

## Title 15

### BUILDINGS AND CONSTRUCTION

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#### Chapter 15.04

### BUILDING CODES

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**15.04.010 Title.** This chapter is known as and may be referred to as the “Town Building Code.” (Ord. 1363 §2(part), 2004).

**15.04.020 Purpose.** The purpose of the codes and regulations adopted in this title is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town of Steilacoom. It is not the purpose or intent to create or designate any particular class or group of persons to be especially

protected or benefited, nor is it intended to create any special relationship with any individual. (Ord. 1363 §2(part), 2004).

**15.04.030 Adoption of Referenced Codes.** The Town of Steilacoom hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27.074 for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties:

(a) **The 2015 International Building Code**, (IBC) including Appendix E, published by the International Code Council, Inc., is hereby adopted by reference as adopted and amended by the Washington State Building Code Council in Chapter 51-50 WAC.

(b) **The 2015 International Residential Code** (IRC) including Appendices F and Q, published by the International Code Council, Inc., is hereby adopted by reference as adopted and amended by the Washington State Building Code Council in Chapter 51-51 WAC.

(c) **The 2015 International Mechanical Code** (IMC) published by the International Code Council, Inc., is hereby adopted by reference as adopted and amended by the Washington State Building Code Council in Chapter 51-52 WAC.

(d) **The 2015 Uniform Plumbing Code** (UPC), including Appendices A, B, and I, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference as adopted and amended by the Washington State Building Code Council in Chapter 51-56 WAC.

(e) **The 2015 International Energy Conservation Code (Residential)** as adopted and amended by the Washington State Building Code Council in Chapter 51-11R WAC.

(f) **The 2015 International Energy Conservation Code (Commercial)** as adopted and amended by the Washington State Building Code Council in Chapter 51-11C WAC.

(Ord. 1546, 2016: Ord. 1497 §1, 2013: Ord. 1474 §1, 2011: Ord. 1461 §1, 2010: Ord. 1363 §2(part), 2004).

**15.04.040 Conflicts between Codes.** In case of conflict among the building code, the mechanical code, the fire code, and the plumbing code, the first named code shall govern over those following. In case of conflicts between other codes and provisions adopted by this chapter, the code or provision that is most restrictive, as determined by the building official, shall apply. (Ord. 1363 §2(part), 2004).

#### **15.04.50 Definitions and References**

(a) The term "board of appeals," wherever appearing or referred to in any of the referenced codes, means the Steilacoom Town Council.

(b) The term "building official" wherever appearing or referred to in any of the referenced codes, means the Town Administrator.

(c) The term "code official" wherever appearing or referred to in any of the referenced codes, means the Town Administrator.

(d) The terms "department of building safety" and "department of property maintenance" wherever appearing or referred to in any of the referenced codes, shall mean the Town Department of Community Development.

(e) References to the International Plumbing Code wherever appearing or referred to in any of the referenced codes, shall mean the Uniform Plumbing Code.

(f) References to the ICC Electrical Code wherever appearing or referred to in any of the referenced codes, shall mean the National Electrical Code published by the NFPA and enforced by the Washington State Department of Labor and Industries.

(g) References to the International Zoning Code wherever appearing or referred to in any of the referenced codes, shall mean the Zoning Ordinance of the Town of Steilacoom, Title 18 SMC.

(h) The term "manufactured home" means a structure, designed and constructed to be transportable in one or more sections, and is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the national mobile home construction and safety standards act of 1974 as adopted by chapter 43.22 RCW if applicable. Manufactured home does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable. The term "manufactured home" is synonymous with the term "mobile home."

(i) The term "designated manufactured home" means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, and which:

(A) Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;

(B) Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and

(C) Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.

(j) The term "new manufactured home" means any manufactured home required to be titled under Title 46 RCW, 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).

(k) The term "modular home" means a factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home. (Ord. 1461 §2, 2010: Ord. 1386 §2, 2005: Ord. 1363 §2(part), 2004).

#### **15.04.060 Amendments to the Referenced Codes**

(a) Work exempt from permits.

(1) Notwithstanding any provision to the contrary in the Referenced Codes, sidewalks, driveways, platforms and decks not more than 30 inches (762 mm) above grade and not over any basement or story below and not part of an accessible route are exempt from obtaining a permit.

(2) Notwithstanding and provision to the contrary in the Referenced Codes, one-story detached accessory structures, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>) and provided that all required zoning requirements are met are exempt from obtaining a permit. Structures exceeding this floor area require a permit.

(b) Permit refunds. Notwithstanding any provision to the contrary in the Referenced Codes, permit refunds shall be governed by SMC 15.04.140.

(c) Building height. Notwithstanding any provision to the contrary in the Referenced Codes, the maximum height of buildings shall be subject to the requirements of this code and the Zoning Ordinance of the Town of Steilacoom, Title 18 SMC. In the event of a conflict between the requirements, the more restrictive shall govern. (Ord. 1461 §3, 2010: Ord. 1386 §1, 2005: Ord. 1363 §2(part), 2004).

**15.04.070 Referenced Codes – Copies on file.** All referenced codes shall be available for review at the Town of Steilacoom Building Department. (Ord. 1363 §2(part), 2004).

**15.04.080 Complete application for permit.**

(a) The Town Administrator shall set requirements for a complete application for Town building permits. At a minimum, a complete application shall consist of a completed Town application form and two complete sets of construction documents, including engineering calculations. If applicable to the proposed project, the Town Administrator may require proof of compliance with the Washington State Energy Code, Washington State Ventilation and Indoor Air Quality Code and erosion and sediment control information.

(b) All submitted construction documents must be of sufficient detail to show the entire project. Documents shall not to exceed 24 inches by 36 in size.

(c) Documents shall include details on structural integrity, life safety, architectural barriers, the scope of work, any special inspections and protocols, and a deferred submittal schedule, if any. All documents shall demonstrate compliance with all applicable codes. (Ord. 1363 §2(part), 2004).

**15.04.090 Preparation of plans.** Plans for any building or structure containing five or more residential dwelling units or requiring design work including preparing construction contract documents and administering the contract for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy over (2,000) two thousand square feet of construction shall be prepared under the direction of a Washington State licensed design professional, licensed under the provisions of RCW 18.08, WAC 308-12 or RCW 18.43. (Ord. 1363 §2(part), 2004).

**15.04.100 Review of application.** Each application for a building permit requiring drawings of plans and specifications shall be reviewed by Town staff to ensure that all proposed building or other work will comply with the provisions of this chapter, Chapter 2.14 SMC, Titles 16, 17, and 18 SMC, and other applicable laws and regulations. No building permit shall be issued until the plans have been approved by the building official. (Ord. 1363 §2(part), 2004).

**15.04.110 Coordination with Historic Preservation and Review Board.** Construction within the Historic District, modifications to historic structures, design of commercial buildings and certain other activities requiring building permits require review under Chapter 2.14 SMC. No permit for construction shall be issued until the plans are approved in accordance with Chapter 2.14 SMC, if applicable. The building official shall coordinate with the Historic Preservation and Review Board to assure that submitted plans are in accordance with the Town Building Code and other applicable laws and regulations. (Ord. 1363 §2(part), 2004).

**15.04.120 Fees and valuations.**

(a) Permit fees shall be determined by the fee schedule adopted by the Town of Steilacoom by resolution of the Town Council.

(b) The determination of value or valuation under any of the provisions of this code shall be made by the use of the Building Valuation Data Table published by the International Conference of Building Officials Magazine, Building Standards, Current Edition. The town shall not use the regional modifiers. The building official shall assume that construction is of "good" quality unless presented with evidence by the applicant that construction is of "average" quality. The value to be used in computing the building permit and building plan review fees shall be for the total values of all construction work for which the permit is issued, as well as all finished work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

(c) When submittal documents are required by the Town Building Code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The plan review fee shall be 65 percent of the building permit fee as set by the town. The plan review fees

specified in this section are separate fees from the permit fees specified in subsection (a), and are in addition to the permit fees.

(d) When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items an additional plan review fee shall be charged at the rate set by the town. (Ord. 1363 §2(part), 2004).

**15.04.130 Work commenced without permit - Investigation fees.**

(a) The building official shall investigate any work commenced without first obtaining a permit, if the building official reasonably believes that a permit is required. No permit shall be issued until the investigation is complete.

(b) An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is subsequently issued. The investigation fee is equal to the amount of the permit fee required by this code. Payment of the investigative fee does not vest illegal work with any legitimacy, nor does it establish any right to a Town of Steilacoom permit for continued work. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law. (Ord. 1363 §2(part), 2004).

**15.04.140 Fee refunds.**

(a) The building official may authorize the refunding of:

(1) 100% of any fee erroneously paid or collected

(2) Up to 80% of the permit fee paid when no work had been done under a permit issued in accordance with this code.

(3) Up to 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review has been performed.

(b) A person requesting a refund shall apply to the building official in writing within 180 days of paying the fee. No refunds shall be allowed if the application is more than 180 days following payment. (Ord. 1363 §2(part), 2004).

