

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

Ordinance NO. 2021- 003

WHEREAS, The health and safety of the people of Kittitas County is of great concern to the Board of Kittitas County Commissioners; and

WHEREAS, In February of 2021, the Washington State Building Code Council completed adoption of the 2018 International Building Code, Residential Code, Mechanical Code, Fire Code, Uniform Plumbing Code and Washington State Energy Code, Wildland Urban Interface Code and Swimming Pool and Spa Code, all with Washington State Amendments and requires all Cities and Counties to have in effect these codes; and

WHEREAS, The aforementioned building codes with State amendments are mandated by the State to become effective February 1, 2021; and

WHEREAS, Kittitas County has previously adopted the International Property Maintenance Code; and

WHEREAS, A copy of each code proposed for adoption by reference was filed with the Kittitas County Auditor at least 10 days before the potential adoption; and

WHEREAS, 10-days' notice was given before the public hearing; and

WHEREAS, A public hearing was held on March 2nd, 2021 to consider the adoption of the International Codes with Washington State Amendments; and

WHEREAS, At said public hearing the Kittitas County Building Official presented Item 30, "Conditioned Crawlspace 2018 I-Code", as new policy allowing conditioned crawlspaces for the purpose of providing additional measures available to meet Washington State 2018 Energy Code Requirements; and

WHEREAS, At said public hearing, the Board of County Commissioners adopted the aforementioned building and fire life-safety codes; and

NOW, THEREFORE, BE IT ORDAINED, that the Board of County Commissioners, after due deliberation and in the best interest of the public, does hereby approve the amendments to Title 14, Title 18 and Title 20 of Kittitas County Code as rewritten, the red-line version to which is shown on Attachment A, Attachment B and Attachment C.

BE IT FURTHER ORDAINED, that the Prosecuting Attorney's Office is charged with correcting any scrivener's errors it notices and determines arose out of the amendment and enactment process. No further authorization will be required from the Board of County Commissioners for the Prosecuting Attorney's Office to effect correction of scrivener's errors relating to this Ordinance and the Prosecutor's Office shall direct Information Technology to make such needed corrections.

ADOPTED this 2nd day of March, 2021

**BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**


Brett Wachsmith, Chairman

ABSENT

Laura Osiadacz, Vice-Chairman


Cory Wright, Commissioner



ATTEST:

- Clerk of the Board- Julie Kjorsvik
- Deputy Clerk of the Board- Mandy Buchholz



APPROVED AS TO FORM:

Neil Caulkins, Deputy Prosecuting Attorney

Attachment A

Chapter 14.04 BUILDING CODE

Sections

- [14.04.010](#) Adoption of referenced codes.
- [14.04.020](#) General requirements.
- [14.04.030](#) Building relocation - Applicant.
- [14.04.040](#) Mobile, manufactured, and modular homes.
- [14.04.045](#) Recreational Vehicles and Park Model Trailers.
- [14.04.046](#) Other factory built dwellings.
- [14.04.050](#) Dry cabins.
- [14.04.055](#) Small Residential Structures.
- [14.04.060](#) Fees.
- [14.04.070](#) Permits.

14.04.010 Adoption of referenced codes.

Kittitas County hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27 for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures.

1. The International Building Code (IBC), ~~2015~~2018 Edition, published by the International Code Council as adopted and amended by the State of Washington in Chapter 51-50 WAC; with the following adopted appendices and amendments:
 - a. Appendices
 - i. Appendix C: Agricultural Buildings
 - b. Amendments
 - i. Section 105.2 Work Exempt from Building Permit.
 1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet, is not used as habitable space and does not contain plumbing or mechanical. Square footage is determined by the dimensions to the outside of the exterior walls or posts and any usable space under the roof overhang or cantilever greater than 24". Any area built into the roof system higher than 36" shall be considered in the square footage total. The distance between structures on the same lot shall be ten (10) feet otherwise they will be considered the same building and total square footage includes both structures. All accessory structures must meet all zoning and building setbacks, and must comply with the requirements of KCC Title 17A (Critical Areas) and KCC Chapter 14.08 (Flood Damage Prevention).

- 2. Other exemptions as specified in Section 105.2.
- ii. Section 105.3.2 Expiration of Application
 - 1. If, after a plan review has been initiated, an application for building permit requires corrections, a letter will be sent notifying the applicant of those items necessary to complete the review of the application and that the application will expire 180 days from the date of notification if the corrections are not submitted or are not adequate to resolve the corrections items listed. The Building Official is authorized to grant one extension, not to exceed 365 days. The extension shall be requested in writing, prior to permit application expiration, and justifiable cause shall be demonstrated. Fees for extension shall be established by resolution. If expired, the application becomes null and void and the deposit is forfeited.
 - 2. After a plan review has been completed, a letter will be sent notifying the applicant that the permit is ready for issuance and that if not purchased 180 days from the date of notification, the application will expire. The Building Official is authorized to grant one extension, not to exceed 365 days. The extension shall be requested in writing, prior to permit expiration, and justifiable cause shall be demonstrated. Fees for extension shall be established by resolution. If expired, the application becomes null and void and, the deposit is forfeited. ~~If a completed application expires and the deposit is less than the plan review fee, the applicant is responsible for any outstanding balance and an invoice will be sent to the property owner of record.~~
- iii. ~~Section 113 Board of Appeals~~
 - ~~2.1. All appeals shall be heard by the Kittitas County Hearings Examiner.~~
- 2. The International Residential Code (IRC), ~~2015~~2018 Edition, published by the International Code Council as adopted and amended by the State of Washington in Chapter 51-51 WAC; with the following adopted amendments:
 - a. Amendments
 - i. Section R105.2 Work Exempt from Building Permit
 - 1. One-story detached accessory structures provided the floor area does not exceed 200 square feet, is not used as a habitable space and does not contain plumbing or mechanical. ~~Square footage is determined by the dimensions to the outside of the exterior walls or posts and any usable space under the roof overhang or cantilever greater than 24". Any area built into the roof system higher than 36" shall be considered in the square footage total. The distance between structures on the same lot shall be ten (10) feet otherwise they will be considered the same building and total square footage includes both structures.~~ All accessory structures must meet all zoning and building setbacks and must comply with the requirements of KCC Title 17A (Critical Areas) and KCC Chapter 14.08 (Flood Damage Prevention).
 - 2. Platforms, sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below.
 - 3. Other exemptions as specified in Section 105.2.
 - ii. Section R105.3.2 Expiration of Application
 - 1. If, after a plan review has been initiated, an application for building permit requires corrections, a letter will be sent notifying the applicant of those items necessary to complete the review of the application and that the application will

expire 180 days from the date of notification if the corrections are not submitted or are not adequate to resolve the corrections items listed. The Building Official is authorized to grant one extension, not to exceed 365 days. The extension shall be requested in writing, prior to permit application expiration, and justifiable cause shall be demonstrated. Fees for extension shall be established by resolution. If expired, the application becomes null and void and the deposit is forfeited.

2. After a plan review has been completed, a letter will be sent notifying the applicant that the permit is ready for issuance and that if not purchased 180 days from the date of notification, the application will expire. The Building Official is authorized to grant one extension, not to exceed 365 days. The extension shall be requested in writing, prior to permit expiration, and justifiable cause shall be demonstrated. Fees for extension shall be established by resolution. If expired, the application becomes null and void and, the deposit is forfeited. ~~If a completed application expires and the deposit is less than the plan review fee, the applicant is responsible for any outstanding balance and an invoice will be sent.~~

iii. Section 112 Board of Appeals

2.1. All appeals shall be heard by the Kittitas County Hearings Examiner.

3. The International Mechanical Code (IMC), 20152018 Edition, published by the International Code Council as adopted and amended by the State of Washington in Chapter 51-52 WAC; including the adoption of and amendments to the 20152018 International Fuel Gas Code (IFGC), the 20152017 National Fuel Gas Code (NFPA 54) and the 20152018 Liquefied Petroleum Gas Code (NFPA 58).
4. The International Fire Code (IFC), 20152018 Edition, published by the International Code Council as adopted and amended by the State of Washington in Chapter 51-54A WAC; 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. The following appendices and amendments are specifically adopted:
 - a. Appendices
 - i. Appendix B: Fire Flow for Buildings
 - ii. Appendix C: Fire Hydrant Locations and Distribution
 - iii. Appendix D: Fire Apparatus Access Roads
 - iv. Appendix E: Hazard Categories
 - v. Appendix F: Hazard Ranking
 - vi. Appendix G: Cryogenic Fluids-Weight and Volume Equivalents
In case of conflict among the codes enumerated in subsections 1, 2, 3, and 4 of this section, the first named code shall govern over those following.
 - ~~— Appendix H: Hazardous Materials management Plan and Hazardous Materials Inventory Statement~~
 - ~~— Appendix I: Fire Protection Systems— Noncompliant Conditions~~
 - vii. ~~Appendix J: Building Information Signs~~
 - b. Amendments
 - i. ~~Chapter 45: Referenced Standards~~Section R109 Board of Appeals
 1. ~~NFPA standard reference numbers as follows:~~ All appeals shall be heard by the Kittitas County Hearings Examiner.

1. ~~NFPA13-16: "Installation of Sprinkler Systems" to replace prior edition NFPA13-07.~~
 2. ~~NFPA13D-16: "Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes" to replace prior edition NFPA13D-07.~~
 3. ~~NFPA13R-16: "Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height" to replace prior edition NFPA13R-07.~~
 4. ~~NFPA72-16: "National Fire Alarm Code" to replace prior edition NFPA72-07.~~
- ii. ~~Appendix B: Fire Flow for Buildings to be amended as follows:~~
1. ~~Agricultural buildings used for the sole purpose of agricultural processing may be exempt from fire flow requirements if the following conditions are met:~~
 1. ~~A monitored early detection system in compliance with current codes is installed and maintained;~~
 2. ~~The separation from other buildings and combustible materials, including hay piles by a minimum of 60 feet shall be continuously maintained;~~
 3. ~~Building size shall be limited to SEPA threshold requirements;~~
 4. ~~Occupancy shall be limited to a maximum of five (5) persons; and~~
 5. ~~1. Compliance with all applicable codes~~
5. The Uniform Plumbing Code (UPC), ~~2015~~2018 Edition, published by the International Association of Plumbing and Mechanical Officials as adopted and amended by the State of Washington in Chapter 51-56 WAC and Chapter 51-57 WAC.
 6. The Washington State Energy Code, ~~2015~~2018 Edition, as set forth in Chapter 51-11 WAC , Chapter 51-11C WAC (Commercial) and Chapter 51-11R (Residential)
 7. The International Property Maintenance Code (IPMC), ~~2015~~2018 Edition, as published by the International Code Council.
 8. The International Wildland Urban Interface Code (~~WUI Code~~), most current edition, as published by the International Code Council; with the following adopted appendices and amendments:
 - a. Appendix B: Vegetation Management Plan
 - b. Appendix C: Fire Hazard Severity Form
 - c. Amendments to the Wildland Urban Interface code specific to Kittitas County shall be located in KCC Title 20.
 9. The International Swimming Pool and Spa Code (ISPSC) ~~2015~~2018 Edition as published by the International Code Council.

