

**Title 15**  
**BUILDINGS AND CONSTRUCTION**

**Chapters:**

- 15.04 Construction Codes**
- 15.08 Moving of Buildings**
- 15.12 Repealed**
- 15.16 Building Fees**
- 15.20 Manufactured, Modular and Mobile Housing**
- 15.24 Satellite Receiving Systems**
- 15.28 Flood Damage Prevention**
- 15.32 Repealed**

**Chapter 15.04**  
**CONSTRUCTION CODES**

**Sections:**

- 15.04.010 Adoption of uniform codes.**
- 15.04.020 Amendments to the Uniform Building Code.**
- 15.04.030 Footing/downspout drains.**
- 15.04.040 House move installations.**
- 15.04.050 Additions to the Uniform Fire Code.**
- 15.04.060 Violation--Penalty.**

**15.04.010 Adoption of uniform codes.**

A. The following codes, copies of which are on file in the office of the city clerk of the city of Brier, Washington, are adopted as ordinances of the city of Brier, and such codes together with any maps which are a part thereof, by this reference are hereby made a part of this chapter as though fully set forth herein:

1. Uniform Building Code, 1997 Edition, as amended by state, published by the International Conference of Building Officials, together with the following appendix chapters:

Chapter 3: Use or Occupancy - Controls the requirements for single-family residences and agricultural buildings.

Chapter 4: Special Use and Occupancy - Lists the barrier requirements used for pools, spas and hot tubs. We currently use these requirements for all pools in the city.

Chapter 10: Building Security - Regulates that security systems shall be in accordance with the Uniform Building Security Code.

Chapter 12: Interior Environment - Controls outdoor air requirements for ventilation.

Chapter 13: Energy Conservation in New Building Construction - Regulates the design and construction of the exterior envelopes and selection of equipment required for the purpose of effective conservation of energy within a building or structure.

Chapter 15: Re-Roofing - Enables the city to require a permit for re-roofing and controls the requirements.

Chapter 18: Waterproofing and Dampproofing Foundations - Controls the waterproofing or dampproofing of foundations.

Chapter 19: Protection of Residential Concrete Exposed to Freezing and Thawing - Provides minimum standards for the protection of residential concrete exposed to freezing and thawing conditions.

Chapter 21: Prescriptive Masonry Construction in High-Wind Areas - Promotes public safety and welfare by reducing the risk of wind-induced damages to masonry construction.

Chapter 23: Conventional Light-Frame Construction in High-Wind Areas - Promotes public safety and welfare by reducing the risk of wind-induced damages to conventional light-frame construction.

Chapter 29: Minimum Plumbing Fixtures - Controls minimum fixture requirements for various building types.

Chapter 31: Special Construction - Deals with flood-resistant construction.

Chapter 33: Excavation and Grading - Enables the city to require a permit for clearing and grading and controls the requirements.

2. Uniform Mechanical Code, 1997 Edition, as amended by state, published by the International Conference of Building Officials, together with the following appendix chapters:

B: Solar Systems.

3. Uniform Plumbing Code, 1997 Edition, as amended by state, and excluding Chapters 11 and 12, published by the International Association of Plumbing and Mechanical Officials, together with the following appendix chapters:

A: Recommended Rules for Sizing the Water Supply System.

B: Explanatory Notes on Combination Waste and Vent Systems.

C: Additional Referenced Standards.

H: Recommended Procedures for Design, Construction and Installation of Commercial Kitchen Grease Interceptors.

I: Installation Standards.

4. Uniform Fire Code, 1997 Edition, as amended by state, published by the International Conference of Building officials; together with the following appendix chapters:

II-A: Suppression and Control of Hazardous Fire Areas.

II-B: Protection of Flammable and Combustible Liquid Tanks in Locations Subject to Flooding.

II-G: Secondary Containment for Underground Tank Systems Containing Flammable or Combustible Liquids.

II-H: Site Assessments for Determining Potential Fire and Explosion Risks from Underground Flammable or Combustible Liquid Tank Leaks.

III-A: Fireflow Requirements for Buildings.

III-B: Fire Hydrant Locations and Distributions.

III-C: Inspection, Testing and Maintenance of Water-Based Fire-Protection Systems.

IV-A: Interior Floor Finish.

