

ORDINANCE NUMBER 38-15

AN ORDINANCE AMENDING MASON COUNTY CODE TITLE 14, BUILDING AND CONSTRUCTION, CHAPTER 14.08, BUILDING CODE AMENDMENTS, AMENDING SECTION 14.08.030 WITH RESPECT TO BOATHOUSES AND ADDING SECTION 14.08.031 TO ALLOW EXEMPTIONS FOR STORAGE STRUCTURES

AN ORDINANCE amending Title 14, Chapter 14.08, Building Code Amendments, amending Section 14.08.030 with respect the maintenance of boathouses and adding new Section 14.08.031 providing exemptions for storage structures under the authority of RCW 19.27.040.

WHEREAS, this Ordinance amends Chapter 14.08 by amending Section 14.08.030 to exclude the normal maintenance and repair of boathouses from building permit requirements; and

WHEREAS, this Ordinance amends Chapter 14.08 to create a new Section 14.08.031 – Work Exempt from Permit; and

WHEREAS, Sections 14.08.030 and 14.08.031 supplement Section 105.2 of the International Building Code and International Residential Code to include certain and specific storage structures and boathouse maintenance from building permit requirements.

NOW THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby amends the Mason County Code Title 14 (Building and Construction) revising Chapter 14.08. (See Attachment A)

DATED this 18 day of AUGUST 2015.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:


Clerk of the Board


Randy Neatherlin, Chair

APPROVED AS TO FORM:


Terri Jeffreys, Commissioner


Tim Whitehead, Chief DPA


Tim Sheldon, Commissioner

ATTACHMENT A

TITLE 14 – BUILDING AND CONSTRUCTION AMENDING CHAPTER 14.08, SECTION 14.08.030 AND ADDING NEW SECTION 14.08.031

14.08.030 - IBC/IRC SECTION 105.1, PERMITS REQUIRED.

Section 105.1 is adopted, and supplemented with the following:

- (1) Permits shall be required for all docks, piers, and floats, excluding: the normal maintenance and repair of boathouses; and floats which are less than 120 square feet, are detached and chain anchored. Permits shall also be required for seawalls, bulkheads, or other similar structures, regardless of type of construction, including, but not limited to, rock, rip rap, pilings, wood and concrete block.
- (2) Permits shall be required for park trailers, recreational park trailers, manufactured housing, commercial structures, commercial coaches, factory built housing.
- (3) Permits shall be required for the construction of vehicular and/or pedestrian bridges. Submittal documents such as plans, calculations and specifications must be stamped and approved by an engineer licensed in the State of Washington is required.

The Building Official may review and approve small private foot bridges not for vehicular use.

- (4) Tenant Review Applications, Commercial (COM) Permits shall be required for commercial use buildings when there is a change in tenant prior to occupancy whether or not construction or alterations are performed or proposed and regardless of the use or occupancy classification. When a building is constructed with future tenant spaces intended to be finished or occupied at a later date, a separate permit is required for each tenant space prior to any tenant occupancy. The permit fee shall be as adopted under the current building permit fee schedule.

14.08.031 - IBC/IRC SECTION 105.2, WORK EXEMPT FROM PERMIT.

The International Building Code is clear on one important fact when it comes to exemptions. "Exemptions from *permit* requirements ... shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of th[e] International Building Code or any other laws or ordinances of [its] jurisdiction."¹ Even though a building permit may not be required, provisions of the state code are still in force and effect. In this Section, Sections [A]105.2 and R 105.2 of the International Building Code and International Residential Code are adopted herein by reference and supplemented with the following:

- (1) **Agricultural buildings:** A building or structure directly related to an agricultural activity defined to include: farming; forestry; ranching; algaculture; aquaculture; apiculture (beekeeping); horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the

¹ IBC [A] 105.2

ATTACHMENT A

production of poultry and poultry products; dairy production; the production of field crops, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, Christmas trees, flowers, sod, or mushrooms; timber and pasturage. **Agricultural buildings shall be exempt when less than 864 square feet with a wall height not to exceed 16 feet, and setback ten feet from all other structures.** This exemption does not apply to buildings used for the purpose of growing or producing medical or recreational cannabis which shall remain subject to the authority and restrictions of Mason County Code Chapters 17.09 (Collective Gardens) and 17.17 (Recreational Marijuana).

- (2) **Storage (Non-Agricultural) Buildings:** Buildings or structures used for the storage of belongings, not designed for human habitation, and not used for remunerative purposes. These structures shall not be a place of human habitation or a place of employment, nor shall it be a place used by the public. **Storage buildings shall be exempt when less than 576 square feet with a wall height not to exceed ten feet and shall be setback ten feet from all other structures.**
- (3) Agricultural and Storage Buildings shall be exempt from the permitting requirements of Title 14 only when:
 - a. The property owner must obtain a Affidavit of Exemption and certify through the use of an affidavit recorded on title:
 - i. That the exempt structure will meet the definitions in 14.08.031(1) and (2);and
 - ii. That the structure is not located within a critical area unless it complies with Chapter 8.52 MCC, Resource Management; and
 - iii. That it complies with setback requirements in accordance with Title 17 MCC, Zoning; and
 - iv. That it is built to the latest version of the International Residential Code and International Building and Fire Code; and
 - v. If the building exceeds 120 square feet in accordance with [A] 105.2 of the 2012 International Building Code construction documents shall be prepared by a registered design professional and submitted with each Affidavit of Exemption.
 - b. Plumbing and mechanical permits are still required.
 - c. The maximum height of the structure not to exceed those described in 14.08.031(1) and (2).
 - d. The exemption does not apply to structures located within a floodway.
 - e. The proposed structure must adhere to other applicable Mason County, State, and Federal regulations or ordinances.