(~~Ord. 2021-xxx, 2021~~; Ord. 2018-005, 2018; Ord. 2017-001, 2017; Ord. 2016-012, 2016; Ord. 2013-013, 2013; Ord. 2013-006, 2013; Ord. 2011-001, 2011; Ord. 2010-010, 2010; Ord. 2010-003, 2010; Ord. 2008-22, 2008; Ord. 2007-29, 2007; Ord. 2007-19, 2007; Ord. 2004-18, 2004; Ord. 98-23, 1998; Ord. 95-7, 1995; Ord. 93-4, 1993; Ord. 92-29, 1992; Res. 84-29, 1984)

14.04.020 General requirements.

1. Conflict between Codes: Whenever there is a conflict between a Referenced Code in Section 14.04.010 of this code and the General Requirements contained in Section 14.04.020 of this code, the General Requirements shall apply.
2. Table R301.2(1), Climatic and Geographic Design Criteria, of the International Residential Code, is amended as follows:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY ¹	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ²	ICE BARRIER UNDERLAYMENT REQUIRED ³	FLOOD HAZARDS ⁴	AIR FREEZING INDEX ⁵	MEAN ANNUAL TEMP ⁶
	Speed ^a (mph)	Topographic effects ^a	Special wind region ¹	Windborne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c					
Case study (min. 30 psf roof)	110 V uill	NO	NO	NO	C, D0, D1 ²	Severe	24"	Slight to Moderate	2° F	Yes	Date Entered Into NFIP: 9/1979, Date of Current FIRMs Maps	1,000-2,000	50°F

- 1. All snow loads are site specific and shall be determined by the Building Official.
- 2. The seismic design category between C, D0 and D1 will be determined on a site-specific basis.
- For S₁-1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.
- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(3). The grade of masonry units shall be determined from ASTM C-34, C-55, C-62, C-73, C-90, C-129, C-145, C-216 or C-652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(1)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97^{1/2}-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experiences determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.3.1.
- g. The jurisdiction shall fill in this part of the table with: (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBfMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.1.2, R905.4.2.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air-freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99-percent) value on the National Climatic Data Center data table "Air-Freezing Index-USA Method (Base 32°F)."
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air-Freezing Index-USA Method (Base 32°F)."
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2(4)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2.1, the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY ¹	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ²	ICE BARRIER UNDERLAYMENT REQUIRED ³	FLOOD HAZARDS ⁴	AIR FREEZING INDEX ⁵	MEAN ANNUAL TEMP ⁶
	Speed ^a (mph)	Topographic effects ^a	Special wind region ¹	Windborne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c					
Case study (min. 30 psf roof)	110 V uill	No	No	No	C, D0, D1 ²	Severe	24"	Slight to Moderate	2° F	Yes	Date Entered Into NFIP: 9/1979, Date of Current FIRMs Maps Adopted: 5/5/1981	1,000-2,000	50°F
MANUAL J DESIGN CRITERIA:													
Elevation Ebensburg AP		Latitude		Winter heating	Summer cooling	Altitude correction factor		Indoor design temperature	Design temperature cooling		Heating temperature difference		
1760		47		8	91	0.94		72	75		70		

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Cooling temperature difference	Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range	Winter humidity	Summer humidity
16	=	=	64	High	=	=

¹ All snow loads are site specific and shall be determined by the Building Official.

² The seismic design category between C, D0 and D1 will be determined on a site-specific basis.

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible," "moderate," or "severe" for concrete as determined from Figure R301.2(4). The grade of masonry units shall be determined from ASTM C34, C55, C67, C73, C90, C120, C145, C216 or C852.
- b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map (Figure R301.2(5)A). Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97.1/2-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official. (Also see Figure R301.2(1)1).
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (8F-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2(5)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.
- o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R301.2(6).

3. Professional Preparation of Plans: Kittitas County shall require a Washington State licensed design professional, licensed under the provisions of RCW 18.08, WAC 308-12 (for Architects) or RCW 18.43 (for Engineers) to stamp, prepare or oversee the preparation of plans and calculations for buildings or structures when ANY of the following criteria are met but is not limited to the following:
 - a. A building of any occupancy over 4,000 square feet.
Exception: residential buildings that do not contain more than 4 dwelling units; ~~farm buildings of any size associated with commercial agriculture~~; buildings such as garages, sheds, barn or shelters for animals and machinery that are ~~used in connection with or auxiliary to farm buildings, or in connection with or~~ accessory to residential buildings of four dwelling units or less.
 - b. Buildings containing five or more residential dwelling units.
Exception: buildings less than 4000 square feet.
 - c. All log and timber frame structures and log and timber frame structural components. This includes any log or beam style trusses used in stick framed buildings.
 - d. All structures located above 70-psf ground snow load that are regulated by the International Residential Code.

- e. All structures located above 50-psf ground snow load that are regulated by the International Building Code.
4. Permit application and construction plan submittal: All submitted construction documents must be of sufficient detail and clarity to indicate the nature and extent of the work proposed. The amount of detail required will vary, depending on the nature and complexity of the project. Buildings and structures require site plans, floor plans, foundation plans, roof framing plans, elevations, cross sections and construction details at a minimum. Additional documentation such as truss engineering, lateral and gravity calculations, energy code information, etc. may also be required. Building permit applications and drawings deemed incomplete by Kittitas County Community Development Services will not be accepted. The following are minimum submittal standards for construction drawings:
- a. Plans drawn to a minimum of 1/4" scale on minimum page size of 11" x 17".
 - b. Plans must have clear and readable text.
 - c. Permit application in compliance with RCW 19.27.095 and RCW 19.27.097.
 - d. Prior to submittal of a building permit application, a completed and approved Preliminary Site Analysis shall be obtained for each lot. A copy shall be submitted with the building permit documents. A Preliminary Site Analysis for new developments may be grouped together per requirements developed by CDS policy.
 - e. Each parcel or lot a building permit application is submitted for must have a parcel number and address prior to permit submittal.
5. Recorded easements: The applicant shall identify all recorded easements on the construction documents submitted with the permit application. The permit application shall also include a copy of recorded easements along with the site plan as required by Section R106.2 of the IRC. All existing easements, rights-of-way, well protections zones, etc. shall be identified on the site plan and considered for the placement of buildings, septic systems, roadways, and other infrastructure. The location of all easements on the site plan shall be the responsibility of the applicant.
6. All building permits for structures to be located within the Bowers Field Overlay Zoning District as boundary defined by Kittitas County shall first be approved by the Airport Director prior to application submittal.

Without these minimum standards, an application cannot be accepted.

(Ord. 2021-xxx, 2021; Ord. 2018-001, 2018; Ord. 2016-023, 2016; Ord. 2016-012, 2016; Ord. 2015-010, 2015; Ord. 2013-006, 2013; Ord. 2010-003, 2010; Ord. 2009-15, 2009; Ord. 2008-22, 2008; Ord. 2007-29, 2007; Ord. 2004-18, 2004)

14.04.030 Building relocation. – Applicant.

- 1) Applicant must furnish to Kittitas County a bond, cashier's check or certified check in the sum of 1000.00 for houses and/or \$500.00 for outbuildings in addition to hourly plan review fee and a \$.30 per square foot of usable space regardless of the classification of the structure. The applicant must also submit an application for placement of the structure following and adhering to the adopted permit process and code requirements. Bond funds will be held by Kittitas County until the following conditions are met: Buildings moved to or within Kittitas County shall require

~~a building permit and must meet current snow load and will require engineering to prove snow load.~~

- a) Appropriate inspections ~~have been~~shall be approved by the building department for setback requirements, foundation, structural, mechanical, plumbing, life safety, energy, ventilation and fire codes.
- b) Electrical approval shall be made by the Washington State Department of Labor and Industries.
- c) Final access approval ~~must~~shall be made by the Kittitas County Department of Public Works prior to the issuance of a certificate of occupancy or use of the structure.
- d) Final approval for potable water and sewage disposal from the Kittitas County Environmental Health Department is required prior to the issuance of a certificate of occupancy or use of the structure.

~~2) The structure must be completed as described in subsection (1) of this section within 365 days of the issuance of the building permit. If not completed, then the Building Official shall revoke the refund of the bond. This bond may then be utilized for the removal of the structure and any costs in excess of the bond amount shall be charged to the owner of record. The Building Official is authorized to grant one extension, not to exceed 365 days. The extension shall be requested in writing, prior to permit expiration, and justifiable cause shall be demonstrated. Fees for extension shall be established by resolution. If approved, any extension may occur only once.~~

~~3) The bond shall be held for 10 days from the date of compliance pursuant to KCC 5.16.070.~~

~~4) Refer to Chapter 5.16 KCC for definitions including other requirements for building relocation.~~

(Ord. 2021-xxx, 2021; Ord. 2017-001, 2017; Ord. 2013-006, 2013; Ord. 2010-003, 2010; Ord. 2008-22, 2008; Ord. 2007-29, 2007; Ord. 2004-18, 2004; Ord. 98-23, 1998)

14.04.040 Mobile, manufactured, and modular homes.

1. Definitions:

- a) "Mobile home" is a factory built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the State. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. A mobile home (pre June 15, 1976) from outside Kittitas County cannot be brought into Kittitas County; however, a mobile home may be moved from one site to another within Kittitas County if a fire & life safety inspection is first performed and approved by Washington State Department of Labor and Industries.
- b) "Manufactured home" is a single family dwelling built after June 15, 1976 and according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home means a structure designed and constructed to be transportable in one or more sections, and is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. (See also RCW 46.04.302 and RCW 43.22.335):

- c) "Modular home" means a factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating and electrical systems contained therein, does not contain its own running gear and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home.
2. All manufactured, mobile or modular homes shall meet area specific snow load requirements. Snow load requirements shall be determined in the same method utilized for stick framed homes by the Building Official. If the home does not meet the site specific snow load, a snow roof shelter designed to meet the snow load may be constructed over it. A permit for the snow roof must be issued prior to or concurrent with the permit for the placement of the manufactured, mobile or modular home. The roof shelter must be completed and the permit finalized within 90 days of issuance regardless of the status of the manufactured, mobile or modular home placement permit.
3. All mobile, manufactured or modular homes to be located in a Flood Hazard area shall comply with [KCC Chapter 14.08](#) (Flood Damage Prevention).
4. All mobile, manufactured or modular homes located in a Wildland Urban Interface area, as determined by Kittitas County, shall comply with the provisions of the current adopted International Wildland -Urban Interface Code per [KCC 14.04.010](#) (8)
5. All mobile and manufactured homes are State inspected dwellings and shall be placed on foundation systems that meet the requirements per the manufacturer's installation instructions or if the manufacturer is not specific, then to the standards listed in [Chapter 296-150I WAC](#). All footings, foundations, skirting, landings, additions and other external appendages shall be inspected and approved by Kittitas County prior to occupancy.
6. Mobile and manufactured homes may be placed on stands or blocked in accordance with the manufacturer's installation instructions and skirted with materials approved for ground contact or below grade applications. Either of these dwellings placed on a basement shall require engineering. All alterations to a mobile or manufactured home shall require a permit through Washington State Department of Labor and Industries.
7. All modular home footings shall be designed by an engineer and specific to the home.
8. Any additions to a mobile, manufactured or modular home shall be by separate permit through Kittitas County. An additional permit may also be required by the Washington State Department of Labor and Industries.

(Ord. 2015-010, 2015; Ord. 2008-22, 2008; Ord. 2007-29, 2007; Ord. 2004-18, 2004; Ord. 98-23, 1998; Ord. 80-2 § 3, 1980; Ord. 71-3 § 2, 1971)

14.04.045 Recreational Vehicles and Park Model Trailers.

1) Definitions

- a) "Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes. An RV does not include a park model trailer for purposes of this section. A recreational vehicle is not considered a mobile or manufactured home and is not constructed to the International Building Code standards. A recreational vehicle has an approval insignia from a state licensing authority. For the purposes of this code section, an

insignia is defined as an official emblem of proof of construction to the state standards in the state it was constructed and does not include a license plate.

- b) Park model trailer, "recreational park trailer" is a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:
 - c) Built on a single chassis, mounted on wheels;
 - d) Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode;
 - e) A park model trailer does not include a modular home, a mobile home, or manufactured home
- 2) A park model trailer may not be placed anywhere within the County, unless it is used as a primary residence and is located in manufactured/mobile home community as defined in RCW 59.20.030 that was in existence before June 8, 2008, except that a park model trailer may be used as a special care dwelling unit per KCC 17.08.500. Placement of park model trailer is further restricted in KCC 14.08.295 and KCC 14.08.310. Additionally, such placement shall be conditioned upon meeting all the requirements placed upon a ~~mobile and/or~~ manufactured home in the same location.
- 3) All park model trailers shall meet area specific snow load requirements. Snow load requirements shall be determined in the same method utilized for stick framed homes by the Building Official. If the park model trailer does not meet the site specific snow load, a snow roof shelter designed to meet the snow load may be constructed over it. A permit for the snow roof must be issued prior to or concurrent with the permit for the placement of the park model trailer. The roof shelter must be completed and the permit finalized within 90 days of issuance regardless of the status of the park model trailer placement permit.
- 4) All park model trailers located in a Wildland Urban Interface area, as determined by Kittitas County, shall comply with the provisions of the current adopted International Wildland-Urban Interface Code per KCC 14.04.010(108)
- 5) All park model trailers are State inspected dwellings and shall be placed on foundation systems that meet the requirements per the manufacturer's installation instructions or if the manufacturer is not specific, then to the standards listed in Chapter 296-150P WAC. All footings, foundations, skirting, landings, additions and other external appendages shall be inspected and approved by Kittitas County prior to occupancy.
- 6) A park model trailer may be placed on stands or blocked in accordance with the manufacturer's installation instructions and skirted with materials approved for ground contact or below grade applications. Otherwise the park model must be placed on a basement or poured concrete foundation and such placement shall require engineering. Alterations to a park model trailer are prohibited.
- 7) Additions to a park model are prohibited.
- 8) An RV may not be used as a residence, except if it is a primary residence and is located in a manufacturer/mobile home community as defined in RCW 59.20.030 that was in existence before June 8, 2008, except that a park model trailer may be used as a special care dwelling unit per KCC 17.08.500. Such placement shall be conditioned upon meeting all the requirements placed upon ~~a park models, mobile and/or~~ manufactured home in the same location.
- 9) Except as provided in KCC 17.92.010, unless an RV is being used as a primary residence pursuant to subsection (7) above, an RV may be used for no more than four (4) weeks out of any six (6)

weeks and shall be fully licensed and ready for highway at all times. An RV must be disconnected from utilities during the weeks that it is not in use.