V-A: Nationally Recognized Standards of Good Practice.

VI: Informational Section.

5. The National Electric Code, current edition, published by the National Fire Protection Association and the rules and regulations for installing electric wires by the Department of Labor and Industries.

6. Uniform Dangerous Buildings Code, current edition, as amended by state, published by the International Conference of Building Officials.

7. The Washington State Energy Code, current edition, as adopted by the Washington State Building Code Advisory Council and as codified in Chapter 51-11 of the Washington Administrative Code (WAC) and Washington State Ventilation and Indoor Air Quality Code, WAC Ch. 51-13, as now exists, is hereby adopted by reference without amendments, additions or deletions except as hereafter may be provided.

8. Washington State Barrier Free Regulations, current edition.

B. In case of conflicting provisions among the uniform codes or city ordinances, the more restrictive provisions shall govern. (Ord. 17.N §3(part), 2000)

#### **15.04.020 Amendments to the Uniform Building Code.**

Pursuant to Section 4, and subsections 3 and 4 of Section 6 of the State Building Code Act, Chapter 94, Laws of the State of Washington, 1974, First Extraordinary Session, the Uniform Building Code, current edition adopted hereinabove in Section 15.04.010 of this chapter, is amended in the following respects:

A. Chapter 1, Section 106 of the Uniform Building Code is hereby amended to read as follows:

Section 106.2 Work Exempt from Permit. A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15m<sup>2</sup>). The shed shall comply with setback requirements.

2. Oil derricks.

3. Retaining walls that are not over 3 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18.927L) and the ratio of height to diameter or width does not exceed 2:1.

5. Platforms, walks, driveways and decks not more than 18 inches above grade and not over any basement or story below.

6. Painting, papering and similar finish work.

7. Temporary motion picture, television and theater stage sets and scenery.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

B. Chapter 1, Section 106 of the Uniform Building Code is hereby amended by adding a new subsection to read as follows:

Section 106.4.6. No building permit for the construction or improvement of any dwelling shall be issued where new or improved sanitation systems would be required for service of the completed or improved dwelling, unless a corresponding permit has first been issued by the Building Official in accordance with applicable sanitation codes.

C. Chapter 1, Section 109.1 of the Uniform Building Code is hereby amended to read as follows:

Section 109.1 EXCEPTION. Certificate of Occupancy

Inspection. To be made after building is completed and ready for occupancy. Inspection approval shall not be given until all debris resulting from clearing of the site and from construction is removed from the

site. All stumps shall be removed to a depth of eighteen inches (18) below grade.

D. Chapter 5, Section 504.3 of the Uniform Building Code is hereby amended to read as follows:

Floor Area. Every dwelling unit shall have at least one room which shall have not less than 150 square feet of floor area and all other habitable rooms except kitchens and bathrooms shall have an area of not less than 70 square feet and shall be subject to the following additional requirements:

1. No one bedroom Single Family Dwelling Unit shall enclose less than 850 square feet of habitable floor area;

2. No two bedroom Single Family Dwelling Unit shall enclose less than 950 square feet of habitable floor area;

3. No three bedroom or more Single Family Dwelling Unit shall enclose less than 1,150 square feet of habitable floor area.

Habitable floor area shall not include garages, closets and other areas designed specifically for storage rather than living area. The minimum habitable floor area for the size of the Single Family Dwelling Unit as specified above shall be floor area that has been completely finished and is ready for occupancy.

(Ord. 17.N §3(part), 2000)

#### **15.04.030 Footing/downspout drains.**

A. Footing/downspout drains shall be installed. A tight line drain line shall be installed for the purpose of conducting all downspout water to a roadside drainage ditch, storm drain, or equivalent. All such drain lines shall be constructed in accordance with the Uniform Plumbing Code.

B. Footing drains shall be four-inch perforated drain pipe and will be laid around all exterior footings, covered with seven-eighths-inch washed rock and filter fabric.

C. Downspout drains shall be four-inch tight line pipe which shall be connected to the footing drain pipe at the point where the tight line pipe leaves the foundation.

