

## Chapter 17.88 Building and Construction

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**17.88.010 Purpose.** It is the intent of the City to comply with the requirements of the State Building Code Act, Chapter 19.27 RCW, the State Energy-Related Building Standards Act, Chapter 19.27A RCW, the Washington State Energy Code, Chapter 51-11 WAC, and Chapter 51-13 WAC, and the Washington State Ventilation and Indoor Air Quality Code.

**17.88.020 Codes adopted.** Pursuant to RCW 35A.21.140 and 19.27.031, the codes of technical regulations are adopted by Ordinance No. 1202 or as amended thereof and subject to the modifications or amendments set forth in this Chapter:

**17.88.030 Modifications to Adopted International Codes.** The purpose of this subsection is to amend the International Building Code and International Plumbing Code subject to the modifications or amendments set forth for use in the City of Zillah:

**17.88.040 Building permits required.** No building or other structure shall be erected, moved, added to, or structurally altered without a Building Permit issued by the City.

- A. If work described in any building permit has not begun within one hundred twenty days from the date of issuance, the building permit shall expire and be canceled, and written notice thereof shall be given to the person(s) affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.
- B. The City of Zillah adopts the grading plan review fee and grading permit fee schedule attached as Exhibit A to the Ordinance codified in this Section.

**17.88.050 Standard Specifications adopted.** The City of Zillah adopts the 2008 Standard Specifications for Road, Bridge, and Municipal Construction, or as amended from time to time, for all applicable public projects. Standards set forth in the 2008 Standard Specification book or

as amended from time to time and shall be applicable and include any future amendments thereto.

**17.88.060 Certificates of Occupancy.** It is unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, hereafter created, erected, changed, converted or enlarged in its use or structure until a Certificate of Occupancy has been issued by the City.

- A. No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a Certificate of Occupancy. The certificate shall be issued in conformity with the provisions of this Title upon completion of the work.
- B. A temporary Certificate of Occupancy may be issued for a period of up to six months during alteration or partial occupancy of a building pending its completion.
- C. Failure to obtain a Certificate of Occupancy shall be a violation of this Title and punishable under the violations and enforcement chapter of this Title.

**17.88.070 Limitations.** Building Permits or Certificates of Occupancy issued on the basis of plans and applications approved by the City authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorization is a violation of this Title and punishable as provided in the violations and enforcement chapter of this Title.

**17.88.080 Abatement of Dangerous Buildings.**

A. For purposes of this chapter, a “dangerous building” shall be defined as any building or structure which:

- 1. Has been damaged by fire, flood, wind, or other disaster, to such an extent that the structural strength or stability thereof is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location, and which poses a danger to life, health, property or safety of others; or
- 2. Has suffered deterioration or decay due to faulty construction, removal of a portion of the building or structure, or faulty maintenance and age, which poses a danger to life, health, property or safety of the public; or
- 3. Has inadequate sanitation facilities and filth tendering it unfit for human habitation or which is likely to cause a sickness or disease thereby posing a danger to life, health, property or the safety of the public; or
- 4. Has any other condition so as to constitute a public nuisance as known by the common law.

B. Notice and order to abate. Whenever the city building official has found and determined that a building or structure is a dangerous building as defined in Section 17.88.070 A, he/she shall commence proceedings to cause the repair, vacation and/or demolition of the dangerous building as follows:

1. Notice and Order. The city building official shall issue a notice directed to the owner of record of the dangerous building, notifying said owner that he/she has found the building or structure to be a dangerous building in violation of this chapter along with a brief and concise description of the conditions and reasons which render the building or structure to be a dangerous building. The notice shall contain an order that the dangerous conditions be abated within sixty days from the date of the notice. The notice shall also provide that the property owner has a right to a review of the notice and order before the city council. The notice shall contain information that if reviewed before the city council is desired, the property owner shall file a written objection to the notice and order within fifteen days from the date thereof with the Planning Official. The notice and order shall also provide that by failure to file an objection in writing within fifteen days, the property owner waives all right to a review by the city council.

