

TITLE 14

BUILDING AND CONSTRUCTION

14.04 Uniform Codes Adopted

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**Editorial Note: The police justice is now referred to as the municipal judge.*

14.04
UNIFORM CODES ADOPTED

14.04.010 - Washington State Building Code Adopted. A. The Washington State Building Code, RCW 19.27, as it now exists and as it may hereafter be amended, is hereby adopted by this reference, including:

(1) International Building Code, published by the International Code Council, Inc.;

(2) International Residential Code, published by the International Code Council, Inc.;

(3) International Mechanical Code, published by the International Code Council, Inc., except that the standards for liquefied petroleum gas installations shall be NFPA 58 (storage and handling of Liquefied Petroleum Gases) and ANSI 2223.1/NFPA 54 (National Fuel Gas Code);

(4) International Fire Code, published by the International Code Council, Inc., including those standards of the National Fire Protection Association specifically referenced in the International Fire Code; provided, that, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(5) Except as provided in RCW 19.27.170, the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials; provided, any provisions of such code affecting sewers or fuel gas piping are not adopted; and

(6) Rules adopted by the Washington State Building Code Council establishing standards for making buildings and facilities accessible to and usable by the physically disabled or elderly persons as provided in RCW 70.92.100 through 70.92.160.

B. The Washington State Energy Code, 1991 Second Edition, as amended by the Washington State Building Code Council on November 8, 1991, and filed as Chapter 51-11 WAC, together with any amendments, revisions, or new editions thereof, is hereby adopted by this reference.

C. The Washington State Ventilation and Indoor Air Quality Code, as adopted by the Washington State Building Code Council on November 9, 1990, and filed as Chapter 51-13, WAC, is hereby adopted by this reference.

D. The Washington State Historic Building Code, July 1991 Edition, as written by the Washington State Building Code Council and filed as Chapter 51-19 WAC, together with any amendments, revisions, or as supplemented by the Washington State Building Code Council, is hereby adopted by this reference.

E. In case of conflict among the codes designated in subsections A (1) through (4) of the section, the first-named code shall govern over those following, except that the Washington State Historic Building Code, subsection D. of this section shall supersede all other codes listed above.

14.04.020 - Subject to Land Use and Zoning Requirements. Notwithstanding any provision herein to the contrary and notwithstanding any provision in the Uniform

Building Code and Related Standards, 1991 Edition and any amendments thereafter, to the contrary, the location of buildings and structures on any property in the Town of Colton is subject to the land use ordinances, set back requirements, zoning ordinances, comprehensive plans and subdivision ordinances codified in the Municipal Code of the Town of Colton, except as provided herein. Provided, where the State Building Code, including but not limited to the provisions of the Uniform Building Code, and the above described ordinances of the Town of Colton are in conflict, as to set backs and location of structures, the more restrictive requirements shall apply. Any subsequent amendment or amendments to the above described ordinances shall apply to the extent that such amendment or amendments is or are more restrictive than the State Building Code requirements, including but not limited to the said Uniform Building Code requirements. (Ord. 282, §1, 1992; Ord. 247, §1, 1986)

14.04.030 - Permanent Foundation Requirements. All residential structures, including all new, used (retrofitted), modular, and factory built, are required to have a continuous permanent foundation. All footings and foundations must be within two (2) feet of the perimeter of the structure. The construction of the footing and foundation must meet or exceed the Uniform Building Code which the Town of Colton has adopted by ordinance. Exceptions to this section are residential structures in designated trailer court areas.

14.04.040 - Uniform Code for the Abatement of Dangerous Buildings Adopted. There is hereby adopted the 1982 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials, together with any amendments, revisions or new editions thereof. At least one copy of the Uniform Code for the Abatement of Dangerous Buildings, 1982 Edition, shall at all times be kept on file in the office of the Town Clerk for public inspection. (Ord. 233, §1, 1984).

14.04.050 - Building Permit Fees. From and after the effective date of this chapter, a fee for each building permit issued or fee for inspection of jobs under \$2,000.00 when the Inspector is called out to review these projects, shall be paid in accordance with the following schedule:

Total Valuation

Fee

\$1.00 to \$2,000.00

A permit for tracking purposes only will be issued on jobs under and up to \$2,000.00. No fee will be charged unless the Inspector is called out to inspect the job. A flat \$15.00 will be charged by the Inspector for these inspections.

\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,001.00, plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,001.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,001.00, plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,001.00, plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$2,039.50 for the first \$500,001.00, plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$3,539.50 for the first \$1,000,001.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof.

Other Inspections and Fees:

1. Inspections outside of normal business hours..... \$15.00*
(minimum charge - two hours).
2. Reinspection fees assessed under provisions of section 305(g)..... \$15.00*
3. Inspections for which no fee is specifically indicated (minimum charge - one half hour)..... \$15.00*
4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge - one half hour)..... \$15.00*

*or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

The State surcharge will be added to the total cost of each building permit issued.

