# Title 4   ZONING

Chapters:

Chapter 4.04 - PURPOSE AND USE DISTRICTS

Chapter 4.08 - DEFINITIONS

Chapter 4.12 - RURAL RESIDENTIAL (R.R.) DISTRICT

Chapter 4.16 - URBAN RESIDENTIAL (U.R.) DISTRICT

Chapter 4.20 - HIGH DENSITY RESIDENTIAL (H.D.R.) DISTRICT

Chapter 4.24 - COMMERCIAL/INDUSTRIAL (C/I) DISTRICT

Chapter 4.28 - FLOOD PLAIN (F.P.) DISTRICT

Chapter 4.32 - SIGNS

CHAPTER 4.36 - NONCONFORMING USES

Chapter 4.40 - VARIANCES

Chapter 4.44 - ZONE BOUNDARIES

Chapter 4.48 - FLOOD DAMAGE CONTROL

Chapter 4.52 - FIRE LIMITS

## Chapter 4.04   PURPOSE AND USE DISTRICTS

Sections:

[4.04.010 Districts.](#BK_36AC8D1FC580CBF2A9EB1585E6CBEF3B)

[4.04.020 District boundaries.](#BK_B3ACDF3FF21EC0A61393ADA611F03128)

[4.04.030 Use restricted.](#BK_98072100073324F34CE2661BD9BB5533)

[4.04.040 Construction restricted.](#BK_2EDEAB7FD79B68D967C0B145FD155E42)

4.04.010   Districts.

For the purposes of promoting public health, safety and general welfare and regulating and determining the areas within which certain uses of land and buildings may be conducted so as to provide for orderly community growth, and in accordance with Chapter 35.63, Laws of Washington, the following types of use districts are adopted:

R.R. - Rural Residential

U.R. - Urban Residential

HDR  - High Density Residential

C/I - Commercial/Residential

F.P. - Flood Plain

(Ord. 375; 8-06-1979)

4.04.020   District boundaries.

The boundaries of these use districts shall be determined and defined by the adoption of a map on which are shown the boundaries of each district and filed in the office of the Town Clerk.

(Ord. 376; 8-06-1979)

4.04.030   Use restricted.

Nothing in this zoning code shall authorize or be construed to authorize or permit any land use that violates state or federal law. No land or premises shall be used, unless otherwise provided in this title, except in conformity with the regulations herein prescribed for the use districts in which such land or premises is located.

(Ord. 375; 8-06-1979)

(Ord. No. 610, § 1, 5-21-12)

4.04.040   Construction restricted.

No building or structure shall be erected or structurally altered, or used, unless otherwise provided in this ordinance, except in conformity with the regulations pre scribed for the use district in which such building or structure is located.

(Ord. 375; 8-06-1979)

## Chapter 4.08   DEFINITIONS

Sections:

[4.08.010 Definitions.](#BK_2EF1DFE80A4F4F310EFF9C0749CEC756)

4.08.010   Definitions.

As used in Ordinance 375, the following terms have the following meanings:

a)  ACCESSORY STRUCTURE - any structure incidental, appropriated, and subordinate to the main use of the property, and located on the same lot, or in the same building, as the main use.

b)  APARTMENT - a room or suite of rooms in a multiple-family structure which is arranged, designed, used, or intended to be used as a housekeeping unit for a single family.

c)  AREA OF SPECIAL FLOOD HAZARD - means the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

d)  BASE FLOOD - means the flood having a one percent (1%) chance of being equalled or exceeded in any given year.

e)  BUILDING - any structure built for support, shelter, or enclosure of persons, animals, chattels, or structures of any kind.

f)  BUILDING HEIGHT - vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

g)  DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

h)  DUPLEX - dwelling unit containing two families.

I.  "Dwelling unit" means a structure containing one family.

J.  "Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of the ordinance codified herein. (Compiler's note: 8-6-1979 is the effective date.)

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

L.  "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

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

N.  "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

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

P.  "Hazardous waste" means all dangerous and extremely hazardous waste regulated by the Washington State dangerous waste regulations, Chapter 173-303 WAC, or its successor.

Q.  "Home occupation" means accessory use of a service character conducted within a dwelling by the residents thereof, which is clearly secondary to the dwelling use for living purposes and does not change the dwelling's character.

R.  "Lot area" means the total horizontal land area within the lot lines of a lot, exclusive of public or private roads and easements of vehicular access to other property.

S.  "Mobile home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicle or travel trailers.

T.  "New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified herein. (Compiler's note: The effective date was 8-16-1979.)

U.  "Nonconforming use" means any use, building, and/or structure not in compliance with any one or all of the provisions herein contained, which existed legally at the time of the adoption of the ordinance codified herein.

V.  "Off-street parking space" means an off-street surfaced area of not less than nine feet by twenty feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile and connected with a street by a surfaced driveway.

W.  "Permitted use" means the specific purpose for which land and/or building is designed, arranged, intended, or for which it may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

X.  "Private club" means a nonprofit, social organization whose premises are restricted to its members and their guests, and which premises may include certain structures and buildings used primarily for the accommodation of its members.

Y.  "Public building" means a building constructed for public purposes and usage by agencies and departments of local, county, state and federal government.

Z.  "Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business or profession.

AA.  "Street" means any public right-of-way.

BB.  "Structure" means a walled and roofed building or mobile home that is principally above ground.

CC.  1.  "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

a.  Before the improvement or repair is started; or

b.  If the structure has been damaged and is being restored, before the damage occurred.

2.  For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

3.  The term does not, however, include either:

a.  Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

b.  Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

DD.  "Front yard" means an open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of a main building.

EE.  "Rear yard" means an open space extending the full width of a lot, between the rear-most main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which will be the least distance between the rear lot line and the rear of such building.

FF.  "Side yard" means an open space extending from the front yard to the rear yard, between a main building and a side lot line, unoccupied and unobstructed by buildings or structures from the ground upward. The required width of the side yards shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.

(Ord. 487 §1, 1992; Ord. 482 §1, 1991; Ord. 375 (part), 1979).

## Chapter 4.12   RURAL RESIDENTIAL (R.R.) DISTRICT

Sections:

[4.12.010 Purpose.](#BK_DB7CCFCFB7761EF4F4CE059588155193)

[4.12.020 Uses permitted.](#BK_12F644D8EB7BC7ABF6AE9C69E9187331)

[4.12.030 Density, lot size, building height provisions.](#BK_D46D957E3582F2123F5096E85D85A325)

[4.12.040 Mobile home.](#BK_F0C802109BC0A06558E0AD6185F927D2)

4.12.010   Purpose.

The purpose and intent of the R.R. District is to provide a single-family residential zone for the rural portions of Oakesdale. The intent of this district is the preservation of a rural lifestyle, including the keeping of animals for pleasure or profit, retaining low to medium density development, and providing for a mixture of residential uses.

(Ord. 375 (part), 1979).

4.12.020   Uses permitted.

A.  Principal Uses Permitted Outright. Principal uses permitted in the R.R. District shall be as follows:

1.  Housing for people with functional disabilities;

2.  One- and two-family dwellings, including mobile homes.

B.  Accessory Uses Permitted Outright. Accessory uses permitted in the R.R. District shall be as follows:

1.  The usual accessory structures located on the same lot with these buildings;

2.  A garage or group of garages containing space for private storage and maintenance of automobiles, trucks and farm equipment;

3.  Household pets;

4.  The raising of animals for the private use and enjoyment of the resident at the following densities as long as a health hazard or nuisance is not created:

a.  Rabbits and poultry at a density of ten animals per lot, not including young under one month of age,

b.  Horses, cattle, sheep or goats, or a combination of each, provided that there shall be a minimum of one-half acre per animal; not including young under one year of age, and provided that year-round vegetation is maintained in the area of confinement.

C.  Conditional Uses Permitted. Any of the following uses may be allowed under a conditional use permit granted by the board of adjustment after notice and hearing, under such conditions as may be set forth in the terms of the permit by the board of adjustment, provided that if at any time the board of adjustment, upon presentation of sufficient evidence, is satisfied that a nuisance exists, it may revoke the conditional use permit:

1.  A home occupation of the type usually engaged in by individuals within their dwellings, provided that no more than two outside persons are employed;

2.  Schools;

3.  Churches;

4.  Community clubhouses or other buildings for private or public activities;

5.  Public parks, playgrounds or recreational areas;

6.  Private parks, playgrounds or recreational areas, provided that they shall be operated by a nonprofit organization as a community facility;

7.  Buildings necessary for government or public utility functions;

8.  Raising of animals for profit;

9.  Private storage and maintenance facilities for agricultural activities;

10.  Mobile home parks.

(Ord. 479 §3(part), 1991; Ord. 375 (part), 1979).

4.12.030   Density, lot size, building height provisions.

A.  Building site area required: not less than twelve thousand square feet with a minimum boundary of seventy-five feet on any side for single-family dwellings.

B.  Building site area required: not less than fifteen thousand square feet with a minimum boundary of one hundred twenty-five feet on any side for two-family dwellings.

C.  Building site area required for conditional uses permitted in this zone: not less than twelve thousand square feet with a minimum boundary of seventy-five feet on any one side.

D.  Setback required:

1.  The minimum setback for dwellings from property boundaries shall be twenty feet for front yards, and five feet for side and rear yards, except fifteen feet for side yards along a flanking street or corner lot.

2.  The minimum setback for accessory buildings from property boundaries shall be five feet for front, side and rear yards, except fifteen feet for side yards along a flanking street or corner lot.