10) A park model trailer must be connected to government approved utilities during use.

(Ord. 2021-xxx, 2021; Ord. 2015-010, 2015; Ord. 2010-002, 2010)

14.04.046 Other factory built dwellings.

1. Factory built dwellings that are not certified as having been constructed to HUD Standards are prohibited.
2. This section shall not apply to mobile, manufactured, and modular homes as defined in KCC 14.04.040 .
3. This section shall not apply to recreational vehicles and park model trailers as defined in KCC 14.04.045.

(Ord. 2015-010, 2015; Ord. 2010-002, 2010)

14.04.050 Dry cabins.

- 1) Dry cabins may be utilized as recreational dwelling units and may be located only in those remote areas where electrical power is not available. They may be utilized for no more than 90 days per year. The Building Official shall make the final determination regarding locations that qualify. These cabins shall have the following requirements and/or restrictions:
 - a) A permit shall be required including critical areas approval before construction proceeds. Structural aspects will be enforced as with any other permitted building. Fire and life safety issues such as roof covering, solid fuel or gas appliance location and installation and smoke detectors shall apply as with any other habitable structure.
 - b) The usable floor space shall be no less than 121 square feet and no more than 800 square feet of living area and not more than 200 additional square feet of attached garage or accessory use area. If the cabin has a loft area that could be utilized for sleeping purposes it must have an egress window as defined in the current adopted edition of the IRC. If heated with propane or oil, minimum insulation requirements will be required.
 - c) Dry cabins shall be provided with either a privy or composting toilet for which a permit will also be required from the Kittitas County Environmental Health Department.
- 2) Only under special circumstances and by decision of the Building Official, in its entirety, shall decisions conflicting with this policy be made.
- 3) Dry cabins may be constructed of alternative materials as approved by the Building Official. Factory assembled structures are not included in this category.
- 4) Habitable dry cabins intended for recreational use may be unheated.
- 5) Dry cabins located within the area designated as a Wild-Land Urban Interface area shall comply with the Wild-Land Urban Interface code with the following exception:
 - a) Properties may be exempt from the sprinkler requirement, upon Fire Marshal approval. All other applicable Wild-Land Urban Interface Codes shall apply.

(Ord. 2021-xxx, 2021; Ord. 2017-001, 2017; Ord. 2010-003, 2010; Ord. 2008-22, 2008; Ord. 2007-29, 2007; Ord. 2004-18, 2004; Ord. 98-23, 1998)

14.04.055 Small Residential Structures.

1. Every structure built for habitable purposes with access to water or electricity, and which is less than two hundred (200) square feet, shall be considered a "small residential structure" and will require a building permit per standards of International **BuildingResidential** Code and KCC Title 13 and KCC Title 14. All other provisions of the structural, fire and life-safety codes regulated by the IRC or HUD and Washington State shall also be met. Minimum room sizes, dimensions and fixtures shall be per the current adopted building Code. Small residential structures on wheels shall be classified as Recreational Vehicles **and shall bear the insignia of a state agency**, see KCC 14.04.045.

(**Ord. 2021-xxx, 2021**; Ord. 2016-xxx; Ord. 2015-010, 2015; Ord. 2014-015, 2014)

14.04.060 Fees.

- 1) All Kittitas County Community Development Service permit fees shall be established by resolution.
- 2) Investigation Fees: Work without a Permit
 - a) Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
 - b) An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the building permit fee. This fee is an additional, punitive fee and shall not apply to the Permit Fees that may subsequently be issued. Payment of the investigative fee does not vest the illegal work with any legitimacy, nor does it establish any right to a Permit for continued development of that project. If the work done remains illegal for 90 days after service of the Stop Work Order, it shall be considered hazardous.
 - c) The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
- 3) Fee Refunds
The Building Official may authorize the refunding of:
 - a) **Up to** 100% of any fee erroneously paid or collected.
The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permit**tee holder** not later than 180 days after the date of fee payment.

(**Ord. 2021-xxx, 2021**; **Ord. 2010-003**, 2010; Ord. 2008-22, 2008; Ord. 2004-18, 2004; Ord. 98-23, 1998; Ord. 94-14, 1994; Res. 81-5, 1981; Res. 71-15, 1971; Res. 71-6, 1971; Ord. 71-3 § 5, 1971)

14.04.070 Permits.

1. Except as specified in **KCC 14.04.010** (work exempt from permit), no building or structure shall be erected, placed, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from Kittitas County Community Development Services.

2. The building permit or copy thereof shall be kept on the site of the work until the completion of the project.
3. It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide safe access to and means for inspection of such work.
4. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portions shall not be covered or concealed until authorized by the building official.
5. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of Kittitas County. Certificates presuming to give authority to violate or cancel provisions of this code or other ordinances of Kittitas County shall not be valid.
 1. Exception: Certificates of occupancy are not required for work exempt from permits.
 2. Exception: Certificates of occupancy are not required for accessory buildings or structures. (All structures require a final inspection).
6. All permits shall expire by limitation and be declared void if any one of the following apply:
 1. Work is not started within 365 days of obtaining a permit.
 2. Work is abandoned for 365 days or more after beginning work.
 3. An inspection and approval of work completed has not been performed by Kittitas County Community Development Services for 365 days.
7. The Building Official is authorized to grant one or more extensions, not to exceed 365 days per extension, except, building permits obtained as a result of a Code Enforcement violation may be granted no more than one extension. The extension shall be requested in writing, prior to permit expiration, and justifiable cause shall be demonstrated. Fees for extension shall be established by resolution.
8. If a permit has expired, a new permit may be obtained for one-half the amount of the original permit fee(s), plus issuance fees, provided no changes have been made or will be made in the original construction documents for such work, and provided further that the permit was reviewed under the current adopted codes. If the permit is renewed under a previous adopted code cycle, a plan review must be completed and charged at the current full building permit rate. If construction has or, will, deviate from the original permit, a revisions permit must be submitted, approved and issued in addition to renewal of the expired permit. Fees shall be established by resolution.
9. The Building Official, or designee, is authorized to perform a final inspection and issue a Certificate of Occupancy on an expired permit, provided that all building inspections have been successfully completed to include Water Metering that has been installed, inspected and approved and Access and Septic approvals have been completed except for the final inspection. The Building Official may require a re-inspection fee. A re-inspection fee shall be established by resolution.

| ([Ord. 2021-xxx, 2021](#); Ord. 2016-012, 2016; Ord. 2013-006, 2013; Ord. 2010-003, 2010; Ord. 2009-05, 2009; 2008-22, 2008; Ord. 2004-18, 2004; Ord. 98-23, 1998; Ord. 9414, 1994; Ord. 80-2 § 5, 1980; Ord. 71-3 § 6, 1971)

Attachment B

Title 18 | CODE ENFORCEMENT

Chapters

- 18.01 General Provisions
 - 18.02 Infraction Corrective Orders
 - 18.04 Infraction Hearings
 - 18.05 Penalties
 - 18.06 Legal Provisions
 - 18.07 Special Provision for Enforcement of Title 17B ~~Shorlines~~Shorelines
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Chapter 18.01

GENERAL PROVISIONS

Sections

- 18.01.010 Applicability.
- 18.01.020 Enforcement.
- 18.01.040 Infractions designated.
- 18.01.050 Crimes designated.
- 18.01.060 Inspection.

18.01.010 Applicability.

1. This Title shall apply to the enforcement of Kittitas County ordinances and codes, related to building, zoning, fire, and environmental health and safety, the violation of which either injures or endangers the comfort, repose, health, or safety of others are hereby declared a public nuisance:
 - a. Title 5 Kittitas County Code (KCC), Business Licenses ~~Andand~~ Regulations;
 - b. Title 8 KCC, Health, Welfare, and Sanitation;
 - c. Title 12 KCC, Roads and Bridges;
 - d. Title 13 KCC, Water and Sewers;
 - e. Title 14 KCC, Buildings and Construction;
 - f. Title 15 KCC, Environmental Policy;
 - g. Title 16 KCC, Subdivisions;
 - h. Title 17 KCC, Zoning;
 - i. Title 17A KCC, Critical Areas;
 - j. Title 17B KCC, Shorelines;
 - k. Title 20 KCC, Fire and Life Safety; and
 - l. All Kittitas County Health Ordinances and Codes, including but not limited to, Solid Waste Ordinance(s).

2. This Title shall also apply to the following additional public nuisances:
 - a. Any public nuisance as defined by Washington State Statute or set forth in Washington case law;
 - b. Any attractive nuisance whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and junk vehicles, as defined in this chapter; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard;
 - c. The existence of any dead, diseased, infested, or dying trees which may constitute a danger to property or persons;
 - d. The existence of any tree, shrub or foliage, unless by consent of the county, which is apt to destroy, impair, interfere or restrict:
 - i. Roads, sidewalks, sewers, utilities or other public improvements, or
 - ii. Visibility, or free use of, or access to such improvements.
 - e. The existence of any vines or climbing plants growing into or over any road, public hydrant, pole or street light, or the ~~existing~~existence of any shrub, vine or plant growing on, around, or in front of any hydrant, stand pipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof, or impair the access thereto;
 - f. The existence of a sidewalk or portion of a sidewalk adjacent to any premises which sidewalk is out of repair, and in a condition to endanger persons or property, or in a condition to interfere with the public convenience and the use of such sidewalk;
 - g. The existence of any obstruction (including snow or ice that has been plowed into or across a road, alley, crossing or sidewalk) to a road, alley, crossing or sidewalk, which is by ordinance prohibited, or which is made without lawful permission, or which having been made by lawful permission, is kept and maintained after the purpose therefore has been accomplished, and for an unreasonable length of time;
 - h. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any road, alley, sidewalk, park, parkway, or other public or private place in the county, any one or more of the following: disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions, or objects;
 - i. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal, tires, articles, broken stone or cement, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or receptacles;
 - j. Any trash, litter, rags, accumulations, or empty barrels, boxes, crates, packing cases, mattresses, bedding, straw or other packing materials, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply, or which may be a fire hazard;
 - k. The depositing or burning or causing to be deposited or burned in any road, alley, sidewalk, park, parkway, or other public place which is open to travel, any hay, straw, paper, wood, boards, boxes, leaves, manure, or other rubbish or materials;
 - l. The existence of any pits, potholes, or holes which would endanger safety;
 - m. The existence of any conditions that would produce dust or noxious odors; provided, that nothing herein shall be prohibited when done in conjunction with a construction project for which a building permit has been issued and is being prosecuted diligently to

completion, and the contractor or owner shall be responsible for dust control throughout the development area;