The Building Inspector shall make the determination of value or valuation under any of the provisions of this chapter. The valuation to be used in computing the permit fee shall be the total value of all construction work for which the permit is issued, as well as all finished work, plumbing, roofing, electrical, elevators, fire extinguishing systems and any other permanent work for permanent equipment.

The Inspector shall inform each person who calls him to inspect a project under \$1,500.00 of the \$15.00 charge for the inspection.

No building shall be constructed within the Town of Colton, nor shall any building be altered or repaired without the owner or person having control thereof having first receiving from the Building Inspector of the Town of Colton a permit for such construction or alteration. Permits for construction or alteration under \$1,500.00 will be issued for tracking purposes only. Permits shall be issued only after application thereof upon which the owner or person in control shall set forth a description of the lots or lots, the estimated cost of such construction or alteration, the type of construction, and the use to which the completed structure is to be put. The fee for said permit shall be set by this section. Said building permit is valid for one year after date of issue and is void thereafter.

14.04.060 - Plumbing Fees.

Permit Issuance:

- | | | |
|-----|--|---------|
| (A) | For the issuance of each permit..... | \$20.00 |
| (B) | For issuing each supplemental permit..... | \$10.00 |
| (C) | State surcharge fee will also be assessed. | |

14.04.070 - Mechanical Permit Fees.

Permit Issuance and Heaters:

- | | | |
|----|---|---------|
| 1. | For the issuance of each mechanical permit..... | \$23.50 |
| 2. | For issuing each supplemental permit for which the original permit has not expired, been cancelled or finaled. | \$7.25 |

Unit Fee Schedule (note the following do not include permit-issuing fee.)

(A) **Furnaces:**

For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h (29.3 kW)..... \$14.80

For the installation or relocation of each forced-air or gravity-type furnace or burner, including duct and vents attached to such appliances over 100,000 Btu/h (29.3 kW).....\$18.20

For the installation or relocation of each floor furnace, including vent
..... \$14.80

For the installation or relocation of each suspended heater, recessed wall heater or floor mounted unit heater..... \$14.80

- (B) **Appliance Vents:**
For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit..... \$7.25
- (C) **Repairs or Additions:**
For the repair of, alteration of or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by the Mechanical Code..... \$13.50
- (D) **Boilers, Compressors and Absorption Systems:**
For the installation or relocation of each boiler or compressor to and including 3 horsepower (10.6 kW), or each absorption system to and including 100,000 Btu/h (29.3 kW)..... \$14.70
- For the installation or relocation of each boiler or compressor over three horsepower (10.6 kW), to and including 15 horsepower (52.7 kW), or each absorption system over 100,000 Btu/h (29.3 kW) to and including 500,000 Btu/h (146.6 kW)..... \$27.15
- For the installation or relocation of each boiler or compressor over 15 horsepower (52.7 kW) to and including 30 horsepower (105.5 kW), or each absorption system over 500,000 Btu/h (146.6 kW) to and including 1,000,000 Btu/h (293.1 kW)..... \$37.25
- For the installation or relocation of each boiler or compressor over 30 horsepower (105.5 kW) to and including 50 horsepower (176 kW), or each absorption system over 1,000,000 Btu/h (293.1 kW) to and including 1,750,000 Btu/h (512.9 kW)..... \$55.45
- For the installation or relocation of each boiler or compressor over 50 horsepower (176 kW), or each absorption system over 1,750,000 Btu/h (512.9 kW)..... \$92.65
- (E) **Air Handlers:**
For each air-handler unit to and including 10,000 cubic feet per minute (cfm) (4719 L/s), including ducts attached thereto..... \$10.65
Note: this fee does not apply to an air handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.
- For each air-handling unit over 10,000 cfm (4719 L/s)..... \$18.10

- (F) **Evaporative Coolers:**
For each evaporative cooler other than portable type..... \$10.65
- (G) **Ventilation and Exhaust:**
For each ventilation fan connected to a single duct..... \$7.25

For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit..... \$10.65

For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood..... \$10.65
- (H) **Incinerators:**
For the installation or relocation of each domestic-type incinerator..... \$18.20

For the installation or relocation of each commercial or industrial-type incinerator..... \$14.50
- (I) **Miscellaneous:**
For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance category, or for which no other fee is listed in the table..... \$10.65

Other Inspections and Fees:

1. Inspections outside of normal business hours, per hour (minimum charge - two hours)..... \$15.00*
 2. Per hour
 3. Reinspection fees assessed under provisions of Section 116.6, per inspection..... \$15.00*
 4. Inspections for which no fee is specifically indicated, per hour (minimum charge - one half hour)..... \$15.00*
 5. Additional plan review required by changes, addition or revisions to plans or to plans for which an initial error has been completed (minimum charge - one half hour).....\$15.00*
- The state surcharge will also be assessed.

14.04.080 - Issuance of Building Permits - - Requirements. The Town Council of the Town of Colton deems the following requirements necessary for a building permit:

- (A) The owner or builder must apply for a building permit. The permit must have the property owner's name and address included.
- (B) Explanation of type of work that will be done.