E.  Height limit: no building shall exceed a height of thirty-five feet or two stories, except grain storage facilities.

F.  Animal sheds, barns and stables shall be set back at least twenty feet from any lot line.

(Ord. 528 §1, 1997; Ord. 375 (part), 1979).

4.12.040   Mobile home.

A.  The minimum area of any mobile home park shall be twelve thousand square feet.

B.  Mobile homes shall be skirted.

C.  No mobile home space shall be less than two thousand eight hundred square feet nor less than three times the area of the mobile home situated thereon.

D.  No mobile home space shall be less than thirty feet wide.

E.  No mobile home in a mobile home park shall be placed closer than twenty feet from any road or street or highway or other public right-of-way, or any public park or playground or public school grounds.

F.  No mobile home in a mobile home park shall be placed closer than ten feet from any property line.

G.  No mobile home shall be placed closer than fifteen feet from another mobile home or buildings in the mobile home park, provided however, that two mobile homes may be placed a minimum of ten feet apart if end-to-end.

H.  For each mobile home space, there shall be provided a space for automobile parking. This space will be in addition to the requirements for mobile home space listed elsewhere herein and shall not be less than two hundred square feet per mobile home space. Each parking space will be within two hundred feet of its mobile home space.

i)  Surfaced access roads 25 ft. wide shall be provided to each mobile home space. Each access road shall connect with a street or highway and shall be well marked in the daytime and adequately lighted at night.

j)  Walkways shall be provided to all service buildings and to all recreation, play and all other areas reserved for general occupant use. Said walkways shall be at least 5 ft. wide of which 3 ft. will be surfaced.

k)  Before any mobile home park may be occupied, the owner of said park shall file with the Planning Commission, a plan of the proposed mobile home park containing but not limited to the following information:

1.  name and address of owner.

2.  legal description and dimensions of the tract of land.

3.  the location and dimensions of all mobile home spaces.

4.  the location and dimensions of each automobile parking space.

5.  the location and width of all roadways and walkways.

6.  the locations of service buildings and any other buildings or structures.

7.  sizes and locations of play spaces, recreational spaces and all other areas reserved for general occupant use.

l)  No changes, alterations or additions may be made to any part of the mobile home park as shown in the plan required by subsection k) without the approval of the Planning Commission.

m)  A valid permit issued by the Health Department of Whitman County is required before any mobile home may be occupied in any mobile home park.

(Ord. 375; 8-6-1979).

## Chapter 4.16   URBAN RESIDENTIAL (U.R.) DISTRICT

Sections:

[4.16.010 Purpose.](#BK_2B3B95A8E8B7FB0FD11F8191CFC2A03D)

[4.16.020 Uses permitted.](#BK_438E55FAC9CE7C384C061C9DBE29ABAE)

[4.16.030 Density, lot size, building height and parking.](#BK_6D3D475B16BBF833E7954FB7BD0AF058)

[4.16.040 Mobile homes.](#BK_82D8E6FEAB603EB00F58CACB5D68D49A)

4.16.010   Purpose.

The purpose and intent of the Urban Residential District is to provide an urban density living environment for the community of Oakesdale.

(Ord. 375 (part), 1979).

4.16.020   Uses permitted.

A.  Principal Uses Permitted Outright. Principal uses permitted in the U.R. District shall be as follows:

1.  Housing for people with functional disabilities;

2.  One and two-family dwellings, including mobile homes.

B.  Accessory Uses Permitted Outright. Accessory uses permitted in the U.R. District shall be as follows:

1.  A home occupation of the type usually engaged in by individuals within their dwellings, provided that no more than two outside persons are employed;

2.  Apartments and condominiums;

3.  Schools;

4.  Churches;

5.  Community clubhouses or other buildings for private or public activities;

6.  Private parks, playgrounds or recreational areas;

7.  Private parks, playgrounds or recreational areas, provided that they shall be operated by a nonprofit organization as a community facility;

8.  The raising of animals for the private use and enjoyment of the resident at the following densities, as long as a health hazard or nuisance is not created:

a.  Rabbits and poultry at a density of ten animals per lot, not including young under one month of age,

b.  Horses, cattle, sheep or goats, or a combination of each, provided there shall be a minimum of one- half acre per animal, including young under one year of age, and provided that year-round vegetation is maintained in the area of confinement;

9.  Mobile home parks.

(Ord. 479 §3(part), 1991; Ord. 375 (part), 1979).

4.16.030   Density, lot size, building height and parking.

A.  Building site area required: not less than six thousand square feet with a minimum boundary of fifty feet on any side for one-family dwellings.

B.  Building site area required: not less than twelve thousand square feet with a minimum boundary of one hundred feet on any side for two-family dwellings.

C.  Setback required:

1.  The minimum setback for dwellings from property boundaries shall be twenty feet for front yards, and five feet for side and rear yards, except fifteen feet for side yards along a flanking street or corner lot.

2.  The minimum setback for accessory buildings from property boundaries shall be five feet for front, side and rear yards, except fifteen feet for side yards along a flanking street or corner lot.

D.  Building site area required for conditional uses permitted within this zone: not less than twelve thousand square feet with a minimum boundary of seventy-five feet on any one side, except for home occupations which will require a building site area of not less than six thousand square feet.

E.  Height limit: no building shall exceed a height of thirty-five feet nor two stories, except grain storage facilities.

(Ord. 528 §2, 1997; Ord. 375 (part), 1979).

4.16.040   Mobile homes.

A.  The minimum area of any mobile home park shall be twelve thousand square feet.

B.  Mobile homes shall be skirted.

C.  No mobile home space shall be less than two thousand eight hundred square feet nor less than three times the area of the mobile home situated thereon.

D.  No mobile home space shall be less than thirty feet wide.

E.  No mobile home in a mobile home park shall be placed closer than twenty feet from any road or street or highway or other public right-of way, or any public park or playground or public school grounds.

f)  No mobile home in a mobile home park shall be place closer than 10 ft. from any property line.

g)  No mobile home shall be placed closer than 15 ft. from another mobile home or buildings in the mobile home park, provided however, that two mobile homes may be placed a minimum of 10 ft. apart if end-to-end.

h)  For each mobile home space, there shall be provided a space for automobile parking. This space will be in addition to the requirements for mobile home space listed elsewhere herein and shall not be less than 200 sq. ft. per mobile home space. Each parking space will be within 200 ft. of its mobile home space.

i)  Surfaced access roads 25 ft. wide shall be provided to each mobile home space. Each access road shall connect with a street or highway and shall be well marked in the daytime and adequately lighted at night.

j)  Walkways shall be provided to all service buildings and to all recreation, play and all other areas reserved for general occupant use. Said walkways shall be at least 5 ft. wide of which 3 ft. will be surfaced.

k)  Before any mobile home park may be occupied, the owner of said park shall file with the Planning Commission, a plan of the proposed mobile home park containing but not limited to the following information:

1.  name and address of owner.

2.  legal description and dimensions of all mobile home space.

3.  the location and dimensions of all mobile home spaces.

4.  location and dimensions of each automobile parking space.

5.  location and width of all roadways and walkways.

6.  locations of service buildings and any other buildings or structures.

7.  sizes and locations of play spaces, recreational spaces and all other areas reserved for general occupant use.

l)  No changes, alterations or additions may be made to any part of the mobile home park as shown in the plan required by subsection k) without the approval of the Planning Commission.

m)  A valid permit issued by the Health Department of Whitman County is required before any mobile home may be occupied in any mobile home park.

(Ord. 375; 8-6-1979)

## Chapter 4.20   HIGH DENSITY RESIDENTIAL (H.D.R.) DISTRICT

Sections:

[4.20.010 Purpose.](#BK_19F1E3BDA95631CC2AC9C63C9FE2458E)

[4.20.020 Uses permitted.](#BK_78FDEDD306A20A0D4AB9CB9984C1778D)

[4.20.030 Density, lot size, and building height.](#BK_366C5A612B5ED033D3763482CF9247EB)

[4.20.040 Mobile homes.](#BK_C62537F4229EBDD0C12EF34729E5AECA)

4.20.010   Purpose.

The purpose and intent of the High Density Residential District is to provide a high-density urban living environment for the community of Oakesdale.

(Ord. 375 (part), 1979).

4.20.020   Uses permitted.

A.  Principal Uses Permitted Outright. Principal uses permitted in the H.D.R. District shall be as follows:

1.  Housing for people with functional disabilities;

2.  One- and two-family dwellings, including mobile homes, mobile home parks and apartments.

B.  Accessory Uses Permitted Outright. Accessory uses permitted in the H.D.R. District shall be as follows:

1.  The usual accessory structures located on the same lot with these buildings;

2.  A garage or group of garages containing space for private storage and maintenance of automobiles, farm equipment and other vehicles;

3.  Household pets.

C.  Conditional Uses. Any of the following uses may be allowed under a conditional use permit granted by the board of adjustment after notice and hearing, under such conditions as may be set forth in the terms of the permit by the board of adjustment; provided, that if at any time the board of adjustment, upon presentation of sufficient evidence, is satisfied that a nuisance exists, it may revoke the conditional use permit:

1.  A home occupation of the type usually engaged by individuals within their dwellings, provided that no more than two outside persons are employed;

2.  Condominiums;

3.  Schools;

4.  Churches;

5.  Community clubhouses or other buildings for private or public activities;

6.  Public parks, playgrounds or recreational areas;

7.  Private parks, playgrounds or recreational areas, provided that they shall be operated by a nonprofit organization as a community facility.

(Ord. 479 §3(part), 1991; Ord. 375 (part), 1979).

4.20.030   Density, lot size, and building height.

A.  Building site area required: not less than six thousand square feet with a minimum boundary of fifty feet on any side for single-family dwellings.