**15.04.150 Building permit fee exemptions.**

(a) Building permit fees for the construction, alteration, and repairs of single-family or duplex dwellings shall be waived when all of the following conditions apply:

(1) The residential structure is intended for low-income families.

(2) The construction of the structure involves some volunteer labor.

(3) The structure is being constructed by an organization classified as a 501-C non-profit organization by the Internal Revenue Service. (Ord. 1363 §2(part), 2004).

**15.04.160 Reinstatement of expired permits.** If a permit expires under the terms of the referenced codes, it may be reinstated upon payment of one-half the original permit fee for the value of the remainder of the work to finish the original permit. A person requesting reinstatement shall apply to the building official in writing within two years of the date of permit expiration. If more than two years have elapsed from the date of expiration, the applicant must apply for a new permit. (Ord. 1363 §2(part), 2004).

**15.04.170 Contractor registration.** No permit shall be issued for work which is to be done by any contractor required to be registered under Chapter 18.27 RCW without verification that such contractor is currently registered as required by law. All contractors shall have a Town business license as required under Chapter 5.04 SMC. (Ord. 1363 §2(part), 2004).

**15.04.180 Penalty for Violations.** A person who fails to comply with the requirements of the Town Building Code, or who fails to comply with a stop work order issued under the Town Building Code shall be subject to a civil penalty. Enforcement action for violations of the Town Building Code shall be governed by the provisions of Chapter 14.32 SMC. (Ord. 1543 §9, 2016; Ord. 1386 §3, 2005; Ord. 1363 §2(part), 2004).

**15.04.190 Liability.** The express intent of the Town of Steilacoom is that the responsibility for compliance with the provisions of this chapter shall rest with the permit applicant and their agents. (Ord. 1363 §2(part), 2004).

**15.04.200 References to the Uniform Building Code.** All references to the Uniform Building Code in any other Town ordinance shall be construed to mean the current Town Building Code. (Ord. 1363 §2(part), 2004).

**15.04.210 Manufactured Home Standards.**

(a) A building permit is required to place a manufactured home on a residential lot.

(b) All manufactured homes placed on residential lots after June 30, 2005 shall meet all the following standards:

(1) The manufactured home shall be a new manufactured home.

(2) The manufactured home shall be set upon a permanent foundation, as specified by the manufacturer.

(3) The space between the ground and the bottom of the manufactured home shall be enclosed by concrete or an approved concrete product. The enclosure may be either load bearing or decorative.

(4) The manufactured home shall comply with any local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located.

(5) The manufactured home shall be thermally equivalent to the state energy code.

(6) The manufactured home shall otherwise meet the requirements for a designated manufactured home under RCW 35.63.160 and SMC 15.04.050.

(c) This section does not override any legally recorded covenants or deed restrictions of record.

(d) This section does not affect the authority of the Washington State Department of Labor and Industries over manufactured homes contained in Chapter 43.22 RCW. (Ord. 1386 §4, 2005).

**15.04.220 Modular Home Standards.** Modular homes shall meet the requirements of the Town Building Code and shall comply with any local design standards applicable to all other homes within the neighborhood in which the modular home is to be located. (Ord. 1386 §5, 2005).

## **Chapter 15.20**

### **FIRE CODE**

#### **Sections:**

**15.20.010 Adoption of Fire Code.**

**15.20.020 Enforcement.**

**15.20.030 Definitions.**

**15.20.050 Amendments to the Fire Code.**

**15.20.060 Appeals.**

- 15.20.070 New materials, processes or occupancies.**
- 15.20.075 Fireworks—Definitions.**
- 15.20.076 Fireworks—General provisions.**
- 15.20.077 Fireworks—Permits.**
- 15.20.078 Fireworks—Penalties.**
- 15.20.080 Fire Code--Penalties for violation.**
- 15.20.090 Issuance of citations.**
- 15.20.100 Bail schedule.**
- 15.20.110 Permits--Purpose and definitions.**
- 15.20.120 Permits—Enumerated.**
- 15.20.130 Services and Fees.**
- 15.20.135 Inspection enforcement.**
- 15.20.140 Fire sprinklers required in certain residential occupancies.**

**15.20.010 Adoption of Fire Code.** The 2015 edition of the International Fire Code, published by the International Code Council, Inc., is hereby adopted by reference as adopted and amended by the Washington State Building Code Council in Chapter 51-54A WAC. (Ord. 1547, 2016; Ord. 1464 §1, 2010; Ord. 1436 , 2008; Ord. 1362 §1(part), 2004).

**15.20.020 Enforcement.**

(a) The Fire Code, as adopted and amended herein, shall be enforced by Fire Prevention personnel of the Department of Public Safety of the Town of Steilacoom under supervision of the Director of Public Safety.

(b) A Fire Marshal shall be appointed by the Director to direct and enforce prevention provisions of the Fire Code, and shall inspect buildings and premises, including other such hazards or appliances designated by the Director. The Fire Marshal will ascertain and cause to be corrected conditions which would reasonably tend to cause or contribute to fire, or any violation of the purpose or provisions of this code and any other law or standard affecting fire safety.

(c) Any occupancy, including residential, which is subject to a business or occupation license by the Town of Steilacoom shall be subject to inspection under the authority of Section 104.3 of the Fire Code. Any process or hazard identified by fire prevention personnel shall be subject to review prior to permit issuance under the provisions of Section 105 of the Fire Code. (Ord. 1362 §1(part), 2004).

**15.20.030 Definitions.**

(a) Wherever the word “jurisdiction” is used in the Fire Code, it refers to the Town of Steilacoom.

(b) The code official referred to in all portions of the Fire Code shall be given the title of “Fire Marshal” for the Town of Steilacoom.

(c) All terminology not defined in this chapter shall be defined as stated in the Fire Code. (Ord. 1362 §1(part), 2004).

**15.20.050 Amendments to the Fire Code.** The Fire Code is amended by SMC 15.20.060 through 15.20.130. (Ord. 1362 §1(part), 2004).

**15.20.060 Appeals.** Whenever an application is disapproved or permit is denied, or when it is claimed that provisions of the Fire Code do not apply or the true intent and meaning of the code have been misconstrued or wrongfully interpreted, the applicant may appeal the decision

to a board of appeals within thirty (30) days from the date of the denial. (Ord. 1362 §1(part), 2004).

**15.20.070 New materials, processes or occupancies .** The town administrator, the director of public safety and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the Fire Code. The fire marshal shall post such list in a conspicuous place at the bureau of fire prevention and distribute copies thereof to interested persons. (Ord. 1362 §1(part), 2004).

**15.20.075 Fireworks—Definitions.**

(A) "Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks by the United States Bureau of Explosives or contained in the regulations of the United States Department of Transportation and designated as U.N. 0335 1.3G or U.N. 0336 1.4G as of April 17, 1995.

(B) "Special fireworks" means any fireworks designed primarily for exhibition display by producing visible or audible effects and classified as such by the United States Bureau of Explosives or in the regulations of the United States Department of Transportation and designated as U.N. 0335 1.3G as of April 17, 1995.

(C) "Common fireworks" means any fireworks which are designed primarily for retail sale to the public during prescribed dates and which produce visual or audible effects through combustion and are classified as common fireworks by the United States Bureau of Explosives or in the regulations of the United States Department of Transportation and designated as U.N. 0336 1.4G as of April 17, 1995.

(D) "Special effects" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere, and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production, or live entertainment.

(E) "Public display of fireworks" means an entertainment feature where the general public is admitted or permitted to view the display or discharge of special fireworks. (Ord. 1456 §1(part), 2009).

**15.20.076 Fireworks—General Provisions.**

(A) Sale, Possession, Use and Discharge of Fireworks Unlawful. It is unlawful for any person to sell, possess, use, transfer, discharge, ignite or explode any fireworks, including but not limited to common and special fireworks, within the Town of Steilacoom; provided, that this prohibition shall not apply to the following activities, when authorized by a state license and Town permit:

- (1) Duly authorized public displays as provided herein; and
- (2) Duly authorized use by religious or private organizations or persons of common fireworks and such audible ground devices as firecrackers, salutes, and chasers if:
  - (a) Purchased from a licensed manufacturer, importer, or wholesaler; and,
  - (b) For use on prescribed dates and locations; and,
  - (c) For religious purposes.

(B) Exceptions. The sale, possession, or use of the following are exempted from this chapter:

- (1) "Trick and novelty devices" as defined by WAC 212-17-030; and
  - (2) Special effects (which may be regulated by the Uniform Fire Code).
- (Ord. 1456 §1(part), 2009).



**15.20.077 Fireworks—Permits.**

(A) Applications for Permits. Applications for a permit as required by SMC 15.20.076 shall be made to the Town of Steilacoom's Community Development Department a minimum of 30 days in advance of the scheduled event or activity.

(B) Authority of Local Fire Official. All permit applications shall be reviewed and inspected by the local fire official. The local fire official may impose reasonable requirements on the permits consistent with WAC Title 212 (Rules of the State Fire Marshall Relating to Fireworks). The local fire official may revoke any fireworks permit(s) for failure to correct a violation of rules or conditions.