2. Service of Notice and Order. Service of the notice and order shall be made upon the property owners of record by personal delivery or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested to each property owner at his/her address as it appears on the tax rolls of the county. If the property owner cannot be ascertained or if no address can be found for the property owner, the notice and order shall be served by posting a copy thereof upon a conspicuous place on the dangerous building.

3. Objection and appeal. Any property owner receiving a notice and order under the provisions of this chapter who has filed a timely objection with the Planning Official shall have a hearing before the city council. The city clerk/treasurer shall set the hearing at the first regular meeting of the city council after receiving the written objection. At the time set for hearing, the objecting property owner shall present any and all evidence in support of his/her objection. The city building official shall then present evidence in support of his/her notice and order. The city council shall then consider the evidence and shall prepare a written decision which shall include findings and conclusions based on the evidence presented. The written decision of the city council shall be rendered and presented at the next regularly scheduled meeting of the city council. The decision of the city council shall be final subject to appeal to the Superior Court of Yakima County.

4. Enforcement. In the event a property owner fails to comply with the notice and order to abate a dangerous building within the time period provided in such notice, the city building official may elect to take one or all of the following enforcement acts:

- A. Repair or Demolition of Dangerous Building. The Building Official may cause the repair or demolition of the dangerous building. Upon the completion of the repair or demolition, the city building official shall prepare an itemization of the total cost of such repair or demolition. The Building Official shall then cause such cost to be assessed against the property and shall record the same on the assessment rolls as a special assessment against and lien upon the property. Thereupon, the Building Official shall bring an action against the property owner to recover the cost of said repair or demolition or to foreclose upon the lien of assessment.
- B. Misdemeanor Charge. The Building Official may charge the building owner with a violation of this chapter in Zillah municipal court in accordance with the penalty provisions set forth in Section 17.92.

5. Violation--Penalty. Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount of not more than one hundred dollars for each violation. Each day in which any violation shall continue shall be deemed a separate offense. In addition, any violation of this chapter shall be deemed to be a public nuisance, subject to prevention or abatement by injunction or other appropriate legal remedy in a court of competent jurisdiction.

**17.88.090 Construction and Installation of Mobile/Manufactured or Modular Homes.**

- A. **Installation permits.** The definition of mobile, manufactured, or modular homes can be found in Chapter 17.04. All owners or installers of a manufactured home shall obtain a building permit from the city for the installation of a manufactured home that will be used as a residence on a building site. A dealer shall not deliver a mobile/manufactured/modular home until it has verified that the owner or the installer has obtained a valid building permit from the city. New installations of manufactured homes after the date of code adoption shall only include those homes with the manufacture date of the home no older than ten years old at the date of the mobile, manufactured, or modular homes application to the City. The following shall be a minimum required to install a manufactured home within the city:
  - 1. The owner or installer must provide the following information on the application for the building permit:
    - a. The name; address and telephone number of the owner;
    - b. The names, addresses and telephone numbers of the manufacturer and dealer of the mobile, manufactured, or modular homes be installed;

- c. The manufacturer's serial number of the mobile, manufactured, or modular homes;
  - d. The name, address and telephone number of the certified installer (RCW 43.63B), and the installer's mobile, manufactured, or modular homes dealer's license number or contractor registration number;
  - e. The legal description, address and parcel number of the proposed building site, including the parcel number if the mobile, manufactured, or modular homes is going to be installed on private property or a mobile, manufactured, or modular homes park.
2. If the manufactured home is to be installed on private property, and not in mobile, manufactured, or modular home park, the application must provide a detailed site plan drawn to scale showing the relationship of the mobile, manufactured, or modular homes to property lines, rights-of-ways, access and/or utility easements, other structures, and utilities.