B.  Building site area required: not less than twelve thousand square feet with a minimum boundary of one hundred feet on any side for two-family dwellings.

C.  Setback required:

1.  The minimum setback for dwellings from property boundaries shall be twenty feet for front yards, and five feet for side and rear yards, except fifteen feet for side yards along a flanking street or corner lot.

2.  The minimum setback for accessory buildings from property boundaries shall be five feet for front, side and rear yards, except fifteen feet for side yards along a flanking street or corner lot.

D.  Building site area required for conditional use permitted within this zone: not less than twelve thousand square feet with a minimum boundary of seventy-five feet on any one side, except for home occupations which will require a building site area of not less than six thousand square feet.

E.  Height limit: no building shall exceed a height of thirty-five feet nor two stories, except grain storage facilities.

(Ord. 528 §3, 1997; Ord. 375 (part), 1979).

4.20.040   Mobile homes.

A.  The minimum area of any mobile home park shall be twelve thousand square feet.

B.  Mobile homes shall be skirted.

C.  No mobile home space shall be less than two thousand eight hundred square feet nor less than three times the area of the mobile home situated thereon.

D.  No mobile home space shall be less than thirty feet wide.

E.  No mobile home in a mobile home park shall be placed closer than twenty feet from any road or street or highway or other public right-of-way, or any public park or playground or public school grounds.

f)  No mobile home in a mobile home park shall be place closer than 10 feet from any property line.

g)  No mobile home shall be placed closer than 15 feet from another mobile home or buildings in the mobile home park, provided however, that two mobile homes may be placed a minimum of 10 ft. apart if end-to-end.

h)  For each mobile home space, there shall be provided a space for automobile parking. This space will be in addition to the requirements for mobile home space listed elsewhere herein and shall not be less than 200 sq. ft. per mobile home space. Each parking space will be within 200 ft. of its mobile home space.

i)  Surfaced access roads 25 ft. wide shall be provided to each mobile home space. Each access road shall connect with a street or highway and shall be well marked in the daytime and adequately lighted at night.

j)  Walkways shall be provided to all service buildings and to all recreation, play and all other areas reserved for general occupant use. Said walkways shall be at least 5 ft. wide of which 3 ft. will be surfaced.

k)  Before any mobile home park may be occupied, the owner of said park shall file with the Planning Commission, a plan of the proposed mobile home park containing but not limited to the following information:

1.  name and address of owner;

2.  legal description and dimensions of the tract of land;

3.  location and dimensions of all mobile home spaces;

4.  location and dimensions of each automobile parking space;

5.  location and width of all roadways and walkways;

6.  locations of service buildings and any other buildings and structures;

7.  sizes and locations of play spaces, recreational spaces and all other areas reserved for general occupant use.

l)  No changes, alterations or additions may be made to any part of the mobile home park as shown in the plan required by subsection k) without the approval of the Planning Commission.

m)  A valid permit issued by the Health Department of Whitman County is required before any mobile home may be occupied in any mobile home park.

(Ord. 375; 8-6-1979)

## Chapter 4.24   COMMERCIAL/INDUSTRIAL (C/I) DISTRICT

Sections:

[4.24.010 Purpose.](#BK_9EF6C6DC81E6A5F821C01E18B6424429)

[4.24.020 Uses Permitted.](#BK_9335FB490051C88E310EE0F556BDB71C)

[4.24.030 Density, lot size, design height, parking and loading.](#BK_991340C2A40683578299A2E552E124F9)

[4.24.040 Mobile homes.](#BK_98F8BF3E518ECD84DF3062F9EA18BA70)

4.24.010   Purpose.

The purpose and intent of the Commercial/Industrial District is to provide a commercial and industrial zone for those commercial uses clearly intended to serve the local community and travelers in Oakesdale, and to create, preserve, and enhance areas containing manufacturing and related establishments.

(Ord. 375; 8-6-1979)

4.24.020   Uses Permitted.

a)  PRINCIPAL USES PERMITTED OUTRIGHT. -

1.  The following commercial uses shall be permitted:

a.  agricultural machinery, sales, supplies and service.

b.  building supplies

c.  rental yards

d.  general store or grocery store

e.  gas station or garage

f.  mechanic shop

g.  blacksmith

h.  restaurants

i.  motel

j.  professional offices

k.  other uses of this general nature.

2.  Any industrial use, including manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching or testing or any combination of these, except for those activities which create a nuisance due to air, water, land or noise pollution.

3.  Personal service shops including barber, beauty parlor, car wash, and laundromat, subject to the same building site area restrictions as apply to principal uses permitted outright;

4.  Schools;

5.  Churches;

6.  Community clubhouses or other buildings for private or public activities;

7.  Public parks, playgrounds or recreational areas;

8.  Private parks, playgrounds, or recreational areas, provided that they shall be operated by a nonprofit organization as a community facility.

B.  Accessory Uses Permitted Outright. Accessory uses permitted in the C/I District shall be as follows:

1.  The usual accessory structures located on the same lot with these buildings;

2.  A garage or group of garages containing space for automobiles and vehicles associated with the commercial uses.

C.  Conditional Uses Permitted. Any of the following uses may be allowed under a conditional use permit granted by the board of adjustment after notice and hearing, under such condition as may be set forth in the terms of the permit by the board of adjustment; provided, that if at any time the board of adjustment, upon presentation of sufficient evidence, is satisfied that a nuisance exists, it may revoke the conditional use permit:

1.  Seed, grain storage, fertilizer distribution and greenhouses;

2.  Any industrial uses not permitted outright;

3.  Apartments and mobile home parks;

4.  Hazardous waste treatment and storage facilities;

5.  Housing for people with functional disabilities.

(Ord. 487 §2, 1992; Ord. 482 §2, 1991; Ord. 479 §3(part), 1991; Ord. 375 (part), 1979).

4.24.030   Density, lot size, design height, parking and loading.

A.  Minimum building site for commercial/industrial use: twelve thousand square feet.

B.  There will be no setback required for commercial and industrial use.

C.  All commercial/industrial doorways flanking sidewalks and streets shall open toward the outside of the building.

d)  Height limit: no building shall exceed 35 feet nor two stories; except grain storage facilities and those with a sprinkler system approved by the Fire Department.

e)  All business, service repair, storage, shall be conducted wholly within an enclosed building except for off-street parking or loading and unloading and merchandise display.

f)  Off-street loading and unloading: on every lot there shall be provided space either outside or inside a building for the unloading of goods and materials, which space shall not be less than 15 feet in width, nor less than 30 feet in length, nor less than 15 feet in height, and which space shall be provided with access to an alley, or if no alley adjoins the lot, then with access to a street.

This requirement may be waived by the Board of Adjustment upon request by the developer if a finding is made that no significant traffic or other safety hazard will result thereform.

(Ord. 375; 8-6-1979).

4.24.040   Mobile homes.

a)  The minimum area of any mobile home park shall be 12,000 sq. ft.

b)  Mobile homes shall be skirted.

c)  No mobile home space shall be less then 2,800 sq. ft. nor less than three times the area of the mobile home situated thereon.

d)  No mobile home space shall be less than 30 feet wide.

e)  No mobile home in a mobile home park shall be placed closer than 20 ft. from any road or street or highway or other public right-of-way, or any public park or playground or public school grounds.

f)  No mobile home in a mobile home park shall be placed closer than 10 feet from any property line.

g)  No mobile home shall be placed closer than 15 feet from another mobile home or buildings in the mobile home park, provided however, that two mobile homes may be placed a minimum of 10 feet apart, if end-to-end.

h)  For each mobile home space, there shall be provided a space for automobile parking. This space will be in addition to the requirements for mobile home space listed elsewhere herein and shall not be less than 200 sq. ft. per mobile home space. Each parking space will be within 200 feet of its mobile home space.

i)  Surfaced access roads 25 feet wide shall be provided to each mobile home space. Each access road shall connect with a street or highway and shall be well marked in the daytime and adequately lighted at night.

j)  Walkways shall be provided to all service buildings and to all recreation, play and all other areas reserved for general occupant use. Said walkways shall be at least 5 feet wide of which 3 feet will be surfaced.

k)  Before any mobile home park may be occupied, the owner of said park shall file with the Planning Commission, a plan of the proposed mobile home park containing but not limited to the following information:

1.  name and address

2.  legal description and dimensions of the tract of land

3.  the location and dimensions of all mobile home spaces

4.  location and dimensions of each automobile parking space

5.  location and width of all roadways and walkways

6.  locations of service buildings and any other buildings or structures

7.  sizes and locations of play spaces, recreational spaces and all other areas reserved for general occupant use

l)  No changes, alterations or additions may be made to any part of the mobile home park as shown in the plan required by subsection k) without the approval of the Planning Commission.

m)  A valid permit issued by the Health Department of Whitman County is required before any mobile home may be occupied in any mobile home park.

(Ord. 375; 8-6-1979).

## Chapter 4.28   FLOOD PLAIN (F.P.) DISTRICT

Sections:

[4.28.010 Purpose.](#BK_454403B4EBBCD28C022EC7532BBB0199)

[4.28.020 Abrogation and Greater Restrictions.](#BK_46FE39476A8CE80D3C8F8CB18077E9BA)

[4.28.030 Warning and Disclaimer of Liability.](#BK_B5E1BF5C14B12CDB38027B9514D53901)

[4.28.040 Permitted uses.](#BK_785973F9663558B4437E301926CC9ACD)

[4.28.050 Additional restrictions.](#BK_C62754B8A3A7C750CB134F907A3836FE)

[4.28.060 Development permit.](#BK_C5FB5ECF40066B44484932703D007BDB)

[4.28.070 Development standards.](#BK_9E928D75CCE1C53924BCD4696EC324CF)

4.28.010   Purpose.

The purpose and intent of the Flood Plain District is to minimize public and private losses due to flood conditions in specific areas designated by the town, and the Federal Insurance Administration in a report entitled THE FLOOD INSURANCE STUDY FOR THE TOWN OF OAKESDALE, dated September 29, 1978, and the accompanying Flood Insurance Rate Map (FIRM), and as may be subsequently amended. This district overlays districts also associated with the property designated on the Flood Insurance Maps, and does not add to the property designated on the Flood Insurance Maps, and does not add to the specified uses, but may restrict certain specified uses. This district is intended to meet the requirements of the federal government to maintain the town's eligibility for resident participation in the flood insurance program.