- (C) Purpose of the building.
- (D) Square fee of the building.
- (E) Cost of building, addition, or repair work.
- (F) Payment of fees up front (Building, Water, Sewer, etc.)
- (G) Owner must provide a complete set of plans for the building department to keep until the project is completed. Truss drawings need to have a Washington engineer's stamp before trusses can be used and a drawing must be provided to the building department before trusses are set. Building may have to have the plan reviewed before any permits can be obtained and work can begin. The plans submitted must show that the proposed structure appears to comply with the Uniform Building Code and applicable land use requirements of the Town.
- (H) Builder's License#, Plumbing License*, Electrician License#, and HVAC License# must be provided unless owner is doing the work.

14.04.090 - Construction Sites - - Regulations. The following regulations must be met on construction sites:

1. Address needs to be posted at site, if it is a new building site.
2. The Town maintenance man shall be notified 5 to 10 days in advance to when water and sewer hookups are needed. The Town maintenance man shall inspect all water and sewer taps before they can be covered up. Only one water meter per single family residence. NO EXCEPTIONS. The water meter shall be easily accessible. All water meters shall be placed outside of the building as close to the property line as possible.
3. No foundation drains shall be hooked to the Town's sewer system.
4. There shall be no burying of trash on building sites.
5. All exterior and earth work must be completed one (1) year from the date of obtaining a building permit (except by special permission). Special permission may be obtained by contacting the Town Council and asking for a extension. Each case will be viewed separately by the Council.
6. If curbs and sidewalks need to be removed and the street cut, owner must notify the building department first. The street shall be patched the same day if possible or the next day if the work can not be finished in one day. All streets will be put back to the original condition. Sidewalks and curbs will be replaced within two (2) weeks of removal, (except in a emergency).
7. All new building site approaches will be reviewed by the Street committee to see if culverts are needed for drainage. If a culvert is needed it will be at the expense of the builder/owner. If streets are littered during construction, they must be cleaned the same day (example mud off of a concrete truck tires).
8. All roof drainage must be contained on owners property (no downspouts ran to the road to drain roof water).

9. Each violation hereof shall be deemed a civil infraction and shall be penalized as set forth in Ordinance #304. Each day of violation may be deemed to be a separate violation.

14.08 GAS CODE

I. CONSTRUCTION

14.08.010 - Definitions. Terms used in this chapter shall have the meanings herein given to them.

Distribution System. Means any system of mains, pipes, service lines, regulators, meters, fixtures, connections and attachments used in the distribution of gas.

Gas. Means natural, manufactured or mixed gas suitable for domestic or industrial fuel.

Public Properties. Means any street, alley, roadway, sidewalk, viaduct, highway, bridge, park drive or public ground open as a matter of right to public travel.

Permittee. Means any person holding a franchise to distribute gas in the Town of Colton.

Person. Means every person, firm, corporation or association.

Service Line. Means pipe, regulator and meter which conveys gas from a main or other distribution or transmission line to and on a consumer's premises.

Transmission System. Means a system of pipelines installed to transmit gas from a source or sources of supply to one or more distribution center or a pipe installed to interconnect sources of supply.

14.08.020 - Construction, Operation, Maintenance and Safety Standards. The "Rules and Regulations Pertaining to Matters of Public Safety in the Construction and Operation of Facilities for the Transmission and Distribution of Gas" of the Public Service Commission of the State of Washington, Appendix "A" to Order in Consolidated Case Nos. U-8799 and U-8800, adopted June 28, 1955, and the provisions of "Gas Transmission and Distribution Piping Systems, Section 8 of the American Standard Code for Pressure Piping." 1963 Edition, (ASA) B31.8-1963), on file in the office of the Town Clerk, are each hereby adopted by reference as standards for gas installations in the Town of Colton. Provided that, in the event any of the provisions of said rules and regulations or said ASA Code should conflict with any of the provisions of this chapter, the chapter and the state rules and regulations shall govern and be observed.

All amendments and addition to said rules and regulations and said ASA Code, when printed and filed with the Town Clerk, shall thereupon become amendments and additions thereto if not in conflict with the provisions of this chapter.

14.08.030 - Inspection of Gas Distribution Systems. All construction of a gas distribution or transmission system shall be inspected by the Gas Inspector for the Permittee.

14.08.040 - Testing of Piping on Construction. Before any newly constructed distribution or transmission system is placed in service, it shall be tested by the Permittee in conformity with the codes adopted by this ordinance.

14.08.050 - Location of Service Shut-offs. Service shut-offs shall be installed on all new services, including replacements, at the curb or property line for each service, or at an easily accessible place on the outside of the building served. If the latter method is used, such service shall not enter a building directly without coming above ground.