- n. The existence of any fence or other structure or thing on private property abutting or fronting upon any public road, sidewalk, or place which is in a sagging, leaning, falling, decaying, or other dilapidated or unsafe condition;
- o. Unlawful disposal sites. It is unlawful for anyone to deliver and/or deposit any garbage or rubbish generated within ~~the county or without~~ outside the county at any disposal site other than a refuse disposal, processing, transfer or recovery site provided and/or designated by the ~~director or public works~~ Kittitas County Public Works Director pursuant to chapter 13.12 KCC;
- p. Buildings found substandard pursuant to chapter 14.04 KCC;
- q. Vehicles, boats and trailers, on property for sale. The placing or parking along street and road rights-of-way or in direct and plain view thereof any vehicle, licensed or unlicensed, boat, trailer, motor-home, mobilized equipment or machinery, recreational vehicle and equipment placed or parked on property that is owned by someone that is other than the owner of the vehicle, trailer, motor-home, etc. for the purpose of selling the same. The placing or parking of any vehicle, etc. on property owned by another includes business and commercial property so long as the business is not regularly engaged and licensed pursuant to chapter 46.70 RCW, in selling the particular vehicle, equipment, etc.
- r. Any "Junk Vehicle." The definition of "junk vehicle" is a vehicle intended to be self-propelled and used for the transport of people, goods, and/or services.
 - i. In addition to the above definition, a vehicle must meet at least three of the following to be a "junk vehicle" under 18.01.010(r) KCC
 1. Is three years old or older;
 2. Is extensively damaged, such damage including, but not limited to, any of the following:
 - a. A broken window or windshield;
 - b. Missing wheels or tires; or
 - c. Missing motor, or transmission;
 3. Is without a valid, current license plate or certificate of registration;
 4. Is apparently inoperable;
 5. Has an approximate fair market value equal only to the approximate value of the scrap in it.
 - ii. This definition of a "junk vehicle" shall not apply to:
 1. A vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the road or other public or private property; or
 2. A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130; or
 3. A vehicle which is actively being restored, repaired, or reconditioned. A property shall only have one vehicle under this exception. If the project is not completed within two years, the vehicle must be removed as provided herein.
- s. Any existing excavation or embankment or fill that has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel;

- t. All "litter" and "potentially dangerous litter" as defined in Section 70.93.030 RCW. The definition of "Potentially dangerous litter" is amended to include any litter which is disposed of in such a way as to create a fire hazard, such as any material which is still burning at the time of disposal.
3. It is unlawful and a violation of this chapter for any person, firm, or corporation found guilty of having created, or ~~suffering~~allowing to exist on premises either owned or leased by them, any nuisance defined herein. Owners remain liable for violations of duties imposed by this chapter jointly and severally of any obligation imposed on the occupants of the premises; it is irrelevant to this chapter that an owner, by agreement, imposed on the occupant the duty of complying with this chapter,
4. Successive property owners are liable for abatement of nuisances created by their predecessors in interest. No right can be acquired to continue a nuisance by virtue of its longtime existence. It shall not be necessary to show that the owner participated in, or was even aware of, the code violation in order to hold him/her liable.
5. Violations of the applicable codes shall be corrected under the provisions of this Title, in coordination with existing ordinance and code provisions. ([Ord. 2021-xxx, 2021](#); Ord. 2016-010, 2016; Ord. 2013-012 2013; Ord. 2009-22, 2009; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 94-25 (part), 1994)

18.01.020 Enforcement.

Only an authorized official may enforce the provisions of this Title. For purposes of this Title, an authorized official is defined as any of the following:

1. The Kittitas County Sheriff and his or her authorized representatives shall have the authority to enforce the provisions of this Title.
2. The Kittitas County Code Enforcement Officer and his or her authorized representatives shall have the authority to enforce the provisions of this Title.
3. The Kittitas County Prosecuting Attorney shall have the authority to enforce the provisions of this Title and may institute any legal proceedings necessary to enforce the provisions of this Title.
4. The Kittitas County Fire Marshal and his or her authorized representatives shall have the authority to enforce the provisions of this Title as to violations of Chapter 9.30, Chapter 15.08 and 20 of Kittitas County Code, and all other fire and life safety code and ordinances as adopted by Kittitas County.
5. The Kittitas County Community Development Services Director and Planning Official and their authorized representatives shall have the authority to enforce the provisions of this Title as to violations of Titles 15, 16, 17, 17A, and 17B of Kittitas County Code.
6. The Kittitas County Community Development Services Director and Building Official and their authorized representatives shall have the authority to enforce the provisions of this Title as to violations of all building codes adopted by Kittitas County.
7. The Kittitas County Public Works Director and his or her authorized representatives shall have the authority to enforce the provisions of this Title as to violations of Title 12, Chapter 13.40, Chapter 14.05, and Chapter 14.08 of Kittitas County Code.
8. The Kittitas County Board of Health may designate other persons to administer the provisions of this Title as to violations of Titles 8 and 13 and the Kittitas County Health Code and Ordinances.
9. The Kittitas County Board of County Commissioners may designate other persons to administer the provisions of this Title. Designation of enforcement officers shall be made by resolution and

may designate persons by name or position. (Ord. 2019-013, 2019; Ord. 2013-012,2013; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 94-25 (part), 1994)

18.01.030 Amnesty period.

Removed as part of Ord. 2005-29, 2005.

18.01.040 Infractions designated.

The violation of any provision of the applicable codes or sections or the presence of a nuisance, as set forth in KCC 18.01.010 ("violation"), shall constitute a civil infraction. Each such violation shall constitute a separate civil infraction for each and every day or portion thereof during which such violation is committed, continued, or permitted. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 9425 (part), 1994)

18.01.050 Crimes designated.

Any person, company, firm, corporation or other legal entity who:

1. Commits a violation as set forth in KCC 18.01.010 on two or more days within any twelve-month period shall be guilty of a misdemeanor, punishable by up to ninety days in jail and/or a fine of up to one thousand dollars.
2. Having had two or more prior code convictions and/or findings of having committed code infractions, including notices of violation and abatement, under this Title and thereafter commits a third violation as set forth in KCC 18.01.010 within ten years shall be guilty of a gross misdemeanor, punishable by up to three hundred sixty-five days in jail and/or a fine of five thousand dollars. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005)

18.01.060 Inspection.

1. The director or his/her designee may make inspection from public roads or alleys, or may enter upon private property with the consent of the owner or occupant thereof to make inspections and also to abate conditions as provided in sections 18.01.010 and/or 18.05.030. If entry to property is refused and the same is necessary to be had the county may use any lawful means necessary to obtain entry.
 2. Upon written notice of intent to seek a search warrant, when a tenant/occupant or landlord/owner denies the director or his/her designee the right to search a premises, the county may immediately seek a search warrant, upon a showing of probable cause specific to the premises sought to be searched that code and/or statutory violations exist upon the premises chargeable as a criminal violation pursuant to KCC section 18.01.050, a court of competent jurisdiction shall issue a warrant allowing a search of such premises.
 - a. Probable cause that a multi-day violation exists that would be chargeable as a misdemeanor pursuant to KCC 18.01.050 requires that the inspecting county employee, on at least two separate days, either observed conditions constituting a violation under this chapter or was refused entry upon premises to inspect for such a violation after receiving information reasonably leading him/her to believe such violations existed.
 - b. Either the observation of multi-day violations or the multi-day denial of entry after receipt of information as to suspicious conduct shall be attested to by sworn affidavit.
 3. The Superior Court and courts of limited jurisdiction organized under Titles 3, 35, and 35A RCW have jurisdiction to issue such search warrant. Evidence obtained pursuant to any such search may be used in a criminal, civil, or administrative enforcement action. (Ord. 2009-19, 2009; Ord. 2006-37, 2006)
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Chapter 18.02

INFRACTION CORRECTIVE ORDERS

Sections

- 18.02.010 Violations - Enforcement.
- 18.02.020 Order to correct violation.
- 18.02.030 Notice of violation and abatement.
- 18.02.040 Notice of infraction.
- 18.02.050 Failure to comply.

18.02.010 Violations - Enforcement.

1. Except as provided in this Title, any authorized official under 18.01.020 KCC may investigate alleged or apparent violations of this Title.
2. If an authorized official makes a determination that a violation has occurred or is occurring, that official may:
 - a. Pursue reasonable attempts to secure voluntary correction by issuing an order to correct violation;
 - b. Issue a Notice of Violation and Abatement to the landowner(s); or
 - c. Issue a notice of infraction if that official reasonably believes a violation has occurred.
 - d. File a Notice of Title with the Auditor's Office for any code violation that has remained unresolved for ~~forty-five~~forty-five (45) days or more after Kittitas County issued an Order to Correct Violation. After the violation has been resolved, the landowner shall pay a fee as set forth in the Community Development Services Fee Schedule to process and record a lifting of the Notice to Title.
3. Nothing in this Chapter shall limit the ability of the authorized official to pursue other corrective actions as allowed by law. ([Ord. 2021-xxx, 2021](#); Ord. 2018-021, 2018; Ord. 2013-012, 2013; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 94-25 (part), 1994)

18.02.020 Order to correct violation.

1. Purpose. An order to correct violation may be issued in an effort to secure voluntary correction within a reasonable amount of time as determined by the authorized official.
2. Order to correct violation - Content. The order to correct violation should contain:
 - a. The name and address of the landowner or the other person(s) to whom the order to correct violation is directed; and
 - b. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
 - c. A description of the violation and a reference to that provision of the ordinance or code which is alleged to have been violated; and
 - d. A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed; and
 - e. A statement that failure to respond to the order to correct violation, within a defined and listed amount of time assessed as reasonable by the authorized official, may result in the issuing of a notice of infraction, Notice of Violation and Abatement or possible criminal charges and the commencement of a monetary penalty in an amount per day for each violation, assessed against the person(s) in the case of violations of 18.01.010(1) KCC, and against the land in the case of violations under 18.01.010(2) KCC or 18.01.010(3) KCC, to whom the order to correct violation is directed for each and every day, or portion thereof, on which the violation continues following the date set for correction; and

- f. Notice that multi-day violations are chargeable as crimes under 18.01.050 KCC; and
 - g. The signature of the authorized official who issues the order to correct violation.
3. Order to correct violation - Service.
- a. The order to correct violation is issued to the landowner or to any person causing, allowing, or participating in the alleged violation. The order to correct violation shall be served upon the person to whom it is directed by either:
 - i. personal service of an authorized official pursuant to 18.01.020 KCC; or
 - ii. by mailing a copy of the order by certified mail, postage prepaid, return receipt requested, to such person at his/her last known address.
 - b. Where practical, a copy of the notice should be posted on the affected property or structure. Failure to post a copy of the notice is not, however, a requirement of proper service.
 - c. The failure of the landowner or person causing, allowing or participating in the alleged violation to receive such Order to Correct shall not affect the validity of any proceedings taken under this Chapter. Service by certified mail in the manner provided in this section shall be effective on the third day after the date of postmark, excluding Saturdays, Sundays and holidays.
4. Order to correct violation - Extension of Time. Upon written agreement between an authorized official and the party allegedly in violation, the parties may agree to an extension of time to correct the violation.
- a. The extension of time shall include a date certain in the future upon which correction of the violation is to be complete.
 - b. The extension of time shall be granted only upon a showing of good cause as demonstrated in the written agreement. Among others, factors to be considered are:
 - i. Substantial completion of the necessary correction;
 - ii. Unforeseeable circumstances which render completion of the necessary correction impossible by the date established;
 - iii. A proposed phase removal plan that extends beyond the established correction date.
5. Order to correct violation - Repeat Offense. When an order to correct violation has been previously issued for the same offense to the same person at the same location, the authorized official is not required to issue an order to correct violation and may immediately issue a notice of infraction, a Notice of Violation and Abatement, or possible criminal charges (Ord. 2013-012, 2013; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 94-25 (part), 1994).