(C) Application Fees. Consistent with RCW 70.77.311(2)(d), no fee may be charged for these permits.

(D) Nontransferability. Each permit issued pursuant to this chapter shall be valid for the specific authorized event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit granted. (Ord. 1456 §1(part), 2009).

**15.20.078 Fireworks—Penalties.**

(A) Sale or Use of Common Fireworks. The sale, use, transfer, discharge, ignition or otherwise causing to explode of common fireworks in violation of the requirements of this chapter shall be a civil violation. Each occurrence shall be a separate violation hereof. A person found to be in violation of this chapter shall be guilty of a Class I Civil Violation and subject to a civil penalty of \$500.00 per occurrence (See SMC 9.04.090(2))

(B) Possession. Any common fireworks held in violation of this chapter shall be subject to confiscation. A person found to be in possession of common fireworks in violation of this chapter shall be guilty of a Class II Civil Violation and subject to a civil penalty of \$250.00 per occurrence (See SMC 9.04.090(2)). (Ord. 1456 §1(part), 2009).

**15.20.080 Fire Code--Penalties for violation.**

(a) Any person, firm, corporation or association who violates any of the provisions of the Fire Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$75.00 nor more than \$500.00 or by imprisonment for not less than one (1) day nor more than 90 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 1362 §1(part), 2004).

**15.20.090 Issuance of citations by designated officers and employees.** Officers and employees of the town of Steilacoom who have the discretionary duty to enforce a statute or ordinance may, pursuant to RCW 48.48 and subject to the provisions hereof, arrest a person without a warrant whenever any such officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the officer's or employee's presence which he or she has the discretionary duty to enforce, and to issue a notice to appear and to

release such person on the person's written promise to appear in court. Officers and employees shall not be allowed by their superior to exercise the arrest and citation authority herein conferred, unless such officer or employee is within a classification of town officers and employees designated by ordinance of the town council to exercise such arrest and citation authority as to specified misdemeanor violations. The town administrator, through the department of public safety shall establish and cause to be administered a special enforcement training program designed to instruct each officer or employee who will exercise such arrest and citation authority, regarding the provisions of the statutes and ordinances to be enforced, the evidentiary prerequisites to proper prosecution for violations thereof, the appropriate procedures for making arrests or otherwise prudently exercising such arrest and citation authority, and the legal and practical ramifications and limitations attendant thereto. Any such officers or employees shall be appropriately instructed to deposit executed citations or notices within Steilacoom department of public safety for filing with the court after review for legal sufficiency. (Ord. 1362 §1(part), 2004).

**15.20.100 Bail schedule.** The bail schedule shall be set by resolution of the town council. (Ord. 1362 §1(part), 2004).

**15.20.110 Permits--Purpose and definitions.**

(a) The purpose of this chapter is to establish fire code permits as defined in the Fire Code as adopted by this chapter, and to establish specific services performed by fire prevention personnel of the Department of Public Safety.

(b) Permits as defined by Section 105 of the Fire Code shall be operational or construction related, and shall be for a prescribed period or until renewed or revoked.

(c) There are no fire code permit fees. (Ord. 1362 §1(part), 2004).

**15.20.120 Permits--Enumerated.** The following Fire Code permits shall be obtained from Fire Prevention personnel of the Department of Public Safety prior to engaging in the listed activities, operations, practices or functions.

(a) Operational permits:

(1) Aerosol products. Manufacture, store or handle aggregate quantity of Level 2 or 3 aerosol products over 500 pounds net weight.

(2) Amusement buildings.

(3) Aviation Facilities. Use of Group H or S occupancy for aircraft servicing or repair or aircraft fuel-servicing vehicles. Additional permits required for hot work, hazardous materials and flammable or combustible finishes.

(4) Carnivals and fairs. Including parades and parade floats.

(5) Battery systems. Stationary lead-acid battery systems having a liquid capacity more than 50 gallons.

(6) Cellulose nitrate film. Store, handle or use of cellulose nitrate film in a Group A occupancy.

(7) Combustible dust-producing operations. Operation of a grain elevator, flour mill, feed mill, or plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts.

(8) Combustible fibers. Store or handle combustible fibers in quantities greater than 100 cubic feet, except agricultural storage.

(9) Compressed gases. Store, use or handle at normal temperature and pressure compressed gases in excess of permit amounts in Fire Code.

(10) Covered mall buildings. Retail fixtures, displays, concession equipment, displays of combustible goods, liquid- or gas-powered equipment, or use of open-flame or flame-producing equipment in a mall.

- (11) Cryogenic fluids. Produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of permit amounts in Fire Code, except for vehicles equipped to use cryogenic fluids as fuel, or for refrigerating their load.
- (12) Cutting and welding.
- (13) Dry cleaning plants.
- (14) Exhibits and trade shows.
- (15) Explosives. Manufacture, store, handle, sell or use any explosive, explosive material, fireworks or pyrotechnic special effects.
- (16) Fire hydrants and valves. Use or operate fire hydrants or valves, except water utility work and fire department use.
- (17) Flammable and combustible liquids.
- (i) Use or operate a pipeline within facilities of flammable or combustible liquids, except piping systems or DOT-regulated off-site transportation pipelines.
- (ii) Store, handle or use Class I liquids in excess of 5 gallons in a building or 10 gallons outside of a building, with exceptions:
- (A) Except in a fuel tank of a vehicle, boat, or aircraft unless such storage would cause an unsafe condition in the opinion of the Code Official.
- (B) Except when paints, oils, varnishes or similar flammable mixtures are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
- (iii) Store, handle or use Class II or IIIA liquids in excess of 25 gallons in a building or 60 gallons outside a building, except for fuel oil used with oil-burning equipment.
- (iv) Remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing.
- (v) Operate tank vehicles, equipment, plants, refineries, distilleries or similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
- (vi) Place temporarily out of service, more than 90 days, an underground, protected aboveground or aboveground flammable or combustible liquid tank.
- (vii) Change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.
- (viii) Manufacture, process, blend or refine flammable or combustible liquids.
- (ix) Engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
- (x) Utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
- (18) Floor finishing. Operations exceeding 350 square feet using Class I or Class II liquids.
- (19) Fruit and crop ripening. Operations using ethylene gas.
- (20) Fumigation and thermal insecticidal fogging. Operate a business of fumigation or thermal insecticidal fogging, and maintain a room, chamber or vault in which a toxic or flammable fumigant is used.
- (21) Hazardous materials. Store, transport on site, dispense, use or handle hazardous materials in excess of permit amounts listed in Table 105.6.21 of Fire Code.
- (22) Hazardous production materials. Store, handle or use HPM.
- (23) High-piled storage. Use a building or portion thereof as high-piled storage in an area exceeding 500 square feet.

(24) Hot work operations. Including public exhibitions and demonstrations, use of hot work equipment inside a structure, except work conducted under a construction permit. Also includes roof work with open flame, and fixed site equipment such as a welding booth.

(25) Industrial ovens. Operate commercial industrial oven.

(26) Lumberyards and woodworking plants. Store or process lumber exceeding 100,000 board feet.

(27) Liquid- or gas-fueled vehicles or equipment in assembly buildings.

(28) Liquid petroleum gas. Store or use LP gas, or operate cargo tankers transporting LP gas.

(29) Magnesium. Melt, cast, heat treat or grind more than 10 pounds.

(30) Miscellaneous combustible storage. Store in any building or upon any premises in excess of 2,500 cubic feet gross volume of empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

(31) Open burning. Except recreational fires, defined as an outdoor fire of no more than 3 feet in diameter and 2 feet or less in height, for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

(32) Open flames and torches. Use open-flame torch device to remove paint.

(33) Open flames and candles. Use open flames or candles in assembly areas, dining areas of restaurants or drinking establishments.

(34) Organic coatings. Any organic-coating manufacturing operation producing more than 1 gallon per day or organic coating.

(35) Places of assembly.

(36) Private fire hydrants. Remove from service, use or operate, except by private industry personnel or private fire departments.

(37) Pyrotechnic special effects material. Use or handle.

(38) Pyroxylin plastics. Store or handle more than 25 pounds or any assembly or manufacture of articles involving pyroxylin plastics.

(39) Refrigeration equipment. Operate mechanical refrigeration unit or system.

(40) Repair garages and motor-fuel dispensing facilities. Including marine.

(41) Rooftop heliports.

(42) Spraying or dipping. Utilize flammable or combustible liquids or apply combustible powders in a spraying or dipping operation.

(43) Storage of scrap tires and byproducts. Store over 2,500 cubic feet total volume of scrap tires and tire byproducts, or any indoor storage of same.

(44) Temporary membrane structures, tents and canopies. Operate an air-supported membrane structure or a tent with an area over 200 square feet, or a canopy over 400 square feet, except:

(i) Tents used exclusively for recreational camping.

(ii) Fabric canopies open on all sides which have a maximum size of 700 square feet, or aggregate of multiple canopies with 12-foot fire breaks not over 700 square feet, and a minimum 12-foot fire clearance to any other tents or structures.