(Ord. 375; 8-6-1979)

4.28.020   Abrogation and Greater Restrictions.

The provisions of this district are not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions or zoning. However, where this district and another district, easement, covenant or deed restriction conflict, or overlap, whichever imposes the more stringent restrictions consistent with flood protection shall prevail.

(Ord. 375; 8-6-1979)

4.28.030   Warning and Disclaimer of Liability.

Flooding may occur to such an unpredictable extent that lands or uses outside of the designated flood plain are affected. The creation of this district does not imply that all areas outside of the district will always be safe from flooding. Therefore, the establishment of this district shall not create liability on the part of the Town, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this district's provisions or any administrative decisions lawfully made thereunder.

(Ord. 375 (part), 1979).

4.28.040   Permitted uses.

Within the special flood hazard area, all uses are permitted as specified in the zoning district overlaid by the flood plain zoning district. However, these uses are subject to the development permit process described in the following development permit section and to special building code requirements.

(Ord. 375 (part), 1979).

4.28.050   Additional restrictions.

Areas within the designated floodway are subject to the following, additional restrictions since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion:

A.  No mobile home shall be placed or located in a floodway, except in an existing mobile home park or existing mobile home subdivision, unless it is permanently attached to a conventional, solid concrete foundation supported by a footing meeting the same specifications as would be required for a site-built dwelling of similar size.

B.  Encroachments, including fill, new construction, substantial improvements, and other development shall not be located in a floodway unless certification by a registered, professional engineer or architect is provided demonstrating that the encroachments shall not cause any increase in flood levels during a base flood discharge.

(Ord. 520 §1, 1996: Ord. 375 (part), 1979).

4.28.060   Development permit.

A development permit shall be obtained before construction or development begins with any area of special flood hazard. The permit shall be for all structures including mobile homes, as set forth in the "Definitions" and for all other development, including fill and other activities, also set forth in the "Definitions." Application for a development permit shall be made to the city clerk and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A.  Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

B.  Elevation in relation to mean sea level to which any structure has been floodproofed;

C.  Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in the city's building code; and

D.  Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. 375 (part), 1979).

4.28.070   Development standards.

Due to the inherent dangers of development within a special flood hazard area, special development, construction and installation standards are necessary. These standards are found as amendments to the city's building code. Compliance with these standards must be assured before a development permit will be issued.

(Ord. 375 (part), 1979).

## Chapter 4.32   SIGNS

Sections:

[4.32.010 Sign Material and Maintenance.](#BK_A5BCE808CB233BC02BCA35A0A996E4F8)

[4.32.020 Size.](#BK_E7CC72450F7F34FB975AB5A839C11ED5)

[4.32.030 Location.](#BK_C7E8472322C739684C8AEBAF59E104D7)

4.32.010   Sign Material and Maintenance.

All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.

(Ord. 375; 8-06-1979)

4.32.020   Size.

a)  In any residential district, a sign not exceeding four square feet is permitted which announces the name, address, or profession or home occupation of the occupant of the premises on which said sign is located.

b)  A bulletin board not exceeding 24 square feet is permitted in connection with any church, school or similar public structure.

c)  A temporary real estate or construction sign, not exceeding 24 square feet is permitted on the property being sold, leased, or developed. Said sign shall be removed promptly when it has fulfilled its function.

d)  In the Commercial/Industrial District, one free-standing sign and one attached to the building is permitted for each business establishment, in addition to residential use as in #2 above. The sign may be illuminated but not of an intermittent flashing, animated, or motion type, and shall not exceed 20 square feet. If illuminated, the sign shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or vehicular traffic.

(Ord. 375; 8-6-1979)

4.32.030   Location.

All signs over sidewalks shall be at a minimum height of 12 ft. over the sidewalk surface, and shall extend out over the sidewalk to a distance no further than 2 feet from the flanking street.

(Ord. 375; 8-6-1979)

## CHAPTER 4.36   NONCONFORMING USES

Sections:

[4.36.010 Nonconforming Use Allowed.](#BK_C3CFD4BA8C38C4F8485650501FF75661)

4.36.010   Nonconforming Use Allowed.

Any use, building, structure or portions thereof, which were legally established but which, because of the application of this ordinance, are no longer conforming to the regulations congained herein, shall be considered as a nonconforming use or building and may continue under the following conditions:

a)  Any nonconforming building or structure may be altered or enlarged provided such alteration does not contribute to further nonconformity. A nonconforming building or structure may be relocated if such a move brings the building or structure into closer conformance with this ordinance.

b)  Any structure that has been vacant for less than one year prior to the adoption of this ordinance shall be classified as to use. A structure which has been vacant longer than one year shall conform to the provisions of the use district in which it is located.

c)  Any nonconforming building or structure which is less than 50% destroyed or damaged by fire, explosion or act of God may be restored, provided such restoration is begun in less than six months time from the date of such destruction.

d)  Any nonconforming use which has been discontinued for a period of one year or more shall not be reactivated nor operated, nor shall an occupancy permit be granted to such discontinued use. In such instances, an occupancy permit shall be granted only when the use has been brought into conformity with this ordinance. When a building or structure is vacant, the use therein shall be deemed discontinued.

e)  A nonconforming use may be continued provided it is not enlarged nor extended. A nonconforming use may be converted to a permitted use at any time.

(Ord. 375; 8-6-1979)

## Chapter 4.40   VARIANCES

Sections:

[4.40.010 Variances Allowed.](#BK_3902E64A981E31092F758142B6CD3A48)

[4.40.020 Variance Procedure for Flood Plain District.](#BK_FB41E110ED773D95A316532EFE2C48B0)

[4.40.030 Conditions for Variances in the Flood Plain District.](#BK_A781E58D022D6D14ECBC2B4E93AB4F41)

4.40.010   Variances Allowed.

Recognizing that certain uses of property may or may not be detrimental to the public health, safety, morals and general welfare depending upon the facts in each particular case, the Board of Adjustment is empowered to issue special, conditional and revocable permits for variances in the regulations, building site areas, front, side, and rear yard requirements in any use district after making a finding that such special permit for variances will not be unduly detrimental to adjacent and surrounding property nor to the use district in which the permit for variance is granted.

(Ord. 375; 8-6-1979)

4.40.020   Variance Procedure for Flood Plain District.

The Board of Adjustment of the Town shall hear and decide appeals and requests for variances from the requirements of the zoning District.

(Ord. 375; 8-6-1979)

4.40.030   Conditions for Variances in the Flood Plain District.

a)  Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

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

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

d)  Variances shall only be issued upon:

1.  a showing of good and sufficient cause;

2.  a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3.  a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

e)  Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation.

(Ord. 375; 8-6-1979)

## Chapter 4.44   ZONE BOUNDARIES

Sections:

[4.44.010 Zone Boundaries.](#BK_CE458230EEB32E36F1C08391FF7268FC)

4.44.010   Zone Boundaries.

Unless otherwise specified, zone boundaries are topographical contour lines, section lines, lot lines or the center line of streets, alleys, railroad right-of-way, or such lines extended. Where a zone boundary divides a land parcel under a single ownership into two zones, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries.

(Ord. 375; 8-6-1979)

## Chapter 4.48   FLOOD DAMAGE CONTROL

Sections:

[4.48.010 Statutory authorization, findings of fact, purpose and objectives.](#BK_027805E56E43C0CDB390C071BAEFE808)

[4.48.020 Definitions.](#BK_A6C868AB297686CF702DC13C71DF754F)

[4.48.030 General provisions.](#BK_473C86BFB02CA72BA8F405F456CC877F)

[4.48.040 Administration.](#BK_7A382E7BEB3B234BF6A5CA3FC5A5A413)

[4.48.050 Provisions for flood hazard reduction.](#BK_1892CAE894D965CDC81D06CE8808FAB1)

4.48.010   Statutory authorization, findings of fact, purpose and objectives.

A.  Statutory Authorization. The Legislature of the state of Washington has in statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the town council of Oakesdale, Washington, ordains the provisions set out in this section.

B.  Findings of Fact.

1.  The flood hazard areas of Oakesdale are subject to periodic inundation which can result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which would adversely affect the public health, safety and general welfare.

2.  These flood losses can be caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

C.  Statement of Purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1.  To protect human life and health;

2.  To minimize expenditure of public money and costly flood control projects;

3.  To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4.  To minimize prolonged business interruptions;

5.  To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

6.  To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

7.  To ensure that potential buyers are notified that property is in an area of special flood hazard; and

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

D.  Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

1.  Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2.  Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3.  Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

4.  Controlling filling, grading, dredging, and other development which may increase flood damage; and

5.  Preventing or regulating the construction of flood barriers which may unnaturally divert flood waters or may increase flood hazards in other areas.

(Ord. 451 §1(part), 1987).

4.48.020   Definitions.

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

A.  "Appeal" means a request for a review of the building inspector's interpretation of any portion of this chapter or request for a variance.