**B. Inspections.**

- 1. No person may occupy, or allow or suffer another person to occupy a mobile, manufactured, or modular homes before the installation of the mobile, manufactured, or modular homes has been inspected and approved by the Building Official.
- 2. The installer shall request an inspection after all aspects of the installation, other than installation of the foundation fascia, has been completed.
- 3. The Building Official shall approve the installation requirements of this section.
- 4. If the installation does not comply with the installation requirements of this chapter and the conditions of the installation permit, the Building Official shall provide the installer with a list of corrections that the installer must make. The list of corrections shall state a date by which the corrections must be completed. The Building Official shall re-inspect the installation after the corrections are completed. If the items that require correction do not endanger the health or safety of the occupants, or substantially affect the habitability of the mobile, manufactured, or modular homes, the building official may permit the owner of the mobile, manufactured, or modular homes to occupy it.

- C. Building site preparation.** A mobile, manufactured, or modular home(s) may not be installed at a building site unless the ground at the site has adequate compaction and load bearing ability to meet the support requirements below. The installer or, if the building site is in a mobile, manufactured, or modular homes park, the park owner must insure that the ground on which the mobile, manufactured, or modular home(s) is to be installed has been improved as necessary to provide a base

for the mobile, manufactured, or modular homes and that the area beneath the mobile, manufactured, or modular homes has adequate drainage, the installer may need to slope the finish grade or install drain tile.

**D. General requirements.**

1. Any mobile, manufactured, or modular home(s) which is constructed after June 15, 1976, and which complies with the following requirements, may be sited in the same manner, and subject to the same conditions, as a site built home, any other provisions of this title to the contrary notwithstanding:
  - A. Is a new mobile, manufactured, or modular home(s) 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);
  - B. Is set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground is enclosed by concrete or an approved concrete product which can either be load bearing or decorative;
  - C. Is in compliance with all local design standards applicable to all other homes within the neighborhood in which the mobile, manufactured, or modular homes is to be located;
  - D. Is thermally equivalent to the state energy code; and
  - E. Meets all other requirements for a designated mobile, manufactured, or modular home(s) as defined in RCW 35.63.160.”
2. No mobile, manufactured, or modular homes shall be installed and/or occupied within the city except in the compliance with the Department of Housing and Urban Development’s Manufactured Home Construction and Safety Standards, HUD Code Part 3238, Section 11, including all future amendments thereto is hereby incorporated into this chapter by this reference. Also the installation of the unit shall follow WAC 296-150M, Sections 500 through 550, as it is adopted or amended in the future.
3. All HUD-labeled mobile, manufactured, or modular home(s) shall be installed in compliance with the manufactured installation recommendations. The recommendations must be in compliance with the HUD regulations above. The manufacturer shall send two copies of its proposed installation recommendations to the purchaser of the mobile, manufactured, or modular homes. The copies shall be in the home and available at the time of inspection. A mobile, manufactured, or modular homes not labeled by HUD can also be installed in accordance with written installation recommendations provided by a professional engineer or architect licensed in Washington.
4. All manufactured homes shall have permanent steps or inclined planes affixed to all entrances and shall have the toe tongue removed except that in identified floor plan areas, it may be camouflaged to the extent that it is unrecognizable.
5. No person, firm, partnership, corporation, or other entity may install a manufactured home unless he, she or it, owns the mobile, manufactured, or

modular homes, is a licensed mobile, manufactured, or modular home(s) dealer, or is a contractor registered under RCW 18.27.

