	80	NO	D-1	Moderate	12"	Slight	27	NO	1985	160	51.2

(Ord. 2010-13 § 1, 2010; Ord. 2007-25 § 1, 2007; Ord. 2005-18 § 1, 2005; Ord. 2005-06 § 1, 2005; Ord. 2004-07 § 1, 2004; Ord. 98-08 § 8, 1998; Ord. 95-07 §§ 1, 8, 1995).

16.08.012 International Building Code amended.

Repealed by Ord. 2010-13. (Ord. 2007-25 § 6, 2007; Ord. 2005-18 § 6, 2005; Ord. 2005-06 § 6, 2005; Ord. 2004-07 § 6, 2004).

16.08.014 International codes – Copies on file.

The city clerk is directed to keep on file in the office of the city clerk not less than one copy of each of the codes adopted pursuant to EMC 16.08.010 for use and examination by the public, pursuant to RCW 35A.12.140. (Ord. 2007-25 § 2, 2007; Ord. 2005-18 § 2, 2005; Ord. 2005-06 § 2, 2005; Ord. 2004-07 § 2, 2004).

16.08.015 International Residential Code amended.

Repealed by Ord. 2010-13. (Ord. 2007-25 § 7, 2007; Ord. 2005-18 § 7, 2005; Ord. 2005-06 § 7, 2005; Ord. 2004-07 § 7, 2004).

16.08.016 Section 110.1 of the International Building Code amended – Certificate of occupancy.

Section 110.1 of the International Building Code and Section R110.1 of the International Residential Code, 2009 Edition, as adopted by EMC 16.08.010, are amended to read as follows:

Use and Occupancy. No building or structure of Groups A, B, E, F, H, I, LC, M, R, or S occupancies shall be used or classification of a building or structure or portion thereof, shall be made until the Building Official has issued a Certificate of Occupancy therefor as provided herein. A Certificate of Occupancy shall be issued only:

(1) After compliance with applicable zoning regulations, concomitant agreement articles, construction permit conditions, conformity to the provisions of this code, and all relevant laws, ordinances, rules and regulations; and

(2) Upon satisfactory repair of, or payment for, any damage to city property occurring in the course of work done under the provisions of this code.

(Ord. 2010-13 § 4, 2010; Ord. 2007-25 § 8, 2007; Ord. 2005-18 § 8, 2005; Ord. 2005-06 § 8, 2005; Ord. 2004-07 § 8, 2004).

16.08.018 Investigations.

A. The fire chief of the Pierce County fire marshal's office or his or her designee is authorized to investigate promptly the cause, origin and circumstances of each and every fire occurring in the town of Eatonville involving loss of life or injury to person or destruction or damage to property and is authorized to pursue the investigation to its conclusion. This authorization shall also extend to unauthorized releases of hazardous materials. The town police department is authorized to assist the fire department in its investigations when requested to do so.

B. "Fire chief," "chief," or "chief of the fire prevention bureau," as used in the International Fire Code or in the EMC, means the fire chief of the Pierce County fire marshal's office for purposes of fire suppression and enforcement of the International Fire Code. (Ord. 2007-25 § 9, 2007; Ord. 2005-18 § 9, 2005; Ord. 2005-06 § 9, 2005; Ord. 2004-07 § 9, 2004).

16.08.020 Fire zone established.

For the purpose of the International Building Code and the interpretation and enforcement of the applicable provisions thereof, the entire town is declared to be and is established as a fire district, and said fire district shall be known as Fire Zone No. 3 throughout the entire corporate limits of the town. (Ord. 219 § 4, 1964).

16.08.030 Building official – Designated – Authority.

The building official of the town of Eatonville is appointed and designated as the building official of the town, and he shall have all the power and authority and jurisdiction provided by the International Building Code. The public works director is appointed and designated as his replacement in the building official's absence. (Ord. 92-5 § 17, 1992).

16.08.040 Administration – Forms and notices.

All forms and notices required for the administration of the International Building Code shall be furnished by the town. (Ord. 92-5 § 18, 1992).

16.08.050 Town clerk – Duties.

The town clerk shall serve as one of the assistants to the building official to issue such forms, permits and notices and to collect such fees and to perform such administrative duties as the building official shall determine. (Ord. 219 § 5, 1964).

16.08.060 Resolution of conflicting provisions.

In case of conflict among the International Building Code, the International Residential Code, the International Mechanical Code, the International Fire Code and the Uniform Plumbing Code, as adopted in EMC 16.08.010, the first named code shall govern over those following, as provided in RCW 19.27.031. (Ord. 2010-13 § 5, 2010; Ord. 92-5 § 37, 1992).

Chapter 16.12**PLUMBING CODE**

Sections:

- 16.12.010 *Repealed.*
- 16.12.020 Title – Citation.
- 16.12.030 Administrative authority – Designated – Powers.
- 16.12.040 Forms and notices.
- 16.12.050 Administrative assistant designated.
- 16.12.060 Fees – Schedule.

16.12.010 Uniform Plumbing Code – Adopted by reference.

Repealed by Ord. 2010-13. (Ord. 2007-25 § 10, 2007; Ord. 2005-18 § 10, 2005; Ord. 2005-06 § 10, 2005; Ord. 2004-07 § 10, 2004; Ord. 98-08 § 9, 1998; Ord. 92-5 § 19, 1992).

16.12.020 Title – Citation.

This chapter may be known and cited as the “Uniform Plumbing Code of the Town of Eatonville.” In citing specific provisions the code may be cited by reference to the section number as set forth in the published form, and the code may be thereafter amended or added to as provided in this chapter. (Ord. 213 § 14, 1964).

16.12.030 Administrative authority – Designated – Powers.

The building official of the town of Eatonville is appointed and designated as the “administrative authority” of the town, and he shall have all of the authority and power and jurisdiction of the administrative authority as provided in the Uniform Plumbing Code. (Ord. 92-5 § 20, 1992).

16.12.040 Forms and notices.

All forms and notices required for the administration of this code shall be furnished by the town of Eatonville. (Ord. 92-5 § 21, 1992).

16.12.050 Administrative assistant designated.

The town clerk shall serve as one of the administrative assistants to the building official as the administrative authority, to issue such forms, permits and notices and to collect such fees and perform such administrative duties as the building official shall determine. (Ord. 213 § 8, 1964).

16.12.060 Fees – Schedule.

Plumbing permit fees shall be established by resolution of the town council and shall be paid prior to permit issuance. (Ord. 92-5 § 22, 1992).

Chapter 16.16

MECHANICAL CODE

Sections:

- 16.16.010 *Repealed.*
- 16.16.020 Administrative authority designated.
- 16.16.030 Piping inspection – Inspector notification.
- 16.16.040 Fees – Schedule.

16.16.010 International Mechanical Code – Adopted by reference.

Repealed by Ord. 2010-13. (Ord. 2007-25 § 11, 2007; Ord. 2005-18 § 11, 2005; Ord. 2005-06 § 11, 2005; Ord. 2004-07 § 11, 2004; Ord. 98-08 § 10, 1998; Ord. 95-07 §§ 2, 9, 1995).

16.16.020 Administrative authority designated.

The administrative authority, as set forth in the International Mechanical Code, shall be deemed to refer to the town building official, or his duly authorized representative. (Ord. 2007-25 § 12, 2007; Ord. 2005-18 § 12, 2005; Ord. 2005-06 § 12, 2005; Ord. 2004-07 § 12, 2004; Ord. 92-5 § 24, 1992).

16.16.030 Piping inspection – Inspector notification.

When any work done under a permit issued by the inspector is completed and ready for inspection, the person to whom the permit has been issued shall, within 24 hours after completion of the work, notify the inspector that the same has been completed and is ready for inspection, and the inspector shall cause the work to be inspected within a reasonable time thereafter. (Ord. 78-9 § 7, 1978).

16.16.040 Fees – Schedule.

The mechanical permit fees shall be established by resolution of the town council and shall be paid prior to permit issuance. (Ord. 92-5 § 25, 1992).

Chapter 16.20**FIRE CODE**

Sections:

16.20.010 *Repealed.*

16.20.020 Administrative authority designated.

16.20.010 International Fire Code – Adopted by reference.

Repealed by Ord. 2010-13. (Ord. 2007-25 § 13, 2007; Ord. 2005-18 § 13, 2005; Ord. 2005-06 § 13, 2005; Ord. 2004-07 § 13, 2004; Ord. 98-08 § 11, 1998; Ord. 95-07 §§ 3, 10, 1995).

16.20.020 Administrative authority designated.

The building official is also designated as the fire marshal for the town of Eatonville, and he shall have all the power and authority and jurisdiction provided by the Fire Code Standards. (Ord. 92-5 § 27, 1992).

Chapter 16.24**DANGEROUS BUILDINGS**

Sections:

16.24.010 Adopted by reference – Copies on file.

16.24.020 Definitions.

16.24.030 Dwelling unfit for habitation if deemed dangerous.

16.24.040 Dangerous building described.

16.24.050 Violation – Penalty.

16.24.010 Adopted by reference – Copies on file.

The town adopts by reference Chapter 35.80 RCW, and has deposited three copies thereof with the town clerk-treasurer for public inspection and reference. (Ord. 89-4 § 1, 1989).

16.24.020 Definitions.

In compliance with the provisions of state law adopted by reference the town further ordains as follows:

A. The “appeals commission” provided by this chapter shall be the council of the town.

B. The designated “building inspector” of the town is the designated hearing officer to enforce the provisions of RCW 35.80.030, which has been adopted by reference, and all powers granted to the hearing board are granted to such officer. (Ord. 89-4 § 2, 1989).

16.24.030 Dwelling unfit for habitation if deemed dangerous.

The building inspector shall not determine that a dwelling, building or structure is unfit for habitation or other use unless it is a “dangerous building” as defined in EMC 16.24.040. (Ord. 89-4 § 3, 1989).