14.08.060 - Location of Pipes. All mains shall be laid in alleys or easements whenever possible, or at locations generally on the south and west sides of streets and alleys. Mains shall have a lateral clearance not less than four (4) feet from water mains and twelve (12) inches from any other subsurface structure; provided, that under exceptional circumstances, the Town may authorize less clearance. Mains shall have a vertical clearance of twelve (12) inches when crossing another pipe. Mains shall be laid with a cover not less than thirty (30) inches, except under unusual circumstances less coverage may be used. Where the trench is in rock, the cover may be twenty-four (24) inches if the main is properly cushioned as required in Section 15 of this ordinance. Where the trench is in a parking strip, the cover may be eighteen (18) inches. In the event interference with other subsurface structures make it impractical to maintain the above depths, the Town may permit gas pipe lines and mains to be constructed so as to avoid such subsurface structures. Minimum depth of service lines shall be twelve (12) inches at the service terminal and shall normally slope to required depth at the main. No person shall install a gas service line on consumer's premises, in the same ditch as the water service line without written approval by the Town.

14.08.070 - Protection and Removal of Utilities. The permittee shall inform itself as to the existence and location of any underground utilities and protect the same against damage.

The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipe, sewer, gas pipe, electric conduit or other utility.

The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the construction or maintenance work, and do everything necessary to support, sustain and protect the same under, over, along or across said work. In case any of the said pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the authorities having control of the same and the expense of such repairs shall be charged to the permittee.

If it should be necessary to move an existing utility, the work shall be done by the owner of such utility. Whenever the permittee's utility interferes with the actual construction of any public improvement, such utility shall be moved by the permittee. No utility, either publicly or privately owned, shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee.

14.08.080 - Trenches. Trenches shall not be excavated more than three hundred (300) feet in advance of pipe laying, nor left unfilled for more than seven hundred (700) feet where pipe has been laid, except by permission from the Town. The length of the trench that may be opened at any time shall not be greater than the length of pipe and the necessary accessories which are available to the site ready to put in place. The completed trench shall be kept not less than thirty (30) feet ahead of pipe layers. Trenches shall be at least six (6) inches wider on each side or a total width of twelve (12) inches more than the exterior diameter of the pipe, except where pipes are four (4) inches or less in diameter. Wherever excavation is made in rock, a minimum of six (6) inches of non-corrosive soil, sands or fines of existing spoils shall be used as a padding beneath the pipe and an additional six (6) inches above the pipe.

Excavation for manholes and other structures shall be sufficient to leave at least twelve (12) inches between their outer surfaces and the sides of the excavation.

14.08.090 - Water in Trenching. The permittee shall pump, bail or otherwise remove any water which accumulates in trenches. De-watering trenches may be accomplished in any manner approved by the Town. Water shall not be permitted in trenches at any time during construction nor until backfilling over the top of the pipe has been completed unless otherwise specifically permitted by the Town. The ground water level in trenches shall not be permitted to rise above an elevation of six (6) inches below the pipe. The permittee shall perform all work necessary to keep the trenches clear of water while the foundations and masonry are being constructed or the pipe laid.

14.08.100 - Breaking Through Pavement. Whenever it is necessary to break through existing pavement for the purpose of constructing gas service facilities, and where trenches are to be four (4) feet or over in depth, the pavement and the base shall be removed to at least six (6) inches beyond the outer limits of the sub-grade that is to be disturbed in order to prevent settlement, and a six (6) inch shoulder of undisturbed material shall be provided on each side of the excavated trench. The face of the remaining pavement shall be approximately vertical.

14.08.110 - Tunnels. Tunnels under pavement shall not be permitted except by permission of the Town and, if permitted, shall be adequately supported by timbering and backfilling under the direction of the Gas Inspector.

14.08.120 - Backfilling. Backfilling in all public streets and improved areas, both public and private, shall be completed to a degree equivalent to that of the undisturbed

ground in which the trench was dug. Compacting shall be done by mechanical tampers or vibrators, or by rolling in layers as required by the soil in question.

14.08.130 - Protection of Property. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the construction or maintenance work and shall be responsible for all damage to public or private property. Wherever it may be necessary for the permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled, and the area restored as nearly as possible to its original condition.

Permittee shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas or easements across private property without first having notified the property owner, or in the case of public parks, the Town Park Department.

14.08.140 - Preservation of Monuments. The permittee shall not disturb any surface monuments or hubs found on the line of the improvements unless authorized by the Town.

14.08.150 - Damage to Existing Improvements. All damages done to existing improvements during the progress of construction or maintenance work shall be repaired by the permittee. Materials for such repair shall conform to the requirements of applicable ordinances. If, upon being ordered, the permittee fails to furnish the necessary labor and materials for such repairs, the Town may cause said necessary labor and materials to be furnished by other parties and the cost thereof charged against permittee.

14.08.160 - Property Lines and Easements. Property lines and limits of easements shall be indicated on the plans and it shall be the permittee's responsibility to confine its construction activities within these limits. Any damage resulting from trespassing beyond these limits shall be the sole responsibility of the permittee.

14.08.170 - Care of Excavated Material. All material excavated from trenches and piles adjacent to the trench, or in highways, shall be piled and maintained in such a manner that the toe of the slope of the excavated material is at least eighteen (18) inches from the edge of the trench. When the confines of the area through which the gas pipes are to be laid are too narrow to permit the piling of excavated material beside the trench, the permittee may be required to haul excavated material to a storage site and then re-haul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all storage and disposal sites required.