18.02.030 Notice of Violation and Abatement.

1. Whenever, upon a reasonable belief, a public nuisance exists in violation of this Title, an authorized official may issue a Notice of Violation and Abatement to the landowner(s), containing the following:
- a. The street address, parcel number(s), or description of the building, structure, premises, or land in terms reasonably sufficient to identify its location;
 - b. A description of the violation(s) including the day or days of the offenses;
 - c. A reference to the Title, Chapter, and Section of the KCC or Kittitas County Health Department regulation or written order which has been violated, if applicable;
 - d. The amount of the fine imposed and to whom and by when it must be paid;
 - e. A description of the action required to abate the public nuisance which may include corrections, repairs, demolition, removal, or any other appropriate action, and a date by which voluntary abatement must be completed;

- f. A statement that the person to whom a Notice of Violation and Abatement is directed may request an administrative hearing to be conducted by the Hearing Examiner. Such request (Notice of Appeal) must be in writing, accompanied by the appeals fee and must be received by the Public Official within 10 working days after the Notice of Violation and Abatement has been served.
 - g. A statement that the landowner must correct the violation and pay the civil penalty; or may appeal the Notice; and
 - h. A statement that the costs and expenses of abatement incurred by the County may be assessed against the person(s) named in the Notice of Violation and Abatement and further that failure to pay said costs may result in a lien for the costs of abatement being assessed against the property.
 2. Service of the Notice of Violation and Abatement
 - a. The Notice of Violation and Abatement shall be served by any one or combination of the following methods:
 - i. By both first-class and certified mail with a 5-day return receipt requested to the last known address of the landowner of the property; or
 - ii. By posting the Notice of Violation and Abatement in a prominent location on the premises in a conspicuous manner which is reasonably likely to be discovered; or
 - iii. By personal service upon the landowner.
 - b. The failure of the landowner to receive such Notice of Violation and Abatement shall not affect the validity of any proceedings taken under this Chapter. Service by certified mail in the manner provided in this section shall be effective on the third day after the date of postmark, excluding Saturdays, Sundays and holidays.
 3. Notice of Appeal.
 - a. Within 10 working days of service of a Notice of Violation and Abatement, the landowner may submit a written Notice of Appeal to the Authorized official, to appeal the Notice of Violation and Abatement.
 - b. The notice of appeal shall contain a written, concise statement identifying:
 - i. The decision being appealed;
 - ii. The name and address of the appellant and his interest(s) in the matter;
 - iii. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong; and
 - iv. The desired outcome or changes to the decision.
 4. Notice of Hearing.
 - a. The authorized official shall issue and serve a Notice of Hearing to the appellants within fifteen working days after the receipt of one or more timely Notices of Appeal. Requests from multiple parties concerning the same nuisance may be consolidated.
 - b. The Notice of Hearing shall be served by the same means as the Notice of Violation and Abatement.
 - c. The Notice of Hearing shall contain the date, time, and location of the hearing.
 5. Hearing.
 - a. The appeal of a Notice of Violation and Abatement shall be heard by the Hearing Examiner.
 - b. Unless otherwise provided herein, the provisions of Chapter 2.11 KCC shall govern the hearing process.
 - c. Burden of proof.

- i. Except as otherwise required by law, in all cases where a license or permit is required but has not been issued, the burden shall be on the applicant to establish that the application meets all applicable criteria or that a license or permit is not required. In all other cases, the burden is on the county to prove the alleged factual basis set forth in the initiating document.
 - ii. Except as otherwise required by law, the burden in all cases is a preponderance of the evidence.
 - iii. The observation of a violation on different dates shall be prima facia evidence that the violation continued to exist on intervening dates.
 - d. The Hearing Examiner shall determine if the property at issue constitutes a public nuisance as defined in this Chapter. The Hearing Examiner shall also determine if the appellant is the property owner and is therefore personally liable for the costs of abating the nuisance.
6. Order of the Hearing Examiner.
 - a. Unless mutually agreed to by the appellant and the Hearing Examiner, the Hearing Examiner or the Hearing Examiner's clerk shall serve upon both the county and the appellant, either personally or by mailing a copy of the order to the parties at his/her last known address as determined by the designated authorized official.
 - b. The Hearing Examiner, in affirming the authorized official's Notice of Violation and Abatement, shall impose the fine consistent with the penalty provision of this Title and may assess administrative costs and/or costs related to the abatement of the nuisance.
 - c. The Hearing Examiner may order the County to pay the appellant costs, and/or attorney fees only upon a finding that both the violation did not occur and intentional misconduct on the part of the authorized official.
 - d. The appellant may file a request for reconsideration of the Hearing Examiner's decision within ten days of service of the Hearing Examiner's written decision, based on any of the following grounds materially affecting the substantial rights of said party or person:
 - i. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration;
 - ii. Irregularity in the proceedings before the Hearing Examiner by which such party was prevented from having a fair hearing; or
 - iii. Clerical mistakes in the official file or record transmitted to the Examiner, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Board's decision on the matter.
 - e. Upon receipt of a request for reconsideration, the Hearing Examiner shall review said request in light of the record and take such further action as is deemed proper; including, but not limited to, denying the request, granting the request, with or without oral argument, and may render a revised decision. The decision of the Hearing Examiner shall be subject to reconsideration only one time, even if the Hearing Examiner reverses or modifies the original decision.
 - f. If no written request for reconsideration has been received by the authorized official within ten days of the service of the order of the Hearing Examiner, the order shall be considered final unless appealed to the Kittitas County Superior Court. All such appeals shall be governed by Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ).
 - g. Any order related to a violation of the Shoreline Master Program shall be considered final unless appealed to the Shoreline Hearings Board.

7. Cooperative Abatement Agreements.

The authorized official and the landowner may enter into a cooperative abatement agreement which includes a right of entry agreement and an agreement regarding the recovery of costs of the abatement.

8. Cost Recovery.

- a. In addition to the other remedies available under this chapter, an authorized official may charge the costs of abatement to the landowner(s) who received the Notice of Violation and Abatement or to the landowner(s) who were found personally liable for the costs of abating the nuisance by an order issued by the Hearing Examiner if an appeal was filed. The costs are due and payable 30 days from mailing of the invoice and if not paid by that date shall bear interest at the rate of 12 percent per annum. The costs shall be paid to the Department to which the authorized official is assigned. In the case of persons designated by the Kittitas County fire marshal to enforce Chapter 15.08, 20 KCC costs shall be paid to the Office of the Fire Marshal.
- b. If more than one landowner has been issued a Notice of Violation and Abatement or more than one appellant was found personally liable for the costs of abating the nuisance by an order issued by the Hearing Examiner, each party shall be jointly and severally liable for the costs of the abatement.
- c. For purposes of this Section, "costs" shall include but are not limited to:
 - i. Personnel costs, both direct and indirect, including all attorney's fees and costs incurred in the investigation, documentation, and abatement of the nuisance;
 - ii. Repair, demolition, hauling, clean up, storage, disposal, and environmental mitigation expenses;
 - iii. Actual expenses and costs of the County in preparing notices, specifications, and contracts, and the costs of any required printing or mailing;
 - iv. Actual expenses and costs of the County in accomplishing, contracting, or inspecting the abatement work;
 - v. Penalties under ~~to~~ Chapter 18.05 KCC.
- d. Any salvage value proceeds resulting from the abatement of the property shall first be applied to the costs of abatement. Any remaining such monies shall be paid to the landowner as shown on the last equalized assessment roll.
- e. The County may impose a special assessment for the costs of any abatement proceedings under this chapter and all other related costs against the real property on which the nuisance was found or any of the work of abatement was performed.

9. Special Assessment.

Pursuant to RCW 36.32.120(10), all costs incurred by Kittitas County for the abatement of any nuisance defined by any statute or ordinance shall be a special assessment upon land or premises on which the nuisance is situated and this assessment and/or any penalties under this Title shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes. An authorized official shall cause a claim of lien to be filed for record in the Auditor's Office within ninety (90) days from a final finding. ([Ord. 2021-xxx, 2021](#); Ord. 2016-010, 2016; Ord. 2013-012, 2013; Ord. 2009-19, 2009)

18.02.040 Notice of infraction.

An authorized official may issue a notice of infraction where that official has probable cause to believe, and does believe, that a violation has occurred or is occurring.

1. Notice of Infraction - Contents. A notice of infraction shall either be:

- a. A notice of infraction ticket from a ticket book which substantially complies with IRLJ 2.1(b) and is approved by the Administrative Office of the Courts, or
- b. A notice of infraction form that shall contain the following:
 - i. A statement indicating a determination has been made that the civil infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this Title;
 - ii. A statement of the specific civil infraction(s) alleged to have been committed for which the notice of infraction was issued and a reference to the code section allegedly violated;
 - iii. The date(s) the violation was observed;
 - iv. Address or sufficient description of the property at which the violation allegedly occurred;
 - v. A statement that the civil infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;
 - vi. A statement that a person's failure to respond to a notice of infraction as promised is a misdemeanor and may be punishable by a fine of up to one thousand dollars and/or imprisonment in jail up to ninety days;
 - vii. A list of options provided in this ordinance for responding to the notice of infraction and the procedures necessary to exercise these options;
 - viii. A statement that at any hearing to contest the determination of infraction, the burden is on the county to establish that the infraction was committed by preponderance of the evidence and that the person may produce witnesses and subpoena the authorized official who issued and/or served the notice of infraction;
 - ix. A statement that the person alleged to have committed the infraction promises to respond to the Notice of Infraction in a manner consistent with this title, and a space for the alleged violator's signature;
 - x. A statement that refusal to sign the infraction as directed in paragraph (i) of this subsection shall constitute a determination that the person to whom the notice was issued committed the infraction;
 - xi. The amount of the penalty for the alleged infraction;
 - xii. Statement that if the violation is a nuisance and is not corrected, that the County can abate the nuisance and that the infraction penalty, abatement costs, and all associated legal costs and fees can become a lien against the property as well as a joint and several judgment against the owners and that the County can foreclose upon that lien, also obtaining reimbursement for its foreclosure costs, against the property;
 - xiii. The name, signature, address, and phone number of the authorized official issuing the notice of infraction as well as the time and place the notice was issued; and
 - xiv. A statement that multi-day violations can be charged as crimes.
2. Notice of Infraction - Service. An authorized official may issue a notice of infraction if that official has ~~probably~~probable cause to believe, and does believe, that the provisions of an applicable ordinance has been violated. A notice of infraction may be served through adherence to IRLJ 2.2(c):
3. Notice of Infraction - Filing. A notice of infraction shall be filed in District Court within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. Kittitas County District Court shall have jurisdiction to hear and determine these matters.

4. Notice of Infraction - Determination. A notice of infraction represents a determination that the person to whom the notice was issued committed the infraction unless contested under the provisions of this Title.
5. Notice of Infraction-Notice of Lien. The Notice of Infraction shall constitute a Notice of Lien in case the matter ultimately results in abatement and a lien for such abatement costs.
6. Notice of Infraction - Procedure.
 - a. A person who has been served with a notice of infraction shall respond to the notice as provided within this section within fifteen days of the date the notice was served as provided in the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 2.4.
 - b. If the person fails to respond as provided in IRLJ 2.4, the court shall follow the procedure in IRLJ 2.5.
7. Notice of Infraction - Scheduling of Hearings
 - a. If the person responds by requesting a contested hearing, then the court shall follow IRLJ 2.6(a) to schedule the contested hearing.
 - b. If the person responds by requesting a mitigation hearing, then the court shall follow IRLJ 2.6(b) to schedule the mitigation hearing.
 - c. The court may notify the county prosecuting attorney of a failure to respond to the notice of infraction if the person named on the notice fails to respond to the notice of infraction as provided in ~~paragraph (b) of this subsection~~[paragraph \(b\) of subsection six 18.02.040 KCC](#) or fails to appear at a hearing requested pursuant to paragraphs (c) or (d) of this subsection. The court shall notify the respective county department of any judgment entered and the reasons therefore.

([Ord. 2021-xxx, 2021](#); Ord. 2013-012, 2013; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 94-25 (part), 1994)

18.02.050 Failure to comply.

1. Any person willfully violating his or her written and signed promise to appear in court or his or her signed promise to respond to the notice of infraction is guilty of a misdemeanor, punishable by fine up to one thousand dollars and/or imprisonment in jail up to ninety days, regardless of the disposition of the notice of infraction.
2. A person who willfully fails to pay a monetary penalty as required by a court under this chapter may be found in civil contempt of court after notice and hearing. Further, delinquent accounts with the court may be referred to an agency for collection.
3. Any person subject to criminal proceedings under this Title may be represented by a lawyer. If the person named on the notice of infraction qualifies, he or she may be represented by court-appointed counsel. (Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 94-25 (part), 1994)

**Chapter 18.04
INFRACTION HEARINGS**

Sections

18.04.010 General Procedures.

18.04.020 Repealed.

18.04.010 Contested hearing.

1. Infraction hearings shall be governed by the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) Title 3: Procedure at Hearings, unless otherwise provided in this Section.
2. If the court determines that the infraction was committed, it shall:
 - a. Assess the monetary penalty per Section 18.05.010 KCC; and
 - b. Order the individual to correct the violation, and enter such an order into the court's records.
3. All appeals of the court's determination shall be according to IRLJ Title 5: Appeals. (Ord. 2013-012, 2013; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 94-25 (part), 1994).

18.04.020 Repealed.

(Ord. 2013-012, 2013; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 94-25 (part), 1994).