(45) Tire rebuilding plants.

(46) Waste handling.

(47) Wood products. Store chips, hogged material, lumber or plywood in excess of 200 cubic feet.

(b) Construction permits:

(1) Automatic fire-extinguishing systems. Install or modify, except maintenance performed in accordance to code.

(2) Compressed gases. Install, repair, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system, except:

(i) Routine maintenance.

(ii) Emergency repair work under emergency basis, with permit application within 2 working days.

Permit to close storage, use or handling facilities shall be applied for a minimum of 30 days prior to termination date.

(3) Fire alarm and detection systems. Install or modify a fire alarm and detection system and related equipment, except routine maintenance.

(4) Fire pumps and related equipment. Install or modify fire pumps and related fuel tanks, jockey pumps, controllers and generators, except routine maintenance.

(5) Flammable and combustible liquids. A construction permit is required to:

(i) Repair or modify a pipeline for transportation of flammable or combustible liquids.

(ii) Install, construct or alter tank vehicles, equipment, tanks, plants, terminals, fuel dispensing stations, distilleries and similar facilities which produce, process, dispense, store, transport or use flammable or combustible liquids.

(iii) Install, alter, remove, abandon or otherwise dispose of a tank storing flammable or combustible liquids.

(6) Hazardous materials. Install, repair, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other hazardous material area when amounts exceed those listed in Table 105.6.21 of Fire Code, except:

(i) Routine maintenance.

(iii) Emergency repair work under emergency basis, with permit application within 2 working days.

(7) Industrial ovens. Install industrial ovens, except:

(i) Routine maintenance.

(ii) Emergency repair work under emergency basis, with permit application within 2 working days.

(8) LP-gas systems. Install or modify.

(9) Private fire hydrants. Install or modify.

(10) Spraying or dipping. Install or modify.

(11) Standpipe systems. Install, modify or remove from service, except routine maintenance.

(12) Temporary membrane structures, tents and canopies. Erect an air-supported temporary membrane structure or a tent over 200 square feet, or canopy over 400 square feet, with exceptions listed above in paragraph 15.20.150 (a)(44). (Ord. 1362 §1(part), 2004).

**15.20.130 Services and fees.** The public safety department is authorized to perform the following services upon payment of the authorized fee. Fees for the services shall be set by resolution of the Town Council, and shall be collected prior to providing the service.

(a) Advisory and Outdoor Burn Site Inspections. Upon request, the department will conduct an advisory inspection to determine the future needs of a building, and/or perform a site inspection to evaluate potential outdoor burns, and shall provide a written report.

(b) Federal or State Mandated Inspection. Upon request, the department will conduct Fire Code inspections to fulfill a federal or state mandate, and shall provide a written report.

(c) Copies of Fire Investigation Reports. Upon request, the department will provide copies of fire investigation reports, miscellaneous fire or EMS reports and copies of transcribed taped interviews. Such reports will be subject to review and clearance prior to release as provided by law.

(d) Plan Review and Inspections. The department shall review all plans for the construction of residential occupancy buildings which include a fire sprinkler system and plans for the construction of all non-residential occupancy buildings. The department shall inspect the installation of all fire sprinkler system.

(e) Routine Non-residential Occupancy Inspections. The department shall conduct routine fire code inspections on a semi-annual basis, or as required, or requested by the property owner of all non-residential occupancies. Violations of the fire code noted during these inspections shall be corrected within 15 calendar days. (Ord. 1459 §2, 2009: Ord. 1362 §1(part), 2004).

**15.20.135 Inspection enforcement.**

(a) Occupancy Contingent on Inspection. The building department shall not grant a certificate of occupancy for any structure requiring a sprinkler system until notified by the public safety department that the sprinkler system has been tested and has passed inspection.

(b) Re-Inspections. Fire Code violations that are not corrected within 15 days of the initial inspection shall be re-inspected by the public safety department. The violator shall be charged a re-inspection fee for each subsequent inspection until the violation is corrected. (Ord. 1459 §3, 2009).

**15.20.140 Fire sprinklers required in certain residential occupancies.**

(a) An automatic fire sprinkler system shall be installed throughout all Group R Division 3 residential occupancies with a square footage or aggregate square footage that meets or exceeds 5000 square feet, to include multiple single-family residences with common walls adjoining other residential occupancies, or when walls separating residential occupancies are three (3) feet six (6) inches or less apart.

(b) Protection area. The sprinkler system shall protect all living spaces, sleeping spaces, kitchens, entrances, egresses and attached enclosed garages.

(c) Exceptions for Group R Division 3 occupancies:

(1) Sprinklers are not required in bathrooms where the area does not exceed 55 square feet and the walls and ceilings, including behind fixtures, are of noncombustible or limited combustible;

(2) Sprinklers are not required in clothes closets, linen closets, and pantries where the area of the space does not exceed 24 square feet and the least dimension does not exceed 3 feet and the walls and ceilings are surfaced with noncombustible or limited combustible materials;

(3) Sprinklers may be omitted from porches, balconies, corridors, stairs, carports and similar structures that are open and attached;

(4) Sprinklers may be omitted from attics, crawl spaces, and other concealed spaces that are not used or intended for living purposes or storage;

(d) Install per NFPA standards. Automatic residential fire sprinkler system shall be installed in compliance with the National Fire Protection Association (NFPA) standards and other standards adopted by the Town. Fire sprinkler systems shall be reviewed and approved by the Fire Marshal prior to installation and tested according to NFPA standards.

(e) Fire walls do not abrogate requirements. Fire walls shall not be considered to separate residential occupancies, or enable the deletion of required residential fire sprinkler system. (Ord. 1438 §1, 2008).

**Chapter 15.24**

**CONSTRUCTION IN FLOOD OR MUD SLIDE HAZARD AREAS**

**Sections:**

- 15.24.010 Plans Examiner review--New construction or substantial improvement proposals.**
- 15.24.020 Town Engineer review--Subdivision and new development proposals.**
- 15.24.030 Minimizing flood water infiltration into systems.**

**15.24.010 Plans Examiner review--New construction or substantial improvement proposals.** The Plans Examiner shall review all building permit applications for new construction of substantial improvement within areas identified by the Federal Insurance Administrator as flood hazard or mud slide hazard areas to determine whether proposed building sites will be reasonably safe from flooding and mud slides. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure; must use construction materials and utility equipment that are resistant to flood damage; and must use construction methods and practices that will minimize flood damage. If a proposed site and improvements are in a location that may have mud slide hazards, a further review must be made by persons qualified in geology and soils engineering; and the proposed new construction, substantial improvement, or grading must be adequately protected against mud slide damage and must not aggravate the existing hazard. (Ord. 537 §1, 1975).

**15.24.020 Town Engineer review--Subdivision and new development proposals.** The Town Engineer shall review subdivision proposals and other proposed new developments to assure that all such proposals are consistent with the need to minimize flood damage; that all public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage, and that adequate drainage is provided so as to reduce exposure to flood hazards. (Ord. 537 §2, 1975).

**15.24.030 Minimizing flood water infiltration into systems.** The Town Engineer shall require new or replacement water supply systems and/or sanitary sewage systems to be designated to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding. (Ord. 537 §3, 1975).

## **Chapter 15.28**

### **WATER CROSS CONNECTIONS**

#### **Sections:**

- 15.28.010 Purpose.**
- 15.28.020 Application.**
- 15.28.030 Certificate required.**
- 15.28.040 Enforcement.**
- 15.28.050 Definitions.**
- 15.28.060 Standards adopted.**
- 15.28.070 Cross-connections prohibited.**
- 15.28.080 Installation of backflow prevention assemblies.**
- 15.28.090 Types of backflow prevention assemblies and devices required.**
- 15.28.100 Location.**
- 15.28.110 Inspection.**

- 15.28.120 Acceptable types.**
- 15.28.130 Identification of piping systems.**
- 15.28.140 Annual testing required.**
- 15.28.150 Termination of services.**
- 15.28.160 Penalties.**

**15.28.010 Purpose.** The purpose of this chapter, in conjunction with the latest edition of the Uniform Plumbing Code and Chapter 246-290-490 WAC is to protect the public health by the control and prevention of actual and potential cross-connections by requiring the proper installation and safeguarding of service lines leading to premises where cross-connections exist or are likely to occur, by periodic inspection testing, and by regulating plumbing within premises to minimize the danger of contamination to the water system on the premises or the public water system itself. (Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

**15.28.020 Application.** This chapter applies to the Town of Steilacoom's water service area. It applies to all systems installed prior to or after its enactment. Every owner and occupant of any premises covered by this chapter is responsible for compliance with its terms and shall be strictly liable for all damage incurred as a result of failure to comply with the express terms and provisions contained herein. The owner shall be responsible for the payment of all fees for permits, annual or semi-annual device testing, re-testing in the case that the assembly fails to operate correctly, and any re-inspection for non-compliance with Town requirements. Permits and fee schedules shall be as specified in the applicable sections the Town of Steilacoom Municipal Code. (Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

**15.28.030 Certificate required.** The owner and the occupant of every premises which has any actual or potential physical cross connection between the public water system and any source of clouding permanently-installed irrigation systems must obtain a certificate of compliance from the Town. A certificate will be issued only if the premises is in compliance with this chapter. (Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

**15.28.040 Enforcement.** The director of public works will administer the provisions of this chapter. The director of public works will designate cross-connection specialists and promulgate all needed rules and regulations to carry these provisions into effect. Any deviation, modification or change from approved standards must be approved by the director of public works or his designated representative. (Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

**15.28.050 Definitions.** The following terms, when appearing in this chapter, shall have the following meanings:

(1) "Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to tank, plumbing fixture, or other device, and the flood level rim of the receptacle must be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel. In no case may the gap be less than one inch.