14.08.180 - Interference with Other Services. The work shall be conducted so as not to interfere with access to fire stations, fire hydrants. Material or obstruction shall not be placed within fifteen (15) feet of fire hydrants. Passageways leading to fire escapes or fire fighting equipment shall be kept free of material piles or other obstructions.

14.08.190 - Provision for Water Courses. The permittee shall provide for the flow of all water courses, sewers or drains intercepted during the progress of the work, and shall replace the same in as good condition as it found them or shall make final provisions for them as the Town may direct. The permittee shall not obstruct the gutter of any street, but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provisions to take care of all surplus water, mud, silt, or other runoff pumped from excavations or resulting from sluicing or other operations, and shall be responsible for any damage resulting from its failure so to provide.

14.08.200 - Routing and Maintenance of Traffic During Construction. During construction, traffic shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of abutting property and to the general public, provided that the Town may permit the closing of public properties to all traffic for a designated period of time, if necessary. Before any public property may be closed or restricted to traffic, the permittee must obtain the approval of the Town and notify the Chief of the Fire Department and the Chief of the Police Department. The permittee shall route and control all traffic, including its own vehicles, as directed by the Chief of the Police Department. Upon completion of construction work, the Chief of the Police Department and the Chief of the Fire Department shall again be notified before traffic is returned to its normal route. Where flagmen are deemed necessary by the Chief of the Police Department, they shall be furnished by the permittee at its expense.

Through traffic shall be maintained without detours if possible. When it is necessary to construct a detour, the permittee shall construct same at its expense. The permittee will be responsible for any unnecessary damage caused to any public properties by the operation of its equipment.

The permittee shall erect and maintain suitable timber barriers to confine earth from trenches or other excavations in order to minimize encroachment upon highways. It shall construct and maintain adequate and safe crossings over excavations and across highways during construction to accommodate vehicular and pedestrian traffic at all street intersections, under the supervision of the Town. Ducking shall be not less than four (4) inches thick and shall be securely fastened together with heavy wire and staples. Pedestrian crossings shall consist of planking three (3) inches thick, twelve (12) inches wide and of length required, together with necessary blocking. The walk shall not be less than four (4) feet wide and shall be provided with a railing if required by the Town.

14.08.210 - Insurance. The permittee shall have and maintain in force adequate public liability and property damage insurance, which insurance may contain a self insured deductible amount as shall be approved by the Town Council.

II. MAINTENANCE OF APPLIANCES AND PIPING

14.08.220 - Definitions. For the purposes of this chapter, the following words, terms and phrases are hereby defined and shall have the meaning herein given to them.

Person means any person, firm, association, corporation or municipal corporation.

Consumer means any person using gas, including residential, commercial and industrial users.

Gas means natural, manufactured or mixed gas.

Gas Appliances means any appliance or device used for burning gas.

Gas Company means any person or persons holding and exercising a franchise to distribute gas within the corporate limits of the Town of Colton.

Gas Piping System means all gas piping from the outlet of the gas meter installed or used in connection with consumption of gas on a consumer's premises.

Gas Fitting Work means the installation, alteration, extension, repair or maintenance, from the outlet of the gas meter, of gas piping, venting and appliances.

Gas Fitting System means all gas piping, duct work, appliances and accessories installed or used in connection with consumption of gas on consumer's premises.

Gas Fitter means any person who does gas fitting work on any gas system or gas appliance.

Gas Installer means any person who is licensed and who engages or employs licensed gas fitters, servicemen, and/or apprentices, to install gas equipment and accessories in the Town of Colton acceptable to the Town Council and may be licensed by the Town of Colton only.

Premises means the property of the consumer up to the property line and including any buildings or structures thereon.

Used Gas Appliances means a gas appliance which has been previously sold, installed or used.

14.08.230 - Installation, Conversion, Maintenance, Operation and Safety Standards. The provisions of the "Inland Empire Natural Gas Association Standards for the Installation of Gas Appliances and Gas Piping, Domestic Gas Conversion Burners and Gas Equipment in excess of 400,000 B.T.U.'s per hour input, Second Edition - 1965," NBFU No. 58, Storage and Handling of Liquefied Petroleum Gases, dated 1965. NBFU No. 59, Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants, dated 1963, on file in the office of the Town Clerk is adopted by reference as to installation, conversion, maintenance, operation and safety standards of the Town of Colton. Provided: that, in the event any provisions of this Standard conflict with any of the provisions of this chapter, the provisions of this chapter shall govern and be observed.

All amendments and addition to said "Inland Empire Natural Gas Association Standards for the Installation of Gas Appliances and Gas Piping, Domestic Gas Conversion Burners and Gas Equipment in Excess of 400,000 B.T.U.'s per hour input,

Second Edition - 1965," when printed and filed with the Town Clerk, shall thereupon become amendments and additions hereto, if not in conflict with the provisions of this chapter.

