

Ordinance No. 649

An ordinance exempting certain construction work from being required to obtain a building permit from the Building Department

WHEREAS, the Council has determined that requiring a building permit for a limited number of activities may place an undue financial burden on members of the community;

WHEREAS, the City has limited latitude in making any substantive changes to the adopted International Building Code, International Residential Code, International Commercial Code (Building Codes);

WHEREAS, the City can decide that it will not collect a building permit application and associated building permit fee in some incidents;

WHEREAS, the topic associated with this ordinance was discussed at previous City Council meetings and the agenda for the Council Meeting at which this was considered for adoption clearly stated that this ordinance was to be considered therein;

WHEREAS, this ordinance was introduced and discussed with the City Council at a previous meeting of the Council prior to any action by the Council.

BASED THEREON, THE CITY COUNCIL OF THE CITY OF FORKS  
DO ORDAIN AS FOLLOWS:

Section 1. Forks Municipal Code Chapter 15.05 adopting building codes and specifically adopting Section 105.2, Work Exempt from Permit, under both the International Building Code (IBC) and the International Residential Code (IRC) is hereby amended as follows adding Section 15.05.035 – Work Exempt from Permit and Permit Fee

15.05.035 – Work Exempt from Permit and Permit Fee

1. The work described in 15.05.035(2) below is exempt from having to have the owner, or owner's representative, submitting a permit and the usual associated fee under Section 105.2 of the IBC and IRC. HOWEVER, work done must still comply with the requirements of the IBC and IRC as adopted by the State and the City regardless of whether a permit and/or fee is required of the owner of the complete work. Nothing in this ordinance shall be constructed as a grant or authorization of permission by the City by the owner, or owner's representative, to avoid compliance with relevant, applicable sections of the IBC and IRC.
2. The following work is exempt from requiring a permit:
  - a. Tool sheds, storage sheds, playhouses, agricultural buildings, and wood sheds that are:
    - i. for the private use of the Owner or their tenants using the property on which the exempt structure is located;
    - ii. 400 sq. ft. or less in total floor space;
    - iii. ten feet or less in wall height;
    - iv. constructed with eaves measuring 24 inches or less;
    - v. accessory to a residential family dwelling;
    - vi. set back at least ten (10) feet from existing inhabited structures;
    - vii. affixed to a foundation or secured using mobile home tie downs to ensure that they do not move in high wind events utilizing the 140 mph wind load standard for such securities;

- viii. not used for human habitation, employment or remunerative purposes, or the growth of medical or recreational cannabis.
  - b. Cargo Containers – sometimes also called shipping containers or intermodal freight containers, which were designed to be standardized, reusable portable vessels for intercontinental traffic of freight that could be mounted on a rail car, truck or ship – converted for use as tool sheds, storage sheds, playhouses, agricultural buildings, and wood sheds.
  - c. If electrical or plumbing utilities are being incorporated into either 2a or 2b, the Owner or the Owner’s representative shall comply with the applicable plumbing and electrical codes including obtaining any local and/or state required permits for such utilities. PROVIDED that incorporation of a self-contained solar lighting system that does not require connection to electrical services shall not be the activity that triggers the need for a City building permit for work that would otherwise be exempt under this code.
3. The exemption from obtaining a building permit, and payment of the applicable fee, does not exempt the Owner, or the Owner’s representative, of ensuring compliance with the following applicable City Codes:
- a. Forks Zoning Code – FMC Title 17
  - b. Forks Flood Hazard Management Code – FMC Chapter 14.10
  - c. Forks Wetlands Code – FMC Chapter 14.15
  - d. Forks Critical Areas Code – FMC Chapter 14.20
  - e. Adopted Shoreline Management Code be it a City standalone code or the continued use and adoption of the Clallam County Shoreline Management Plan and Code.
- Work that fails to comply may require not only code compliance, but also moving of the nonconforming structure in addition to permits and impact reviews paid for by the Owners.
4. If the use of the work exempted from permit under paragraphs 2A and 2B above changes or is converted to a type of use requiring a permit, the Owner undertaking the change or conversion shall first obtain the necessary building permits required for the conversion of that use and make required upgrades pursuant to the applicable building codes prior to utilizing the changed or converted previously exempted work for its new purpose.

Section 2. City staff is hereby directed to complete preparation of the final ordinance, including correction of any subsequently discovered typographical or scrivener's error.

Section 3. Effective Date. This ordinance shall take effect five days after it has been published within the City’s journal of record as provided for by law.

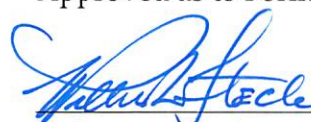
Passed by the City Council on this 26<sup>th</sup> of October 2020

  
 \_\_\_\_\_  
 Tim Fletcher, Mayor

Authenticated and Attested to:

Approved as to Form:

  
 \_\_\_\_\_  
 Audrey Grafstrom  
 Clerk/Treasurer

  
 \_\_\_\_\_  
 William R. Fleck  
 Attorney/Planner