Chapter 18.05 PENALTIES

Sections

18.05.010 Infraction Penalties.

18.05.020 Criminal Penalties.

18.05.030 Abatement.

18.05.010 Infraction Penalties.

1. A person found to have committed a civil infraction shall be assessed a monetary penalty. Except as otherwise required by law, the maximum penalty and default amount is \$500 for each day of violation under this Title, not including statutory assessments, and the minimum penalty shall be \$250 for each day of violation under this chapter, not including statutory assessments. The court may not reduce, waive, or suspend the monetary penalty below the stated minimum.
2. A person having been issued a Notice of Violation and Abatement shall be subject to a monetary penalty. The authorized official shall determine the penalty amount. Except as otherwise required by law, the maximum penalty and default amount shall be \$500 for each day of violation under this Title, not including statutory assessments, and the minimum penalty shall be \$100 for each day of violation under this chapter, not including statutory assessments. The Hearing's Examiner may not reduce, waive, or suspend the monetary penalty below the amount assessed by the authorized official.
3. Each and every day of violation is a separate civil infraction subject to the above per-day penalty.
4. A person found to have committed a civil infraction shall be ordered to correct the violation. Failure to ~~do so~~ correct the violation may result in an abatement action.
5. Whenever a monetary penalty is imposed by a court under this Title, it is immediately payable to the court. If the person is unable to pay at that time, the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the county prosecuting attorney of the failure to pay. The court shall also notify the respective county department of the failure to pay the penalty, and the respective county department shall not issue the person any future permits for any activities and/or work until the monetary penalty has been paid in full.

6. The court may also order restitution be paid to a damaged party by the person found to have committed the infraction.
7. Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.
8. Whenever a Notice of Violation and Abatement has been issued by an authorized official and the applicable appeals period has expired, the monetary penalty shall be immediately payable to the Department to which the authorized official is assigned. Any such penalty not paid within 30 days of the issuance of the notice or order affirming such notice shall bear interest at the rate of 12 percent per annum and may be referred to a collection agency. Nothing in this Title limits the right of the County to pursue other lawful remedies to fees, fines and costs imposed by this Title.

([Ord. 2021-xxx, 2021](#); Ord. 2016-010, 2016; Ord. 2016-006, 2016; Ord. 2013-012, 2013; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 94-25 (part), 1994)

18.05.020 Criminal Penalties.

1. Any misdemeanor in violation of 18.01.050 KCC shall be punishable by up to ninety days in jail and/or a fine of up to one thousand dollars.
2. Any gross misdemeanor in violation of 18.01.050 KCC shall be punishable by up to three hundred sixty-five days in jail and/or a fine of five thousand dollars.
3. A person found to have committed a misdemeanor or gross misdemeanor under 18.01.050 KCC may be ordered to correct the violation. Failure to ~~do so~~ **correct the violation** may result in an abatement action. ([Ord. 2021-xxx, 2021](#); Ord. 2013-012, 2013; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005)

18.05.030 Abatement.

1. When the violation is nuisance under KCC 18.01.010 and the unsuccessful defendant has not complied
 - a. with the portion of the District Court order prescribing correction and the applicable appeal period has expired; or
 - b. with the portion of the Notice of Violation and Abatement prescribing correction and the applicable appeals period has expired, the County may propose a resolution to the Kittitas County Board of County Commissioners seeking (a) authority to proceed with an abatement action in the Superior Court, (b) appropriation of funding to carry out the abatement, and (c) approval of a time table within which to complete the contemplated abatement. If a Department has an abatement fund established, the County need only propose the above resolution to the Board if County general funds are necessary for the abatement.
2. Upon approval of the above described resolution, if required by the Kittitas County Board of County Commissioners, the County shall apply to the District Court for a warrant of abatement and a transfer to Superior Court or file an action for a warrant of abatement in Superior Court.
3. Upon receipt of such application, the District Court shall transfer the cause to the Superior Court, which shall proceed to try the issue of abatement.
4. The presence of a nuisance, as determined by the District Court or through the procedure outlined in KCC 18.02.035, shall be res judicata.
5. The Superior Court shall decide whether or not the defendant has complied with the District Court order requiring correction or the corrective measure outlined in the Notice of Violation and Abatement.

6. If not, the Superior Court shall issue a warrant of abatement authorizing the County to abate the nuisance at the expense of the party causing the nuisance and to levy a special assessment against the involved real estate to defray costs and reimburse the County for its abatement costs.
 7. Such special assessment, along with any civil penalties and costs shall constitute a lien against the property upon which the violation occurred that shall be of equal rank with state, county, and municipal taxes.
 8. An authorized official shall cause a claim of lien to be filed for record in the Auditor's Office within ninety (90) days from the date of completion of the abatement performed pursuant to this Title.
 9. The claim of lien shall contain the following:
 - a. The authority for imposing a civil penalty and/or proceeding to abate the violation;
 - b. A brief description of the civil penalty imposed or the abatement work done, or both, including the violations charged and the duration thereof, including the time the work is commenced and completed and the name of the persons or organizations performing the work;
 - c. A description of the property to be charged with the lien;
 - d. The name of the known owner or reputed owner, and if not known the fact shall be alleged; and
 - e. The amount, including lawful and reasonable costs, for which the lien is claimed.
 10. No lien created by this Title binds the property subject to the lien for a period longer than ten years after the claim has been filed unless an action is commenced in the proper court within that time to enforce the lien.
 11. Liens created under this Title shall bear interest at the rate of 12 percent per annum and such interest shall accrue as of the date notice of the lien is sent to the property owner. (Ord. 2013-012, 2013; Ord. 2009-19, 2009; Ord. 2006-37, 2006)
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Chapter 18.06

LEGAL PROVISIONS

Sections

18.06.010 Nature of infraction proceedings.

18.06.020 Legal costs infractions.

18.06.030 Severability and Saving.

18.06.040 Conflicts.

18.06.050 Other Lawful Remedies.

18.06.010 Nature of infraction proceedings.

Any finding or order that an infraction has been committed under the provisions of this Title is civil in nature. (Ord. 2013-012, 2013; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 94-25 (part), 1994)

18.06.020 Legal costs of infractions.

Except where explicitly stated in this Title, each party in a civil infraction case is responsible for attorney fees and costs incurred by that party. (Ord. 2013-012, 2013; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 94-25 (part), 1994)

18.06.030 Severability and Saving.

If any provision of this chapter or its application to any person or property is held invalid, the remainder of this chapter or the application of the provision to other persons or property is not affected and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 2009-19, 2009)

18.06.040 Conflicts.

If any provision of this Title or its application to any person or property is in conflict with any other provision of County Code or Court Rule, including procedural rules; then the provision contained within this Title shall control. (Ord. 2013-012, 2013; Ord. 2009-19, 2009)

18.06.050 Other Lawful Remedies.

Nothing in this code limits the right of the County to pursue other lawful criminal, civil or equitable remedies to abate, discontinue or correct violations of this Title. (Ord. 2013-012, 2013; Ord. 2009-19, 2009)

Chapter 18.07

SPECIAL PROVISIONS FOR ENFORCEMENT OF TITLE 17B SHORELINES

Sections

18.07.010 Authority and purpose.

18.07.020 Definitions.

18.07.030 Collaborative enforcement with the Department of Ecology.

18.07.040 Appeals to the Shorelines Hearings Board.

18.07.050 Damages and attorney's Fees.

18.07.010 Authority and purpose

The Shoreline Management Act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit recession. The provisions of WAC 173-27 adopted under RCW 90.58.200 and 90.58.210 implement the enforcement responsibilities of the Department of Ecology and local government under the Shoreline Management Act. This Chapter implements specific provisions of WAC 173-27 that should be used in enforcement of the Shoreline Master Program and should be used in addition to other provisions of KCC Title 18 to enforce Title 17B Shorelines. (Ord. 2016-010, 2016)

18.07.020 Definitions

The definitions in WAC 173-27-030 shall apply in KCC 18.07, except that the following definitions shall apply when used in this part of the regulations:

1. "Permit" means any form of permission required under the Shoreline Management Act prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions; and
2. "Exemption" means authorization from local government which establishes that an activity is exempt from substantial development permit requirements under WAC 173-27-040, but subject to regulations of the act and the local master program.

(Ord. 2016-010, 2016)

18.07.030 Collaborative enforcement with the Department of Ecology

1. A person who fails to conform to the terms of a shoreline permit issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with an infraction corrective order issued for violation of the Shoreline Master Program under this Title may be subject to a civil penalty pursuant to KCC 18.05.
2. The Department of Ecology may impose a penalty jointly with the County, or alone only upon an additional finding that a person:
 - a. Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or
 - b. Has been given previous notice of the same or similar type of violation of the same statute or rule; or
 - c. The violation has a probability of placing a person in danger of death or bodily harm; or
 - d. Has a probability of causing more than minor environmental harm; or
 - e. Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.
3. In the alternative, a penalty may be issued to a person by the Department of Ecology alone, or jointly with the County for violations which do not meet the criteria of subsection 1.a through e of this chapter, after the following information has been provided in writing to a person through a technical assistance visit or a notice of correction:
 - a. A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
 - b. A statement of what is required to achieve compliance;
 - c. The date by which compliance is required to be achieved;
 - d. Notice of the means to contact any technical assistance services provided by the agency or others; and
 - e. Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the Department of Ecology. Furthermore, no penalty shall be issued by the Department of Ecology until the individual or business has been given a reasonable time to correct the violation and has not done so.

(Ord. 2016-010, 2016)

18.07.040 Appeals to the Shorelines Hearings Board

Persons incurring a penalty imposed by the Department of Ecology or imposed jointly by the Department of Ecology and the County may appeal the same to the shorelines hearings board, pursuant to WAC 173-27-290. Appeals to the shorelines hearings board are adjudicatory proceedings subject to the provisions of chapter 34.05 RCW. Persons incurring a penalty imposed by the County may follow appeal/contesting procedures of KCC 18.02 and KCC 18.04. (Ord. 2016-010, 2016)

18.07.050 Damages and attorney's Fees

Private persons shall have the right to bring suit for damages under RCW 90.58.230 on their own behalf and on the behalf of all persons similarly situated. If liability has been established through abatement proceedings according to KCC 18.05.030, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to prevailing party. (Ord. 2016-010, 2016)

Attachment C

Title 20 | FIRE AND LIFE SAFETY

Chapters

[20.01 General Authority and Responsibilities](#)

[20.02 Fire Apparatus Access](#)

[20.03 Gates](#)

[20.04 Key Boxes](#)

[20.05 Fire and Life Safety Inspections](#)

[20.06 Generators](#)

[20.07 Fire Hazards](#)

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[20.10 Wildland Urban Interface Code](#)

Chapter 20.01

General Authority and Responsibilities

Sections

[20.01.010](#) Fire district.

[20.01.020](#) Fire Marshal.

[20.01.030](#) Stop work order.

[20.01.040](#) Limited commission.

[20.01.050](#) Violations--penalties.

20.01.010 Fire district.

The Chief of the Fire District, or his/her authorized designee, is authorized to implement a burn permit system and take such lawful action, including the writing and issuance of citations for civil infractions, as may be required to enforce the provisions of the outdoor burning ordinance codified in this title. ([Ord. 2010-005](#), 2010)

20.01.020 Fire Marshal.

The Fire Marshal is authorized to render interpretations of the codes, as mandated by state law and adopted by Kittitas County, and make and enforce such rules and regulations for the prevention and control of fires and fire hazards necessary to carry out the application and intent of this code. ([Ord. 2010-005](#), 2010)

20.01.030 Stop work order.

Whenever any work is being done contrary to the provisions of the International Fire Code,

International Building Code, [International Residential Code](#), International Property Maintenance Code, International Mechanical Code or the Kittitas County Code, which pertain to fire and life safety, the Fire Marshal may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, or by posting such notice in a conspicuous place on the premises where the violation is occurring, and any such person shall stop such work until authorized by the Fire Marshal to proceed with the work.

