

Title 12 – Building and Construction

Chapter 1 – Swinomish Building Code

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Legislative History

Enacted:

Building and Construction, Ord. 222 (10/5/04), BIA (10/15/04).

Repealed or Superseded:

Building and Construction, Ord. 178 (9/5/03), BIA (9/12/03).

Adopting the Uniform Building Code and Uniform Building Standards, Ord. 133 (2/2/99) (repealing Ord. 46 and all other ordinances or parts of ordinances in conflict).

Adopting a Uniform Building Code for the Swinomish Reservation, Ord. 46 (11/3/81), Res. 81-11-878, BIA (11/23/81) (repealing all other ordinances or parts of ordinances in conflict).

Adopting Applicable Provisions of the Skagit County Health Code, Res. 76-7-399 (7/3/76).

Adopting the Applicable Building Codes of Skagit County, Res. 391 (3/8/76).

Noted:

Supporting Tribally Adopted Building Standards, Res. 95-2-15 (2/7/95) (confirming the tribal acceptance of the Uniform Building Code, CABO Code for One and Two Family Dwellings, Federal Accessibility Guidelines, and Class 3 Earthquake Zone Conditions on Reservation (1995).

Sanitation and Inspection Committee, Ord. 12 (4/28/41) (requiring the replacement of broken windows). Repealed or Superseded:

Building and Construction, Ord. 178 (9/5/03), BIA (9/12/03).

12-01.010 Title.

This Chapter shall be known as the “Swinomish Building Code”.

[History] Ord. 222 (10/5/04), Ord. 178 (9/05/03); Ord. 133 (2/2/99).

12-01.020 Purpose.

The purpose of the Swinomish Building Code is to

- (1) regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures on the Reservation;
- (2) provide for the issuance of permits and collection of fees therefore; and
- (3) provide penalties for violations of the Swinomish Building Code.

[History] Ord. 222 (10/5/04).

12-01.030 Authority.

This Chapter is enacted pursuant to authority provided by Article VI, Sections 1(h), (k)(1), (l), (r) and (s) of the Swinomish Constitution, as most recently amended.

[History] Ord. 222 (10/5/04), Ord. 178 (9/5/03); Ord. 133 (2/2/99).

12-01.040 Jurisdiction.

Tribal jurisdiction over the activities subject to this Chapter shall extend to all lands and waters within the exterior boundaries of the Swinomish Indian Reservation to the maximum extent permitted by law.

[History] Ord. 222 (10/5/04).

12-01.050 Construction.

In the event of a conflict between the provisions of this Chapter and the provisions of any other Title, Chapter, or Section of this Code, the provisions of this Chapter shall prevail.

[History] Ord. 222 (10/5/04), Ord. 178 (9/5/03).

12-01.060 Definitions.

- (A) Unless explicitly stated otherwise, the following words and phrases, as they are used in this Chapter, shall have the following meanings:

- (1) **"Code"** means the Swinomish Tribal Code.
 - (2) **"IBC"** means the International Building Code.
 - (3) **"IRC"** means the International Residential Code.
 - (4) **"Reservation"** means all lands and waters within the exterior boundaries of the Swinomish Indian Reservation.
 - (5) **"SBC"** means the Swinomish Building Code.
 - (6) **"Senate"** means the Senate of the Swinomish Indian Tribal Community.
- (B) All other words and phrases shall have their ordinary and customary meanings.

[History] Ord. 222 (10/5/04).

12-01.070 Adoption of International Building and Residential Codes.

- (A) Except as otherwise provided in this Chapter, the Senate hereby adopts and incorporates as tribal law as if fully set out herein the following:
- (1) The International Building Code, 2003 Edition, published by the International Code Conference, together with the following appendices thereto:
 - (a) Appendix B;
 - (b) Appendix C;
 - (c) Appendix E (sections 101 through 107 only); and
 - (d) Appendix J;and Washington State amendments to the IBC, codified at Chapter 51-50 WAC; and
 - (2) The International Residential Code, 2003 edition, except Chapters 11 and 25 through 40, published by the International Code Council, together with the following appendices thereto:
 - (a) Appendix E (sections 101 through 106 only);
 - (b) Appendix G; and
 - (c) Appendix J;

and Washington State amendments to the IRC, codified at Chapter 51-51 WAC.