(2) "Atmospheric Vacuum Breaker" (AVB) means a device which contains a float check (poppet), a check seat and an air inlet vent. When water pressure is reduced to a gauge pressure of zero or below, the float check drops, allowing air to enter the device, preventing backsiphonage. It is designed to prevent backsiphonage only.

(3) "Auxiliary supply" means any water source or system other than the public water system that may be available in the building or on the premises.

(4) "Backflow" means the flow other than the intended direction of the flow of foreign liquids, gases, or substances into the distribution of the public water system.



(A) "Back pressure" means backflow caused by a pump, elevated tank, boiler, or other means that could create pressure within the system greater than the potable water supply system.

(B) "Back siphonage" means a form of backflow due to a negative or sub-atmospheric pressure within the water system.

(5) "Backflow prevention assembly or device" means an apparatus to counteract back pressures or prevent back siphonage.

(6) "Backflow prevention assembly" means an assembly incorporating approved shut-off valves before and after the device, and manufactured with suitable connections for testing. This assembly must be approved by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research and Washington State Department of Health.

(7) "Cross connection" means a point in the plumbing system where the public potable water supply is connected directly, or has the potential of being connected, to a source of non-potable substance that is not a part of the public potable water supply. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross-connections

(8) "Double check valve assembly" (DCVA) means an approved assembly consisting of two independently operating check valves, loaded to the closed position by springs or weights, and installed as a unit with, and between, two resilient seated shutoff valves and having suitable connections for testing.

(9) "Pressure Vacuum Breaker Assembly" (PVBA) means an approved assembly consisting of a spring loaded check valve loaded to the closed position and installed as a unit with, and between, two resilient seated shut off valves and having suitable connections for testing. It is designed to protect against back siphonage only.

(10) "Reduced pressure backflow assembly" (RPBA) means an approved assembly consisting of two independently operating check valves, spring loaded to the closed position, separated by a spring loaded differential pressure relief valve loaded to the open position, an installed as a unit with and between two resilient seated shutoff valves and having suitable connections for testing. The assembly must operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water system side of the device. At cessation of normal flow, the pressure between the check valve must be less than the supply pressure. In case of leakage of either check valve, the differential relief valve must operate to maintain the reduced pressure by discharging to the atmosphere. When the inlet pressure drops below two (2) pounds per square inch (13.8 kPa) the relief valve must open to the atmosphere thereby providing an atmospheric zone between the two check valves. (Ord. 1349 §1(part), 2003; Ord. 1190 §3(part), 1996).

**15.28.060 Standards adopted.** Those certain standards and guidelines entitled *Town of Steilacoom Cross Connection and Backflow Prevention Program Manual*, latest edition are hereby adopted by reference as the official cross-connection and backflow prevention requirements and conditions for all existing and new domestic water service customers of the Town. Compliance with the provisions of the *Town of Steilacoom Cross Connection and Backflow Prevention Program Manual* shall be a condition of receiving the Town of Steilacoom domestic water supply. (Ord. 1349 §1(part), 2003; Ord. 1190 §3(part), 1996).

**15.28.070 Cross-connections prohibited.**

(a) It is unlawful for any person to install a cross-connection between any private water supply within or adjacent to any premises and the public water supply system of the Town. Any such cross-connection now existing or hereafter installed is hereby declared a nuisance and

may be abated at once by the Town without notice by disconnecting such cross-connections or by cutting off the supply of water from the Town distribution system to the premises supplied.

(b) No system to supply water for human consumption shall be constructed or installed in violation of RCW 70.54 or WAC 248-54-285.

(c) Service of the Town water supply system to any premises upon which a private water supply system is used or maintained contrary to the provisions of this section shall be discontinued or refused.

(d) It is unlawful for any person to allow any contaminants to backfeed from their private facility and/or property into the Town distribution system. Any connections now existing or hereafter installed that could allow for backfeed of any contaminants into the Town distribution system shall be disconnected and/or eliminated. Connections which cannot be discontinued and/or eliminated shall require the installation of an approved backflow protection device and regularly inspected and tested in accordance with the *Town of Steilacoom Cross-Connection and Backflow Prevention Program Manual*.

(e) Service of the Town water supply system to any premises upon which the potential for backflow into the Town system exists shall be discontinued or refused unless corrective action is taken in accordance with the *Town of Steilacoom Cross-Connection and Backflow Prevention Program Manual*. (Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

**15.28.080 Installation of backflow prevention assemblies.** Backflow prevention assemblies shall be installed at the service connection or within any premises wherein the judgment of the Town of Steilacoom certified cross-connection specialist the nature and extent of activity on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross connection does not exist at the time the backflow prevention assembly is required to be installed. This includes:

- (1) Premises having an auxiliary water supply;
- (2) Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist;
- (3) Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficient short notice to assure that cross connections do not exist.
- (4) Premises having a repeated history of cross-connections being established or re-established;
- (5) Premises on which any substance is handled under pressure so as to permit entry into the public water system, or where a cross-connection could reasonably be expected to occur. This includes the handling of process waters, cooling waters and carbonated beverage systems;
- (6) Premises where materials of a toxic or hazardous nature are handled such that if back siphonage should occur, a serious health hazard may result;
- (7) Premises having a sprinkler system;
- (8) Premises having a solar system;
- (9) The following types of facilities, but not limited to:
  - (A) Hospitals, mortuaries, clinics;
  - (B) Laboratories;
  - (C) Piers and docks;
  - (D) Sewage treatment plants;
  - (E) Food or beverage processing plants;
  - (F) Chemical plants using a water process;
  - (G) Metal plating industries;

- (H) Petroleum processing or storage plants;
- (I) Radioactive material processing plants or nuclear reactors;
- (J) Car washes;
- (K) Mobile cleaning vehicles;
- (L) Others specified by the certified cross-connection specialist. (Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

**15.28.090 Types of backflow prevention assemblies and devices required.** The type of prevention assembly or device required by SMC 15.28.070 depends on the degree of hazard which exists:

(1) An air-gap separation or reduced pressure backflow assembly shall be installed where the water supply may be contaminated by sewage, industrial waste of a toxic nature or other contaminant which would cause a health or system hazard.

(2) In the case of a substance which may be objectionable but not hazardous to health, a double-check valve assembly, air-gap separation or a reduced pressure backflow assembly shall be installed.

(3) Lawn sprinkler systems, which are supplied by Town water only, shall be required to have either a double check valve assembly, pressure vacuum breaker, or atmospheric vacuum breakers may be installed on each line. A reduced pressure backflow assembly is required if injecting chemicals or using a booster pump. The units shall be approved by the Department of Health, as manufactured. Installation shall be as follows:

(A) Pressure Vacuum Breaker Assembly. The pressure vacuum breaker assembly must be installed at least twelve inches above the highest fixture or point of water usage and in such a manner that drainage will preclude backpressure. The pressure vacuum breaker assembly shall be installed vertically with test cocks and control valves accessibly located for connection of test equipment. This assembly is not to be installed more than 60 inches high.

(B) Atmospheric Vacuum Breaker. The atmospheric vacuum breaker (AVB) shall be installed on the discharge side of the last valve on each sprinkler zone. The AVB shall not be installed where it will be under continuous operating pressure for more than 12 hours in any twenty-four (24) hour period. The AVB unit shall be installed vertically. (Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

**15.28.100 Location.** Backflow prevention assemblies required by this chapter must be installed at the meter, at the property line of the premises when meters are not used, or at a location designated by the Town of Steilacoom certified cross-connection specialist so as to be readily accessible for maintenance and testing, and where no part of the assembly will be submerged or hidden from proper inspection. (Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

**15.28.110 Inspection.** The installation of new backflow prevention devices required by this chapter shall be subject to inspection by the Town of Steilacoom cross-connection specialist forty-eight (48) hours in advance of any new installation of a backflow prevention assembly or device. Existing devices are also subject to inspection. The owner shall provide the Town access to the premises at the Town's request for the purpose of inspecting for cross connections and for the inspection of backflow assembly devices. Failure to provide access to inspect facilities shall be grounds for termination of water service. (Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

**15.28.120 Acceptable types.** Any protective assembly or device required by this chapter shall be a model approved by the director of public works or his designated representative. A double check valve assembly, reduced pressure back flow assembly, pressure vacuum breaker

assembly, or an atmospheric vacuum breaker will be approved if it has successfully passed performance tests of the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, and has been approved by Washington State Department of Health and otherwise meets standards acceptable to the director of public works.