Whenever any work is being done contrary to the provisions of this code, the Fire Marshal may order the violations corrected without ordering all work stopped by issuing a correction notice which identifies the violation. The correction notice may require re-inspection prior to further construction. The correction notice shall be served or posted in the same manner as the Stop Work Order. ([Ord. 2021-xxx, 2021](#); [Ord. 2010-005](#), 2010)

20.01.040 Limited commission.

The County Sheriff or his/her designee may appoint deputies from the Fire Marshal's Office. Such officers shall have the power of citation as may be appropriate and necessary for the proper performance of the duties of their office. Upon such appointment being made, the County Sheriff shall issue to the appointee a limited commission card. The appointment shall continue until the appointee is permanently terminated from county employment, but may be revoked at any time by the County Sheriff. ([Ord. 2010-005](#), 2010)

20.01.050 Violations--penalties.

All violations of this Title shall be through [Title 18](#). Penalties shall be as defined in [Title 18](#). ([Ord. 2010-005](#), 2010)

Chapter 20.02

Fire Apparatus Access

Sections

[20.02.010](#) Definitions.

[20.02.020](#) Grade.

[20.02.030](#) Driveways.

[20.02.040](#) Fire lanes.

[20.02.050](#) Bridges.

20.02.010 Definitions.

Fire apparatus access road--An approved route that is always available for use by fire trucks and emergency services apparatus, and is designed to meet fire equipment load and access requirements. ([Ord. 2010-005](#), 2010)

20.02.020 Grade.

Any fire apparatus access road hereafter created shall Comply ~~wihtwith~~ KCC [12.04.080](#) ([Ord. 2021-xxx, 2021](#); [Ord. 2019-013](#), 2019; [Ord. 2016-008](#), 2016; [Ord. 2010-005](#), 2010)

20.02.030 Driveways.

Any County driveway hereafter created longer than 150' in length shall ~~shall~~ comply with KCC [12.04.080](#), Table 4-4B. ([Ord. 2021-xxx, 2021](#); [Ord. 2010-005](#), 2010)

20.02.040 Fire lanes.

Fire lanes shall remain clear from obstructions, including snow accumulations, vehicles, and any other impediment to emergency services response. ([Ord. 2010-005](#), 2010)

20.02.050 Bridges.

Any bridge or box culvert hereafter erected, modified, altered or repaired shall meet a live load bearing of no less than 75,000 lbs. All box culvert, bridge designs, and load ratings shall be stamped by a registered professional engineer in the State of Washington. An approved sign with the load rating shall be posted on the ingress side of the bridge.

~~Exception: Repairs of less than one fourth of the bridge, with no structural elements included in the repair.~~ New bridges and repairs of existing bridges shall require a permit through Kittitas County Public Works. ([Ord. 2021-xxx, 2021](#); [Ord. 2010-005](#), 2010)

Chapter 20.03

Gates

Sections

[20.03.010](#) Definitions.

[20.03.020](#) Gates.

20.03.010 Definitions.

Private Road--An access road serving 3 or more lots, residences or multi-family units, that is privately owned and maintained for the use of the owner(s) or those having expressed or implied permission from the owner(s). ([Ord. 2010-005](#), 2010)

20.03.020 Gates.

Any gate hereafter installed on any private road within Kittitas County shall meet the following conditions:

1. The width of the gate shall be no less than 16 feet,
2. Any locking mechanism must be approved by the Fire Marshal,
3. The locking mechanism shall be electronic or key operated, with a Fire Marshal approved key box located at the gate,
4. Any electronic codes for the gate shall be given to the fire district and left in the approved key box. Upon any change to the code, the fire district shall be notified immediately as to the new code, and the key box shall be updated.
5. A permit shall be issued by the Fire Marshal prior to the commencement of any work. ([Ord. 2010-005](#), 2010)

Chapter 20.04

Key Boxes

Sections

[20.04.010](#) Key boxes.

20.04.010 Key boxes.

A Key Box shall be installed on all buildings, occupancies or premises that are equipped with a fire protection system, and all other buildings or appurtenances where immediate access may be necessary, including gates to private communities, private roads, etc. The key box shall be an approved type and installed in a location recommended by the Fire Marshal and shall contain keys or codes to gain necessary access.

Exception: Single family residences not used as a bed and breakfast, duplexes, and other type R-2 occupancies which do not meet the minimum requirements as listed above, are exempt. ([Ord. 2010-005](#), 2010)

Chapter 20.05

Fire and Life Safety Inspections

Sections

[20.05.010](#) Authority.

[20.05.020](#) Process.

[20.05.030](#) Operational permits.

[20.05.031](#) Temporary business permits.

[20.05.040](#) Construction permits.

[20.05.050](#) Assembly/special event permits.

[20.05.060](#) Fees.

20.05.010 Authority.

The Fire Marshal, or his/her designee, is authorized to inspect the following nonresidential occupancies in unincorporated Kittitas County;

1. Hospitals;
2. Nursing homes;
3. Assisted living facilities;
4. Medical Centers;
5. Schools;
6. Daycare facilities;
7. Any other recreational and/or educational centers, including but not limited to camps, riding arenas, etc.;
8. Retail stores;

9. Business offices;
10. Dining and entertainment establishments;
11. Industrial and manufacturing facilities;
12. Special events located in nonresidential occupancies;
13. Special events located in residential occupancies where a special event permit has been issued;
14. Repair garages and automotive maintenance garages;
15. Places of assembly;
16. Spray booth facilities; and
17. All other nonresidential occupancies which may pose a fire or life safety hazard to the public or employees, or as listed in the International Fire Code, as adopted in [Title 14](#).

The Fire Marshal, or his/her designee, is also authorized to inspect the following residential occupancies in unincorporated Kittitas County;

1. The common areas of apartments and condominiums;
2. Commercial Vacation rentals;
3. Lodges, hotels and motels;
4. Mobile home parks; and
5. Recreational Vehicle parks

Exceptions:

1. The Fire Marshal or Deputy Fire Marshal will not make entrance into the individual apartment or condominium units unless a specific request is made by the occupant or owner of the property. A landlord may not grant permission to enter a premise that has a tenant.
2. Single family residences and duplexes shall not be regulated under this code. ([Ord. 2010-005](#), 2010)

20.05.020 Process.

Any public or private business, including any building or property associated with such business to which the public or employees may make entrance into or upon, shall be required to have an annual fire and life safety inspection. Fire and life safety inspections shall occur during business hours of the business or Monday through Friday, at the discretion of the Fire Marshal.

Inspections may or may not be scheduled prior to inspection of the premises.

Each business is responsible for payment of the fees assessed for the annual Fire and Life Safety inspection. Failure to pay the fee set by the County for an annual inspection may result in enforcement action as adopted by [Title 18](#) of the Kittitas County Code. Nothing in this title shall limit the remedies available to the County as set forth in the International Fire Code, International Property Maintenance Code or other County Ordinance or state law. ([Ord. 2010-005](#), 2010)

20.05.030 Operational permits.

Any business or person engaging in any type of operation as defined in Section 105.6 of the

International Fire Code shall first apply for and receive an Operational Permit from the Fire Marshal. Inspections of the type of operation shall be required on an annual basis. The permit is valid for a prescribed time period, or until such time as it is revoked by the Fire Marshal. ([Ord. 2010-005](#), 2010)

20.05.031 Permits for temporary businesses.

Any temporary or seasonal business shall be required to apply for and receive a Temporary Operational Permit prior to opening for business. Applications shall be received by the Fire Marshal's Office no later than 14 days prior to the date the business is to begin operations. A fire and life safety inspection shall be conducted prior to the business opening to the public. ([Ord. 2010-005](#), 2010)

20.05.040 Construction permits.

A construction permit is required when a safety related system or hazardous material storage is installed or an existing system or facility is modified, as stated in Section 105.7 of the International Fire Code. A plan review of the installation shall be approved prior to the installation of the system. An inspection of the system shall be conducted by the fire inspector prior to system initiation. ([Ord. 2010-005](#), 2010)

20.05.050 Assembly/special event permits.

Public assembly/special event permits are required for events held inside a structure or outdoors where people may be confined by fences, walls, buildings, trees, or are located in any area where egress may not be adequate. Assembly/Special Event Permits are required for events including but not limited to trade shows, exhibits, conventions, meetings, food festivals, farmer's markets, street fairs, art festivals, music festivals, or similar functions. The following criteria apply when determining whether an Assembly/Special Event Permit is required:

1. The calculated load is 50 people or greater,
2. These gatherings are not physically laid out in accordance with floor plans approved as part of the annual fire and life safety inspections.

Exceptions:

1. An Assembly/Special Event permit is not required for events at public assemblages which conform to seating plans approved under the annual fire and life safety permit. If the seating plan is altered for the gathering, a permit is required.

Inspections for these events shall occur prior to the event opening, and may, by nature of the event, need to be conducted on weekends or after normal business hours. ([Ord. 2010-005](#), 2010)

20.05.060 Fees.

Fees shall be set by resolution of the Board of County Commissioners. Failure to pay the fee set by the County or receive a passing inspection shall be grounds for revocation of a permit granted under sections KCC [20.05.030](#) and [20.05.031](#), or enforcement as adopted by Title 18 of the Kittitas County Code. ([Ord. 2010-005](#), 2010)

Chapter 20.06
Generators

Sections

[20.06.010](#) Definitions.

[20.06.020](#) Authority.

[20.06.030](#) Permits.

20.06.010 Definitions.

Portable generator--a generator which can be moved at any time, is hooked up to a fuel line, has to be manually started and hooked up to the building loads.

Whole-house generator--also known as a stationary or standby generator is permanently set in one location, can start immediately either by push of a button or automatically because it is already hooked into the house wiring and to the fuel source. ([Ord. 2010-005](#), 2010)

20.06.020 Authority.

The Fire Marshal or his/her designee is authorized to permit and inspect the installation of stationary, whole-house generators placed within the unincorporated areas of Kittitas County. ([Ord. 2010-005](#), 2010)

20.06.030 Permits.

A permit shall be required prior to the installation of a whole-house generator. The installation shall comply with the National Electrical Code (NEC), NFPA 54 and/or NFPA [58 Fuel](#) Gas codes, ICC/IRC/IFC and other provisions affecting life safety.

Exception: A permit is not required for the placement or use of a portable generator.

A separate permit is required for any placement of, or modification to a natural gas or LPG system. ([Ord. 2021-xxx, 2021](#); [Ord. 2010-005](#), 2010)

Chapter 20.07
Fire Hazards

Sections

[20.07.010](#) Definitions.

[20.07.020](#) Authority.

[20.07.030](#) Piles of natural vegetation for burning.

[20.07.040](#) Recreational fires.

[20.07.050](#) Sky Lanterns.

20.07.010 Definitions.

Fire Hazard - Any arrangement of materials and/or heat sources that presents the potential for harm, such as personal injury or ignition of combustibles.

Sky Lanterns - Miniature, unmanned air balloon that relies on an open flame as a heat source to heat the air inside the lantern with the intention of causing it to lift into the atmosphere. Typically made of rice paper or flame resistant paper, it has a fuel cell in the opening.

([Ord. 2012-004](#), 2012)

20.07.020 Authority.

The Fire Marshal or his/her designee may deem a property or condition on a property as a fire hazard. ([Ord. 2010-005](#), 2010)

20.07.030 Piles of natural vegetation for burning.

Piles of natural vegetation for burning shall be no greater than 10' in diameter, and no more than 10' in height. If prior approval is obtained by the Fire Marshal and local fire district, pile sizes may be increased. It shall be the responsibility of the property owner to contact the local fire district to determine if a permit will be required, as well as to notify the fire district upon commencement of burning.

The following rules shall apply to all Outdoor Burning at all times:

1. The burning of garbage, trash, rubbish, or utilization of burn barrels, etc. is illegal;
2. No open burning within 50 feet of any structure or combustible material;
3. Pile size shall be no greater than 10' in diameter, unless prior approval to increase pile size is obtained from the Fire Marshal and fire district;
4. No more than one pile may be burned on any property at the same time;
5. Piles may be stored on a property no longer than twelve months;
6. Conditions that may cause the fire to spread shall be eliminated prior to ignition;
7. No open burning shall occur when wind speeds or gusts exceed 10 mph, unless prior approval is obtained by the Fire Marshal and local fire district;
8. A person capable of utilizing fire extinguishing equipment such as buckets, shovels, garden hoses connected to a water supply, fire extinguishers, heavy equipment, etc., shall be on site at all times; and
9. Fire extinguishing equipment such as buckets, shovels, garden hoses connected to a water supply, fire extinguishers, heavy equipment or any equipment that will provide suppression of the proposed fire, shall be on site at all times while the fire is burning.