B.  "Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

C.  "Area of special flood hazard" means the land in the floodplain within a community subject to one percent or greater change of flooding in any given year. Designated on maps always includes letter A or V.

D.  "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one hundred-year flood." Designations on maps always includes the letter A or V.

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

F.  "Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use, or store hazardous materials, or hazardous waste.

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

H.  "Elevated building" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

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

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

K.  "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1.  The overflow of inland waters;

2.  The unusual and rapid accumulation of run-off of surface waters from any source.

L.  "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

M.  "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation more than one foot.

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

O.  "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access, or storage, in an area other than a basement, is not considered a buildings' lowest floor, provided, such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

P.  "Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation. For floodplain management purposes, the term "manufactured home" also includes travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, the term "manufactured home" does not include travel trailers and other similar vehicles.

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

R.  "New construction" means structures for which the "start of construction" commenced on or after the date of this chapter.

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

T.  "Recreational vehicle" means a vehicle which is:

1.  Built on a single chassis;

2.  Four hundred square feet or less when measured at the largest horizontal projection;

3.  Designed to be self-propelled or permanently towable by a light duty truck; and

4.  Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

U.  "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

V.  "Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

W.  "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the fair market value of the structure before the damage occurred.

X.  "Substantial improvements" means any repair, reconstruction, or improvements of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1.  Before the improvement or repair is started, or;

2.  If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not include either of the following:

1.  Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;

2.  Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

Z.  "Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation.

(Ord. 561-B §1, 2003: Ord. 466 §1, 1988; Ord. 451 §1(part), 1987).

(Ord. No. 577, § 1, 5-1-06)

4.48.030   General provisions.

A.  Lands to Which this Ordinance Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of Oakesdale.

B.  Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Oakesdale, dated March 1978," and any revisions thereto, with accompanying flood insurance rate map (FIRM), and any revisions thereto, are adopted by this reference and declared to be a part of this chapter. The flood insurance study and FIRM are on file at the Oakesdale Town Hall. The best available information for flood hazard area identification as outlined in Section 4.48.040(C)(2) of this chapter, shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 4.48.040(C)(2).

C.  No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.

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

E.  Interpretation. In the interpretation of this chapter, all provisions shall be:

1.  Considered as minimum requirements;

2.  Liberally construed in favor of the governing body; and

3.  Deemed neither to limit nor repeal any other powers granted under state statutes.

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

(Ord. 451 §1(part), 1987).

(Ord. No. 577, § 2, 5-1-06)

4.48.040   Administration.

A.  Establishment of Development Permit.

1.  Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 4.48.030(b). The permit shall be for all structures including manufactured homes, as defined in Section 4.48.020 and for all structures including fill and other activities, also as defined in Section 4.48.020.

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

a.  Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

b.  Elevation in relation to mean sea level to which any structure has been floodproofed;

c.  Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 4.48.050(B)(2); and

d.  Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

B.  Designation of the Building Inspector. The town building inspector is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

C.  Duties and Responsibilities of the Town Building Inspector. Duties of the town building inspector shall include, but not be limited to:

1.  Permit Review:

a.  Review all development permits to determine that the permit requirements of this chapter have been satisfied,

b.  Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required,

c.  Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 4.48.050(C)(1) are met;

2.  Use of Other Base Flood Data. When the base flood elevation data has not been provided in accordance with Section 4.48.030(B), Basis for Establishing the Areas of Special Flood Hazard, the town building inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, or other sources in order to administer Sections 4.48.050(B), and 4.48.050(B)(4), Floodways;

3.  Information to be Obtained and Maintained:

a.  Where base flood data is provided through the Flood Insurance Study or required as in subsection (C)(2) of this section, obtain and record their actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement,

b.  For all new or substantially improved floodproofed structures:

i.  Verify and record the actual elevation (in relation to mean sea land) to which the structure was flood proofed, and

ii.  Maintain the floodproofing certifications required in subsection (A)(2) of this section,

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

4.  Alteration of Watercourses:

a.  Notify adjacent communities and the state of Washington, Department of Ecology, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration,

b.  Require that maintenance is provided within the altered or relocated portion of the watercourse so that flood-carrying capacity is not diminished;

5.  Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation to the appeal board in the manner provided in this section.

D.  Variance Procedure.

1.  Appeal Board.

a.  The appeal board as established by the town shall hear and decide appeals and requests for variances from the requirements of this chapter.

b.  The appeal board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the town building inspector in the enforcement or administration of this chapter.

c.  Those aggrieved by the decision of the appeal board, or any taxpayer, may appeal such decision to the superior court, as provided by law.

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

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

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

iii.  The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

iv.  The importance of the services provided by the proposed facility to the community;

v.  The necessity to the facility of a waterfront location, where applicable;

vi.  The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

vii.  The compatibility of the proposed use with existing and anticipated development;

viii.  The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;

ix.  The safety of access to the property in times of flood for ordinary and emergency vehicles;

x.  The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

xi.  The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

e.  Upon consideration of the factors of subsection (D)(1) of this section and the purposes of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

f.  The appeal board shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

2.  Conditions for Variances.

a.  Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsection (D)(1)(d) of this section has been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

b.  Variances may be issued for reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

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

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

e.  Variances shall be issued only upon:

i.  A showing of good and sufficient cause;

ii.  A determination that failure to grant the variance would result in exceptional hardship to the applicant;

iii.  A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization as identified in Section 4.48.040(A), or conflict with existing local laws and ordinances.

f.  Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

g.  Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria set forth in this section, and otherwise complies with Sections 4.48.050(A)(1) and (2) of the general standards.

h.  Any applicant to whom a variance is issued shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 561-B §2, 2003; Ord. 451 §1(part), 1987).

(Ord. No. 577, § 3, 5-1-06)

4.48.050   Provisions for flood hazard reduction.

A.  General Standards. In all areas of special flood hazard, the following standards are required:

1.  Anchoring.

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

b.  All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

2.  Construction Materials and Methods.

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

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

c.  Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilitiers shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3.  Utilities.

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

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

c.  On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

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

4.  Subdivision Proposals.

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

b.  All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

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

d.  Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).

5.  Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 4.48.040(C)(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

B.  Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 4.48.030(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 4.48.040(C)(2), Use of Other Base Flood Data, the following provisions are required.

1.  Residential Construction.

a.  New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation.

b.  Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

i.  A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

ii.  The bottom of all opening shall be no higher than one foot above grade;

iii.  Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

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

a.  Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

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

c.  Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.48.040;

d.  Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (B)(1)(6) of this section;

e.  Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to one foot above the base flood level will be rated as at the base flood level).

3.  Manufactured Homes. All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (A)(1)(b) of this section. This paragraph applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

4.  Floodways. Located within areas of special flood hazard designated in the report described in Section 4.48.030(B) are areas designed as floodways. Since this floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provision shall apply:

a.  Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;

b.  If subsection (C)(1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section;

c.  Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either, (A) before the repair, reconstruction, or repair is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary or safety codes which have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions, or to structures identified as historic places shall not be included in the fifty percent.

5.  Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base floodplain. Construction of new critical facilities shall be permissible within the base floodplain if no feasible alternative site is available. Critical facilities constructed within the base floodplain shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

6.  Recreational Vehicles. Any residential vehicle placed on a site in an area of special flood hazard are required to either:

a.  Be on the site for fewer than one hundred eighty consecutive days;

b.  Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

c.  Meet the anchorage and elevation requirements for manufactured homes as set forth in subsection (B)(3) of this section.

C.  Wetlands Management. To the maximum extent possible, avoid the short and long-term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to alleviate flooding impacts. The following process should be implemented:

1.  Review proposals for development within base floodplains for their possible impacts on wetlands located within the floodplain;

2.  Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm drainage;

3.  Request technical assistance from the Department of Ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetlands areas deserving special attention. (Ord. 561-B §§3—5, 2003; Ord. 466 §§2—7, 1988; Ord. 451 §1(part), 1987).

## Chapter 4.52   FIRE LIMITS

Sections:

[4.52.010 Fire Limits.](#BK_7758B6D491C163A86B3FFC25673ED68D)

[4.52.020 Permits and Inspection.](#BK_E7C5A004F673EC54A61B747301AA8FBF)

[4.52.030 Limitations within Fire Limits.](#BK_A5D98278AE3E08D71030E612BBC119EB)

[4.52.040 Alterations and Additions.](#BK_783012AC429CB07FDCFF5808C61E536C)

[4.52.050 Removal of or Repair of Unsafe Buildings within the City Limits.](#BK_327184C4298D2E41C1D55050AEDC7D75)

[4.52.060 Walls.](#BK_82B4CDEEE4DDD38B3C0B27ACF6E0B73F)

[4.52.070 Quality of Materials.](#BK_B976961DE73E46FE980935F169DC902A)

[4.52.080 Concrete Construction.](#BK_9ED5832A66BEF2C506E49C7BC40E3AF3)

[4.52.090 Protection of Ends of Wooden Beams.](#BK_F688BFFFDCF9CC49A42C2224C33C21ED)

[4.52.100 Protection of Wall Openings.](#BK_A27B028F78B7529100F59F193A66965D)

[4.52.110 Stairway, Elevator and other Shafts.](#BK_6074E6920E52288CDDC7FCE875AE7AE2)

[4.52.120 Skylights.](#BK_22C2FCED79F636B0AE3B2247678D34F8)

[4.52.130 Roof Covering.](#BK_868BCA043711A1866DD441BA74F85344)

[4.52.140 Exits Required.](#BK_839F9CD5AA2094DE44C8CA178C81D7E6)

[4.52.150 Fire Stops.](#BK_9EA7B2452D4013D42F9FE5585DE189C6)