16.24.040 Dangerous building described.

For the purpose of this chapter, any building or structure which has any or all of the conditions or defects hereinafter described is a “dangerous building,” provided, that such conditions or defects exist to the extent that the life, health, property, or safety of the public, or its occupants are endangered:

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

B. Whenever the stress in any material, member or portion thereof, due to all dead and live loads, is more than one and one-half times the

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working stress or stresses provided by the building regulations of this town, as specified in the town's current International Building Code;

C. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the town's current International Building Code, for new buildings of similar construction;

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

E. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the town's current International Building Code, for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the town's current International Building Code, for such buildings;

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

G. Whenever the building or structure, or any portion thereof, because of:

1. Dilapidation, deterioration or decay,
2. Faulty construction,
3. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building,
4. The deterioration, decay or inadequacy of its foundations, or

5. Any other cause, is likely to partially or completely collapse;

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

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

J. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of

its non-supporting members, enclosing or outside walls or covering;

K. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:

1. An attractive nuisance to children,
2. A harbor for vagrants, criminals or immoral persons, or as to
3. Enable persons to resort thereto for the purpose of committing unlawful or immoral acts;

L. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this town, as specified in the town's current International Building Code, or of any law or ordinance of this state or town relating to the conditions, location, or structure of buildings;

M. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion, less than 50 percent, or in any supporting part, member, or portion less than 66 percent of the:

1. Strength,
 2. Fire-resisting qualities or characteristics,
- or
3. Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location;

N. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer of the town, to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease;

O. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire chief of the town to be a fire hazard;

P. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence;

Q. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public. (Ord. 2007-25 § 14, 2007; Ord. 2005-18 § 14, 2005; Ord. 2005-06 § 14, 2005; Ord. 2004-07 § 14, 2004; Ord. 89-4 § 4, 1989).

16.24.050 Violation – Penalty.

In addition to the remedies authorized by Chapter 35.80 RCW, it shall be unlawful for an owner to maintain a “dangerous building” after a notice has been sent to the owner of the building by registered mail and by posting a copy of the notice on the front door of the premises, or by personal service, specifying the grounds constituting a “dangerous building,” and the owner has failed to take action on an ongoing basis reasonably calculated to correct the deficiencies within a reasonable period of time, within 30 days of the mailing and posting, or personal service on said owner. A violation of this chapter may be punished by imposition of a monetary fine of \$500.00 for each infraction. (Ord. 89-4 § 5, 1989).

Chapter 16.27

MANUFACTURED HOMES

Sections:

- 16.27.010 The use of manufactured homes.
- 16.27.020 Definitions.

16.27.010 The use of manufactured homes.

A “designated manufactured home” may be used as a single-family dwelling unit; provided, that it meets all of the following criteria:

A. It is a “new manufactured home,” which means any manufactured home required to be titled under RCW Title 46, which has not been previously titled to a retail purchaser, and is not a “used mobile home” as defined in RCW 82.45.032(2); and

B. It is set upon a permanent foundation, as specified by the building official, and the space from the bottom of the home to the ground is enclosed by load-bearing concrete; and

C. It complies with all zoning, design and land use regulations applicable to single-family dwelling units at the subject location; and

D. It complies with town of Eatonville design standards applicable to all other single-family homes located in the town of Eatonville. (Ord. 2005-16 § 1, 2005).

16.27.020 Definitions.

A. “Designated manufactured home” means a single-family dwelling unit constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

1. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof with not less than a 3:12 pitch; and

3. Has exterior siding similar in appearance, as determined by the building official, to siding materials commonly used on conventional site-built single-family dwellings built under the IBC.

B. “New manufactured home” means any manufactured home required to be titled under RCW Title 46, which has not been previously titled to a retail purchaser, and is not a used mobile home as defined in subsection C of this section.

C. “Used manufactured home” means a mobile home which has previously been sold at retail and has been subjected to tax under Chapter 82.02

RCW, or which has been previously used and has been subjected to tax under Chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and is placed on a foundation (posts or blocks) with fixed pipe connections with sewer and water and other utilities.

This section does not override any legally recorded covenants or deed restrictions of record. (Ord. 2005-16 § 1, 2005).

Chapter 16.28

MOBILE HOME PARKS

Sections:

- 16.28.010 Purpose.
- 16.28.020 Definitions.
- 16.28.030 Construction or enlargement – License required.
- 16.28.040 Application for permit.
- 16.28.050 License fee.
- 16.28.060 Investigation of premises – Permit issuance conditions.
- 16.28.070 Display of licenses and permits.
- 16.28.080 Permits not transferable.
- 16.28.090 Construction or enlargement – Plan required.
- 16.28.100 Plan – Information to be shown.
- 16.28.110 Site size and access requirement.
- 16.28.120 Mobile home space – Basic requirements.
- 16.28.130 Drainage facilities.
- 16.28.140 Setback.
- 16.28.150 Height regulations.
- 16.28.160 Mobile home stand required.
- 16.28.170 Ground anchor requirements.
- 16.28.180 Tiedown requirements.
- 16.28.190 Skirting.
- 16.28.200 Landscaping requirements.
- 16.28.210 Fencing and screening.
- 16.28.220 Soil and ground cover.
- 16.28.230 Mobile home space – Site number requirements.
- 16.28.240 Recreation area.
- 16.28.250 Service and community service buildings.
- 16.28.260 Accessory structures – Area restriction.
- 16.28.270 Cabanas prohibited.
- 16.28.280 Awnings.
- 16.28.290 Patio requirements.
- 16.28.300 Porches.
- 16.28.310 Ramadas prohibited.
- 16.28.320 Storage building.
- 16.28.330 Park streets – Required – Width, surfacing and lighting.
- 16.28.340 Access requirements.
- 16.28.350 Width determination.
- 16.28.360 Roadway surfacing requirements.
- 16.28.370 Parking space requirements generally.
- 16.28.380 Guest, service and storage facilities.
- 16.28.390 Walkways.
- 16.28.400 Water supply.
- 16.28.410 Water connections.

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- 16.28.420 Water main approval required.
- 16.28.430 Plumbing and sewer connections.
- 16.28.440 Sewer connections and sanitary facilities.
- 16.28.450 Gas burning appliances – Installation requirements.
- 16.28.460 Fire protection equipment – Requirements generally.
- 16.28.470 Fire protection equipment – Fire department approval required.
- 16.28.480 Operation – Owner responsibility.
- 16.28.490 Maintenance of structures.
- 16.28.500 Working order required for all installations.
- 16.28.510 Removal of unfit habitation required – When.
- 16.28.520 Commercial uses.
- 16.28.530 Sign restrictions.
- 16.28.540 Poultry and livestock prohibited.
- 16.28.550 Placement fee.
- 16.28.560 Enforcement – Right of entry for inspection.
- 16.28.570 Violation – Notice required.
- 16.28.580 Violation – Failure to remedy – Revocation of permits and licenses.
- 16.28.590 Permit or licenses revocation – Hearing required – Notice.
- 16.28.600 Appeal procedures.

16.28.010 Purpose.

The purpose of this chapter is to:

A. Provide standards for the development and use of mobile homes appropriate to their location and their use as permanent, accessory or temporary facilities and to establish minimum standards and requirements for the construction and operation of mobile home parks;

B. Make a distinction between mobile home parks and mobile home subdivisions, and their development and occupancy characteristics. (Ord. 87-3 § 1, 1987).

16.28.020 Definitions.

A. “Accessory use” means a use or structure customarily incidental and subordinate to the principal use of mobile home and located on the same mobile home space with the mobile home.

B. “Cabana” means any room enclosure erected or constructed adjacent to a mobile home for residential use by the occupant of the mobile home. All cabanas shall be construed as accessory use to mobile home.

C. “Carport” means a shade structure for an automobile located within six feet of a mobile

home, which is completely open on at least two sides and which is designed to be constructed in conformance with the town building code. All carports shall be construed as accessory uses to mobile homes.

D. “Driveway” means a minor entrance off the park street into an off-street parking area serving one or more mobile homes.

E. “Ground anchor” means any device at the mobile home stand designed for the purpose of securing a mobile home to the ground.

F. “Mobile home park” means an area of land, in single ownership, on which ground space is made available for the location of mobile homes (or trailers) on a month-to-month or yearly lease basis. Said mobile homes would, generally, be owned by the occupants who pay a fee for the use of the ground space. The mobile home units remain essentially portable and may be moved from time to time.

G. “Mobile home space” means a plot of ground plainly marked by corner stakes, fences, shrubbery or other devices, and designed to accommodate one occupied mobile home and/or accessory building.

H. “Mobile home subdivision” means an area of land, platted in accordance with the subdivision or platting regulations of the town and the state of Washington, in which each parcel or lot is designed and intended to be owned in fee by a person or persons also owning and occupying the mobile home structure situated on such lot. The mobile home units remain essentially fixed on permanent foundations and, generally, are moved onto the site in their entirety or in sections only at the time of initial construction. Structures in mobile home subdivisions shall meet current HUD or UBC construction standards, and shall be governed by the town’s subdivision ordinances.

I. “Mobile/manufactured home” means a vehicular, portable structure built on a chassis, designed to be used as a residential dwelling, which is not designed to be permanently affixed to a foundation, and containing plumbing, waste disposal and electrical systems similar to conventional homes, and which bears an insignia issued by a state or federal regulatory agency indicating that the mobile/manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of a manufactured home. A commercial coach, recreational vehicle and factory-built home is not a mobile/manufactured home.

J. "Parking space" means a minimum space nine feet in width by 20 feet in length for the purpose of automobile storage.

K. "Park street" means a street or road within a mobile home park which connects individual mobile home spaces with a public road, street or highway.