6. In those areas that are recognized as floodplains or a sensitive area by the Washington State Department of Ecology, the Federal Emergency Management Agency, the city, or hazardous because of the probability of earthquakes, ground slides, avalanches, or high winds, the Building Official may set requirements that are necessary to lessen the hazards or may require that the installation be designed by an engineer or architect licensed in the State of Washington.
7. The owner shall apply for Elimination of Title pursuant to RCW 65.20.040 within thirty days of occupancy.
8. All wheels, tongues, and/or other transportation equipment must be removed from the dwelling.
9. Inside of exterior walls shall be faced with one half inch thick sheetrock and the roof must be of a composition material or metal similar to other conventionally constructed site built homes.
10. Except for multi-family structures the following design standards shall apply to all newly constructed or newly placed dwellings in the R-1 and SR Zones:
  - a. The main roof of all dwellings shall have a minimum 5/12 pitch; except dwellings with less than a 5/12 pitch legally established as of the effective date of the Zoning Code shall be permitted to be rebuilt, altered, enlarged or remodeled without the roof being changed to a 5/12 pitch.

**E Foundation system.** All mobile, manufactured, or modular home(s) installations shall conform to the following requirements unless otherwise stated:

1. Except for mobile, manufactured, or modular homes within a licensed mobile, manufactured, or modular homes park all mobile, manufactured, or modular homes shall be pit-set at least twenty-four inches below finished grade. Finished grade is the distance between the structure's footing, defined in subsection (E)(2) of this section, and the finished grade around the structure on sloped property twenty-four inches below finished grade shall include at least one side of the new mobile, manufactured, or modular home(s).
2. Footings or runners, defined as the primary support base placed under the home, shall (excluding approved mobile, manufactured, or modular homes that the Building Official has exempted) be constructed of solid concrete or an approved alternate that is at least six inches thick by twenty-four inches wide. Footings shall be:
  - a. Evenly bedded and leveled;

- b. Placed on firm, undisturbed or compacted soil that is free of organic material;
    - c. Centered in a line directly under the main frame longitudinal members on both sides of a mobile, manufactured, or modular homes; and
    - d. Spacing should not be more than eight feet apart, and not more than two feet from the ends of the main frame. A closer spacing may be required depending on the load-bearing capacity of the soil or the manufacturer's specifications.
  3. Except for mobile, manufactured, or modular home(s) within a licensed mobile, manufactured, or modular home park, all new mobile, manufactured, or modular home installations shall include a parameter stem-wall foundation around the exterior installed below the frost line and containing two continuous #4 re-bar shanks from end to end.
  4. A mobile, manufactured, or modular home with more than one section must have center line blocking at end walls and at any other point of connection of the sections of the mobile, manufactured, or modular home that are a ridge-beam bearing support. Blocking is also required at both ends of a door opening that is six feet or more wide in an exterior wall.
  5. All structures shall be constructed so that seventy-five percent of the area under the mobile, manufactured, or modular home has at least twelve inches clearance between the bottom of the main chassis members and structures footing. The area beneath furnace crossovers and fireplaces, however, must always have at least eighteen inches clearance.
  6. All mobile, manufactured, or modular home foundations shall have ventilation openings as directed by the building official or manufacturer's specifications.
- F. Additional foundation requirements (system piers).** An installer must build and position piers and load-bearing supports or devices to distribute the required loads evenly. An installer may use manufactured piers or load-bearing supports or devices that are listed or approved for the intended use, or may build piers that comply with the following requirements:
1. All blocks must be concrete.
  2. A pier may be made of a single stack of eight inch by eight inch by sixteen-inch blocks if the blocks are not stacked more than three blocks high. A pier made of a single stack of blocks shall be installed at a right angle to the main frame longitudinal member and shall be capped with no more than two two-inch by eight inch by sixteen inch wood blocks or one four inch by eight inch by sixteen inch concrete block.