14.08.240 - License Required. Before starting an installation, a gas installer shall have in his possession an up-to-date valid, gas fitter's license issued by the City of Spokane or Spokane County, or any Town acceptable to the Town Council, indicating said gas installer has successfully passed a gas fitter's examination; provided however that the owner of any single family dwelling, occupied by him, shall not be required to have a gas fitter's license or procure the bond and insurance hereinafter provided for to do gas fitting work on said premises if said work is to be done by the owner or a member of his immediate family, in which case such owner shall obtain the necessary permit, perform the works and tests in accordance with other provisions of this chapter, subject to the approval of the designated enforcement officer; except however, that an owner not be permitted to do gas fitting work in any building which is used as a place of business, apartment house, rental unit or a house to be offered for sale.

14.08.250 - Bond and Insurance of Gas Installer. Before any installation work is started, the gas installer shall have a bond in the sum of Two Thousand (\$2,000.00) Dollars executed by the applicant, as principal, and a surety company authorized to do business in the State of Washington, running to the Town of Colton, conditioned that the licensee, his agents and servants, shall fully comply with all provisions of law and ordinances of the Town of Colton relating to gas fitting work, and that any person injured by failure of the principal to comply with such laws and ordinances, or with any of the provisions thereof, shall have a right of action against the principal and surety of his own name; provided that the liability of any surety upon the bond required to be given by the Gas Installer, as herein provided, shall be limited to the amount specified in the bond and in case of recoveries had by two or more persons for violation of the conditions of such bond in excess of the amount of the bond, such recoveries shall be prorated and the total recovery against the surety shall not exceed the amount of the bond; provided further, that any person wishing to avail himself of the benefits of the bond shall commence action thereon within one (1) year after the date of completion of the work alleged to have been improperly done. The gas installer shall also have a general liability insurance policy or a written certificate of the same, issued by an insurance carrier authorized to do business in the State of Washington with bodily injury limits in the amount of One Hundred Thousand (\$100,000.00) Dollars per person, Two Hundred Thousand (\$200,000.00) Dollars per accident, Two Hundred Thousand (\$200,000.00) Dollars aggregate, and property damage limits of One Hundred Thousand (\$100,000.00) Dollars; provided further, that an applicant may qualify as a self-insured in lieu of furnishing the general liability insurance herein prescribed to the extent of ten percent (10%) of his net assets, as established by a current financial statement signed by a certified public accountant and placed on file with the Town Council. The bond and insurance shall be presented in a manner and form acceptable to the Corporation Counsel of the Town of Colton. The right of a gas installer or fitter to do gas fitting work in Colton may be revoked by the Town Council

upon his failure to faithfully perform and adhere to the terms and conditions of this chapter.

Bonds, insurance and self-insurance shall be renewed annually. Insurance herein provided for shall continue in force until the gas fitting work has been completed. The United States Government, State of Washington, County of Whitman, School District No. ____ and the Town of Colton shall not be required to furnish a bond under this section.

14.08.260 - Permit to do Gas Fitting - Fees. No person shall do gas fitting work without first obtaining a permit from the Town Clerk of Colton. Such permit shall indicate the licensed gas installer or home owner personally responsible for performing the work. The Town Council may establish fees for such permits.

14.08.270 - Rough Gas Piping Test. Rough gas piping test shall be made by the installer after all piping authorized by a permit has been installed and before such piping has been covered or concealed or any fixture or gas appliance has been attached thereto.

14.08.280 - Final Piping Test, Pressure Tests. Final test of piping shall include pressure tests. After the installer determines that such piping has been installed in conformity with this chapter, he shall advise the gas company and authorize it to grant gas service.

14.08.290 - Test Required if Gas not Used for Period of Time. A new permit shall be required for a consumer's premises that has already been piped for gas, but where no gas has been used for a period of twelve (12) consecutive months or more.

14.08.300 - Gas Service and Final Test. It shall be unlawful for any person to turn gas into any appliances for which gas service has been authorized until the gas company is notified. This notice shall serve as a request for a final inspection on the appliance, and the installer shall cause said appliance to be tested within a reasonable time.

14.08.310 - Defective Work or Unapproved Materials. If any inspection indicates that unapproved materials have been used or defective workmanship has been performed in the installation, alteration, repair or extension of any gas piping, fixture or appliance in or on any consumer's premises, such defective materials or work shall be replaced by the installer within three (3) days, and another inspection shall be made.

14.08.320 - Discontinuance or Refusal of Service by Gas Company. The gas company is authorized to discontinue or refuse to supply gas for any gas piping, fixture or appliance which it may find to be defective or leaking, or in such condition as to endanger life or property. In such case, the gas company shall immediately give notice of discontinuance or refusal of service to the occupant of the consumer's premises, where such gas supply is discontinued or refused. The installer shall immediately correct the conditions reported by the gas company, and it shall be

unlawful for any person to reconnect said gas piping, fixture or appliance until authorized by the gas company.

14.08.330 - Responsibility of Gas Installer. The gas installer shall have full responsibility for all gas appliances or parts thereof.