L. "Permit" means a written permit issued by the town clerk permitting the mobile home park to operate under this chapter and the regulations promulgated hereunder.

M. "Plot plan" means a graphic representation drawn to scale, as further defined in Chapter 17.08 EMC.

N. "Porch" means an outside walking area having the floor elevated more than eight inches above grade. All porches shall be construed as accessory uses to a mobile home.

O. "Ramada" means an open-work arch or covering which may often be used as a sunscreen or arbor over which climbing plants are trained.

P. "Recreation area" means any area which has been designed for active or passive recreational use.

Q. "Skirting" means a securely attached exterior material that extends around the bottom of the entire mobile home between the ground and the outer bottom portion of the dwelling.

R. "Storage building" means a structure located on a mobile home space which is designed and used solely for the storage of personal equipment and possessions of the mobile home occupants. All storage buildings shall be construed as accessory uses to the mobile home.

S. "Tiedown" means any device designed for the purpose of anchoring a mobile home to ground anchors. (Ord. 87-3 § 2, 1987).

16.28.030 Construction or enlargement – License required.

It is unlawful any person to construct a mobile home park or enlarge an existing mobile home park in the town unless such person holds a valid mobile home license authorizing the one named thereon to operate the mobile home park on the premises listed on the permit and to accommodate the number of mobile homes approved by the planning commission. Such licenses shall be procured from the town clerk. (Ord. 87-3 § 3, 1987).

16.28.040 Application for permit.

A. Applications for a permit to construct, substantially reconstruct or enlarge a mobile home

park shall be submitted upon a form provided by the building inspector.

B. At the time of submission of the application hereunder, the town clerk shall collect an application fee which shall be established by resolution of the town council. (Ord. 87-3 § 4, 1987).

16.28.050 License fee.

An annual license fee for the operation of any mobile home park in the town shall be set by resolution of the town council. (Ord. 87-3 § 5, 1987).

16.28.060 Investigation of premises – Permit issuance conditions.

Upon filing of the application and plans accompanied by the inspection fee, it shall be the duty of the building inspector, the fire chief and the health officer, or any of their duly authorized representatives, to investigate the premises and determine whether the proposed mobile home park, or the site proposed therefor, conforms with the requirements of this chapter, town ordinances, rules and regulations of the health district, and state laws. No permit shall be issued unless such mobile home park, or the proposed site, complies with such requirements. Any application that does not comply with all town ordinances and state law shall be rejected; provided, however, appeal may be made according to the provisions set forth in EMC 16.28.600 on appeals. (Ord. 87-3 § 6, 1987).

16.28.070 Display of licenses and permits.

All licenses and permits shall be displayed in the office of the mobile home park or in a prominent place within the park. (Ord. 87-3 § 7, 1987).

16.28.080 Permits not transferable.

No permit issued by the building, health, fire or planning department is transferable. (Ord. 87-3 § 8, 1987).

16.28.090 Construction or enlargement – Plan required.

Prior to any construction or installation of any buildings, roadways or utilities in a new or proposed mobile home park, or additions, extensions and enlargements of any existing mobile home park, the owner or operator thereof shall obtain approval from the town council and shall place on file with the planning commission one complete plan of the mobile home park. All such plans shall be prepared by a licensed architect or engineer; provided, however, that an owner may develop his own drawings when he is capable of producing

drawings equivalent to the conventional drawings of architects and engineers. (Ord. 87-3, § 9, 1987).

16.28.100 Plan – Information to be shown.

The mobile home park plan shall be drawn to scale and completely dimensioned. Such plans shall clearly set forth the following information:

- A. Name and address of the owner and/or operator;
- B. Address, location and legal description of the mobile home park;
- C. Extent of the area and dimension of the park site, including topographical information with five-foot contour lines;
- D. Size, location and number of mobile home spaces;
- E. Entrances, exits, driveways and walkways, including dimensions;
- F. Number, size and location of automobile parking accommodations;
- G. Number, location and detailed floor plans, including elevations, of all service buildings and other proposed structures, including accessory buildings;
- H. Location and size of recreation areas, including a development plan showing type of landscaping, surface treatment, drainage, apparatus and/or special equipment;
- I. Plan of water system;
- J. Method and plan of sewage disposal and site drainage;
- K. Method of garbage disposal and plan of storage areas, if appropriate;
- L. Lighting plan of outside areas and service outlets;
- M. Method and plan of service building heating;
- N. Location and type of firefighting and fire-prevention facilities;
- O. Location of signs;
- P. Type and location of screening and/or fencing on perimeter of mobile home park. (Ord. 87-3 § 10, 1987).

16.28.110 Site size and access requirement.

Every mobile home park shall contain at least three acres of usable and developable land and have direct access to a public street right-of-way containing a width of at least 50 feet. (Ord. 87-3 § 11, 1987).

16.28.120 Mobile home space – Basic requirements.

Mobile home space requirements are as follows: Each space shall provide a minimum area of 5,600 square feet; however, no such space shall average less than 56 feet in width nor less than 100 feet in depth, except where otherwise expressly approved by the planning commission and the town council. In no event shall the lots be less than 4,500 square feet, and the lesser square footage would be considered on a case-by-case basis, and will take into consideration the layout of the real property itself, and whether hardships would be imposed by the higher square footage, and whether additional square footage has been devoted for community mobile park purposes. (Ord. 87-3 § 12, 1987).

16.28.130 Drainage facilities.

The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. The adequacy of drainage facilities shall be verified by a licensed professional engineer. (Ord. 87-3 § 13, 1987).

16.28.140 Setback.

A. Mobile Home Park. There shall be a minimum setback of eight feet from all public rights-of-way and a minimum setback of 15 feet from all other abutting property.

B. Mobile Home Space.

1. There shall be a minimum 10-foot setback from the front line of the mobile home space.

2. There shall be a minimum side yard setback of 10 feet from the side line of the mobile home space to the mobile home or attached accessory structure.

3. The minimum setback for unattached accessory structures from the side line of the mobile home space shall be five feet.

4. No mobile home shall be located within 20 feet of another mobile home, measured end-to-end, with a rear setback of not less than 10 feet from the mobile home space line.

C. All Other Structures. The minimum front yard setback shall be at least 15 feet from the park street. (Ord. 87-3 § 14, 1987).

16.28.150 Height regulations.

A. The wheels, axle and tongue shall be removed from the mobile home when placed on the mobile home pad so as to place the mobile home as close to the ground as possible.

B. A minimum crawl space of 18 inches and a maximum of 24 inches shall be maintained

between the pad or runner and the bottom of the mobile home support beams. (Ord. 87-3 § 15, 1987).

16.28.160 Mobile home stand required.

Each mobile home shall have a minimum 18-inch-wide, six-inch thick reinforced slab or runner placed under the weight-bearing portions of the mobile home. (Ord. 87-3 § 16, 1987).

16.28.170 Ground anchor requirements.

Ground anchors shall be installed at each mobile home space and shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds, applied in the direction of the tie-down. In addition, each ground anchor shall be capable of withstanding a 50 percent overload without failure. (Ord. 87-3 § 17, 1987).

16.28.180 Tiedown requirements.

Each mobile home shall use tiedowns as specified by the manufacturer or by the building inspector if no manufacturer's specifications exist. (Ord. 87-3 § 18, 1987).

16.28.190 Skirting.

Appropriate skirting must be affixed and in place within 30 days of placement of the mobile home on the mobile home space. (Ord. 87-3 § 19, 1987).

16.28.200 Landscaping requirements.

Ornamental plantings acceptable to the planning commission, at least eight feet in depth, shall be installed and maintained around the perimeter of the park. (Ord. 87-3 § 20, 1987).

16.28.210 Fencing and screening.

There shall be constructed and maintained a permanent fence not less than six feet in height on all sides of the park, except where natural barriers exist to form all or part of such a screen. The fence and/or screening shall be placed in such manner as to not create any traffic safety visual hazards. (Ord. 87-3 § 21, 1987).

16.28.220 Soil and ground cover.

Exposed ground surfaces in all parts of the park shall be paved, covered with stone screenings or other material or protected within a vegetative growth that is capable of preventing erosion and eliminating dust. All plans for surface coverage must be approved by the planning commission. (Ord. 87-3 § 22, 1987).

16.28.230 Mobile home space – Site number requirements.

Every mobile home space shall be identified with an individual site number in logical numerical sequence and so shown on the official plot plan for the mobile home park. (Ord. 87-3 § 23, 1987).

16.28.240 Recreation area.

All parks shall have at least one recreation area. Not less than five percent of the gross park area shall be devoted to such area, which shall be centrally located where topography permits. In parks containing more than 100 spaces, this area may be decentralized. The particular type of recreation area, i.e., open space, bike trails, putting green, swimming pool, etc., shall be left to the discretion of the park owner/developer. The following shall not be counted into the recreation area calculation: vehicle parking and storage; commercial, administration or sales offices; maintenance and utilities areas; and the perimeter setback of the mobile home park. When children's playground space is provided, it shall be so designated, and shall be protected from traffic thoroughfares and parking areas. Such space shall be maintained in a sanitary condition and free of dangerous conditions and hazards. (Ord. 87-3 § 24, 1987).

16.28.250 Service and community service buildings.

All portions of any structure within a mobile home park which is not a mobile home shall conform to the provisions of the Eatonville building code. (Ord. 87-3 § 25, 1987).

16.28.260 Accessory structures – Area restriction.

In no case shall the area of a mobile home space occupied by a carport or other accessory structure or combination thereof exceed 50 percent of the total space area. (Ord. 87-2 § 26, 1987).

16.28.270 Cabanas prohibited.

Cabanas are prohibited in mobile home parks. (Ord. 87-3 § 27, 1987).

16.28.280 Awnings.

Awning roofs of plastic, canvas or lightweight metal may be attached to an approved awning track on the mobile home. (Ord. 87-3 § 28, 1987).