[4.52.160 Areaways.](#BK_80B13B72E9FE177BB4EC416571E10EB5)

[4.52.170 Limitations within City Limits.](#BK_F80567A033C4B72D22D58DD7AC78679D)

[4.52.180 Electrical Installations.](#BK_2513857D950B7A87EB07594313773426)

[4.52.190 Chimneys.](#BK_F9DC0D2F54627DE2969286453313AE47)

[4.52.200 Smoke Pipes.](#BK_1CFC89FF99D6E799B4C8BF4C24143C93)

[4.52.210 Warm Air Pipes and Registers.](#BK_BC4D8A8AB4C87C37300B96102508C927)

[4.52.220 Steam and Hot Water Pipes.](#BK_698F2888716DC05063C39C867B992C69)

[4.52.230 Stoves and Ranges.](#BK_A42FC54CF2F7FE8497BDE5922B6EE07F)

[4.52.240 Heating Appliances.](#BK_A205283AD94FD87A84DEE243CEF94548)

[4.52.250 Vent Flues.](#BK_4EDCD9C687E9298CC80F20E147BB19E0)

[4.52.260 Workmanship.](#BK_EEE43B3D901691ECAE8F50F6CDA6F705)

[4.52.270 Supplementary Requirements.](#BK_2BA7041E4BFD5087C70FF368DE1644BD)

[4.52.280 Certain Uses in Block 22 Prohibited.](#BK_E1BEB1E590A42E7CC613D9C4071C414F)

[4.52.290 Penalty for Violations.](#BK_860E7CBE90786472DD30818A315BCA51)

4.52.010   Fire Limits.

The following shall be and are hereafter declared to be the fire limits: Beginning at the junction of the Union Pacific Railroad right of way and Second Street, run thence north on Second Street to Bartlett Street, thence east on Bartlett Street to the right of way of the Northern Pacific Railway, thence along this right of way in a southeasterly course to Front Street, thence south on Front Street to the right of way of the Union Pacific Railroad, thence west along this right of way to the point of beginning.

(Ord. 255, §1; 1-3-1944)

4.52.020   Permits and Inspection.

No wall, structure, building or part thereof, shall hereafter be built, enlarged, or altered, until a plan of the proposed work, together with a statement of the materials to be used, shall have been submitted in duplicate to the building committee of the Town Council who shall, if in accordance with the provisions herein contained, recommend to the council at a regular or special meeting thereof, a permit for the proposed construction.

Structures hereafter erected without a permit, or not in conformity with this ordinance shall be removed.

No building shall be moved until a permit has been obtained from the building committee of the council, or other designated official; and such official shall not issue such permit if in his judgment the proposed new location of the building would seriously increase the fire hazard of the surrounding buildings.

The committee or building official shall, as often as practical, inspect all buildings or structures during construction for which a permit has been issued to see that the provisions of law are complied with and that construction is prosecuted safely. Whenever, in his opinion by reason of defective or illegal work in violation of a provision of this ordinance, the continuance of a building operation is contrary to public welfare, he may order all further work to be stopped and may require suspension of work until the conditions in violation have been remedied.

(Ord. 255, §2; 1-3-1944)

4.52.030   Limitations within Fire Limits.

No building or structure of frame wall, or of unprotected metal wall construction or which has a wooden cornice, shall be erected hereafter in the fire limits, except the following:

Outhouses not more than eight feet in height nor more than one hundred square feet in area.

Builders' shanties not more than one story in height, for use only in connection with a duly authorized building operation and located on the same lot with such building operation, on a lot immediately adjoining, or an upper floor of the building under construction, or on a sidewalk shed.

Coal tipples, ice-houses, material bins, trestles and water tanks, when built of planking and timbers of the dimension acceptable for heavy timber construction, not in excess of 8 × 100 feet.

Fences not exceeding ten feet in height.

Display signs as elsewhere provided in this ordinance.

Frame dwellings not exceeding two stories in height and separated by at least five feet from lot line of adjoining property.

No building of frame construction or unprotected metal construction shall hereafter be moved from without to within the fire limits.

(Ord. 255, §3; 1-3-1944)

4.52.040   Alterations and Additions.

Within the fire limits, no building or structure of frame construction or of unprotected metal construction shall be hereafter extended on any side unless the construction of such extension conforms to the requirements of this ordinance for new construction.

(Ord. 255, §4; 1-3-1944)

4.52.050   Removal of or Repair of Unsafe Buildings within the City Limits.

A building or structure or part thereof that may be or shall at any time hereafter become dangerous or unsafe, shall, unless made safe and secure, be taken down and removed.

A building or structure or part thereof declared structurally unsafe or hazardous by duly constituted authority may be restored to safe condition; provided that if the damage of cost of reconstruction or restoration is in excess of fifty per cent of the value of the building or structure exclusive of foundations, such building, or structure, if reconstructed or restored, shall be made to conform with respect to materials and type of construction, to the requirements for buildings and structures hereafter erected; but no change of use or occupancy shall be compelled by reason of such reconstruction or restoration.

(Ord. 255, §5, 1-3-1944)

4.52.060   Walls.

The thickness of masonry bearing walls shall be not less than twelve inches for the uppermost twenty-five feet of their height, and shall increase four inches in thickness for each successive thirty-five feet or fraction thereof measured downward from the top of the wall. Nonbearing walls may be twelve inches thick for the uppermost fifty feet.

Hollow walls of brick or walls of hollow burnt clay tile or concrete blocks shall not be used as bearing walls in buildings or structures exceeding forty feet in height.

Fire walls and party walls for business and storage buildings shall be four inches thicker than the above requirements for bearing walls and shall be of solid brick masonry or reinforced concrete.

The thickness of walls of reinforced concrete bearing walls shall be not less than three-fourths of the thickness required for masonry bearing walls.

In one- and two-family dwellings, walls may be eight inches thick, when not more than thirty feet in height nor more than fifty feet in length between cross walls or adequate buttresses; provided that in a gable wall the portion within five feet of the peak need not be considered in fixing the height.

Walls supported at each story by girders which are protected with not less than two inches of fireproofing material applied in a manner to afford a fire-resistance rating of not less than three hours may be eight inches thick.

Walls of business buildings and storage buildings, other than firewalls or party walls, not more than one story high, may be eight inches thick; provided they are reinforced at intervals not exceeding twenty feet, by cross walls, piers or buttresses.

Outside of the fire limits solid masonry walls, eight inches thick, may be used for buildings not exceeding thirty feet nor two stories in height, the walls of which, under this ordinance, could be of frame construction; provided they do not exceed fifty feet in length between cross walls, piers or buttresses. Hollow walls of brick or walls of hollow block of solid block masonry, eight inches thick, may be used when such buildings do not exceed one story in height.

Parapets shall be provided on all fire walls, party walls, and exterior walls of masonry or reinforced concrete, where such walls connect with roofs other than roof of fireproof construction; provided that a parapet shall not be required for a wall facing on a street having a width of fifty feet or more nor on a wall of a building the roof of which is ten feet lower than the roof of a building adjoining or adjacent to such wall, nor on the walls of a detached dwelling, nor on the walls of a building which is fifty feet or more distant in all directions from other buildings. In dwellings and in buildings in which eight-inch walls are permitted, such parapets shall not be less than eight inches thick and carried at least two feet above the roof.

(Ord. 255, §6; 1-3-1944)

4.52.070   Quality of Materials.

All building materials shall be of good quality, and shall conform to specifications which the building official prescribes. The more generally accepted standard specifications for quality of materials are those of the American Society for Testing Materials.

(Ord. 255, §7; 1-3-1944)

4.52.080   Concrete Construction.

Concrete for reinforced construction shall consist of one part portland cement and not more than six parts aggregate, by volume measured dry, and not more than seven and one-half gallons of water per sack, ninety-four pounds, of cement. The aggregate shall be mixed in an approximate ratio of two parts fine aggregate and four parts coarse aggregate. This requirement applies under ordinary conditions and does not preclude the use of other mixtures when duly authorized.

The "Building Regulations for Reinforced Concrete" as adopted by the American Concrete Institute shall constitute the accepted good practice is reinforced concrete construction.

(Ord. 255, §8; 1-3-1944)

4.52.090   Protection of Ends of Wooden Beams.

Wooden joists, beams and girders resting on opposite sides of a masonry wall shall be separated from one another by at least six inches of solid masonry. Such separation may be obtained by corbeling the wall, or staggering the beams, or the beams may be supported by steel wallhangers, but no wall shall be corbeled more than two inches for this purpose.

(Ord. 255, §9; 1-3-1944)

4.52.100   Protection of Wall Openings.

The aggregate width of all openings in a fire wall at any level shall not exceed 25 per cent of the length of the wall.

Every opening in a required firewall shall be protected on each side of the wall with an approved automatic fire door; provided that when a firewall serves also as a horizontal exit, it shall have no openings other than door openings not exceeding forty-eight square feet in area, and one of the automatic fire doors at each opening shall be replaced a self-closing fire door.

(Ord. 255, §10; 1-3-1944)

4.52.110   Stairway, Elevator and other Shafts.

In every building exceeding 30 feet to the floor of the topmost story or occupied by more than forty persons above or below the first story above grade and in multi-family houses more than two stories high, interior stairways, including hallways connecting them to the doorway leading to the outside, shall be enclosed with a partition construction of incombustible materials having a fire-resistance rating of not less than two hours.

In all other buildings, except dwellings, interior stairways which are not enclosed in partitions as prescribed in the preceding paragraph, shall be enclosed in partitions of wood studs firestopped at every floor with incombustible material and covered on both sides with expanded metal lath and gypsum mortar not less than three-quarters of an inch thick, or of other construction having a fire-resistance rating of not less than one hour.