D. The tight line pipe will be connected to an approved storm drain system.

E. A connection permit is required. The permit fee shall be established in Section 3.04.010 of this code.

F. Splash blocks or their equivalent under downspouts are prohibited. Drywells are prohibited. (Ord. 17.N §3(part), 2000)

#### **15.04.040 House move installations.**

A. Buildings, structures, modular, mobile or factory-built units moved into or to different locations within the city, shall comply with the provisions for new buildings and structures set forth in the codes adopted in Section 15.04.020 of this chapter.

B. In addition:

1. Upon such application, and upon payment of the fee provided by separate ordinance, the building official shall notify the applicant of the date and time of his/her inspection. The inspection shall be made at the original location of the building prior to its removal therefrom to any site within the city. Such on-site inspection, application, and fee shall be in addition to all usual building permits and fees covering such installations after arrival within the city.

2. If, at or after the time of the inspection, the building official notifies the applicant that any portion of the building, electrical wiring, or rough plumbing is in any way in violation of the ordinances of

the city, such that compliance with any such ordinances will require replacement of any parts or material used, then any such defective parts or materials shall be removed from the building, or a bond, the amount to be set by the building official, shall be posted with the city prior to the building's removal to any site within the city. (Ord. 17.N §3(part), 2000)

**15.04.050 Additions to the Uniform Fire Code.**

The following additions are hereby made to the Uniform Fire Code:

A. Whenever the word "Jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the city of Brier.

B. Whenever the term "Bureau of Fire Prevention," "Chief of the Bureau of Fire Prevention," or "Chief of the Fire Department" are used in the Uniform Fire Code, they shall be held to mean the fire official action under the supervision of the mayor of the city of Brier.

C. The limits referred to in the Uniform Fire Code in which storage of explosives and blasting agents is prohibited, are hereby established as follows: within the city limits of the city of Brier.

D. The limits referred to in the Uniform Fire Code in which storage of flammable liquids in the outside above-ground storage tanks is prohibited shall apply to all areas in which the Uniform Fire Code is in force; provided, however, that at the discretion of the chief of the fire department, and approval of the mayor, if such above-ground storage is requested, a special permit authorizing the same may be issued.

E. The limits referred to the Uniform Fire Code, in which new bulk plants for flammable liquids are prohibited, are hereby established as follows: within the city limits of the city of Brier.

F. The limits referred to in the Uniform Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: within the city limits of the city of Brier. (Ord. 17.N §3(part), 2000)

**15.04.060 Violation--Penalty.**

Any violation of the codes referenced herein shall constitute an infraction and shall be subject to a civil penalty in the amount prescribed in the general penalty provisions of the Brier Municipal Code for infractions. Failure to respond to a first infraction or a second or a subsequent violation of the same nature shall constitute a misdemeanor and shall be subject to the general fines and penalties as established by the Brier Municipal Code for misdemeanors. (Ord. 17.N §3(part), 2000)

**Chapter 15.08  
MOVING OF BUILDINGS**

**Sections:**

- 15.08.010 Permit--Required.**
- 15.08.020 Permit--Application.**
- 15.08.030 Permit--Application fee.**
- 15.08.040 Bond required.**
- 15.08.050 Review of application.**

- 15.08.060 Police escort required.**  
**15.08.070 Unattended towing vehicles prohibited.**  
**15.08.080 Violation--Penalty.**

**15.08.010 Permit--Required.**

No person shall move any building along or across any street or highway within the city without having first obtained a permit therefor from the public works department. For the purposes of this chapter, "building" means any structure used or designed as a shelter or storage for any person, animal, or property. (Ord. 17.N §3(part), 2000: Ord. 73.a §1, 1984)

**15.08.020 Permit--Application.**

Applications for building-moving permits shall be made upon a form provided by the city clerk. The application shall contain the following information:

- A. The name, address, and telephone number of the person, firm, or organization moving the building and the name, address, and telephone number of the owner;
- B. A description of the building, including dimensions, construction materials, and estimated weight;
- C. A description of the vehicle or vehicles to be used to move the building;
- D. A precise route description and an accompanying map of the route to be followed within the city, together with the destination;
- E. The dates and times the building is to be moved, including an estimate of the time needed for the move;
- F. Such other information as may be required by the city clerk. (Ord. 17.N §3(part), 2000: Ord. 73.a §2, 1984)

**15.08.030 Permit--Application fee.**

All applications for a building-moving permit shall be accompanied by a fee as established by Chapter 3.04 of this code. (Ord. 17.N §3(part), 2000: Ord. 73.a §3, 1984)

**15.08.040 Bond required.**

All applications for building-moving permits must be accompanied by a bond or other suitable security acceptable to the city in an amount as determined by the city engineer to cover the costs of any damages due to moving the building over city streets. (Ord. 17.N §3(part), 2000: Ord. 73.a §4, 1984)

**15.08.050 Review of application.**

A. Upon receipt of the completed application, posting of the required bond or security and application fee, the public works department shall forward the application for review by police, fire departments and public utilities.