(A) Any existing backflow protection device in use, but not currently on the list of approved devices, can continue to be used providing all the following conditions are met:

(1) The devices were included on the Town and/or Department of Health list of approved backflow prevention assemblies at the time of installation;

(2) The devices have been properly maintained;

(3) The device are functioning properly based on inspection by the Town and testing by a certified Backflow Assembly Tester;

(4) The degree of protection is satisfactory for protection of the Town's water system as determined by the Director.

(B) When an unlisted device does not meet the above conditions, is moved, or cannot be repaired using spare parts from the original manufacturer, the device shall be replaced by an device currently listed as approved by the USC Foundation for Cross-Connection Control and Hydraulic Research or other such agency acceptable to the Director.

(Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

**15.28.130 Identification of piping systems.** Where potable water, non-potable water, chemical feed systems, gas lines, etc. co-exist in an industrial, commercial or residential facility, labeling in accordance with American National Standards A13.1 shall be required to ensure proper identification of each line. (Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

**15.28.140 Annual testing required.** The backflow prevention assemblies must be tested annually by a state certified backflow assembly tester, or more often when successive tests indicate failure. (Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

**15.28.150 Termination of services.** The failure of the owner to cooperate in the payment of applicable fees and permits, installation, maintenance, testing or inspection of backflow prevention assemblies or devices required by this chapter is grounds for termination of water services to the premises or requiring air gap separation. Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

**15.28.160 Penalties.** It is unlawful for any person, firm or corporation to violate any provision of this chapter or fail to comply with any provision thereof. A violation of this chapter is a misdemeanor unless otherwise provided. A violation of any provision hereof is a continuing violation. (Ord. 1349 §1(part), 2003: Ord. 1190 §3(part), 1996).

## Chapter 15.30

### SCHOOL IMPACT FEES

#### Sections:

#### Article I. General Provisions Governing the Assessment of Impact Fees

**15.30.010 Findings and authority.**

**15.30.020 Definitions.**

**15.30.030 Assessment of impact fees.**

**15.30.040 Exemptions.**

- 15.30.050 Credits.
- 15.30.060 Tax adjustments.
- 15.30.070 Appeals.
- 15.30.080 Authorization for the school interlocal agreement and the establishment of the school impact account.
- 15.30.090 Refunds.
- 15.30.100 Use of funds.
- 15.30.110 Review.

## Article II. Impact Fees

- 15.30.120 School impact fees.
- 15.30.130 Schedule adjustments.
- 15.30.140 Independent fee calculations.

## Article III. Miscellaneous Provisions

- 15.30.150 Existing authority unimpaired.
- 15.30.160 Table of contents and captions.
- 15.30.170 Severability.
- 15.30.180 Short title.

## Article I. General Provisions Governing the Assessment of Impact Fees.

**15.30.010 Findings and authority.** The Council of the Town of Steilacoom (the "Council") finds and determines that new growth and residential development in the Town of Steilacoom will create additional demand and need for schools and school facilities in the Town of Steilacoom, and the Council finds that new growth and development should pay a proportionate share of the cost of new school facilities needed to serve the new growth and development. Therefore, pursuant to Chapter 82.02 RCW, the Council adopts this chapter to assess impact fees for schools and school facilities. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the Council in establishing the impact fee program. (Ord. 1312 Ch. 1 §1, 2002).

**15.30.020 Definitions.** The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meanings.

(A) "Act" means the Growth Management Act, Chapter 17, Laws of 1990, 1st Ex. Sess., RCW 36.70A *et seq.*, and as subsequently amended.

(B) "Accessory dwelling unit" means a dwelling unit that has been added onto, created within, or separated from a single family detached dwelling for use as a complete independent living unit with provisions for cooking, eating, sanitation, and sleeping.

(C) "Adult" means a person aged 55 or older.

(D) "Building permit" means an official document or certification which is issued by the Building Official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

(E) "Capital facilities" means the facilities or improvements included in a capital budget.

(F) "Capital facilities plan" means the capital facilities plan element of a comprehensive plan adopted by the Town of Steilacoom pursuant to Chapter 36.70A RCW, and such plan as amended.

(G) "Commission" means the Planning Commission.

(H) "Council" means the Council of the Town of Steilacoom.

(I) "County" means Pierce County.

(J) "Development activity" means any construction, expansion, or change in the use of a building or structure that creates additional demand and need for public facilities.

(K) "Development approval" means any written authorization from the Town of Steilacoom which authorizes the commencement of a development activity.

(L) "District No. 1" or "district" means the Steilacoom Historical School District No. 1, Pierce County, Washington.

(M) "Dwelling unit" means a single unit providing complete and independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation needs.

(N) "Encumbered" means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.

(O) "Feepayer" is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a land development activity which creates the demand for additional capital facilities, and which requires the issuance of a building permit. "Feepayer" includes an applicant for an impact fee credit.

(P) "Impact fee" means a payment of money imposed by the Town of Steilacoom on development activity pursuant to this chapter as a condition of granting development approval in order to pay for the public facilities needed to serve new growth and development. "Impact fee" does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling school impact fees, or the cost of reviewing independent fee calculations.

(Q) "Impact fee account" or "account" means the account(s) established for each type of public facility for which impact fees are collected. The accounts shall be established pursuant to Section 15.30.080 of this chapter, and comply with the requirements of RCW 82.02.070.

(R) "Independent fee calculation" means the school impact calculation, and/or economic documentation prepared by a feepayer, to support the assessment of an impact fee other than by the use of the schedules in SMC 15.30.190, or the calculations prepared by the Town Administrator or District No. 1 where none of the fee categories or fee amounts in SMC 15.30.190 accurately describe or capture the impacts of the new development on public facilities.

(S) "Interest" means the average interest rate earned by the Town of Steilacoom or District No. 1 with respect to school fees in the last fiscal year, if not otherwise defined.

(T) "Interlocal agreement" or "agreement" means the school interlocal agreement by and between the Town of Steilacoom and District No. 1 as authorized in SMC 15.30.090.

(U) "Mayor" means the Mayor of the Town of Steilacoom.

(V) "Multi-family" means a structure containing three or more dwelling units with the units joined to one another.

(W) "Owner" means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided that, if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

(X) "Planned area development" or "PAD" shall have the same meaning as set forth in Chapter 17.32 of the Steilacoom Municipal Code.

(Y) "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not

system improvements. No improvement or facility included in a capital facilities plan adopted by the Council shall be considered a project improvement.

(Z) "Public facilities" means the following capital facilities owned or operated by the Town of Steilacoom or other governmental entities:

- (1) publicly owned parks, open space, and recreational facilities;
- (2) fire protection facilities;
- (3) public school facilities; and
- (4) public streets and roads.

(AA) "Residential" or "residential development" means all types of construction intended for human habitation. This shall include, but is not limited to, single family, duplex, triplex, and other multi-family development.

(BB) "Schools" or "school facilities" means facilities owned or operated by District No. 1, or the facilities or improvements included in the district's capital budget and/or capital facilities plan.

(CC) "Single room occupancy dwelling" means a housing type consisting of one room, often with cooking facilities and with private or shared bathroom facilities.

(DD) "State" means the State of Washington.

(EE) "System improvements" means public facilities that are included in the Town of Steilacoom's Capital Facilities Plan and are designed to provide service-to-service areas within the community at large, in contrast to project improvements.

(FF) "Town" means the Town of Steilacoom

(GG) "Town Administrator" means the Town Administrator of the Town of Steilacoom. (Ord. 1312 Ch. 1 §2, 2002).

#### **15.30.030 Assessment of impact fees.**

(A) The Town shall collect impact fees, based on the schedules in SMC 15.30.190, from any applicant seeking a building permit from the Town for any development activity within the Town. This shall include, but is not limited to, the development of residential land, and includes the expansion of existing uses that creates a demand for additional schools and school facilities.

(B) Applicants seeking development approval from the Town for residential developments where the property is located outside the boundaries of District No. 1 shall not be required to pay the school impact fee set forth in SMC 15.30.190.

(C) For residential developments that do not require development approval, the total amount of the impact fee shall be assessed and collected from the feepayer when the building permit is issued, using the impact fee schedule then in effect.

(D) Except for exemptions or credits provided pursuant to SMC 15.30.040 or 15.30.050 or pursuant to an independent fee calculation accepted by the Town Administrator pursuant to SMC 15.30.140, or fees imposed by the Town Administrator pursuant to SMC 15.30.140, the agency shall not grant final plat approval, PAD approval, binding site plan approval, or other development approval, nor issue the required building permit(s) unless and until the impact fees set forth in the schedule in SMC 15.30.190 have been paid. (Ord. 1522, 2014: Ord. 1312 Ch. 1 §3, 2002).

