



SELAH CITY COUNCIL

February 27, 2024

5:30 p.m. – Regular Scheduled Meeting

Significant items on the Agenda – such as Consent Agenda Items, Public Hearings, Ordinances and Resolutions
– will have an explanatory Agenda Item Sheet (AIS)

A yellow AIS cover page indicates an action item.

A blue AIS cover page indicates an informational/non-action item.



Selah City Council
Meeting Date: January 23, 2024
5:30 p.m.: Regular Meeting

Mayor:	Roger Bell
Mayor Pro Tempore Councilmembers:	Kevin Wickenhagen Jared Iverson Elizabeth Marquis Clifford Peterson William Longmire Michael Costello David Monaghan
City Administrator:	Rich Huebner
City Attorney:	Rob Case
Clerk/Treasurer:	Kimberly Grimm

City of Selah
115 W. Naches Ave.
Selah, WA 98942

AGENDA

- 1) **Call to Order – Mayor Bell**
- 2) **Roll Call**
- 3) **Registering in record of councilmember absence(s) as excused absence(s), per SMC 1.06.070**
- 4) **Pledge of Allegiance**
- 5) **Invocation with Alicia McClintic from Selah Nazarene Church**
- 6) **Announcement of changes, if any, from previously-published Agenda**
- 7) **Getting to know local businesses, agencies and/or people (up to 5 minutes total)**
 - A. Leah Richard, Selah Middle School
- 8) **Comments from the public (up to 30 minutes total)**

The City of Selah is a non-charter code city and we are presently conducting a regular meeting between the Mayor and City Council. A maximum of thirty minutes will be allotted for public comments.

Common-sense standards of decorum apply. Comments must be respectful; no profanity or insults are allowed. Comments pertaining to City business and official actions are the most valued, but comments pertaining to City officials' ability to fulfill their job duties due to events, actions, or activities that occurred outside the scope of their duties as a City official may also be offered. Constructive criticism of City officials is allowed including constructive criticism specifically mentioning City officials or employees by name as to official actions, but defamation, personal attacks and impertinent assertions are not allowed.

Commenters are limited to one comment per meeting and each comment is subject to a duration limit. City staff may disallow or modify any received written comment that exceeds its duration limit or that is deemed inappropriate, and the Mayor or Presiding Officer may turn off the podium microphone or otherwise silence any in-person comment that exceeds its duration limit or is deemed inappropriate.

These standards are subject to revision and will be updated whenever necessary in order to comply with constitutional requirements.

- A. Pre-arranged oral comments (up to 5 minutes each): None
- B. Reading of received written comments (up to 2 minutes each): None
- C. Oral comments by people in attendance (up to 2 minutes each):

9) **Proclamations/announcements - none**

10) **Consent Agenda**

Consent Agenda items are listed with an asterisk (). Those items are considered routine and will be addressed via a joint motion, without any discussion or debate. However, upon the request of any Councilmember an item will be removed from the Consent Agenda, will be addressed separately, and will be subject to discussion and debate.*

- A. Treesa Morales * Approval of Minutes from February 13, 2024 Council Meeting
- B. Kimberly Grimm * Approval of Claims & Payroll
- C. Rob Case * Resolution Authorizing City Attorney to Sign and Enter Into, on behalf of City, a Renewed Three-Year Contract with Thompson Reuters
- D. Rocky Wallace * Resolution Authorizing the Mayor or Public Works Director to sign and submit a TIB Complete Streets Early Opportunity 2024 Funding Application to WSDOT, for a sidewalk gap project on the north side of East Home Avenue which will add sidewalk to connect N 1st Street and Wenas Road
- E. Kimberly Grimm * Ordinance Amending the 2024 Budget for Well No. 5 Repairs

11) **Public Hearings – None**

12) **General Business**

- A. New Business
 - i. “Appeal” of Decision on a Code Complaint
- B. Old Business – None

13) **Resolutions**

- A. Rocky Wallace Resolution Authorizing Additional Funding, Once Again, for the City’s Emergency Water Well #5 Project