B. The public works superintendent shall review the proposed application to determine if the building can be moved without damage to any city street or roadbed and can be moved in accordance with all ordinances of the city, including any weight limitations imposed on any of the streets over which the building is proposed to be moved.

C. The police and fire services shall review the application to determine if the building can be moved and not hinder movement of police, fire and other emergency equipment. The police and fire services shall forward their comments to the public works superintendent.

D. The public works superintendent may require the applicant to move the building over different routes if the proposed route would cause damage to city streets and roadbeds or if the route would hinder police, fire and other emergency equipment.

E. The public works superintendent and police chief shall establish the number of off-duty uniformed police officers and public works personnel to accompany the building moving in order to direct traffic and otherwise protect the public. (Ord. 17.N §3(part), 2000: Ord. 73.a §5, 1984)

**15.08.060 Police escort required.**

The permit holder shall be responsible for the cost, plus a twenty percent administrative fee to provide the required number of off-duty uniformed police officers and public works personnel as required by the conditions of the permit. (Ord. 17.N §3(part), 2000: Ord. 73.a §6, 1984)

**15.08.070 Unattended towing vehicles prohibited.**

No person shall leave the vehicle moving the building unattended on any city street or right-of-way, except in accordance with the terms and conditions of the building-moving permit. (Ord. 17.N §3(part), 2000: Ord. 73.a §7, 1984)

**15.08.080 Violation--Penalty.**

Any violation of the codes referenced herein shall constitute an infraction and shall be subject to a civil penalty in the amount prescribed in the general penalty provisions of the Brier Municipal Code for infractions. Failure to respond to a first infraction or a second or a subsequent violation of the same nature shall constitute a misdemeanor and shall be subject to the general fines and penalties as established by the Brier Municipal Code for misdemeanors. (Ord. 17.N §3(part), 2000: Ord. 73.a §8, 1984)

**Chapter 15.12**  
**BUILDING PERMITS FOR MODEL RESIDENCES**  
**(Repealed by Ord. 17.N)**

**Chapter 15.16**  
**BUILDING FEES**

**Sections:**

- 15.16.010**     **Schedule.**
- 15.16.020**     **Establishment of other fees.**
- 15.16.030**     **Professional and operational costs.**

**15.16.010**   **Schedule.**

The fees listed in Chapter 3.04 of this code supersede fees listed in this section. (Ord. 17.N §3(part), 2000: Ord. 161 §1, 1984: amended at direction of city attorney)

**15.16.020**   **Establishment of other fees.**

Fees for building permits, park use, business licensing, right-of-way use, sewer and storm water hookup latecomer's fee, shall be established by separate ordinance and shall constitute and additional fee or charge, where appropriate, to the above. (Ord. 17.N §3(part), 2000: Ord. 161 §2, 1984).

**15.16.030**   **Professional and operational costs.**

In addition to the fees and charges in this section, there shall also be charges for all engineering, legal, or other professional fees or expenses incurred by the city for any permitted activity requiring a permit or payment of a fee; further provided, that all costs of operation of machinery or equipment used by the city shall likewise be charged as part of the fees and expenses due. (Ord. 17.N §3(part), 2000: Ord. 161 §4, 1984)

**Chapter 15.20**  
**MANUFACTURED, MODULAR AND MOBILE HOUSING**

**Sections:**

- 15.20.010**     **Applicability.**
- 15.20.020**     **Definitions.**
- 15.20.030**     **Repealed.**
- 15.20.040**     **Assembly and installation requirements.**
- 15.20.050**     **Repealed.**
- 15.20.060**     **Inspection.**
- 15.20.070**     **Violation—Penalty.**

**15.20.010**     **Applicability.**

The location of manufactured, modular, and mobile housing and homes on property within the jurisdiction of the city shall be provided only upon the terms and conditions set forth in this chapter and as are found to be otherwise applicable. (Ord. 351 §1, 2007: Ord. 17.N §3(part), 2000: Ord. 131A §1, 1982)

**15.20.020**     **Definitions.**

The following definitions shall apply to this chapter:

A. "Anchoring system" means a system of straps, cables, turnbuckles, or chains, which is used to secure a home to ground anchors, and which complies with the standards of the Department of Housing and Urban Development for manufactured homes.