3. A pier may be made of a double stack of eight inch by eight inch by sixteen inch blocks if the blocks are not stacked more than five blocks high. Each row of blocks in such a pier shall be stacked at right angles to the abutting rows of blocks. The wood blocks must be of hem fir, Douglas fir, or spruce pine fir. The pier shall be capped with two inch by eight inch by sixteen-inch wood concrete blocks. The pier shall be installed so that the joint between the cap blocks is at right angles to the main frame longitudinal member.
  4. A pier may be made with more than five rows of blocks if the stacked blocks are filled with two thousand PSI concrete or mortar. A licensed architect or professional engineer must approve a foundation system that includes a pier that is higher than seventy-two inches (nine blocks) high, or in which more than twenty percent of the piers exceed forty inches (five blocks) high.
  5. All blocks shall be set with the cores placed vertically.
- G. Foundation system plates and shims.** An installer may fill a gap between the top of a pier and the main frame with a wood plate that is not more than two inches thick and two opposing wedge-shaped shims that are not more than two inches thick. A shim shall be at least four inches wide and six inches long. The installer shall fit the shim properly and drive it tight between the wood plate or pier and the main frame to ensure that the manufactured home is level and properly supported at all load-bearing points. A block that abuts a wedge-shaped shim shall be solid.
- H. Anchoring systems.** All mobile, manufactured, or modular homes shall require anchoring systems that meet with the manufacturer specifications as provided in this title.
- I. Assembly.**
1. Sections of a multiple section mobile, manufactured, or modular home shall be aligned, closed and securely fastened at the required points along the ridge beam, end walls, and floor line. Heat ducts, electrical connections, and other fixtures and connections required between sections of a mobile, manufactured, or modular home shall be installed. The floor of the manufactured home shall be level with the tolerance in the manufacturer's specifications.
  2. The installer shall provide adequate clearance to ensure that the crossover heat duct does not touch the ground is not compressed. The installer shall insulate the crossover duct at the intersection. The installer shall insulate and shall seal areas of potential Water leaks with metal flashing or trim, if required and with putty tape or other approved caulking to ensure the mobile, manufactured, or modular home is watertight.
  3. Utility connections to mobile, manufactured, or modular home, including water, sewer, electricity and gas, shall comply with local codes. Accessory structures attached to or located next to a mobile, manufactured, or modular home, such as awnings, carports, garages, porches, or steps, shall be constructed in conformance with local codes and have all necessary building permits.

**17.88.100 Roofing Construction.** The city council for the city has determined that the requirements of the International Building Code which are in effect and have been adopted by the city do not adequately address safeguards for work on the roof of structures within the city. The city council has therefore determined that a permit should be required prior to the placement or replacement of a new roof on structures so as to insure that the roofing work is done in a satisfactory and safe manner for the protection of all residents and property within the city.

- A. Permit requirements. All persons desiring to replace an existing roof or construct a new roof over an existing roof on any structure within the city shall be required to obtain a building permit from the city prior to the commencement and completion of the work. The cost of the permit, and the manner of application for said permit shall be in accordance with the applicable provisions of the International Building Code which is in effect within the city; provided however, that a separate permit for roofing work shall not be required where a building permit is applied for and obtained for the construction of a new residence or the remodeling or rebuilding of an existing residence when the building permit obtained includes the roofing work.

**17.88.110 Temporary Water Meters.** It is customary in the City of Zillah, Washington, that when a contractor obtains a building permit, the contractor is provided with a water meter monitoring a temporary supply of water on the construction site which generally comes from fire hydrants. Recently, some contractors have not returned the borrowed water meter or it has been returned in a damaged state. Accordingly, a deposit shall be required from the contractor/builder which will only be refunded upon the return of the temporary water meter in the same operational condition previous to its use.

- A. Requirement of security deposit. After the issuance of a building permit, a contractor/builder may request the use of a water meter on a temporary basis to monitor water flow from a temporary water source to the construction site. The contractor/builder shall be required to post a cash deposit in accordance with the City Fee schedule in order to use the water meter and obtain a temporary source of water. Said cash deposit will be refunded upon (1) the return of the water meter in the same condition as existed, prior to its use by the builder/contractor; and (2) payment of all charges for water/sewer use incurred by the builder/contractor from the temporary source. In the event that the meter is not returned in satisfactory condition or charges/fees paid in full, City may apply such deposit to cost of replacement or repair of the meter or payment of delinquent charges/fees

**17.88.120 Model Homes.** The City Council has determined that it is appropriate to establish standards and guidelines for model homes. As many as four model homes may be constructed within a subdivision which has received preliminary plat approval. The purpose of model homes shall be to demonstrate a variety of housing designs together with all associated on-site improvements, e.g., landscaping, improved driveways, and patios. Model homes shall be established subject to the following criteria:

- A. Model homes shall meet all applicable codes of the City of Zillah.
- B. Only one model home may be occupied as a temporary real estate office.