The IBC and the IRC together shall constitute the "Swinomish Building Code."

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 133 (2/2/99).

12-01.080 Amendments to the International Building Code.

(A) IBC Section 105.2, Work Exempt from Permit is amended as follows:

(1) One story detached accessory building used as a tool or storage shed, play house or similar use, Provided, that

(a) the building is not used for sleeping purposes;

(b) only one such building is allowed on any parcel;

(c) the building's floor area does not exceed two hundred (200) square feet; and

(d) the building

i. is separated from all other structures by not less than eight feet; and

ii. meets the requirements of Chapter 20-03-Zoning of the Swinomish Tribal Code.

6. Uncovered platforms, walks, decks and driveways not more than thirty inches (30") above grade and not over any basement or story below.

14. Construction or alteration of group U private garage occupancies for which the total cost of fair market value, as determined by currently adopted valuation methods, does not exceed fifteen hundred (\$1500) dollars, Provided, that new construction

(a) occurs only on the first story and not over a basement below; and

(b) meets the requirements of Chapter 20-03-Zoning of the Swinomish Tribal Code.

15. Membrane structures as defined in the International Building Code, Provided, that

- (a) The structure is used exclusively for the protection or propagation of plants not on display for public viewing or sales;
- (b) The structure is located a minimum of twenty feet (20') from any property line or other structure and it meets the requirements of Chapter 20-03-Zoning of the Swinomish Tribal Code;
- (c) Multiple membrane structures located on the same lot and having an aggregate floor area exceeding twelve thousand (12,000') square feet shall maintain a minimum of sixty (60') foot clear yards on all sides; and
- (d) A site plan is submitted to the Swinomish Office of Planning and Community Development, which demonstrates compliance with Section 106.2 of the International Building Code.

(B) IBC Section 105.5 Expiration is amended as follows:

Every building permit issued by the Building Official under the provisions of the IBC shall expire and become null and void if the building or work authorized by such permit is not completed within three (3) years of the date of issuance of the permit. To renew action on a permit after the permit has expired, the permittee shall pay a renewal fee according to the fee schedule adopted by the Senate, Provided, that a new permit will be required where more than six months has passed from the expiration date of the original permit.

Any permittee holding an unexpired permit may apply for a six-month extension in order to complete the authorized work. The Building Official may grant the extension on written request from the permittee showing that circumstances beyond the control of the permittee have prevented the authorized work from being completed. No permit may be extended more than once.

(C) IBC Sections 1608.1 and 1608.2 and map 301.2(5) for snow loads are amended as follows:

The Swinomish Building Official shall refer to the anticipated snow loads for Skagit County determined by the Skagit County Building Department and identified on a map of Skagit County attached hereto as Figure A. The snow loads and the snow load map of Skagit County have been reviewed by local structural and civil engineers for methodology and conformance with the 1995 Snow Load Analysis published by the Structural Engineers Association of Washington and have been found to be conforming.

(D) IBC section 3002.4 Elevator car to accommodate ambulance stretcher is amended as follows:

Stretcher Requirements. In all structures two or more stories in height in Group A, E,

B, I, R1 and LC occupancies where elevator cars are installed, at least one elevator shall be provided with a minimum clear distance between walls or between walls and door including return panels, of not less than 86 inches by 54 inches (2184 mm x 1272 mm) and a minimum distance from wall to return panel of not less than 51 inches (1295 mm) with a 42 inch (1067 mm) side slide door, unless otherwise designed to accommodate an ambulance-type stretcher 86 inches by 26 inches (2184 mm x 660 mm).

In buildings where one elevator does not serve all floors, two or more elevators may be used. The elevators shall be identified by the international symbol for emergency medical services (Star of Life). The symbol shall not be less than 3 inches (76 mm) and placed inside on both sides of the hoistway door frame. The symbol shall be placed no lower than 78 inches (1981 mm) from the floor level or higher than 84 inches (2134 mm) from the floor level.

(E) IBC Section 3401.1 GENERAL is amended as follows:

Buildings in existence at the time of the adoption of this Chapter may have their existing use or occupancy continued if such use or occupancy existed prior to February 24, 1977, Provided, that the Building Official determines that such use or occupancy is not dangerous to life. Buildings legally permitted and approved for occupancy before or after such date are considered legal at the time of the adoption of this Chapter.