B. "Department of Housing and Urban Standards" means the National Mobile Home Construction and Safety Standards Act of 1974, and rules and regulations adopted thereunder, including:

1. Regulations and interpretations of the state of Washington Department of Labor and Industries, adopted pursuant to HUD rules; and

2. Information supplied on the manufactured home which has been stamped approved by the Department of Housing and Urban Development pursuant to HUD rules.

C. "Factory-built housing" means any structure constructed of factory-assembled parts that are transported to the building site, assembled at the building site, and meeting the requirements of the Uniform Building Code.

D. "Foundation base" means a base of concrete, or other properly engineered design meeting city approval, meeting the standards of the Department of Housing and Urban Development or the Uniform Building Code for proper support of a manufactured home.

E. "Foundation fascia" means a fire- and weather-resistant material surrounding the entire perimeter of the home and completely closing the space between the exterior walls of such home and the ground.

F. "Mobile/manufactured home" means any structure, transportable in one or more sections upon the public streets and highways on running gear, which, when erected on site, is designed to be connected to required utilities and utilized as a dwelling. A commercial coach, recreational vehicle and motor home shall not be considered a manufactured home.

G. "Modular housing" means housing bearing the certificate of the Washington Department of Labor and Industries as modular housing. (Ord. 17.N §3(part), 2000: Ord. 131A §5, 1982)

**15.20.030 Conditional use permits.**

Repealed by Ord. 351. (Ord. 17.N §3(part), 2000: Ord. 131A §2, 1982)

**15.20.040 Assembly and installation requirements.**

Establishment and use of a manufactured home, modular house, or factory-built house, as defined in this chapter, shall be permitted in any zone permitting installation of a single-family residence, provided such home shall meet the following assembly and installation requirements:

A. Shall bear a tag or seal of approval of the state or the Department of Housing and Urban Development;

B. Shall be permanently affixed;

C. Shall be located on the same size lot as required for a site-built home, and in compliance with said provisions applicable to such homes;

D. Shall meet the requirements of the city for all applicable regulations for utility connections;

E. Shall have the space between the wall of the home and the ground fully enclosed with a foundation fascia which is aesthetically harmonious and compatible with the home and surrounding community and which provides adequate ventilation and access, and which is properly maintained;

F. Shall be provided with approved detectors or products conforming to Housing and Urban Development standards;

G. Shall be accessible on site in compliance with the Department of Housing and Urban Development standards. (Ord. 351 §2, 2007: Ord. 17.N §3(part), 2000: Ord. 131A §6, 1982)

**15.20.050 Permit fees.**

Repealed by Ord. 351. (Ord. 17.N §3(part), 2000: Ord. 131A §3, 1982)

**15.20.060 Inspection.**

All factory-built modular and mobile housing as provided for in this chapter shall be subject to inspection by city officials in the same manner and fashion as other single-family residential housing, including, where reasonable, the inspection by removal of partitions, wall coverings, floor coverings and other superficial or structural changes as are necessary to reasonably accomplish inspections. Regardless of whether any mobile, modular and/or manufactured housing bears the certification of the state of Washington Department of Labor and Industries, HUD, or other authority issuing certification, the same may be inspected by officials of the city, as necessary, without regard to such certification; provided, however, nothing herein shall be construed so as to supersede the certification and inspection process of such other governmental agency as may be involved and such certification as may otherwise be required shall continue to be so required. (Ord. 17.N §3(part), 2000: Ord. 131A §4, 1982)

**15.20.070 Violation—Penalty.**

Any violation of this chapter or any portion of this chapter shall constitute a misdemeanor, and shall be prosecuted as such through the Snohomish County south district court. Upon conviction, said court may impose a fine not to exceed five hundred dollars and/or six months in jail. Any housing constructed in violation of this chapter is subject to abatement by action in the Snohomish County superior court and in any such action the city shall be awarded its reasonable costs and reasonable attorney's fees necessitated by abatement. (Ord. 17.N §3(part), 2000: Ord. 131A §7, 1982)