16.28.290 Patio requirements.

There shall be provided on each mobile home space a concrete or bituminous asphalt patio of at

least 120 square feet in area. The minimum width of such patio shall be eight feet. The patio shall be designed to be congruent with the mobile home space. (Ord. 87-3 § 29, 1987).

16.28.300 Porches.

Design and construction of all structural elements a porch, stairs leading thereto and rails, shall be in accordance with the applicable provision of the Eatonville building code. (Ord. 87-3 § 30, 1987).

16.28.310 Ramadas prohibited.

Ramadas are prohibited in mobile home parks. (Ord. 87-3 § 31, 1987).

16.28.320 Storage building.

One storage building, the capacity of which shall not exceed 150 square feet, may be located on a mobile home space. (Ord. 87-3 § 32, 1987).

16.28.330 Park streets – Required – Width, surfacing and lighting.

A mobile home park shall contain a park street (or streets) which connects each mobile home space within the park to a public road, street or highway. Park streets shall be surfaced with asphalt concrete or concrete as specified in Washington State regulations. A park street shall have a minimum width of 30 feet and shall be well marked in the daytime and adequately lighted at night. (Ord. 87-3 § 33, 1987).

16.28.340 Access requirements.

Each mobile home space within a mobile home park shall have direct access to a park street. The access shall be an unobstructed area. (Ord. 87-3 § 34, 1987).

16.28.350 Width determination.

Where the site design contains a large number of asymmetrical lots or where cul-de-sac driveways extend from a central access, the required minimum driveway width shall be determined from the individual characteristics of the design and approved by the planning commission. (Ord. 87-3 § 35, 1987).

16.28.360 Roadway surfacing requirements.

All access roadways, parking areas and service drives shall be asphaltic concrete surfaced in accordance with Washington State specifications. (Ord. 87-3 § 36, 1987).

16.28.370 Parking space requirements generally.

For each mobile home space shall be provided two off-street parking spaces on the mobile home space. This parking space shall be hard-surfaced. The minimum driveway width shall be 20 feet. (Ord. 87-3 § 37, 1987).

16.28.380 Guest, service and storage facilities.

A. In addition to the requirement for occupant parking, guest and service parking shall be provided within the boundaries of the park in the amount of one space for each five mobile home spaces or fraction thereof and shall be conveniently located and plainly identified for such use.

B. A minimum, screened parking area of 150 square feet per mobile home space shall be provided for the storage of boats or vehicles in excess of two per mobile home space.

C. Such parking area shall be fully hard-surfaced or oil-matted, and the spaces separated by striping or markers, and shall conform with the circulation and construction. (Ord. 87-3 § 38, 1987).

16.28.390 Walkways.

A mobile home park shall contain walkways to and from all community service and recreational facilities. Such walkways shall be adequately surfaced and lighted. (Ord. 87-3 § 39, 1987).

16.28.400 Water supply.

The water supply shall come from the town water system and shall be provided to all plumbing fixtures in the mobile home park and to individual water connections provided at each mobile home space. (Ord. 87-3 § 40, 1987).

16.28.410 Water connections.

A. Water connections and water piping for individual mobile homes shall be installed in accordance with the Uniform Plumbing Code, and shall consist of a riser terminating at least 12 inches above the ground surface with two three-quarter-inch nine valved outlets threaded for screw-on connections. Such water connection shall be equipped with a shutoff valve placed below frost depth (but in no case shall this valve be a stop and water cock), shall be protected from freezing and from damage from mobile home wheels, and shall have the ground surface around the rise pipe graded to divert surface drainage away from the connection.

B. Water piping shall be installed in accordance with the Uniform Plumbing Code adopted by the town. (Ord. 87-3 § 41, 1987).

16.28.420 Water main approval required.

Water distribution mains within the confines of the mobile home park shall be approved by the Eatonville water department in relation to the materials, sizing and design of the system. (Ord. 87-3 § 42, 1987).

16.28.430 Plumbing and sewer connections.

All plumbing and sewer connections in the mobile home park shall comply with the Uniform Plumbing Code adopted by the town. (Ord. 87-3 § 43, 1987).

16.28.440 Sewer connections and sanitary facilities.

All mobile home parks shall be connected to a public sewer, and all mobile homes and other sanitary facilities in the park shall be connected exclusively to the sewer. See WAC 248-76-290. (Ord. 87-3 § 44, 1987).

16.28.450 Gas burning appliances – Installation requirements.

All gas burning appliances shall be of an approved vented type and shall be installed in accordance with the Uniform Plumbing Code. (Ord. 87-3 § 45, 1987).

16.28.460 Fire protection equipment – Requirements generally.

In every mobile home park that contains 20 or more mobile home spaces, there shall be installed a minimum of one standard approved fire hydrant within the confines of the park. Additional fire hydrants shall be required so as not to exceed 500-foot spacing. All hydrants shall be supplied with water from an approved six-inch water main. (Ord. 87-3 § 46, 1987).

16.28.470 Fire protection equipment – Fire department approval required.

All fire protection equipment required by this chapter shall meet the approval of the Eatonville fire department. (Ord. 87-3 § 47, 1987).

16.28.480 Operation – Owner responsibility.

The owner or operator of a mobile home park shall be responsible for securing the maintenance of all structures and their sites. (Ord. 87-3 § 48, 1987).

16.28.490 Maintenance of structures.

Every structure shall be maintained in an approved, safe and sanitary condition. (Ord. 87-3 § 49, 1987).

16.28.500 Working order required for all installations.

All devices, installations and safeguards required by this chapter shall be maintained in approved working order. (Ord. 87-3 § 50, 1987).

16.28.510 Removal of unfit habitation required – When.

No owner or operator of a mobile home park shall permit a mobile home to remain in the park when the mobile home has been designated by the health officer or building inspector as unfit for human habitation, for more than 14 days after notification.

If the owner or operator is prevented from removing the building within the 14-day period of time by an assertion by the tenant of existing state law, then the owner or operator shall be excused from complying with the 14 day requirement, provided such owner or operator is taking all reasonable legal steps to have the mobile home removed as soon as is legally possible under existing state law. (Ord. 87-3 § 51, 1987).

16.28.520 Commercial uses.

Commercial uses supplying essential goods or services for the benefit and convenience of park occupants may be allowed subject to the approval of the town council. (Ord. 87-3 § 52, 1987).

16.28.530 Sign restrictions.

In a mobile home park, all commercial signs and advertising devices shall be prohibited except:

A. One identification sign whose maximum area shall be 32 square feet and whose maximum height shall be 12 feet, and which shall be erected in the landscaped setback of the mobile home park. Illumination shall be by spotlight only; the sign may be up to 48 square feet if approved by an application for a conditional use permit;

B. Illuminated, nonflashing, directional or identification signs, not to exceed four square feet in area when placed on such structures as office, laundry, hobby shop, etc. (Ord. 87-3 § 53, 1987).

16.28.540 Poultry and livestock prohibited.

Poultry and livestock shall not be permitted in any mobile home park. (Ord. 87-3 § 54, 1987).

16.28.550 Placement fee.

There shall be a charge to be known as a placement fee, which shall be charged for the inspection and placement of each mobile home prior to its location within a mobile home park as defined herein. Said fee shall be the sum of \$100.00 per mobile home. If the building inspector needs to make more than three inspections of the mobile home, then an additional fee of \$25.00 shall be paid for each additional inspection. The fee established herein may be modified by resolution of the town council. (Ord. 87-3 § 55, 1987).

16.28.560 Enforcement – Right of entry for inspection.

The town has the right, through its health officer, building inspector, fire chief or police chief, to enforce the provisions of this chapter; and for the purposes of securing enforcement, these officers or their duly authorized representatives shall have the right and are empowered to enter upon the premises of any mobile home park now or hereafter constructed within the town for the purpose of carrying out the provisions of this chapter. (Ord. 87-3 § 56, 1987).

16.28.570 Violation – Notice required.

Whenever inspection by any of the town's representatives indicates that any provision of this chapter or any other applicable law is being violated, the town's representative shall notify the owner of the mobile home park and the owner of any mobile home in violation, in writing, of such fact, shall set forth in the notice a description of the violation, and shall further direct that such violation be remedied by commencing to remedy same within 72 hours of receipt of notice and to continue thereafter diligently and continuously until the violation has been abated. (Ord. 87-3 § 57, 1987).

16.28.580 Violation – Failure to remedy – Revocation of permits and licenses.

After a written notice of a violation has been submitted by the town's representative, and the violation has not been remedied within a reasonable time, 14 days under most circumstances being deemed a reasonable time, or if it appears that any other violation of laws exist, then the town may take action to revoke the business licenses or a complaint may be filed in the municipal court with the general penalty as adopted by EMC 1.12.010. (Ord. 87-3 § 58, 1987).

16.28.590 Permit or licenses revocation – Hearing required – Notice.

No permit or license shall be revoked until after a hearing before the town council relating to such revocation. Notice of the hearing shall be given in writing and served at least 14 days prior to the date of the hearing thereon, such service to be upon the holder of the permit or his manager or agent, which notice shall state the grounds of complaint against the holder or the holder of the permit or against the mobile home park maintained by him, and shall also state the time when, and the place where, the hearing will be held. In the event the holder of the permit cannot be found or personal service of notice cannot be made, then a copy of the notice shall be mailed, postage fully prepaid, addressed to the holder, at his last known address, at least 14 days prior to the date of the hearing. (Ord. 87-3 § 59, 1987).

16.28.600 Appeal procedures.

Any person aggrieved by the decision of the building inspector, health officer or fire chief may, within 10 days after mailing notification of such decisions, appeal to the town council for a hearing as to the matters in question, whereupon a time for hearing shall be set which shall not be later than 30 days thereafter. At such time, full and complete hearing shall be had before the town council, at which time the town council shall confirm, modify or disapprove the decision. (Ord. 87-3 § 60, 1987).