14.08.340 - Liability of Town Officials or Employees. This chapter shall not be construed as imposing upon the Town of Colton any liability or responsibility for damages resulting from defective gas piping or appliances or the installation thereof, nor shall the Town of Colton or any official or employee thereof be held as assuming any such liability or responsibility by reason of inspections.

14.08.350 - Penalty. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding Two Hundred Dollars or by imprisonment for a period not exceeding ninety (90) days, or by both such fine and imprisonment.

14.12

FLOOD DAMAGE PREVENTION

14.12.010 - Statutory Authorization - Findings of Fact - - Purpose - - Objectives.

- (A) STATUTORY AUTHORIZATION. The Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Colton does ordain as follows:
- (B) FINDINGS OF FACT.
 - (i) The flood hazard areas of Colton are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, 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.
 - (ii) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
- (C) STATEMENT OF PURPOSE
It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (i) To protect human life and health;
 - (ii) To minimize expenditure of public money and costly flood control projects;
 - (iii) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (iv) To minimize prolonged business interruptions;
 - (v) 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;
 - (vi) 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;
 - (vii) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
 - (viii) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (D) **METHODS OF REDUCING FLOOD LOSSES**
In order to accomplish its purposes, this chapter includes methods and provisions for:
- (i) 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;
 - (ii) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (iii) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - (iv) Controlling filling, grading, dredging, and other development which may increase flood damage; and
 - (v) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas.

14.12.020 - Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“APPEAL” means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

“AREA OF SHALLOW FLOODING” means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three

feet; 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 and AH indicates ponding.

“AREA OF SPECIAL FLOOD HAZARD” means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

“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.” Designation on maps always includes the letters A or V.

“BASEMENT” means any area of the building having its flood subgrade (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.

“COASTAL HIGH HAZARD AREA” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-30, VE or V.

“DEVELOPMENT” means any man-made 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 nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“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.

“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 or tidal 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 hazards and the risk premium zones applicable to the community.

"FLOOD INSURANCE STUDY" 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.

"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 this chapter found at Section 14.12.050(b)(1)(B).

"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 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.

"RECREATIONAL VEHICLE" means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

"START OF CONSTRUCTION" includes substantial improvement, 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 before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent 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 that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) 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
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places."

"VARIANCE" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"WATER DEPENDENT" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water for reason of the intrinsic nature of its operations.

14.12.030 - General Provisions.

(A) **LANDS TO WHICH ORDINANCE APPLIES**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the Town of Colton.

(B) **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 the Town of Colton" dated January 1979, 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 706 Broadway, Colton, WA, 99113. The best available information for flood hazard area identification as outlined in Section 14.12.040(C)(ii) shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 14.12.040(C)(ii).

(C) **PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of the 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. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 dollars for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town of Colton from taking such other lawful action as is necessary to prevent or remedy any violation.

(D) ABROGATION AND GREATER RESTRICTIONS

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

(E) INTERPRETATION

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

- (i) Considered as minimum requirements;
- (ii) Liberally construed in favor of the governing body; and
- (iii) Deemed neither to limit nor repeal any other powers granted under State statutes.

(F) 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 man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards 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 Town of Colton, 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.

14.12.040 - Administration.

(A) ESTABLISHMENT OF DEVELOPMENT PERMIT

(i) Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 14.12.030(B). The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS," and for all development including fill and other activities, also as set forth in the "DEFINITIONS."

(ii) Application for Development Permit

Application for a development permit shall be made on forms furnished by the Town of Colton 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:

- (1) Elevation in relation to mean seal level, of the lowest floor (including basement) of all structures;

- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
 - (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 14.12.050(B)(ii); and
 - (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
- (B) DESIGNATION OF BUILDING INSPECTOR
The building inspector is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.
- (C) DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR
Duties of the building inspector shall include, but not be limited to:
 - (i) 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 Section 14.12.050(D)(i) are met.
 - (ii) Use of Other Base Flood Data (In A and V Zones)
When base flood elevation data has not been provided (A and V Zones) in accordance with Section 14.12.030(B), BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the building inspector 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 Sections 14.12.050(B), SPECIFIC STANDARDS, and 14.12.050(D) FLOODWAYS.
 - (iii) Information to be Obtained and Maintained
 - (1) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 14.12.040(C)(ii), obtain and record the actual 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.
 - (2) For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 14.12.040(C)(ii).

- (a) Obtain and record the elevation (in relation to mean seal level) to which the structure was floodproofed and
 - (b) Maintain the floodproofing certifications required in Section 14.12.040(A)(ii)(3).
 - (3) Maintain for public inspection all records pertaining to the provisions of this chapter.
 - (iv) 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.
 - (v) Interpretation of FIRM Boundaries

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, 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 as provided in Section 14.12.040(D).
- (D) VARIANCE PROCEDURE
- (i) Appeal Board
 - (1) The appeal board as established by the Town of Colton shall hear and decide appeals and requests for variances from the requirements of this chapter.
 - (2) The appeal board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Inspector in the enforcement or administration of this chapter.
 - (3) Those aggrieved by the decision of the appeal board, or any taxpayer, may appeal such decision to Whitman County Superior Court.
 - (4) In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of Section 14.12.040(D)(4)(a-h) and the purposes of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (6) The Town Clerk shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- (ii) Conditions for Variances
- (1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in Section 14.12.040(D)(i)(4) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
 - (2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory

of Historic Places, without regard to the procedures set forth in this section.