**Chapter 15.24**  
**SATELLITE RECEIVING SYSTEMS**

**Sections:**

- 15.24.010 Building permit required.**
- 15.24.020 Dimensional restrictions.**
- 15.24.030 Screening.**
- 15.24.040 Previously installed systems.**
- 15.24.050 Violation--Penalty.**

**15.24.010 Building permit required.**

A building permit shall be required for the installation of any satellite receiving system. Such permits shall be issued as in the case of a building permit for any other construction or use; provided, however, the permit fee for a satellite receiving system building permit shall be as established by separate ordinance and Chapter 3.04 of this code. (Ord. 17.N §3(part), 2000: Ord. 167 §1, 1985)

**15.24.020 Dimensional restrictions.**

No permit shall be issued for any satellite receiving system incorporating an antenna exceeding twelve feet in diameter and fifteen feet in height, including the base. Height shall be measured from the center of the mounting surface for roof-mounted antennas and existing grate for ground-mounted antennas. Antennas thirty inches or larger in any dimension shall be set back at least five feet from any property and located outside of any easement or required setback areas. The setback so required shall be measured from that part of the antenna or its base nearest the property line. (Ord. 17.N §3(part), 2000: Ord. 167 §2, 1985)

**15.24.030 Screening.**

All satellite receiving systems and antennas shall be screened and blended with background to make such antennas inconspicuous or nonvisible from streets and nearby properties. Screening as required in this section shall consist of a wood fence or metal with wood slats, trees or other landscaping that shall effectively screen from public view said satellite receiving system and antennas from streets or nearby properties. (Ord. 17.N §3(part), 2000: Ord. 167 §3, 1985)

**15.24.040 Previously installed systems.**

For satellite receiving systems and antennas installed prior to the effective date of the ordinance codified in this chapter, no permit shall be required unless said system is modified in any respect; provided, however, screening requirements as stated herein shall apply; further provided, that for any such preexisting satellite receiving system and antennas the building inspector shall issue written notice to the owner thereof requiring the installation of screening and visual protection which notice shall provide sixty days for the installation of screening as required in this chapter. In the event that such screening is not

installed after sixty days from notice, failure to meet the requirements stated in this section shall constitute a violation of this chapter. (Ord. 17.N §3(part), 2000: Ord. 167 §4, 1985)

**15.24.050 Violation--Penalty.**

Any violation of the codes referenced herein shall constitute an infraction and shall be subject to a civil penalty in the amount prescribed in the general penalty provisions of the Brier Municipal Code for infractions. Failure to respond to a first infraction or a second or a subsequent violation of the same nature shall constitute a misdemeanor and shall be subject to the general fines and penalties as established by the Brier Municipal Code for misdemeanors. (Ord. 17.N §3(part), 2000: Ord. 167 §5, 1985)

**Chapter 15.28  
FLOOD DAMAGE PREVENTION**

**Sections:**

**ARTICLE I. GENERAL PROVISIONS**

- 15.28.010 Statutory authorization.**
- 15.28.020 Findings of fact.**
- 15.28.030 Statement of purpose.**
- 15.28.040 Methods of reducing flood losses.**
- 15.28.050 Definitions.**
- 15.28.060 Lands to which this chapter applies.**
- 15.28.070 Basis for establishing the areas of special flood hazard.**
- 15.28.080 Penalties for noncompliance.**
- 15.28.090 Abrogation and greater restrictions.**
- 15.28.100 Interpretation.**
- 15.28.110 Warning and disclaimer of liability.**

**ARTICLE II. ADMINISTRATION**

- 15.28.120 Development permit--Required.**
- 15.28.130 Development permit--Application.**
- 15.28.140 Local administrator--Designation.**
- 15.28.150 Local administrator--Duties and responsibilities.**
- 15.28.160 Appeal board.**
- 15.28.170 Conditions for variances.**

**ARTICLE III. CONSTRUCTION STANDARDS**

- 15.28.180 General standards.**
- 15.28.190 Anchoring.**

- 15.28.200 AH zone drainage.
- 15.28.210 Construction materials and methods.
- 15.28.220 Utilities.
- 15.28.230 Subdivision proposals.
- 15.28.240 Review of building permits.
- 15.28.250 Specific standards.
- 15.28.260 Residential construction.
- 15.28.270 Nonresidential construction.
- 15.28.280 Manufactured homes.
- 15.28.290 Recreational vehicles.
- 15.28.300 Before regulatory floodway.
- 15.28.310 Floodways.
- 15.28.320 Critical facility.