When stairways do not serve as required exits and do not connect more than two stories the enclosure may be of a construction having a fire-resistance rating of not less than one hour; and provided that an enclosure shall not be required for a flight of stairs from the main entrance floor to the floor next above when such stairs are not a part of a required stairway.

No openings except the necessary doorway, shall be permitted in a stair enclosure. Such doorway shall be equipped with approved self-closing fire doors, except that when two-hour partitions are not required for the enclosure, substantial self-closing metal or metal covered doors or wooden doors of the flush type of nominal thickness of one and three-eights inches may be used. This shall not, however, prohibit windows opening to the exterior of the building.

Except in dwellings, no stair leading up from a basement shall be placed under a stairway leading from an upper story, unless such stair and stairway are enclosed within the basement by a two-hour partition, and with an unbroken ceiling construction, having a fire-resistance rating of not less than one hour, on the soffit of the flight through the lowest story of the stairway from above.

All shaftways through two or more successive floors, or floors and roof, hereafter constructed in a building, used for ventilation, light, elevator or other purpose, except stairways as provided for in the preceding paragraphs, ducts, incinerator chutes and flues, shaftways in buildings of frame construction, and shaftways in residence buildings of ordinary construction extending from the ceiling of the top story to and above the roof, shall be enclosed to constitute a shaft. The walls of shafts, unless constructed of masonry or reinforced concrete shall be partitions of incombustible materials having a fire-resistance rating of not less than two hours; provided that shafts in residence buildings of ordinary construction may be constructed of hollow clay tile, stone or cinder concrete, gypsum blocks, gypsum mortar or cement or metal lath, or any material and form of construction that has a fire-resistance rating of not less than one hour; and provided further that such walls shall be not less than two inches thick and set in an angle iron frame or otherwise substantially supported on incombustible construction properly fire protected.

Shafts shall have no openings other than such as are necessary for the purpose of the shaftway. Such openings shall be protected with approved fire doors, approved fire shutters or approved fire windows.

Every shaft extending above the roof, except open shafts, shall be covered at the top with a skylight of at least three-fourths of the area of the shaftway in the top story; provided that the skylight herein required may be replaced by a window of equivalent area in the side of the shaft if the sill of such window is not less than two feet above the roof and the window does not face a lot line within ten feet.

In an existing building in which there is a shaftway not already enclosed as in this section prescribed, the openings in each floor shall be protected by substantial guards or gates and shall be provided with approved trapdoors as may be directed by the building official. Such trapdoors shall be constructed so as to form a substantial floor surface when closed; if there are elevators, they shall be so arranged as to open and close by the action of the elevator in ascending or descending. Guards or gates, and trapdoors required by this section shall be kept closed at all times, when the shaftway is not in actual use.

(Ord. 255, § 11; 1-3-1944)

4.52.120   Skylights.

Skylights which are inclined more than sixty degrees from the vertical, hereafter placed on a building shall have the sashes and frames thereof constructed of metal, except that skylights in foundries or buildings where acid fumes are present, as an incident to the occupancy of the building, may be of wood by special permission of the building official.

Skylights placed over shaftways shall be glazed with plain glass not more than three-sixteenths of an inch in thickness. Every skylight in which plain glass is used shall be protected by a substantial wire screen placed not less than four inches nor more than ten inches above the glazed portion of the skylights at all points. Such screen shall extend beyond the glazing on all sides a distance not less than the height of the screen above the glazing. When such skylight is located over a stairway, passageway, public hallway or a room of public resort a similar screen shall also be placed below the skylight, unless there is an intermediate ceiling light.

(Ord. 255, §12; 1-3-1944)

4.52.130   Roof Covering.

Every roof hereafter placed on a building shall be covered with an approved roofing of brick, concrete, tile, slate, metal, asbestos, or built-up roofing finished with asphalt, slag or gravel, or with other approved material.

Except where roofing is of a character permitting attachment direct to steel framework, it shall be applied to a solid or closely fitted deck.

Roofings which are classified as Class A or B under the test specifications of Underwriters' Laboratories, Inc., shall be accepted as meeting the requirements of this section.

Outside the fire limits, dwellings, private garages and barns, separated by at least twelve feet from other buildings may be roofed with approved vertical grain or edgegrain wooden shingles. The combined thickness of each five shingles measured at the butts shall be not less than two inches. The exposure of such wooden shingles to the weather shall not exceed, on roofs greater than one-third pitch five inches for 16-inch shingles, five and one-half inches for 18-inch shingles, and seven and one-half inches for 24 inch shingles; nor, on roofs with less than one-third pitch but not less than one-quarter pitch, four inches for 16-inch shingles, four and one-half inches for 18 inch shingles, and six and one-half inches for 24 inch shingles. Such shingles shall be firmly nailed to the roof deck with noncorrodible and rust resistive nails according to accepted good practice. Unless otherwise specified by ordinance or duly promulgated rules, the American lumber standards established in Simplified Practice Recommendation #16-29 of the U.S. Department of Commerce, shall be accepted as means of establishing the grade of shingles.

(Ord. 255, §13; 1-3-1944)

4.52.140   Exits Required.

Exits shall consist of interior stairways, fire towers, horizontal exits, exterior stairways, passageways or doorways. The term "floor area" as sued in this section, shall mean the entire floor space between exterior walls and fire walls.

In every building hereafter erected, except in private dwellings, every floor area having direct exit to a street and occupied by more than seventy-five persons shall have at least two means of exit. Every story not having direct access to a street shall have at least one interior stairway or fire tower connected thereto. Every such story shall have at least one additional exit when it exceeds two thousand five hundred square feet in area.

Exits shall be so located that no point in a floor area, room or space served by them is more than one hundred feet distant from an exit, into smaller areas, such as rooms in hotels and office buildings, the distance from the door of any room along an unobstructed hallway, to an exit, shall be not more than one hundred and twenty-five feet. Where separate exits are required for a floor area, they shall be placed as remote from each other as practicable.

The minimum unobstructed width of a stairway serving as an exit, except for handrails projecting not more than three and one-half inches into such width, shall be not less than forty-four inches; provided that in dwellings, multi-family houses and storage buildings, and in other buildings occupied by a single tenant and limited in occupancy to forty persons, such width may be thirty-six inches.

In places of assembly, such aggregate width shall be not less than at the rate of twenty-two inches for every one hundred persons to be accommodated by such stairways.

Stair treads shall be not less than 9½ inches wide, and at the risers not more than 7¾ inches high. Winders in exit stairways are prohibited.

Except in residence buildings doorways serving as required exits to a street or to a court or open space communicating with a street, shall have the doors, including the doors of vestibules, so hung as to swing outwards when opening.

(Ord. 255, §14; 1-3-1944)

4.52.150   Fire Stops.

In all buildings hereafter erected, all stud walls, partitions, furrings and spaces between joists where they rest on division walls or bearing partitions, and similar vertical spaces shall be fire-stopped with incombustible material in a manner to cut off all concealed draft openings and form an effectual horizontal fire barrier between stories, and between a top story and the roof space. Such firestopping shall extend the full depth of the joists, and at least 4 inches above each floor level. Stair carriages shall be firestopped at least once in the middle portion of each run.

(Ord. 255, §15; 1-3-1944)

4.52.160   Areaways.

All areaways shall be guarded with suitable railings, or be protected by incombustible covers or gratings. If gratings be used, they shall have a wire screen of not more than ½ inch mesh securely attached to the underside. Open areaways shall not project beyond the lot line.

(Ord. 255, §16; 1-3-1944)

4.52.170   Limitations within City Limits.

In buildings of frame construction, except private garages, an exposed wall which is less than three feet distant from a lot line, other than a streetline, shall have a fire-resistance rating of not less than two hours; provided that the material of the weather surface may be similar to that of the other exterior walls of the building.

In buildings of frame construction, an exposed wall which is less than ten feet distance from a wall of another building of frame construction on the same lot, shall have a fire-resistance rating of not less than two hours; provided that the materials of the weather surface may be similar to that of the other exterior walls of the building; and provided that when the aggregate area of the two buildings does not exceed one and one-half times the limiting area fixed by this ordinance for either building, such fire-resistance rating shall not be required.

Walls or partitions separating two or more dwellings of frame construction shall consist of wooden studs covered on both sides with gypsum mortar or cement mortar, not less than three-fourths of an inch in thickness, on expanded metal lath, or of some other construction having a fire-resistance rating of not less than one hour.

(Ord. 255, §17; 1-3-1944)

4.52.180   Electrical Installations.

All electrical wiring, apparatus, or appliances for furnishing light, heat, or power shall be in strict conformity with the statutes of the State of Washington, the rules and regulations issued by the Industrial Commission of \_\_\_\_\_\_\_\_\_\_\_, and in conformity with approved methods of construction for safety to life and property. The regulations in the National Electrical Code, as approved by the American Standards Association, and in other installations and safety regulations approved by the American Standards Association, shall be prima facie evidence of such approved methods.

(Ord. 255, §18; 1-3-1944)

4.52.190   Chimneys.

All chimneys shall be built of brick, concrete, stone, hollow tile of clay or concrete, concrete block or of reinforced concrete, not less then eight inches thick; provided that for stone masonry other than sawed or dressed stone in courses, properly bonded and tied with metal anchors, the thickness shall be not less than twelve inches; and provided that in dwellings brick or solid concrete chimneys, used exclusively for ordinary stoves, ranges, furnaces or open fireplaces, the thickness of the masonry may be reduced to not less than three and three-quarters inches.