Chapter 16.32

SATELLITE RECEIVING SYSTEMS

Sections:

- 16.32.010 Purpose.
- 16.32.020 Permit required – Fee.
- 16.32.030 General regulations.
- 16.32.040 Variance.

16.32.010 Purpose.

The purpose of this chapter is to minimize the adverse visual and physical impact of satellite receiving systems (antennas) in the community without disrupting signal reception for the user. All other antennas are exempt from this section except as otherwise covered by other provisions of this code. (Ord. 85-6 § 1, 1985).

16.32.020 Permit required – Fee.

A building permit shall be required for installation of satellite receiving systems. The planning commission of the town shall review and approve all applications for the building permit. The applicant shall agree to any conditions of approval established by the planning commission and as approved by the town council before the building permit shall be issued herein. A fee in the sum of \$25.00 shall be charged to the applicant at the time of the filing of the application. (Ord. 85-6 § 2, 1985).

16.32.030 General regulations.

The planning commission shall use, but not be limited to, the following criteria in developing appropriate conditions for the location and screening of satellite receiving stations or systems (antennas):

A. Aluminum mesh antennas shall be used whenever possible instead of solid fiberglass type antennas.

B. Antennas shall be painted colors that will blend with their backgrounds.

C. Antennas shall not be greater than 12 feet in diameter.

D. Ground mounted antennas, including their bases, shall be no higher than 15 feet at their highest point above the existing grade.

E. Antennas larger than 36 inches in any dimension shall be screened if visible from street or surrounding properties as is practicable under the circumstances of the property.

F. Antennas shall not be located on any easements.

G. Installation shall meet all applicable construction codes.

H. If any guy lines, wires or other material are used for stabilization they shall be confined within a fenced area.

I. Antennas shall comply with all applicable federal or state statutes and regulations and the town shall assume no responsibility to administer or enforce such regulations.

J. Antennas greater than 36 inches in any dimension shall not be roof mounted unless the antenna will not be visible from any streets or surrounding properties within 500 feet.

K. Antennas shall not be located in the front yard of any residential area or site.

L. Antennas shall be located at least five feet from any property line. The setback is to be measured from the part of the antenna or its base nearest the property line. The planning commission may vary this setback for antennas if it will achieve a result superior to that which would be achieved by strictly following the standards herein.

M. The planning commission may order or require a landscaping planting screen to be provided and maintained around the antenna and accessory attachments in order to minimize the visual impact herein. (Ord. 85-6 § 3, 1985).

16.32.040 Variance.

The planning commission shall have the authority to allow a variance from the terms and conditions of this chapter, for the installation of a satellite receiving system, on such terms and conditions as the planning commission deems appropriate, provided, the variance does not unduly impact adjacent properties from an aesthetic or visual standpoint. Any person may appeal the denial of a variance by the planning commission to the town council provided a notice of appeal is filed with the town clerk within 10 days of the date the notice of denial was mailed by the planning commission to the person requesting the variance. (Ord. 88-7 § 1, 1988).

Chapter 16.36

MOBILE HOME (MH) ZONES AND MOBILE HOME SUBDIVISIONS

Sections:

- 16.36.010 Title conflict.
- 16.36.020 Definitions.
- 16.36.030 Mobile home (MH) zone intent.
- 16.36.040 Major subdivision requirements.
- 16.36.050 General requirements.
- 16.36.060 Effective date.

16.36.010 Title conflict.

In any case where provisions of this chapter are found to be in conflict with a provision of any other code provision of the town of Eatonville, including but not limited to zoning ordinances, building ordinances, fire ordinances, safety ordinances, or health ordinances, the provisions which, in the judgment of the town, establish the highest standard for the promotion and protection of the health, safety and general welfare of the people shall prevail. In the case of any other code provision which establishes a lower standard for the promotion and protection of the health, safety and general welfare of the people, the provisions of this chapter shall be deemed to prevail. (Ord. 87-5 § 1, 1987).

16.36.020 Definitions.

As used in this chapter, unless the context of subject matter clearly requires otherwise, the words and phrases defined in this section shall have the indicated meanings.

A. "Enforcing agency" means the town of Eatonville.

B. "Factory-built housing" means a structure constructed of factory-assembled parts that are transported to the building site and assembled at the building site, which meets the requirements of the International Building Code, and which bears an insignia issued by a state or federal regulatory agency indicating that the manufactured home complies with all applicable construction standards of the International Building Code. The completed structure is not mobile and should not be considered a mobile/manufactured home. Factory built housing shall not be regulated by this title. Factory built housing shall be considered a single-family dwelling and governed by the appropriate requirements of the Eatonville Municipal Code.

C. "Mobile home park" means a lot, parcel or tract of land, improved or unimproved, under the ownership or management of one or more persons,

which is utilized as the location for six or more mobile/manufactured homes for dwelling or sleeping purposes.

D. "Mobile home subdivision" is similar to a mobile home park, but with spaces or lots reserved for sale as residential sites for manufactured homes.

E. "Mobile/manufactured home" means a residential unit on one or more chassis for towing to the point of use and designed to be used with a foundation as a dwelling unit on a year-round basis, and which bears an insignia issued by a state or federal regulatory agency indicating that the manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development (HUD) definition of a manufactured home. The unit shall be certified for transportation on public streets by the State Department of Labor and Industries. The terms "mobile home" and "manufactured home" are considered to be interchangeable in the context of this title. A commercial coach, recreational vehicle, or motor home is not a mobile/manufactured home.

F. "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, with or without motive power, of such size and weight as not to require a special highway movement permit and certified as approved as such by the Department of Labor and Industries. Recreational vehicles shall include but are not limited to campers, motor homes, travel trailers and camping trailers. (Ord. 87-5 § 2, 1987).

16.36.030 Mobile home (MH) zone intent.

The purpose of the MH zone is to provide a zone where single-family mobile homes may be located within the town. This zone and the following regulations shall, by their essence, provide a home buyer a greater range of choice of housing types without conflicting with other residential subdivisions. This zone will serve as a floating zone. The MH zone is enacted for any area in the town zoned mobile home park (MHP). In addition, the mobile home zone is enacted for any area in the town zoned multiple residential; however, mobile home use in this zone shall be by conditional use only as regulated by Chapter 18.04 EMC. (Ord. 87-5 § 3, 1987).

16.36.040 Major subdivision requirements.

Unless specifically stated in this chapter, a mobile home subdivision shall conform in all ways

to the requirements of a major subdivision contained in EMC Title 17. All other property development standards shall conform to appropriate ordinances unless specifically stated in this chapter. (Ord. 87-5 § 4, 1987).

16.36.050 General requirements.

The following requirements shall be followed for all mobile/manufactured housing.

A. Permitted Uses. The following are permitted in an MH zone:

1. Accessory uses appurtenant to permitted uses;
2. One private garage, not to exceed 1,000 square feet in area, for each residence;
3. Recreational equipment, including camping trucks, motor homes and camping trailers, not exceeding 25 feet in length; boats, boat trailers and similar equipment may be parked or stored on the premises;
4. Single-family mobile homes which comply with the United States Department of Housing and Urban Development (HUD) regulations governing the construction specifications and standards for all new mobile homes and which bear an insignia issued by HUD indicating that the mobile home complies with HUD regulations.

B. Prohibited Uses. No uses other than those listed as permitted uses shall be allowed in a mobile home subdivision unless specific allowances are made for such uses on the subdivision plat.

C. Size of Subdivision. The minimum size of the subdivision shall be 10 acres.

D. Setbacks.

1. The minimum front yard setback shall be 25 feet.
2. The minimum side yard setback shall be eight feet.
3. The minimum rear yard setback shall be 25 feet.
4. The minimum setback for accessory buildings shall be eight feet from any lot line.

E. Lot Size. The minimum lot size shall be 6,000 square feet. The ratio of width to depth shall be width greater than depth.

F. Building Heights. No building shall be constructed over two stories or 20 feet, whichever is higher.

G. Fences, Walls and Hedges. Fences, walls and hedges shall conform to the current fence regulations of the town; however, the council may require fencing not exceed six feet and/or landscaping of adequate height for screening purposes,

taking into consideration any traffic safety problems which might be created by the height of the fencing and/or landscaping.

H. Landscaping. The area within the required front yard setback shall be landscaped within one year of occupancy and maintained.

I. Removal of Wheels and Tongue. All mobile homes placed in a mobile home subdivision shall have their wheels and tongues removed.

J. Permanent Foundation Setup. All mobile homes placed in a mobile home subdivision shall be placed on permanent continuous footing and foundations constructed according to applicable International Building Code requirements and anchored to the mobile home by a method approved by the building official.

K. Mobile Home Size. The minimum square footage for a mobile home placed in a mobile home subdivision shall be 900 square feet, calculated exclusive of tongue. (Ord. 87-5 § 5, 1987).

16.36.060 Effective date.

The ordinance codified in this chapter shall be in full force and effect after its passage and publication as provided by law. (Ord. 87-5 § 6, 1987).

Chapter 16.40**ELECTRICAL CODE**

Sections:

- 16.40.010 National Electrical Code – Adopted.
- 16.40.020 Provision adopted – Definitions.
- 16.40.030 RCW provisions adopted.
- 16.40.040 Electrical permits and fees.

16.40.010 National Electrical Code – Adopted.

The National Electrical Code, 1999 Edition, as approved by the American Standards Association, two copies of which are on file in the offices of the town, is adopted and made a part hereof as though fully set forth in this chapter, and the same is adopted as the electrical code of the town. (Ord. 2000-18 § 2, 2001).

16.40.020 Provision adopted – Definitions.

RCW 19.28.210 is adopted by reference and all references to “director” shall refer to the designated electrical inspector for the town. All references to “department” shall refer to the town. (Ord. 89-1 § 3, 1989).