**ARTICLE IV. OTHER ORDINANCES/SAVINGS CLAUSE**

- 15.28.330 Conflicts--Savings.

**ARTICLE I. GENERAL PROVISIONS**

**15.28.010 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 city of Brier does ordain as set out in this chapter. (Ord. 187.B §1.1, 1999)

**15.28.020 Findings of fact.**

A. The flood hazard areas of the city of Brier 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.

B. 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. (Ord. 187.B §1.2, 1999)

**15.28.030 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:

- 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; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 187.B §1.3, 1999)

**15.28.040 Methods of reducing flood losses.**

In order to accomplish its purposes, 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 floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas. (Ord. 187.B §1.4, 1999)

**15.28.050 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 special flood hazard" means the land in the floodplain 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 "one-hundred-year flood." Designation on maps always includes the letters A or V.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Critical facility" means a facility 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, installations which produce, use or store hazardous materials or hazardous waste.

"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 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 15.28.260(B) of this chapter.

"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:

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 improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty 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 fifty 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 fifty 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 "historic structure"; provided, that the alteration will not preclude the structure's continued designation as a "historic structure".

"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 by reason of the intrinsic nature of its operations. (Ord. 187.B §2.0, 1999)

#### **15.28.060 Lands to which this chapter applies.**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Brier. (Ord. 187.B §3.1, 1999)

**15.28.070 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 City of Brier" dated November 8, 1999, 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 the City of Brier, 2901 - 228th Street S.W., Brier, WA 98036. The best available information for flood hazard area identification as outlined in Section 15.28.150(B) of this chapter shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 15.28.150(B). (Ord. 187.B §3.2, 1999)

**15.28.080 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 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. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than, or imprisoned for not more than, the amount then established as the maximum monetary fine and maximum imprisonment for gross misdemeanors for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city of Brier from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 187.B §3.3, 1999)

**15.28.090 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. (Ord. 187.B §3.4, 1999)

**15.28.100 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. (Ord. 187.B §3.5, 1999)

**15.28.110 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 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 city of Brier, 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. (Ord. 187.B §3.6, 1999)

## ARTICLE II. ADMINISTRATION

### **15.28.120 Development permit--Required.**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.28.070 of this chapter. The permit shall be for all structures including manufactured homes, as set forth in Section 15.28.050, Definitions, and for all development including fill and other activities, also as set forth in Section 15.28.050. (Ord. 187.B §4.1-1, 1999)

### **15.28.130 Development permit--Application.**

Application for a development permit shall be made on forms furnished by the city of Brier 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 foregoings. Specifically, the following information is required.

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.28.270 of this chapter; and
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Ord. 187.B §4.1-2, 1999)

### **15.28.140 Local administrator--Designation.**

The building inspector is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 187.B §4.2, 1999)

### **15.28.150 Local administrator--Duties and responsibilities.**

Duties of the building inspector 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 Section 15.28.310(A) of this chapter are met.

B. 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 15.28.070 of this chapter, Basis for Establishing the Areas of Special Flood Hazard, the local administrator 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 15.28.250 through 15.28.290, and Section 15.28.310, 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 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 subsection B of this section:

a. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and

b. Maintain the floodproofing certifications required in Section 15.28.130(C) of this chapter.

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. 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.

E. 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 15.28.160 of this chapter. (Ord. 187.B §4.3, 1999)

### **15.28.160 Appeal board.**

A. The city of Brier as established by the city council shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The city of Brier city council 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.

C. Those aggrieved by the decision of the city council, or any taxpayer, may appeal such decision to the Snohomish County superior court, as provided by city ordinance for appeals pursuant to writ of certiorari.

D. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. 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.