#### **15.30.040 Exemptions.**

(A) Except as provided for below, the following shall be exempted from the payment of all school impact fees:

- (1) Alteration of an existing residential structure that does not expand the usable space or add any dwelling units;
- (2) Miscellaneous improvements, including, but not limited to, fences, walls, swimming pools, and signs;
- (3) Demolition or moving of a structure;

(4) Replacement of a structure with a new structure of the same size and use at the same site or lot when such replacement occurs within twelve (12) months of the demolition or destruction of the prior structure. Replacement of a structure with a new structure of the same size shall be interpreted to include any structure for which the gross square footage of the building will not be increased by more than one hundred (100) square feet. Such replacements shall be exempt from the payment of school impact fees; provided that, school impact fees will be charged for any additional dwelling units that are created in the replacement;

(5) Any form of housing exclusively for adults, including nursing homes and retirement centers, shall be exempt from the payment of school impact fees so long as those uses are maintained, and the necessary covenants or declaration of restrictions required to ensure the maintenance of such uses, are recorded on the property;

(6) The creation of an accessory dwelling unit within an existing single-family structure shall be exempt from the payment of school impact fees;

(7) A single room occupancy dwelling shall be exempt from the payment of school impact fees;

(8) Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act;

(9) Any development activity for which school impacts have been mitigated pursuant to a condition of plat or PAD approval to pay fees, dedicate land or construct or improve school facilities, unless the condition of the plat or PAD approval provides otherwise; provided that the condition of the plat or PAD approval predates the effective date of fee imposition; or

(10) Any development activity for which school impacts have been mitigated pursuant to a school funding agreement or a voluntary agreement entered into with the district to pay fees, dedicate land or construct or improve school facilities, unless the terms of the school funding agreement or voluntary agreement provide otherwise; provided that the agreement predates the effective date of fee imposition; and provided further that the applicant can demonstrate performance of the terms of the agreement prior to the date that the fees are due pursuant to this chapter.

(B) Requests for an exemption shall be directed to District No. 1. District No. 1 shall determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. District No. 1 shall forward its determination to the Town Administrator, and the Town Administrator may adopt the determination of District No. 1 and may exempt or decline to exempt a particular development activity, or the Town Administrator may make an alternative determination and set forth the rationale for the alternative determination. Determinations of the Town Administrator shall be in writing and shall be subject to the appeals procedures set forth in SMC 15.30.070. (Ord. 1312 Ch. 1 §4, 2002).

#### **15.30.050 Credits.**

(A) A feepayer can request that a credit or credits for school impact fees be awarded to him/her for the total value of dedicated land, improvements, or construction provided by the feepayer. The feepayer shall direct the request for a credit or credits to District No. 1. District No. 1 shall first determine the general suitability of the land, improvements, and/or construction for district purposes. Second, District No. 1 shall determine whether the land, improvements, and/or the facility constructed are included within the district's adopted capital facilities plan or the board of Directors for District No. 1 may make the finding that such land, improvements, and/or facilities would serve the goals and objectives of the Capital Facilities Plan of District No. 1. District No. 1 shall forward its determination to the Town Administrator, including cases where District No. 1 determines that the dedicated land, improvements, and/or construction are not suitable for District purposes. The Town Administrator may adopt the determination of



District No. 1 and may award or decline to award a credit, or the Town Administrator may make an alternative determination and set forth in writing the rationale for the alternative determination.

(B) Where the dedicated land, improvements, and/or construction is for the benefit of District No. 1 and District No. 1 has determined that the land, improvements, and/or construction would be suitable for district purposes, District No. 1 shall select an appraiser or the feepayer may select an independent appraiser acceptable to District No. 1. The appraiser must be a Washington State Certified Appraiser or must possess other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised. The appraiser shall be directed to determine the value of the dedicated land, improvements, or construction provided by the feepayer on a case-by-case basis.

(C) The feepayer shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the Town Administrator may be providing to the feepayer, in the event that a credit is awarded.

(D) After receiving the appraisal, or the determination of District No. 1, and where consistent with the requirements of this section, the Town Administrator shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. In no event shall the credit exceed the amount of the impact fees due. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the Town Administrator before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within sixty (60) calendar days shall nullify the credit.

(E) Any claim for credit must be made no later than twenty (20) calendar days after the submission of an application for a building permit.

(F) No credit shall be given for project improvements.

(G) Determinations made by the Town Administrator pursuant to this section shall be subject to the appeals procedures set forth in SMC 15.30.070. (Ord. 1312 Ch. 1 §5, 2002).

**15.30.060 Tax adjustments.** Pursuant to and consistent with the requirements of RCW 82.02.060, the capital facilities plan has provided adjustments for future taxes to be paid by the new development which are earmarked or proratable to the particular school system improvements facilities which will serve the new development. The impact fee schedule in SMC 15.30.190 has been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund public improvements. (Ord. 1312 Ch. 1 §6, 2002).

#### **15.30.070 Appeals.**

(A) Any feepayer may pay the impact fees imposed by this chapter under protest in order to obtain development approval. No appeal shall be permitted until the impact fees at issue have been paid.

(B) Appeals regarding the impact fees imposed on any development activity may only be filed by the feepayer of the property where such development activity will occur.

(C) The feepayer must first file an appeal regarding impact fees with the Town Administrator, as provided herein:

(1) The appeal shall be in writing on the form provided by the Town;

(2) The appeal to the Town Administrator shall be filed within ten (10) working days of the feepayer's payment of the impact fees at issue;

(3) No administrative fee will be imposed for the appeal to the Town Administrator; and

(4) The Town Administrator shall issue his/her determination in writing.

(D) Determinations of the Town Administrator with respect to the applicability of the impact fees to a given development activity, the availability or value of a credit, or the Town Administrator's decision concerning the independent fee calculation which is authorized in Article II, or the fees imposed by the Town Administrator pursuant to SMC 15.30.140, or any other determination which the Town Administrator is authorized to make pursuant to this chapter, can be appealed to the Town Council.

(E) If the Town Administrator makes a determination on an adjustment, credit, or independent fee calculation contrary to or inconsistent with the determination or analysis prepared by District No. 1, District No. 1 may appeal the Town Administrator's determination to the Council.

(F) Appeals shall be taken within ten (10) working days of the Town Administrator's issuance of a written determination by filing with the office of the Clerk of the Town of Steilacoom a notice of appeal specifying the grounds thereof, and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of land use decisions. The Town Administrator shall transmit to the Town Council all papers constituting the record for the determination, including where appropriate, the independent fee calculation.

(G) The Council shall fix a time for the hearing of the appeal, and give notice to the parties in interest. Such hearing shall be held in accordance with the following appeal procedures:

(1) The Town Administrator (the "respondent") shall present a summary of the findings, conclusions, and decision, as well as the alleged errors forming the basis of the appeal.

(2) The appellant(s) and the respondent(s) to the appeal shall have the opportunity to present oral arguments before the Council, provided that, the appellants may reserve a portion of their time for rebuttal. Such oral argument shall be confined to the record and to any alleged errors therein or to any allegation of irregularities in procedure before the Town Administrator. The Council may request additional information from any staff member or party, or any factual information from members of the audience at its discretion. Such additional information shall be part of the record.

(3) If the Council finds that:

(a) The Town Administrator's findings or decision contains substantial error;

(b) The Town Administrator's proceedings were materially affected by irregularities in procedure;

(c) The Town Administrator's decision was unsupported by substantial evidence in view of the entire record as submitted; or

(d) The Town Administrator's decision is in conflict with the Town's adopted plans, policies, and ordinances, it may remand for further hearing before the Town Administrator or may reverse the Town Administrator's decision. In addition, the Council may choose to modify the Town Administrator's decision based on the above criteria. Furthermore, any matter may be continued to a time certain for additional Town staff analysis desired by the Council, before a final determination by the Council.

(4) If the Council determines that there is no basis for the alleged errors set forth in the appeal, it may adopt the findings of the Town Administrator and accept the decision of the Town Administrator.

(H) The Council is authorized to make findings of fact regarding the applicability of the impact fees to a given development activity, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The decision of the Town Administrator shall be final, except as provided in this section.

(I) The Council may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the determinations of the Town Administrator with respect to the amount of the impact fees imposed or the credit awarded upon a determination that it is proper to do so based on principles of fairness, and may make such

order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the Town Administrator by this chapter.

(J) District No. 1 or any feepayer who believes that the decision of the Council is based on erroneous procedures, errors of law or fact, error in judgment, or has discovered new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Council within ten (10) working days of the date the decision is rendered. Such feepayer or district is the "appellant" for the purposes of this section. The request shall set forth the specific errors or new information relied upon by such appellant. The feepayer shall also deposit the necessary fee, which is set forth in the existing fee schedules for the reconsideration of land use decisions. The Council may, after review of the record, take further action as it deems proper.

(K) The filing of a request for reconsideration shall effectively stay the appeal period until the Council takes further action.

(L) Upon such written appeal being filed within the time period allotted and upon payment of fees as required, a hearing shall be held by the Council.

(M) This procedure is the only method for appealing alleged errors or irregularities in procedure which may have occurred before the Town Administrator. All objections are deemed waived if no appeal is taken from the action by the Town Administrator.