- (3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (6) 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 the flood elevations should be quite rare.
- (7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 14.12.040(D)(ii)(1), and otherwise complies with Sections 14.12.050(A)(i), 14.12.050(A)(iii), and 14.12.050(A)(iv) of the GENERAL STANDARDS.
- (8) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

14.12.050 - Provisions for Flood Hazard Reduction.

(A) GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

- (i) Anchoring
 - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (2) All manufactured homes must likewise be anchored to prevent flotation, 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 (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
- (ii) AH Zone Drainage

Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.
- (iii) 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.
- (iv) Utilities
 - (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
 - (2) The proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171);
 - (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; and,
 - (4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (v) 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; and,
 - (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 5 acres (whichever is less).
- (vi) Review of Building Permits
Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 14.12.040(c)(2)), 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.

(B) **SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in Section 14.12.030(B), BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 14.12.040(C)(ii), Use of Other Base Flood Data (In A and V Zones), the following provisions are required:

- (i) Residential Contraction
 - (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.
 - (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 floodwaters. 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 in 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.
- (ii) 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 floodproofed 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 professional 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 Section 14.12.040(C)(iii)(2);
 - (4) Non residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 14.12.050(B)(i)(2);
 - (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below).
- (iii) Manufactured Homes
 - (1) All manufactured homes to be placed or substantially improved on sites:
 - (a) Outside of a manufactured home park or subdivision,
 - (b) In a new manufactured home park or subdivision,
 - (c) In an expansion to an existing manufactured home park or subdivision, or
 - (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, 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 designed foundation system to resist flotation, collapse and lateral movement.

- (2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions to be elevated so that either:
 - (a) The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation, or
 - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

(iv) Recreational Vehicles

Recreational vehicles placed on sites are required to either:

- (1) Be on the site for fewer than 180 consecutive days;
- (2) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (3) Meet the requirements of 14.12.050(B)(iii), above, and the elevation and anchoring requirements for manufactured homes.

(C) BEFORE REGULATORY FLOODWAY

In areas where 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, 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.

(D) FLOODWAYS

Located within areas of special flood hazard established in Section 14.12.030(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (i) 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.
- (ii) Construction or reconstruction of residential structures is prohibited within designated floodways, except for (I) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) 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 damaged 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 shall not be included in the 50 percent.
- (iii) If Section 14, 12.050(D)(i) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.12.050, PROVISIONS FOR FLOOD HAZARD REDUCTION.

(E) 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 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. Floodproofing 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.

14.16
CONSTRUCTION OF BRICK CHIMNEYS
AND
PROHIBITION OF ALL OTHERS

14.16.010 - Prohibition of Chimneys Other than Brick. It shall be unlawful for any person, firm, company or corporation to erect or use any kind of a flue, chimney or smoke-stack which may pass through any roof, sidewall, window, or through any attic not used as a room, in any building in the Town of Colton, other than are constructed of brick and mortar, plastered well on the inside. Provided, however, that this chapter shall not apply to building situated 100 or more feet from any other building.

14.16.020 - Safety Thimble Required for Stove Pipes. It shall be unlawful for any person, firm, company or corporation to use any stove pipe which passes through any wooden partition or ceiling in any building in the Town of Colton which is situated within 100 feet of any other building, unless the same is provided with a properly constructed safety thimble.

14.16.030 - Penalty. Any person or persons violating the provisions of this chapter shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than five or more than \$25 for each and every day such person or persons shall continue to violate this chapter after notice as provided in Section 14.16.040, and in default of payment thereof shall be committed to jail until such fine and costs are paid at the rate of \$2 per day.

14.16.040 - Marshal's Duty to Inspect. It shall be the duty of the marshal to make a personal inspection of each and every building in the Town of Colton, situated within 100 feet of any other building, within which any flue, other than a brick flue, is used, and if any unlawful flue, as mentioned in Sections 14.16.010 and 14.06.020 of this chapter, is found he shall notify the person occupying said building to discontinue the use thereof within three days.

14.16.050 - Marshal's Powers. For the purposes of making the examination as in Section 14.16.040 mentioned and also for the purpose of ascertaining whether the notice given has been complied with, the marshal is hereby empowered to enter, at all reasonable hours, any building situated within 100 feet of any other building in said town.

14.16.060 - Marshal's Duty to Notify Police Justice. It shall be the duty of the marshal to make complaint before the police justice of the violation of the provisions of Sections 14.16.010, 14.16.020, and 14.16.030 and cause the person or persons so offending to be arrested.

14.16.070 - Police Justice's Duty of Causing to Appear. The police justice shall cause all persons complained of by the marshal to appear before him.