Every such chimney shall be lined with a flue lining. High pressure steam boilers, incinerators exceeding nine square feet grate area or of fuel-fired type and other moderate heat appliances shall have a lining of four inches of fire brick for a distance of at least twenty-five feet above the flue entrance.

Chimneys shall extend at least three feet above the highest point at which they come in contact with a roof of the building and at least two feet higher than any ridge within ten feet of such chimney. They shall be properly capped.

Chimneys shall be built upon concrete or solid masonry foundations. The footing for an exterior chimney shall start below the frost line.

The back and sides of fireplaces hereafter erected shall be of approved masonry or reinforced concrete, not less than eight inches in thickness. A lining of fire brick or other approved material at least two inches thick shall be provided unless the thickness is twelve inches.

Fireplaces, except when designed and used for approved gas appliances only, all have hearths of brick, stone, tile or other approved incombustible material supported on masonry arches. Such hearths shall extend at least twenty inches outside of the chimney breast and not less than twelve inches beyond each side of the fireplace opening along the chimney breast. The combined thickness of hearth and supporting arch shall be not less than six inches at any point.

Wooden centers used in the construction of that part of the supporting arch which is below the hearth of the fireplace inside of the chimney breast, shall be removed when the construction of the arch is completed and before plastering on the underside.

Metal smokestacks may be permitted for boilers, furnaces and similar apparatus where large hot fire are used, provided that every such stack, or part thereof, hereafter erected within a building other than a one-story building, shall be inclosed above the story in which the appliance served thereby is located, in walls of approved masonry or a partition construction of incombustible materials having a fire-resistance rating of not less than two hours, with a space on all sides between the stack and the inclosing walls sufficient to render the entire stack accessible for examination and repair. The inclosing walls shall be without openings, except doorways equipped with approved self-closing fire doors at various floor levels for inspection purposes. Where such a stack passes through a roof constructed of combustible materials, it shall be guarded by a galvanized iron ventilating thimble extending not less than nine inches below and nine inches above such roof construction. Such thimbles shall be of a size to provide a clearance on all sides of the stack of not less than eighteen inches; provided that for stacks of low heat appliances the clearance may be reduced to not less than twelve inches.

(Ord. 255, §19; 1-3-1944)

4.52.200   Smoke Pipes.

Smoke pipes shall enter the side of chimneys through a fire clay or metal thimble or fluering of masonry. No smoke pipe shall pass through a floor, nor through a roof unless such roof is of fireproof construction or of semi-fireproof construction.

Smoke pipes shall not pass through combustible partitions; provided that smoke pipes from ordinary ranges and stoves may do so if they are guarded by double metal ventilated thimbles six inches larger in diameter than the pipe, or by steel tubes built in brickwork or other approved fire-proofing materials extending not less than eight inches beyond all sides of the tube.

The clear distance between a smoke pipe or metal breeching and combustible material or construction, including plaster on combustible base, shall be not less than eighteen inches in the case of low heat appliances, and not less than thirty-six inches for medium or high heat appliances; provided that such clearances may be reduced one-half when such smoke pipes or breechings are protected with not less than one inch of asbestos or in some other approved manner or such combustible material or construction is protected by sheet metal or equivalent covering placed at least one inch from the surface to be protected and extending the full length of the smoke pipe and not less than twelve inches beyond it on both sides; and provided further that, in the case of smoke pipes used on ordinary heating or cooking stoves, such clearances may be nine inches but not less.

(Ord. 255, §20; 1-3-1944)

4.52.210   Warm Air Pipes and Registers.

Warm air pipes leading from the furnace to vertical or wall stacks shall not be placed nearer than one inch to combustible material unless such material is covered with asbestos paper and the paper covered with tin or iron.

No warm air pipe shall be placed in a floor, partition or enclosure of combustible construction, unless it is at least six feet distant in a horizontal direction from the furnace.

Wall stacks or wall pipes shall be covered with not less than one thickness of asbestos paper weighing not less than twelve pounds per hundred square feet. An air space of no less than five-sixteenths of an inch shall be provided on all sides; or, such wall stacks or wall pipes, together with heads, boots, ells, tees, angles and other connections shall be made double, from the boot to the top of such stack and to the register head in each story. There shall be a continuous uniform air space of not less than five-sixteenths of an inch between the outer and inner walls.

Registers used in heating systems, placed in combustible structural assemblies, shall be surrounded with a border of incombustible material not less than two inches wide, securely set in place or in some other approved manner.

Register boxes shall be made of sheet metal. They shall be double with not less than one inch of air space between the two, or they may be single, covered with asbestos not less than one-eighth inch thick, provided that any woodwork within two inches is covered with tin.

When a register box is placed in the floor over a furnace, the space on all sides between the casing and the register box shall be not less than four inches.

Every warm air furnace shall have at least one register without valve or louvers.

The cold air ducts of heating systems where extending through any other story than the one in which the furnace is located shall be of metal or approved incombustible material. Such ducts within six feet of their connection with the furnace shall be similar material.

(Ord. 255, §21; 1-3-1944)

4.52.220   Steam and Hot Water Pipes.

Where steam or hot water heating pipes pass through combustible floors, or partitions, or other combustible construction there shall be an open space of not less than one inch on all sides of the pipe, which shall be capped at the ends with incombustible material. Such pipes passing through stock shelving shall be covered with not less than one inch of approved insulation. Wooden boxes or casings enclosing steam or hot water heating pipes, or wooden covers to recesses in walls in which such pipes are placed, shall be lined with metal.

Coverings or insulation used on steam or hot water pipes shall be of incombustible material.

(Ord. 255, §22; 1-3-1944)

4.52.230   Stoves and Ranges.

Cooking stoves, laundry stoves, heating stoves, and combination coal and gas ranges hereafter installed in dwellings and in apartments of multi-family houses, shall be set on hearths supported by masonry trimmer arches extending not less than six inches on all sides beyond such appliances; provided that such appliances with legs that provide an open air space of not less than four inches below the bottom of the appliance may be set on sheet metal or other approved incombustible material.

No such appliance shall be placed within twelve inches of a wooden partition, a wood-furred wall or combustible material, unless protected by a shield of metal or other approved incombustible material so attached as to preserve an open air space behind it and to extend from the floor to one foot above and is inches beyond the sides of such appliance, in which case such appliance shall not be placed within six inches of a wooden stud partition, a wood-furred wall or combustible material.

Ranges, candy kettles, cruller furnaces, and appliances for the frying of bakery or confectionery products, except ranges in dwellings or apartments of multi-family houses, shall be provided with ventilating hoods and pipes to take off the smoke, gases and vapors; unless such appliances are inclosed and vented in an approved manner.

(Ord. 255, §23; 1-3-1944)

4.52.240   Heating Appliances.

Hot air, hot water and steam heating furnaces hereafter installed on wood-joisted floors or other combustible construction in dwellings, shall have protective bases of sheet metal or asbestos covered with hollow masonry not less than four inches in thickness laid to preserve a free circulation of air through such masonry course. Such bases shall extend at least one foot beyond the furnace on all sides; provided that the extension at the front is at least two feet when solid fuel is used.

No such appliance shall be located hereafter nearer than eighteen inches in any direction to woodwork or other combustible material or construction, including plaster on combustible base.

(Ord. 255, §24; 1-3-1944)

4.52.250   Vent Flues.

Vent flues or ducts, for the removal of foul or vitiated air, in which the temperature of the air cannot exceed that of the rooms, shall be constructed of metal or other incombustible material, and shall not be placed nearer than one inch to any woodwork, and no such flue shall be used for any other purposes.

(Ord. 255, §25; 1-3-1944)

4.52.260   Workmanship.

Workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted good practice. Specific provisions of this ordinance shall not be deemed to suspend any requirements of good practice, but shall be regarded as supplementing or emphasizing them, and shall be controlling. The building official shall, as may be necessary, promulgate rules embodying the requirements of such generally accepted good practice, it being the intent of this requirement that the standards of federal or state bureaus, national technical organizations or fire underwriters, as the same may be amended from time to time, shall serve as a guide in fixing the minimum rules of practice.

(Ord. 255, §26; 1-3-1944)

4.52.270   Supplementary Requirements.

The Fifth Edition of the Building Code recommended by the National Board of Fire Underwriters shall be deemed to be the generally accepted good practice for fireproof, semi-fireproof and heavy timber construction, light and ventilation, safeguards during construction, theatres and other special occupancies, elevators and all other matters not covered in this Ordinance.

(Ord. 255, §27; 1-3-1944)

4.52.280   Certain Uses in Block 22 Prohibited.

No person or persons shall build, erect, or establish any wooden building or structure or establish any wood, hay, or lumber yard, for the storage of wood, hay or lumber or other like combustible material on the north half of Block Twenty-two in the town of Oakesdale.

(Ord. 32, §1; 3-11-1891)

4.52.290   Penalty for Violations.

A person who shall violate a provision of this ordinance\* or fail to comply therewith or with an of the requirements thereof, or who shall erect, construct, alter or repair, or has erected, constructed, altered or repaired a building or structure, in violation of a detailed statement of plans submitted and approved thereunder, or of a permit or certificate issued thereunder shall be guilty of a misdemeanor.

The owner of a building, structure or premises, where anything in violation of this ordinance shall be placed or shall exist, and architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall each be guilty of a separate offense.

The imposition of the penalties herein prescribed shall not preclude the corporation counsel from instituting an appropriate action proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct, or abate a violation, or to prevent the occupancy of a building, structure or premises, or to prevent an illegal act, conduct, business or use in or about any premises.

(Ord. 432, §1; 3-04-85)

\*Compiler's note: "This ordinance" refers to Ordinance 432.