(N) Any matter requiring action by the Council shall be taken by the adoption of a motion by the Council. When taking any such final action, the Council shall make and enter findings of fact from the record and conclusions thereof which support its action. The Council may adopt all or portions of the Town Administrator's findings and conclusions.

(O) The action of the Council approving, modifying, or rejecting a decision of the Town Administrator, shall be final and conclusive, unless within twenty (20) calendar days from the date of the Council action any feepayer or district applies for a writ or certiorari to the Superior Court of Washington for Pierce County, for the purpose of review of the action taken. (Ord. 1312 Ch. 1 §7, 2002).

#### **15.30.080 Authorization for the school interlocal agreement and the establishment of the school impact account.**

(A) The Mayor is authorized to execute, on behalf of the Town, an interlocal agreement for the collection, expenditure, and reporting of school impact fees; provided that, such interlocal agreement comply with the provisions of this section.

(B) As a condition of the interlocal agreement, District No. 1 shall establish a school impact account with the office of the Pierce County Treasurer, who serves as the Treasurer for District No. 1. The account shall be an interest-bearing account, and the school impact fees received shall be prudently invested in a manner consistent with the investment policies of District No. 1.

(C) For administrative convenience while processing the fee payments, school impact fees may be temporarily deposited in authorized account, with interest earned retained by the Town. As soon as practicable, the Town shall transmit the school impact fees collected for District No. 1 to District No. 1. District No. 1 shall deposit the fees in the school impact account established by the district.

(D) Funds withdrawn from the school impact account for District No. 1 must be used in accordance with the provisions of SMC 15.30.100. The interest earned shall be retained in this account and expended for the purposes for which the school impact fees were collected.

(E) On an annual basis, pursuant to the interlocal agreement, District No. 1 shall provide a report to the Council on the school impact account, showing the source and amount of all moneys collected, earned, or received, and the public improvements that were financed in whole or in part by impact fees.

(F) School impact fees shall be expended or encumbered within six (6) years of receipt, unless the Council identifies in written findings extraordinary and compelling reason or reasons

for District No. 1 to hold the fees beyond the six-year period. Under such circumstances, the Council shall establish the period of time within which the impact fees shall be expended or encumbered, after consultation with District No. 1. (Ord. 1312 Ch. 1 §8, 2002).

**15.30.090 Refunds.**

(A) If District No. 1 fails to expend or encumber the impact fees within six (6) years of when the fees were paid, or where extraordinary or compelling reasons exist, such other time periods as established pursuant to SMC 15.30.080, the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

(B) District No. 1 shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property.

(C) Owners seeking a refund of impact fees must submit a written request for a refund of the fees to District No. 1 within one (1) year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

(D) Any impact fees for which no application for a refund has been made within this one-year period shall be retained by District No. 1 and expended on the appropriate schools and school facilities.

(E) Refunds of impact fees under this section shall include any interest earned on the impact fees by District No. 1.

(F) Should the Town seek to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the Town shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one (1) year. At the end of one (1) year, any remaining funds shall be retained by District No. 1, but must be expended for the appropriate schools and school facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

(G) District No. 1 shall also refund to the current owner of property for which impact fees have been paid, all impact fees paid, including interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur; provided that, if District No. 1 has expended or encumbered the impact fees in good faith prior to the application for a refund, District No. 1 can decline to provide the refund. If within a period of three (3) years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner can petition District No. 1 for an offset. The petitioner must provide receipts of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof. District No. 1 shall determine whether to grant an offset. District No. 1 shall forward its determination to the Town Administrator, and the Town Administrator may adopt the determination of District No. 1 and may grant or decline to grant an offset, or the Town Administrator may make an alternative determination and set forth the rationale for the alternative determination. Determinations of the Town Administrator shall be in writing and shall be subject to the appeals procedures set forth in SMC 15.30.070. (Ord. 1312 Ch. 1 §9, 2002).

**15.30.100 Use of funds.**

(A) Pursuant to this chapter, impact fees:

(1) shall be used for public improvements that will reasonably benefit the new development; and

(2) shall not be imposed to make up for deficiencies in District No. 1 schools and school facilities serving existing developments; and

(3) shall not be used for maintenance or operation.

(B) Impact fees may be spent for District No. 1 improvements, including, but not limited to, school planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, portables, capital equipment pertaining to educational facilities, and any other expenses which can be capitalized.

(C) Impact fees may also be used to recoup District No. 1 school improvement costs previously incurred by the district to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

(D) In the event that bonds or similar debt instruments are or have been issued for the advanced provision of District No. 1 school improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. 1312 Ch. 1 §10, 2002).

**15.30.110 Review.** The fee schedules set forth in SMC 15.30.190 shall be reviewed by the Council as it may deem necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the Town's Comprehensive Plan. (Ord. 1312 Ch. 1 §11, 2002).

## **Article II. Impact Fees.**

**15.30.120 School impact fees.** The school impact fee set forth in SMC 15.30.190, are generated from the formula for calculating impact fees set forth in the district's capital facilities plan. Except as otherwise provided in SMC 15.30.140 and in SMC 15.30.030, 15.30.040, or 15.30.050, all new residential developments in the Town will be charged the school impact fee in SMC 15.30.190. The feepayer shall pay the school impact fee based on the schedule for the school district in which the development is located. (Ord. 1312 Ch. 2 §1, 2002).

**15.30.130 Schedule adjustments.** The adjustments in SMC 15.30.190 reflect the legislative determination that while the full impact fees per dwelling unit accurately characterize the cost of the schools and school facilities required for each new development, as documented in the Schools Study, the Council has, as a matter of policy and at the request of District No. 1, decided to provide discretionary adjustments. The Council is authorized to reduce or to increase the adjustments as part of its annual review of the fee schedule, or at any other time, by adopting an amendatory ordinance. No additional technical study is required for reductions to or increases in the amount of the adjustments. (Ord. 1312 Ch. 2 §2, 2002).

### **15.30.140 Independent fee calculations.**

(A) If District No. 1 believes in good faith that none of the fee categories or fee amounts set forth in SMC 15.30.190 accurately describe or capture the impacts of a new development on schools and school facilities, District No. 1 may conduct independent fee calculations and submit such calculations to the Town Administrator. The Town Administrator may impose alternative fees on a specific development based on the calculations of District No. 1, or may impose alternative fees based on the calculations of the agency. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.

(B) If a feepayer opts not to have the impact fees determined according to SMC 15.30.190, then the feepayer shall prepare and submit to District No. 1 an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. District No. 1 shall review the independent fee calculation and provide an analysis to the Town Administrator concerning whether the independent fee calculation should be accepted, rejected, or accepted in part. The Town Administrator may adopt, reject, or adopt in part the independent fee calculation based on the analysis prepared by District No. 1, or may impose alternative fees based on the calculations of the agency, the feepayer's independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer, and with respect to school impact fees, to District No. 1.

(C) Any feepayer submitting an independent fee calculation will be required to pay the Town of Steilacoom a fee to cover the cost of reviewing the independent fee calculation. The deposit required by the Town for conducting the review of the independent fee calculation shall be one thousand dollars (\$1,000.00), unless otherwise established by the Town Administrator, and shall be paid by the feepayer prior to initiation of review.

(D) While there is a presumption that the calculations set forth in the Capital Facilities Plan are valid, the Town Administrator shall consider the documentation submitted by the feepayer and the analysis prepared by District No. 1, but is not required to accept such documentation or analysis which the Town Administrator reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the feepayer or District No. 1 to submit additional or different documentation for consideration. The Town Administrator is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer and to District No. 1.

(E) Determinations made by the Town Administrator pursuant to this section may be appealed to the office of the Town Administrator subject to the procedures set forth in SMC 15.30.070. (Ord. 1338 §22, 2003; Ord. 1312 Ch. 2 §3, 2002).

### **Article III. Miscellaneous Provisions.**

**15.30.150 Existing authority unimpaired.** Nothing in this chapter shall preclude the Town from requiring the feepayer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that, the exercise of this authority is consistent with the provisions of Chapter 43.21C RCW and Chapter 82.02 RCW. (Ord. 1312 Ch. 3 §1, 2002).

**15.30.160 Table of contents and captions.** The table of contents is for convenience only and forms no part of this chapter. The chapter and section captions used in this chapter are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this chapter. (Ord. 1312 Ch. 3 §2, 2002).

**15.30.170 Severability.** If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other section of this chapter. (Ord. 1312 Ch 3 §3, 2002).

**15.30.180 Short title.** This chapter shall be known and may be cited as "The Town of Steilacoom School Impact Fee Ordinance." (Ord. 1312 Ch. 3 §4, 2002).

**Article IV: Schedule A**

**15.30.190 School impact fee.** (Applies to residential development only)

Housing Type:

Single Family – detached (including manufactured homes and mobile homes on individual lots).....	\$3,951.00
Multi-family .....	\$0.00

(Ord. 1598, 2018: Ord. 1579, 2018: Ord. 1561, 2017: Ord. 1480 §1, 2011:Ord. 1418 §1, 2007:  
Ord. 1312, Schedule A, 2002).