16.40.030 RCW provisions adopted.

RCW 19.28.010, including any amendments thereto, is adopted by reference. RCW 19.28.250, 19.28.270 and 19.28.390 are adopted by reference. (Ord. 89-1 §§ 2, 4, 1989).

16.40.040 Electrical permits and fees.

The permits and fees charged for enforcement and issuance of the electrical permits shall be established by resolution of the town council and the permit fee charges shall be paid prior to permit issuance. (Ord. 92-5 § 29, 1992).

Chapter 16.44**ENERGY CODE**

Sections:

- 16.44.010 Washington State Energy Code adopted.
- 16.44.020 Energy code – Fees.

16.44.010 Washington State Energy Code adopted.

The Washington State Energy Code, 1997 Edition, with appendices thereto, adopted by the state of Washington under Chapter 51-11 WAC, three copies of which are on file in the office of the town clerk, is adopted and made a part hereof as though fully set forth in this chapter and the same as the energy code of the town. (Ord. 98-08 § 13, 1998; Ord. 91-12 § 1, 1991; Ord. 89-5 § 9, 1989).

16.44.020 Energy code – Fees.

The fees for review of facilities and their design for meeting the State Energy Code shall be established by resolution of the town council. (Ord. 92-5 § 31, 1992).

Chapter 16.48

BARRIER-FREE DESIGN

Sections:

16.48.010 Regulations for barrier-free facilities adopted.

16.48.010 Regulations for barrier-free facilities adopted.

The International Building Code with amendments as adopted under Chapter 51-20 WAC, two copies of which are on file in the office of the building official, is adopted and made a part hereof as though fully set forth in this chapter and is adopted as the regulation for barrier-free facilities of the town. (Ord. 95-07 §§ 5, 12, 1995).

Chapter 16.52

ROAD, BRIDGE AND MUNICIPAL CONSTRUCTION

Sections:

16.52.010 Road, bridge and municipal construction standards adopted.

16.52.010 Road, bridge and municipal construction standards adopted.

The “Standard Specifications for Road, Bridge and Municipal Construction,” the 1988 Edition, and related standards, published by the state of Washington, three copies of which are on file in the office of the town clerk-treasurer, is adopted as the standard specifications for road, bridge and municipal construction standards of the town and made a part hereof as though fully set forth, and the same is adopted as the standards for the town. (Ord. 89-5 § 11, 1989).

Chapter 16.53

BEST MANAGEMENT PRACTICES FOR CONSTRUCTION AND SITE DEVELOPMENT

Sections:

- 16.53.010 Protection for storm sewer inlets.
- 16.53.020 Dust control.
- 16.53.030 Stockpile management.
- 16.53.040 Construction entrances.
- 16.53.050 Erosion control facilities must be maintained.
- 16.53.060 Failure to comply.

16.53.010 Protection for storm sewer inlets.

Storm sewer inlets receiving water from a project site during construction or site development shall be protected so that sediment-laden water will be filtered before entering the conveyance system. (Ord. 2005-20 § 1, 2005).

16.53.020 Dust control.

As necessary in the event that sediment is being visibly transported from a construction or development site across property boundaries, or by order of the administrator or designee, the proponent shall spray soil with water or approved dust palliative. (Ord. 2005-20 § 1, 2005).

16.53.030 Stockpile management.

Soil stockpiles shall be set back at least 50 feet from down gradient drainage features (e.g., channels, catch basins, detention ponds, pavement, stream banks, and environmentally sensitive areas).

No material shall be stockpiled on pavement without authorization from the administrator or designee which will be conditional on implementation of a procedure to prevent sediment transport. (Ord. 2005-20 § 1, 2005).

16.53.040 Construction entrances.

Construction site entrances are egress points for vehicles onto paved roadways. All projects which have vehicular traffic shall have a means to prevent vehicles from tracking soils from the site.

The administrator or designee may require that access points, roads, tire washing areas, and parking areas be constructed and maintained to keep sediment confined to the construction or development site. Vehicles shall only use designated access points to access a construction or development site. The access point(s) shall be maintained

to prevent the transport of sediment onto public streets and rights-of-way. Should sediment be tracked off-site, sediment shall, on a daily basis, be shoveled and swept from the paved surface before washing. (Ord. 2005-20 § 1, 2005).

16.53.050 Erosion control facilities must be maintained.

Erosion control facilities shall not be allowed to fall into disrepair. The proponent or designee shall inspect facilities during and after rainfall events to ensure that they continue to function effectively. Repairs shall be made as soon as possible during rainfall events. (Ord. 2005-20 § 1, 2005).

16.53.060 Failure to comply.

A. Failure to comply with the requirements of this chapter or an order from the administrator or designee regarding best management practices at a construction or site development project shall be subject to a stop work order and/or a civil infraction citation in the amount of:

1. Fifty dollars for the first offence;
2. One hundred dollars for the second offence;
3. Two hundred fifty dollars for each additional offence.

B. Each additional day that the failure to comply continues shall constitute a distinct, separate offence. If the administrator or designee determines that any construction or site development practices on private property violate a provision of this chapter or are likely to create a hazard to the public safety, health or welfare, the environment, or public or private property, the administrator or designee may declare such condition a public nuisance and may direct the property owner or persons causing or contributing to the hazardous condition to abate the hazard within a specified period, or the administrator or designee may take action to abate the hazard and recover all costs incurred from the responsible parties. Payments shall be made within 90 days of the day the town submits a bill for costs and any stop work order issued will not be lifted prior to payment. In the event of nonpayment, the town may bring suit to recover such costs, including its attorney's fees, and upon obtaining a judgment, such amount shall become a lien against the property of the owner. A requirement or action to abate the hazard which is appealed pursuant to this or any other title of this code shall not be subject to a stay. (Ord. 2005-20 § 1, 2005).

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Chapter 16.54

STORMWATER MANAGEMENT AND EROSION CONTROL

Sections:

- 16.54.010 Purpose.
- 16.54.020 Stormwater Management and Site Development Manual adopted.
- 16.54.030 Definitions.
- 16.54.040 Regulated and exempt activities.
- 16.54.050 General provisions.
- 16.54.055 Fees.
- 16.54.060 Administration.
- 16.54.070 Enforcement.

16.54.010 Purpose.

It is the purpose of this chapter to guide and direct development or redevelopment within the town of Eatonville to control the adverse effects of erosion and sedimentation. The provisions of this chapter establish the minimum level of compliance that must be met to permit a property to be developed or redeveloped within the town of Eatonville. Specifically, this chapter includes provisions to:

- A. Protect property owners from increased runoff rates and from erosion, sedimentation, and other damage caused thereby;
- B. Minimize water quality degradation and sedimentation in streams, ponds, lakes, wetlands, and other water bodies;
- C. Maintain and protect groundwater resources;
- D. Minimize adverse impacts of alterations of ground and surface water quantities, locations, and flow patterns;
- E. Decrease potential landslide, flood, and erosion damage to public and private property;
- F. Preserve and enhance the suitability of waters for contact recreation, fishing, and other beneficial uses;
- G. Maintain and protect the town of Eatonville's stormwater management infrastructure, and downstream stormwater management infrastructure;
- H. Provide a means of regulating clearing and grading of private and public land, to control water quality impacts, in order to protect public health and safety;
- I. Provide minimum development regulations that will preserve, replace, or enhance existing native vegetation in order to preserve and enhance the valuable qualities of land and water bodies; and

J. Protect the health, safety, and welfare of the citizens of the town of Eatonville. (Ord. 98-16 § 1, 1998).

16.54.020 Stormwater Management and Site Development Manual adopted.

The 2005 Pierce County Stormwater Management and Site Development Manual is adopted and made a part hereof as though fully set forth in this chapter. (Ord. 2006-24 § 1, 2006; Ord. 98-16 § 2, 1998).

16.54.030 Definitions.

For the purposes of this chapter, definitions in the adopted manual shall apply except where different definitions are included herein. Words set out in this section shall have the following meanings:

- A. "Approval" means a statement, by the director, that the proposed or completed work conforms to this chapter.
- B. "Civil engineer" means an engineer licensed in civil engineering in the state of Washington.
- C. "Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design, and construction of civil works for the beneficial use of mankind.
- D. "Commercial agriculture" means those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.
- E. "Critical areas" means "sensitive areas," as defined and governed by Chapter 15.20 EMC.
- F. "Director" means the Eatonville public works director.
- G. "Ecology" means the Washington State Department of Ecology.
- H. "Excavation" means the mechanical removal of earth material.
- I. "Fill" means a deposit of earth material by artificial means.
- J. "Frequently flooded areas" means areas as defined and regulated in Chapter 15.20 EMC.

K. "Geologically hazardous areas" means areas as defined and regulated in Chapter 15.20 EMC.

L. "Grade" means the slope of a road, channel, or natural ground; the finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; or any surface prepared for the support of construction such as paving or the laying of conduit.

M. "Large parcel" means:

1. A multifamily residential structure of three units or more;
2. Creation or addition of 5,000 or more square feet of impervious surface area; or
3. Land disturbing, activities totalling one acre or more, including all project phases.

N. "Large parcel erosion and sediment control plan" or "large parcel ESC plan" means a plan to implement BMPs to control pollution generated during land disturbing activity. Components of a large parcel ESC plan are defined in the manual under the heading "Drainage and Erosion/Sediment Control Plan Components."

O. "Manual" means the manual adopted by the town of Eatonville.

P. "Mitigation" means, in the following order of preference:

1. Avoiding the impact altogether by not taking a certain action or part of an action.
2. Minimizing impacts by limiting the degree or magnitude of an action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensation for the impact by replacing, enhancing, or providing substitute resources or environments.