C. Access and fire safety provisions shall be provided in a manner approved by the Building Official prior to construction of a model home. A model home may not be occupied as a dwelling unit or sold until the plat is recorded.

D. The Building Official may grant a variance to utility connection for any unoccupied model homes where it is determined not to affect public health, safety, or welfare.

**17.88.130 Flood Damage Prevention.** The Legislature of the State of Washington has enacted the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Zillah does ordain as follows in this chapter.

**Findings of fact.**

- A. The flood hazard areas of the City of Zillah are subject to periodic inundation with possible loss of life and property, health, and safety hazards, disruption of commerce and governmental service, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These potential flood losses arising from the cumulative effect of obstructions in areas of special flood hazard may give rise to increased flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are not flood proofed, elevated, or otherwise protected from flood damage may also contribute to the flood loss.

**Statement of purpose.** It is the purpose of this chapter to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard;

- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**Methods of reducing flood losses.** In order to accomplish its purpose, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

**Definitions.**

“Appeal” means a request for a review of the interpretation of any provision of this chapter or a variance from the strict application of the flood damage prevention plan. Any appeal shall be subject to administrative review procedures contained in the Zillah Municipal Code.

“Area of shallow flooding” is designated as AO, or AH zone on the Flood Insurance Rate Map (FIRM). AO zones have base flood depths that range from one to three feet above the natural ground; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow; AH indicates ponding, and is shown with standard base flood elevations.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the “100-year flood”). Designated on Flood Insurance Rate Maps by the letters A or AE.

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

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

“Critical facility” means facilities for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire

and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

“Cumulative substantial damage” means flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“Elevated building” means, for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Elevation certificate” means the official form (FEMA Form 80-31) used to track development provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations in this chapter.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study (FIS)” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

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

“Increased cost of compliance” means a flood insurance claim payment up to \$30,000 directly to a property owner for the cost to comply with floodplain management regulations after a direct physical loss caused by a flood. Eligibility for an ICC claim can be through a single instance of “substantial damage” or as a result of “cumulative substantial damage.” (More information can be found in FEMA ICC Manual 301.)

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of ZMC 17.88.130(A)(2)- **Specific Standards**, (i.e., provided there are adequate flood ventilation openings).

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

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

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

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations in this chapter.

“Recreational vehicle” means a vehicle:

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

“Start of construction” includes substantial improvements, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The “actual start” means either the

first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

The term can exclude:

1. Any projects for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure.

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

“Water dependent” means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

**Lands to which this chapter applies.** This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Zillah.

**Basis for establishing the areas of special flood hazard.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Yakima County, Washington and Incorporated Areas” dated November 18, 2009, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at 503 First Avenue, Zillah, Washington. The best available information for flood hazard area identification as outlined in *ZMC 17.88.130 Duties and responsibilities of the local administrator* (B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under *ZMC 17.88.130 Duties and responsibilities of the local administrator* (B)

**Penalties for noncompliance.** No structure or land shall hereafter be constructed, located, extended, inverted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein contained shall prevent the City of Zillah from taking such lawful action as is necessary to prevent or remedy a violation and property owner shall be responsible for all costs and expenses incurred by city in such action.