E. Upon consideration of the factors of subsection D of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The city council shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 187.B §4.4-1, 1999)

#### **15.28.170 Conditions for variances.**

A. 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 (1) through (11) in Section 15.28.160(D) have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

B. 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.

C. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. 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.

F. 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.

G. 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 subsection A of this section, and otherwise complies with Sections 15.28.190, 15.28.210 and 15.28.220 of the general standards in this chapter.

H. 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. (Ord. 187.B §4.4-2, 1999)

### **ARTICLE III. CONSTRUCTION STANDARDS**

#### **15.28.180 General standards.**

In all areas of special flood hazards, the standards set out in Sections 15.28.190 through 15.28.320 of this chapter are required. (Ord. 187.B §5.1, 1999)

#### **15.28.190 Anchoring.**

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

B. 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). (Ord. 187.B §5.1-1, 1999)

#### **15.28.200 AH zone drainage.**

Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures. (Ord. 187.B §5.1-2, 1999)

#### **15.28.210 Construction materials and methods.**

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. 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. (Ord. 187.B §5.1-3, 1999)

**15.28.220 Utilities.**

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

B. The proposed water well shall be located on high ground that is not in the floodway (WAC 173-160-171);

C. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; and

D. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 187.B §5.1-4, 1999)

**15.28.230 Subdivision proposals.**

A. All subdivision proposals shall be consistent with the need to minimize flood damage;

B. 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;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

D. 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 fifty lots or five acres (whichever is less). (Ord. 187.B §5.1-5, 1999)

**15.28.240 Review of building permits.**

Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 15.28.150(B) of this chapter), 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. (Ord. 187.B §5.1-6, 1999)

**15.28.250 Specific standards.**

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE on the community's FIRM) as set forth in Section 15.28.070, Basis for Establishing the Areas of Special Flood Hazard, or Section 15.28.150(B), Use of Other Base Flood Data (in A and V Zones), the following provisions are required. (Ord. 187.B §5.2, 1999)

**15.28.260 Residential construction.**

A. 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.

B. 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:

1. 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.

2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters. (Ord. 187.B §5.2-1, 1999)

**15.28.270 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:

A. 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;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

C. 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 15.28.150(C)(2) of this chapter;

D. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 15.28.260(B) of this chapter;

E. 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). (Ord. 187.B §5.2-2, 1999)

**15.28.280 Manufactured homes.**

A. All manufactured homes to be placed or substantially improved on sites: (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision, or (4) 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.

B. 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 be elevated so

that either:

1. The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation; or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement. (Ord. 187.B §5.2-3, 1999)

#### **15.28.290 Recreational vehicles.**

Recreational vehicles placed on sites are required to either:

- A. Be on the site for fewer than one hundred eighty consecutive days;
- B. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
- C. Meet the requirements of Section 15.28.280 of this chapter and the elevation and anchoring requirements for manufactured homes. (Ord. 187.B §5.2-4, 1999)

#### **15.28.300 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, 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. (Ord. 187.B §5.3, 1999)

#### **15.28.310 Floodways.**

Located within areas of special flood hazard established in Section 15.28.070 of this chapter 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:

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 fifty 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 shall not be included

in the fifty 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 Article III of this chapter. (Ord. 187.B §5.4, 1999)

**15.28.320 Critical facility.**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (one-hundred-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 five-hundred-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. (Ord. 187.B §5.7, 1999)

**ARTICLE IV. OTHER ORDINANCES/SAVINGS CLAUSE**

**15.28.330 Conflicts--Savings.**

The purpose of this chapter is to establish standards for flood damage prevention and participation in the National Flood Insurance Program. In the event of a conflict with any part or portion of any ordinance enacted by the city or agreement with any other jurisdiction, including, without limitation, ordinances establishing sensitive areas and sensitive areas map; Lyon and McAleer Basin studies and standards; interlocal agreement between city of Brier and Snohomish County and city of Mountlake Terrace with respect to water quality and flooding matters; State Environmental Policy Act standards and designations; zoning code; or comprehensive plan, the more restrictive shall apply. If any part or portion of this chapter is declared invalid for any reason, such declaration of invalidity shall not affect any remaining portions. (Ord. 187.B §6.0, 1999)

**Chapter 15.32  
NORTHWEST ENERGY CODE  
(Repealed by Ord. 17.N)**