([Ord. 2010-005](#), 2010)

20.07.040 Recreational fires.

Recreational fires are allowed in unincorporated areas of Kittitas County, provided that no restrictions or burn bans are in effect.

The following rules for Recreational Fires shall apply at all times:

1. Recreational fires, camp fires, cook fires, etc. shall be no greater than 3' x 3' in diameter and no more than 2' in height;
2. No recreational fires shall be located within 25 feet of any structure;
3. A person capable of utilizing fire extinguishing equipment such as buckets, shovels, garden hoses connected to a water supply, fire extinguishers, heavy equipment, etc., shall be on site at all times; and
4. Fire extinguishing equipment such as buckets, shovels, garden hoses connected to a water supply, fire extinguishers, heavy equipment or any equipment that will provide suppression of the proposed fire, shall be on site at all times while the fire is burning.
([Ord. 2010-005](#), 2010)

20.07.050 Sky Lanterns.

The lighting and/or release of sky lanterns or like materials shall be prohibited in Kittitas County.
([Ord. 2012-004](#), 2012)

Chapter 20.08 Burn Bans

Sections

[20.08.010](#) Established when.

[20.08.020](#) Fire district zones established.

[20.08.030](#) Open burning prohibited.

20.08.010 Established when.

1. When the Fire Marshal determines it is the public interest, the Fire Marshal may establish a prohibition against burning in incinerators, open burning and recreational fires as defined in the ~~2009~~ International Fire Code adopted in [Title 14](#). The Fire Marshal shall notify the Board upon implementation of the burn ban, and provide the Board with a Resolution implementing the burn ban within 14 days. In the event that the Fire Districts in a particular zone as set in KCC [20.08.020](#), believe that a burn ban is warranted they may submit a written recommendation to the Fire Marshal, which the Fire Marshal shall forward to the Board of County Commissioners with his or her own recommendation.
2. The Kittitas County Fire Marshal may rescind the establishment of a burn ban or modify the condition of a burn ban when necessary. The Fire Marshal shall present to the Board the recommendations as to such action.
3. The Kittitas County Fire Marshal may grant campgrounds or special events an exemption to a burn ban upon application to the county Fire Marshal and the payment of a processing fee. ~~in the amount of sixty-five dollars per hour with a minimum of one hour~~ ~~Fees determined by resolution.~~ Any exemption shall contain such conditions as the Fire Marshal and Fire District deems necessary to mitigate the concerns for extreme fire hazard. Such exemptions and conditions shall be in writing and included in the Exemption ~~p~~Permit issued by the Fire Marshal's Office. A copy of the permit shall be prominently posted at the burning site. An Exemption Permit issued by the Fire Marshal

shall satisfy the requirements for the Fire District where the property is located. ([Ord. 2021-xxx, 2021](#); [Ord. 2010-005](#), 2010)

20.08.020 Fire district zones established.

The following zones are hereby established for burn ban initiation and implementation.

1. Zone 1--Kittitas Valley Fire and Rescue and Fire District 4
2. Zone 2--Fire District 1
3. Zone 3--Fire District 3, Fire District 6 and Fire District 7
4. Zone 4--Fire District 8 and Fire District 51

These zones are established for ease in the implementation of a burn ban and are not a limit on the Board's authority to specify different boundaries in imposing such bans. ([Ord. 2010-005](#), 2010)

20.08.030 Open burning prohibited.

It is unlawful to engage in burning in any unincorporated area in Kittitas County in an incinerator, open fire or recreational fire after the Kittitas County Fire Marshal has established a burn ban and prior to the ban being lifted unless such burning is conducted in accordance with a written the Exemption Permit pursuant to Section [20.02.020](#).

If the land or property is outside of a fire district, no recreational fires shall be allowed during burn bans.

Exception: The Department of Natural Resources may allow recreational fires in designated campgrounds with approved fire pits on DNR protected lands located outside of a fire district. ([Ord. 2010-005](#), 2010)

Chapter 20.09 Amendments

Sections

[20.09.010](#) Amendments to the International Fire Code ~~2009 Edition~~. [Ord. 2021-xxx, 2021](#)
[20.09.020](#) Fire protection systems - standards - amendments.

20.09.010 Amendments to the International Fire Code ~~2009 Edition~~.

The following amendments to the International Fire Code, as adopted in Washington State [RCW 19.27](#) and Kittitas County Code [Title 14](#) are hereby adopted. To the extent allowed by [RCW 19.27.040](#), if a conflict exists between the provisions of the International Fire Code adopted and amended by the Washington State Building Code Council and the Kittitas County Code, the Kittitas County Code provisions shall govern. ([Ord. 2021-xxx, 2021](#); [Ord. 2010-005](#), 2010)

20.09.020 Fire protection systems - standards - amendments.

International Fire Code Section 901.6.1 is amended as follows:

901.6.1 Standards. Fire Protection Systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 901.6.1. Additionally, personnel shall have the following certifications if servicing a system in the unincorporated areas of Kittitas County:

System Type	Certification Required
Restaurant Hood and Duct Extinguishing Systems	IKECA
Water -based fire protection systems	NICET II

[\(Ord. 2010-005, 2010\)](#)

Chapter 20.10
Wildland Urban Interface Code

Kittitas County hereby adopts the following code for the purpose of establishing rules and regulations for all areas designated as Wildland Urban Interface areas within Kittitas County.

1. The International Wildland-Urban Interface Code ~~(IWUIC)~~, the most current adopted edition, as published by the International Code Council; with the following adopted appendices and amendments:

- a. Appendices

- a. Appendix B: Vegetation Management Plan
- b. Appendix C: Fire Hazard Severity Form

- b. Amendments

1. The following amendments shall be made:

Section 105.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the code official, the code official is authorized to require the owner, the owner's authorized agent or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a federal fire agency or fire marshal's office, a state fire agency or fire marshal's office, a public university with an accredited program in Fire Sciences, or a certified scientific and objective testing agency such as Underwriters Laboratories or CSA Group Testing and Certification Inc. The Code Official shall have the authority to approve testing agencies. The opinion and report shall analyze the fire safety of the design, fire resistance of building products, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management for purposes of establishing fire hazard severity to recommend necessary changes.

Section 302.1 Wildland Urban Interface Area Declaration of Designations. All unincorporated areas within Kittitas County are designated as Wildland Urban Interface areas and shall be identified per the most current edition of the Kittitas County Wildland Urban Areas map.

Section 403.2.1 Dimensions. Not adopted. See KCC Code Titles [12](#) and [20](#).

Section 403.2.2 Length. Not adopted. See KCC Code Titles [12](#) and [20](#).

Section 403.2.3 Service Limitations. Not adopted. See KCC [Title 12](#).

403.4.1 Sign Construction. All road identification signs shall meet Kittitas County Road Standards and Public Works requirements.

Section 404.2 Water sources. The distance from proposed structures or property lines at which a water source is available for use shall be approved by the fire code official.

Water sources shall comply with the following:

1. Man-made water sources shall have a minimum usable water volume as determined by the adequate water supply needs in accordance with Section 404.5. This water source shall be equipped with an approved hydrant. The water level of the water source shall be maintained at all times. The design, construction, location, water level maintenance, access and access maintenance of man-made water source shall be approved by the fire code official.

Section 404.3 Draft Sites. Not adopted

501.1 Scope. Buildings and structures shall be constructed in accordance with the International Building and Residential Codes, as well as this code.

Exceptions:

1. Accessory structures not exceeding 200 square feet in floor area when located at least 50 feet from buildings containing habitable spaces. Commercial structures of any size shall be required to be permitted.
2. Agricultural buildings at least 50 feet from buildings containing habitable spaces.

Table 503.1 Ignition Resistant Construction *			
FIRE HAZARD SEVERITY			
	Moderate Hazard	High Hazard	Extreme Hazard

Defensible Space (c)	Water Supply (b)		Water Supply (b)		Water Supply (b)	
	Conforming (d)	Nonconforming (e)	Conforming (d)	Nonconforming (e)	Conforming (d)	Nonconforming (e)
Nonconforming	IR2	IR1	IR1	IR1 N.C.	IR1 N.C.	Not Permitted
Conforming	IR3	IR2	IR2	IR1	IR1	IR1 N.C.
1.5 x Conforming	IR3	IR3	IR3	IR2	IR2	IR1
2.5 x Conforming	IR3	IR3	IR3	IR2	IR2	IR2

A. Access shall be provided in accordance with section 403.

B. Subdivisions shall have a conforming water supply in accordance with Section 402.1.

a. IR1 = Ignitions-resistant construction in accordance with Section 504.

b. IR2 = Ignition-resistant construction in accordance with Section 505.

c. IR3 = Ignition-resistant construction in accordance with Section 506.

d. N.C. = Exterior walls shall have a fire-resistance rating of not less than 1-hour and the exterior surfaces of such walls shall be noncombustible. Usage of log wall construction is allowed.

C. Conformance based on Section 603.

D. Conformance based on Section 404.

E. A nonconforming water supply is any water system or source that does not comply with Section 404, including situations where there is no water supply for structure protection or fire suppression.

504.5 Exterior walls. Exterior walls of buildings or structures shall be constructed with one of the following methods:

1. Materials approved for not less than 1-hour fire-resistance-rated construction on the exterior side.
2. Approved noncombustible materials.
3. Heavy timber or log wall construction.

4. Fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the *International Building Code*.

5. Ignition-resistant materials on the exterior side. Ignition-resistant materials shall include materials treated with a fire retardant product tested in accordance with ASTM E84 or approved by an independent testing laboratory. Testing shall be performed by a certified scientific and objective testing agency such as Underwriters Laboratories or CSA Group Testing and Certification Inc. The Code official shall have authority to approve of testing agencies. The applicant shall provide an affidavit confirming that all fire retardant products were applied according to the product specifications and shall record a notice to title notifying future landowners of requirements for future reapplication of the product.

Such material shall extend from the top of the foundation to the underside of the roof sheathing.

504.7 Appendages and projections. Unenclosed accessory structures attached to building with habitable spaces and projections, such as decks, shall be a minimum of 1-hour fire resistance-rated construction, heavy timber construction or constructed of one of the following:

1. Approved noncombustible materials,
2. Fire-retardant treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the *International Building Code*,
3. Ignition resistant building materials in accordance with section 503.2

504.10.1 Vent locations. Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas, except when openings are approved by Cal Fire, approved by an independent testing laboratory such as Underwriters Laboratories, American National Standards Institute (ANSI), or ICC Evaluation Service (ICC-ES), or approved by the Code Official per Section 105.2. Gable end and dormer vents shall be located not less than 10 feet (3048 mm) from lot lines. Underfloor ventilation openings shall be located as close to grade as practical.

505.7 Appendages and projections. Unenclosed accessory structures attached to building with habitable spaces and projections, such as decks, shall be a minimum of 1-hour fire resistance-rated construction, heavy timber construction or constructed of one of the following:

1. Approved noncombustible materials,

2. Fire-retardant treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code,

3. Ignition resistant building materials in accordance with section 503.2 or

602 Automatic Sprinkler Systems: Section 602 shall not apply to building permit applications submitted prior to March 15, 2018. This exception shall not apply to areas as "IR 1 (No Site Assessment Allowed)" on the Kittitas County Wildland Urban Interface Areas map.

Section 603.2.2 Trees. Trees are allowed within the *defensible space*, provided the horizontal distance between crowns of adjacent trees and crowns of trees and structures, overhead electrical facilities or unmodified fuel is not less than 10 feet (3048 mm). A clump of trees may be considered to be one tree for the purpose of meeting the 10-foot separation requirement, provided:

1. A minimum of 10 feet of separation is provided between the structure and any vegetation or the crowns of any trees.
2. Trees within the clump shall be native to the local area.
3. The maximum number of trees in any given clump shall be limited to three (3).
4. Trees within a clump shall be within a 15-foot diameter of each other as measured on the outside of the tree trunks.

Alternatives to tree spacing and separation requirements may be approved by the code official based on a recommendation from an NFPA Certified Wildfire Mitigation Specialist or a certified forester.

A covenant shall be required for all new land divisions resulting in more than 10 lots that requires all future landowners of the lots to comply with defensible space provisions after construction.

([Ord. 2021-xxx, 2021](#); [Ord. 2019-007](#), 2019 [Ord. 2018-005](#), 2018 [Ord. 2013-013](#), 2013)