**Abrogation and greater restrictions.** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

**Warning and disclaimer of liability.** The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Zillah, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

**Development permit required.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in *ZMC 17.88.130 Basis for establishing the areas of special flood hazard*. The permit shall be for all structures including manufactured homes, as set forth in *ZMC 17.88.130 Definitions*, and for all development including fill and other activities, also as set forth in *ZMC 17.88.130, Definitions*

**Application for development permit.** Application for a development permit shall be made on forms furnished by the City of Zillah and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. Elevations in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the local official;
- B. Elevation in relation to mean sea level to which any structure has been flood proofed;
- C. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria in *ZMC 17.88.130* **Specific standards.**
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

**Designation of the local administrator.** The building official is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions

**Duties and responsibilities of the local administrator.** Duties of the building official shall include, but not be limited to:

- A. Permit Review.
  - 1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
  - 2. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
  - 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of *ZMC 17.88.130* **Floodways (A)** are met.
- B. Use of Other Base Flood Data (In A and AE Zones). When base flood elevation data has not been provided (in A or AE Zones) in accordance with *ZMC 17.88.130* **Basis for establishing the areas of special flood hazard**, the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer *ZMC 17.88.130* **Penalties for noncompliance, Specific standards, and ZMC 17.88.130, Floodways (C).** Information to Be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in subsection (B) of this section, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. Recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the local official.
2. For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (B) of this section:
  - a. Obtain and record the elevation (in relation to mean sea level) to which the structure was flood proofed.
  - b. Maintain the flood proofing certifications required in ZMC 17.88.130 **Application for development permit** (C).
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

C. Alteration of Watercourses.

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
  2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- D. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

**Conditions for variances.**

- A. Generally, the only condition under which a variance from the elevation standard may be issued is for a new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
- B. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances shall only be issued upon:
1. A showing of good and sufficient cause;
  2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- E. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.
- F. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-flood proofing, where it can be determined that such action will have low damage potential, and complies with ZMC 17.88.130 Provisions for flood hazard reduction – general standards subsections (A), (C) and (D).
- G. Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk.

**Provisions for flood hazard reduction – General standards.** In all areas of special flood hazard, the following standards are required:

- A. Anchoring.
1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.
  2. All manufactured homes shall be anchored to prevent floatation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Locating such equipment below the base flood elevation may cause annual flood insurance premiums to be increased.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
2. Water wells shall be located on high ground that is not in the floodway;
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

- E. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (ZMC 17.88.130 **Duties and responsibilities of the local administrator** (B)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and

includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

**Specific standards.** In all areas of special flood hazard where base flood elevation data has been provided as set forth in ZMC 17.88.130 **Basis for establishing the areas of special flood hazard**, or ZMC 17.88.130 **Duties and responsibilities of the local administrator** (B), Use of Other Base Flood Data, the following provisions are required. Additional standards were clarified in FEMA Technical Bulletin 11-01 to allow crawlspace construction for buildings located in the special flood hazard areas; however, adopting this provision can result in a 20 percent increase in flood insurance premiums.

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE).
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, or other coverings or devices; provided that they permit the automatic entry and exit of floodwaters.

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

1. Be flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to

the official as set forth in ZMC 17.88.130 **Duties and responsibilities of the local administrator** (C)(2);

4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in subsection (A) (2) of this section.
- C. **Manufactured Homes.** All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- D. **Recreational Vehicles.** Recreational vehicles placed on sites are required to either:
  1. Be on the site for fewer than 180 consecutive days; (or)
  2. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  3. Meet the requirements of subsection (C) of this section and the elevation and anchoring requirements for manufactured homes.

**AE and A1-30 zones with base flood elevations but no floodways.** In areas with base flood elevations (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**Floodways.** Located within areas of special flood hazard established in ZMC 17.88.130 **Basis for establishing the areas of special flood hazard** are areas designated as floodways. Since the floodway is an extremely hazardous area due the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (1) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (2) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the

market value of the structure either (a) before the repair or reconstruction is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be included in the 50 percent.

- C. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of ZMC 17.88.130.

**Critical facility.** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above the BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.