Q. "Permanent stormwater quality control (PSQC) plan" means a plan which includes permanent BMPs for the control of pollution from stormwater runoff after construction and/or land disturbing activity has been completed. For small sites, this requirement is met by implementing a small parcel erosion and sediment control plan. Guidance on preparing a PSQC plan is included in the manual under the heading "Design Standards Quality."

R. "Pollution" means contamination or other alteration of the physical, chemical, or biological properties of waters of the state. Pollution may include changes in temperature, taste, color, turbidity, or odor of the waters. Pollution also includes

such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious. Pollution may impact the public health, safety, or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or livestock, wild animals, birds, fish, or other aquatic life.

S. "Regional detention and/or retention facility" means a stormwater quantity control structure designed to control surface water runoff from a basin or sub-basin containing a number of different businesses, developments, or areas. Regional detention and/or retention facilities may be designed to correct existing surface water problems, to provide for future growth, or both. Regional detention and/or retention facilities may be publicly or privately conceived, designed, and built, but they will typically be publicly owned and maintained after completion.

T. "Slope" means the degree of deviation of a surface from the horizontal, measured as a numerical ratio, a percentage, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second number is the vertical distance (rise). Expressed as a percentage, the numerator is the rise and the denominator is the run. Expressed in degrees, 0 degrees is horizontal (minimum) and 90 degrees is vertical (maximum); the degree of slope is the arctangent of the rise divided by the run. A 1:1 slope is a 100 percent slope is a 45 degree slope; a 4:1 slope is a 25 percent slope is a 14 degree slope.

U. "Small parcel" means:

1. An individual detached single-family residence;
2. A duplex; or
3. Land disturbing activities of less than one acre and involving the creation or addition of less than 5,000 square feet of impervious surface area.

V. "Small parcel erosion and sediment control plan" or "small parcel ESC plan" means a plan for small sites to implement temporary BMPs to control pollution generated during the construction phase only. Guidance for preparing a small parcel ESC plan is contained in the manual. Components of a small parcel ESC plan are defined in the manual under the heading "Requirements for Drainage and Erosion/Sediment Control for Construction of Single-Family and Duplex Residences and Other Small Projects."

W. "Soil" means the unconsolidated mineral and organic material on the immediate surface of

the earth that serves as a natural medium for the growth of land plants.

X. "Source control BMP" means a BMP that is intended to prevent pollutants from entering stormwater. A few examples of source control BMPs are erosion control practices, maintenance of stormwater control facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead end sump.

Y. "Stormwater drainage system" means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater.

Z. "Stormwater facility" means a constructed component of a stormwater drainage system. A stormwater facility may be designed or build to perform a particular function or a combination of functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, and porous pavements.

AA. "Stormwater management manual" means the manual adopted by the town of Eatonville.

BB. "Stormwater site plan" means a plan which includes an erosion and sediment control (ESC) plan and/or a permanent stormwater quality control (PSQC) plan. For small sites, this plan is the equivalent of a small parcel erosion and sediment control plan. Guidance on preparing a stormwater site plan is included in the manual.

CC. "Technical deviations" means use of methods, dimensions, facilities, or sequences which differ from those described in the manual; technical deviations may be approved only to achieve the purposes of this chapter.

DD. "Unstable slopes" means "landslide hazard areas" as defined and regulated under Chapter 15.20 EMC.

EE. "Vegetation" means any or all plant life growing on the surface of the earth.

FF. "Wetland" means an area as defined and regulated under Chapter 15.16 EMC. (Ord. 98-16 § 3, 1998).

16.54.040 Regulated and exempt activities.

A. Unless exempt from this chapter, no person shall do any grading, filling, clearing, excavating, or ditching; or create an impervious surface; or do any development or redevelopment activity unless the work is in accordance with a valid site develop-

ment permit issued pursuant to the provisions of this chapter.

B. The town of Eatonville shall review all building, clearing, grading, subdivision, development, or redevelopment permit applications for compliance with this chapter.

C. The following activities are exempt from this chapter:

1. Activities, at otherwise stable sites, of minimal impact or potential for impact, including:

a. Planting or removal of bulbs, flowers, shrubs or an individual tree;

b. Installation or removal of a fence or sign; or

c. Other similar activities deemed exempt, by the director, provided that no disturbance of more than 1,000 square feet may be so deemed exempt.

2. Commercial and noncommercial agriculture.

3. Forest practices regulated under WAC Title 222, except for Class IV General forest practices that are conversions from timberland to other uses.

4. Development undertaken by the Washington State Department of Transportation in state highway rights-of-way. (Ord. 98-16 § 4, 1998).

16.54.050 General provisions.

A. It is not intended that this chapter shall repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

B. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

C. Issuance of a site development permit by the town of Eatonville does not, in any way, imply that the proposal complies with or is allowed by other town ordinances, regulations, or requirements, or state or federal laws. The applicant is in no way relieved of responsibility and liability for compliance with all state, federal, and local rules, requirements, laws, and regulations.

D. Illicit discharges to stormwater drainage systems are prohibited.

E. Best management practices shall be used to comply with the provisions of this chapter.

1. BMPs described in the manual shall be used as applicable.

2. In those instances where appropriate BMPs are not in the manual, experimental BMPs

should be considered. Experimental BMPs are encouraged as a means of solving problems in a manner not addressed by the manual in an effort to improve stormwater management technology. Experimental BMPs must be approved in accordance with the approval process outlined in the manual. (Ord. 98-16 § 5, 1998).

16.54.055 Fees.

Fees related to stormwater management and erosion control permitting shall be set by resolution adopted by the town council, which may be amended from time to time as deemed necessary. (Ord. 99-20 § 1, 1999).

16.54.060 Administration.

A. The director is authorized to adopt written procedures for carrying out the provisions of this chapter.

B. The director may approve, conditionally approve, or deny an application for activities regulated by this chapter.

C. Regulated activities shall be conducted only after the town of Eatonville approves a stormwater site plan and issues the appropriate permit. Each site must have a separate permit. The permit issuance, payment of fees, and plan review must be completed prior to plat approval or issuance of building, clearing, grading, or other development permits.

D. Should the director become aware of changed conditions or other conditions that invalidate the original design data used to obtain the permit or determine that the permit holder is not complying with the conditions of the permit or approved plans, the director may revoke the original permit and/or order work stopped on the project. The director may require the permit holder to resubmit information or plans for review and approval and apply for a new permit. The town may order all or part of the permitted work stopped for any period of time for any of the following reasons:

1. The permit holder fails to comply with the conditions of the permit.

2. The permit was granted based on erroneous or incomplete information submitted to the town by the engineer or applicant.

3. The weather or weather-related conditions cause off-site or downstream drainage or water quantity or quality problems.

4. The work creates a condition that is a hazard to life, endangers property, or adversely affects the use or stability of a public way or drainage course.

E. Whenever the director determines that any existing construction site, erosion/sedimentation problem, and/or drainage facility poses a hazard to life and limb, endangers any property, and/or adversely affects the condition or capacity of other drainage facilities, the safety and operation of the town right-of-way, utilities, and/or other property owned or maintained by the town, the situation shall be corrected as follows:

1. Should the director have reasonable cause to believe that the situation is so adverse as to preclude written notice, he/she:

- a. Shall first make a reasonable effort to locate the owner before acting.

- b. May, if a reasonable effort falls to reach the owner or if the owner fails to respond, take measures necessary to eliminate the hazardous situation.

2. If the director believes that adequate time is available he/she shall send written notice to the owner/applicant/person responsible for maintenance, and/or other person or agent in control of said property.

3. The owner shall, upon receipt of notice and within the period specified therein, repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this chapter.

F. The director may grant technical deviations from the requirements contained in this chapter provided that the following conditions are met:

1. The granting of technical equivalency will not otherwise result in non-compliance with minimum requirements set forth in the manual;

2. The granting of technical equivalency will not violate the development conditions imposed upon the project;

3. The granting of technical equivalency will produce a compensating or comparable result which is in the public interest; and

4. The granting of technical equivalency will meet the objectives of safety, function, appearance, environmental protection, and maintainability, based on sound engineering judgment.

G. A variance to the requirements of this chapter may be requested. Variance application, notice, fees, procedures, and criteria shall be as described in EMC 18.09.040. (Ord. 98-16 § 6, 1998).

16.54.070 Enforcement.

A. Failure to comply with this chapter, including the manual, will be cause for enforcement action. The purpose of such action and the potential imposition of civil and other penalties is to encour-

age compliance with this chapter and to obtain redress for environmental, recreational, and economic values lost or damaged do to unlawful action. The choice of enforcement action and the severity of any penalty shall be based on:

1. The nature of the violation,
2. The damage or risk to the public or to public or private property, and/or
3. The degree of bad faith of the person subject to enforcement action.

B. The director shall have the authority to:

1. Issue a stop work order;
2. Withhold or withdraw approval of the overall project plans;
3. Revoke the building, clearing, grading, or other site development permits issued for the project;
4. Suspend building inspections;
5. Invoke forfeiture of the financial guarantee submitted to the town;
6. Withhold acceptance of improvements to be dedicated to the town; or
7. Direct a violator to remove or replace illegal earthwork and/or to restore and reclaim an illegally graded parcel. Material removed in response to such direction shall be taken to a permitted site.

C. Stop work orders and violation notices shall:

1. Describe the specific nature, extent, and time of violation and the damage or potential damage;
2. Direct that the violation cease and desist;
3. Specify the corrective action to be taken;
4. Be imposed by a written notice, delivered either by certified mail with return receipt requested, by personal service, or by posting at a prominent location at the project site; and
5. Be effective immediately upon delivery or posting.