(F) Appendix J to the IBC, Section J103.2 Exemptions is amended as follows:

8. An excavation

- (a) that is less than 2 feet (610 mm) in depth;
- (b) that does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope); or
- (c) that does not exceed 100 cubic yards (76.5 m³) of excavated material.

9. A fill:

- (a) less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope); or
- (b) less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 100 cubic yards (76.5 m³) on any one lot and does not obstruct a drainage course.

[History] Ord. 222 (10/5/04).

12-01.090 Amendments to the International Residential Code.

(A) IRC Section R105.2, Work Exempt from Permit is amended as follows:

1. One story detached accessory building used as a tool or storage shed, play house or similar use, Provided That
 - (a) the building is not used for sleeping purposes;
 - (b) only one such building is allowed on any parcel;
 - (c) the building's floor area does not exceed two hundred (200) square feet;
 - (d) the building is separated from all other structures by not less than eight feet; and
 - (e) the building meets the requirements of Chapter 20-03-Zoning of the Swinomish Tribal Code.

5. Uncovered platforms, walks, decks and driveways not more than thirty inches (30") above grade and not over any basement or story below.

10. Construction or alteration of either Group R division 3 or group U private garage occupancies, or both, for which the total fair market value, as determined by the fee schedule in effect at the time of valuation, does not exceed fifteen hundred (\$1500) dollars, Provided, that new construction
 - (a) occurs only on the first story;
 - (b) is not over a basement; and
 - (c) meets the setback requirements of Chapter 20-03-Zoning of the Swinomish Tribal Code.

(B) IRC Section R105.5 Expiration is amended as follows:

Every building permit issued by the Building Official under the provisions of the IRC shall expire and become null and void if the building or work authorized by such permit is not completed within three (3) years of the date of issuance of the permit. To renew action on a permit after the permit has expired, the permittee shall pay a renewal fee of one half the amount required for a new permit for such work, Provided, that no changes have been made or will be made in the original plans and specifications for such work. A new permit will be required where more than six

months has passed from the expiration date of the original permit.

Any permittee holding an unexpired permit may apply for a six-month extension in order to complete the authorized work. The Building Official may grant the extension on written request from the permittee showing that circumstances beyond the control of the permittee have prevented the authorized work from being completed. No permit may be extended more than once.

- (C) IRC Section R108.2 Schedule of permit fees is amended as follows:

General Fees shall be as set forth in the fee schedule for the Swinomish Office of Planning and Community Development adopted by the Senate and as supplemented by Table 1-A of the Uniform Building Code, 1997 edition, attached hereto as Table 1-A.

- (D) Figure R301.2(5) of the IRC for snow loads is amended as follows:

The Swinomish Building Official shall refer to the anticipated snow loads for Skagit County determined by the Skagit County Building Department and identified on a map of Skagit County attached hereto as Figure A. The snow loads and the snow load map of Skagit County have been reviewed by local structural and civil engineers for methodology and conformance with the 1995 Snow Load Analysis published by the Structural Engineers Association of Washington and have been found to be conforming.

- (E) Appendix J to the IRC, Section J101.1 General is amended as follows.

Buildings in existence at the time of the adoption of this Chapter may have their existing use or occupancy continued, Provided, that such use or occupancy existed prior to February 24, 1977 and, Provided, that the Building Official determines that such use or occupancy is not dangerous to life. Buildings legally permitted and approved for occupancy before or after such date are considered legal at the time of the adoption of this Chapter.

[History] Ord. 222 (10/5/04).

12-01.100 Public Inspection

An official copy of the Swinomish Building Code shall be placed on file in the Office of Planning and Community Development where it shall be available for public review and copying during regular business hours, subject to reasonable administrative costs and restrictions.

[History] Ord. 222 (10/5/04).

12-01.110 Repealer.

This Chapter repeals and supersedes Ordinance 178.

[History] Ord. 222 (10/5/04).

12-01.120 Severability.

If any section, subsection, sentence, clause, or phrase of this Chapter is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 133 (2/2/99).

12-01.130 Effective Date.

This Chapter shall be effective immediately upon approval by the Secretary of the Interior or his or her designee.

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 133 (2/2/99).