D. Any person who fails to obtain the proper site development and/or erosion control and storm-water management permit prior to doing any grading, filling, clearing, excavating, or ditching; or creating an impervious surface; or doing any development or redevelopment activity unless pursuant to the provisions of this chapter and/or fails to comply with a written request of the director or his designee shall be liable to the town for a civil infraction as well as all civil remedies available at law. Each violation and, in the case of continuing violation, each day of continued violation shall be a separate and distinct violation. Civil penalties will be assessed at a rate of \$250.00, per day per violation, and statutory assessments will be in addition to this amount. (Ord. 2006-09 § 1, 2006; Ord. 98-16 § 7, 1998).

Chapter 16.56

MODEL ENERGY CONSERVATION STANDARDS

Sections:

- 16.56.010 Documents adopted by reference – Applicability.
- 16.56.020 Section 107 of Model Conservation Standards Equivalent Code – Amended.
- 16.56.030 Model Conservation Standards Equivalent Code Amended.

16.56.010 Documents adopted by reference – Applicability.

The following standards and requirements:

A. The Model Conservation Standards Equivalent Code Amendments to the Model Energy Code (i.e., “Northwest Energy Code,” June 1987 Edition (consisting of Chapters 1 through 10) as now existing and in accordance with any amendments that may be made thereto), for application with respect to: new residential construction using electric space conditioning and electric lighting (except that commercial buildings which are not electrically space conditioned shall only be required to comply with Section 505 of said Northwest Energy Code and provided that, for commercial buildings, ventilation requirements contained in Section 305 of the Washington State Energy Code shall be the applicable standard); and

B. The “Conversion Standard Equivalent Code Amendments to the Model Energy Code,” December 24, 1986, Edition, as now existing and in accordance with any amendments that may be made thereto, for application with respect to: any buildings constructed pursuant to a building permit issued from and after the effective date of the ordinance codified in this chapter which at the time of initial construction were not required to comply with the Model Conservation Standards as set forth above in subsection (A) of this section but which are subsequently being converted to provide electric space heating or conditioning; and

C. Additional indoor air quality requirements as set forth in Bonneville Power Administration’s Solicitation No. DE PS79 89BP93000, as now existing and in accordance with any amendments that may be made thereto, are adopted by reference; provided, however, that once the foregoing subsections (A), (B) and (C) of this section become effective they shall remain effective only for and during such period as the town has in effect a contract with the Bonneville Power Administration or

other appropriate agency which reimburses the town for incremental costs and/or administrative enforcement costs associated with the adoption, administration, and enforcement of subsections (A), (B) and (C) of this section. (Ord. 90-3 § 1, 1990).

16.56.020 Section 107 of Model Conservation Standards Equivalent Code – Amended.

Section 107 of the Model Conservation Standards Equivalent Code Amendments to the Model Energy Code, June 1987 Edition, and any subsequent revisions as promulgated by the Bonneville Power Administration which is entitled “Violations” and which reads as follows:

VIOLATIONS

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

Be and the same is amended to read as follows:

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

Any person, firm or corporation violating any of the provisions of this code or failing to comply with the provisions of the code shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Model Conservation Standards code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable in accordance with EMC 1.12.010.

(Ord. 90-3 § 2, 1990).

16.56.030 Model Conservation Standards Equivalent Code Amended.

Model Conservation Standards Equivalent Code Amendments to the Model Energy Code, June 1987 Edition, is amended by the addition of the following section:

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

It is the specific intent of this code to place the obligation of complying with its requirements upon the permit applicant and any person owing, operating or controlling any building or structure within its scope and no provision nor term used in this code is intended to impose any duty whatsoever up the Town or any of its officers or employees, for whom the implementation and enforcement of this code shall be discretionary and not mandatory.

Nothing contained in this code is intended nor shall be construed to create or form the basis of any liability on the part of the Town, or its officer, employees or agents, for any injury or damage resulting from the failure of a building to comply with the provisions of this code, or by reason or consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this code, or by reason of any action of the town related in any manner to the enforcement of this code by its officer, employees or agents.

Notwithstanding any language used in this code, it is not the intent of this code to create a duty and/or cause of action running to any individual or identifiable person but rather any duty is intended to run only to the general public.

(Ord. 90-3 § 3, 1990).

Chapter 16.60

**VENTILATION AND INDOOR AIR
QUALITY CODE**

Sections:

16.60.010 Washington State Ventilation and Indoor Air Quality adopted.

16.60.010 Washington State Ventilation and Indoor Air Quality adopted.

The Washington State Ventilation and Indoor Air Quality Code, 1997 Edition, with appendices thereto, as adopted by the state of Washington under Chapter 51-13 WAC, three copies of which are on file in the office of the town clerk, is adopted and made a part hereof as though fully set forth in this chapter and the same is adopted as the ventilation and indoor air quality code of the town. (Ord. 98-08 § 14, 1998; Ord. 91-12 § 2, 1991).

Chapter 16.64

HISTORIC BUILDING CODE

Sections:

16.64.010 Historic Building Code adopted.

16.64.010 Historic Building Code adopted.

The Washington State Historic Building Code, 1991 Edition, with appendices thereto, as adopted by the state of Washington under Chapter 51-19 WAC, three copies of which are on file in the office of the town clerk, is adopted and made a part hereof as though fully set forth in this chapter, and the same is adopted as the historic building code of the town. (Ord. 91-12 § 4, 1991).

Chapter 16.68

UNIFORM DWELLING CODE

Sections:

16.68.010 Uniform Dwelling Code adopted.

16.68.010 Uniform Dwelling Code adopted.

The Uniform Dwelling Code, 1994 Edition, published by the International Conference of Building Officials, is adopted and made a part hereof as though fully set forth in this chapter. (Ord. 95-07 §§ 6, 13, 1995).

Chapter 16.72

UNIFORM SIGN CODE*

(Repealed by Ord. 2009-03)

*See Ch. 18.06 EMC for sign regulations.

Chapter 16.76

RADON MONITORING

Sections:

16.76.010 Radon monitoring devices provided when – Fees.

16.76.010 Radon monitoring devices provided when – Fees.

The town shall provide, in accord with RCW 19.27.020 and 19.27.202, an EPA-approved radon measurement device in all new single-family and ground-floor units in multifamily residential buildings. The fee for this radon monitoring shall be added to the building permit fee and shall be established by resolution of the town council. (Ord. 92-5 § 36, 1992).

Chapter 16.80

CONSTRUCTION PERMIT APPEALS

Sections:

16.80.010 Appeals of administrative decisions.

16.80.010 Appeals of administrative decisions.

In case an applicant for a construction permit appeals from a decision of the town’s building official regarding the interpretation of a building construction code, the public works director and the mayor shall determine the decision. If a formal appeal is requested by the applicant of this decision, this request shall be in writing along with the justification for the applicant’s appeal and a \$25.00 fee. Upon receipt of this fee and request for appeal, the mayor shall convene a three-person panel, including at least one ICBO-certified building inspector/official and one professional contractor, to determine a recommendation to the town council. The town council shall make the final decision of the appeal. (Ord. 92-5 § 38, 1992).

Chapter 16.90

RESIDENTIAL CARE FACILITIES AND ADULT FAMILY HOMES

Sections:

- 16.90.010 Purpose of provisions.
- 16.90.020 Definitions.
- 16.90.030 Housing for people with functional disabilities.
- 16.90.040 Resolution of conflicting provisions.

16.90.010 Purpose of provisions.

The council finds that housing facilities for special-needs populations are protected under provisions of the Federal Fair Housing Amendments Act of 1988. Location of such facilities within the town of Eatonville is critical to the well-being of special-needs members of the community and fulfills a needed community service. Further, it is the purpose of this chapter to facilitate the siting of residential care facilities and adult family homes in the town of Eatonville. (Ord. 92-1 § 1, 1992).

16.90.020 Definitions.

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

A. "Adult family home" means the regular family abode of a person or persons who are providing personal care and room and board to one but not more than three adults who are not related by blood or marriage to the person or persons providing the services. Adult family homes are a permitted use in all areas zoned for residential use. (RCW 70.128.175)

B. "Family" means an individual or two or more persons related by blood or marriage, or two or more persons with functional disabilities as defined herein, or a group of not more than three unrelated persons, living together to share a single household unit.

C. "Housing for people with functional disabilities" means housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to, adult family homes, residential care facilities, and housing for any supported living arrangement, as herein defined, but does not include halfway houses or work-release facilities, or housing for sex offenders.

D. "People with functional disabilities" means:

- 1. A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:

a. Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living, or

b. Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible, or

c. Having a physical or mental impairment which substantially limits one or more of such person's major life activities, or

d. Having a record of having such an impairment; or

2. Being regarded as having such an impairment; but such term does not include current, illegal use of or active addiction to a controlled substance.

E. "Residential care facility" means a facility, licensed by the state, that cares for at least four but not more than 15 people with functional disabilities, that has not been licensed as an adult family home pursuant to RCW 70.128.175.

F. "Supported living arrangement" means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, instrumental activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance. (Ord. 92-1 § 2, 1992).

16.90.030 Housing for people with functional disabilities.

A. Housing for people with functional disabilities, as defined herein as adult family home, shall be considered a single-family residential use and be a permitted use in all areas zoned for residential use.

B. When housing for people with functional disabilities includes four people or more, it shall be termed a residential care facility, licensed by the state and shall be considered a multifamily residential use of property for zoning purposes. Residential care facilities shall be a permitted use in all areas for multiple-family residential or commercial purposes.

C. For the purpose of the chapter, the conversion of an existing nonconforming residential structure to housing for people with functional disabilities shall not be deemed a change of use or an abandonment or discontinuity of the prior use of the structure, if such structure constituted a prior nonconforming use. (Ord. 92-1 § 3, 1992).

16.90.040 Resolution of conflicting provisions.

In the event of conflict between the ordinance codified in this chapter and any other ordinance or zoning provision for the town of Eatonville, the provisions of this chapter shall prevail. (Ord. 92-1 § 4, 1992).