- 14) **Ordinances**
 - A. Rich Huebner Ordinance Amending the 2024 Base Salary and Wage Schedule for Unrepresented (a/k/a Non-Union) Positions

- 15) **Reports/Announcements**
 - A. Departments
 - B. Councilmembers, personally and on behalf of committees and boards
 - C. City Attorney
 - D. City Administrator
 - E. Mayor or Presiding Officer, personally and on behalf of committees and boards

- 16) **Executive Session**
 - A. RCW 42.30.110(g) – 30 Minutes
RE: Reviewing the performance of a public employee

- 17) **Closed Session - None**

- 18) **Adjournment**

Next Regular Study Session and Meeting: March 12, 2024



Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 2/27/2024

Agenda Number: 10-A*

Action Item

Title: Approval of Meeting Minutes from February 13, 2024 Council Meeting

From: Treesa Morales, Executive Assistant

Action Requested: Approval

Staff Recommendation: Approval

Board/Commission Recommendation: N/A

Fiscal Impact: N/A

Funding Source: N/A

Background/Findings/Facts: N/A

Recommended Motion: I move to approve the Consent Agenda in the form presented (This item is part of the consent agenda).

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date: **Action Taken:** None

City of Selah
City Council Meeting Minutes
February 13, 2024

Call to Order:

Mayor Bell called the meeting to order at 5:30 p.m.

Roll Call:

Councilmembers Present: David Monaghan, Clifford Peterson, Elizabeth Marquis, Michael Costello, Kevin Wickenhagen, William Longmire, Jared Iverson

Staff Present: Rich Huebner, City Administrator; Rob Case, City Attorney; James Lange, Fire Chief; Rocky Wallace, Public Works Director; Kimberly Grimm, City Clerk/Treasurer; Jeff Peters, Community Development Supervisor; Zack Schab, Recreation Director, and Treesa Morales, Executive Assistant.

Pledge of Allegiance was said by all in attendance

Invocation:

Pastor Darin Brown from Harvest Church, Selah provided prayer

Comments from the Public:

Katrina Henkel from the Selah Downtown Association (SDA) provided an update on the items the SDA is working on.

Next, Barb Petrea, from the Selah Community Days Association (SCDA), presented an update on the 2023 data of volunteer hours, exposure, and efforts from the SCDA. Ms. Petrea also gave information on the upcoming 2024 event.

Consent Agenda (all items listed with an asterisk (*) are considered part of the consent agenda and are enacted in one motion).

Mayor Bell presented the stipulations of the Consent Agenda. Councilmember Longmire requested to remove item 10-E from the consent agenda. Mayor Bell notified the Council that item 10-E will be removed and will now become item 13-B in the regular agenda. Councilmember Marquis noted corrections to the minutes, stating that she was listed as present, when she was actually absent, as well the change to the votes in the minutes where it says she voted yes. Councilmember Wickenhagen moved to approve the Consent Agenda with amendments. Councilmember Costello seconded. Mayor Bell restated the motion and asked council for discussion. Hearing none, Mayor Bell requested a voice vote to approve the motion. By voice vote motion carries.

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Approved Consent Agenda:

- A. Treesa Morales * Approval of Minutes from February 13, 2023 Council Meeting
- B. Kimberly Grimm * Approval of Claims & Payroll
Payroll Checks No.: 86046 – 86086 for a total of \$380,771.65
Claim Checks No.: 181030 – 181088 for a total of \$259,236.57
- C. Rocky Wallace * Resolution Declaring the Fremont Avenue Sewer and Resurfacing Improvements Project to be Complete and Accepting the Work and Materials
- D. Rocky Wallace * A Resolution Authorizing the Public Works Director to Sign a Water Quality Stormwater Capacity Agreement with the Washington Department of Ecology for \$130,000.00 in Grant Funds for the City’s Stormwater Management Plan

Resolutions

13-A. Resolution Authorizing the Mayor or Public Works Director to Sign and Submit a Rebuilding America Infrastructure with Sustainability and Equity (RAISE) 2024 Funding Application to the U.S. Department of Transportation, for a Suite of Transportation Studies Focusing on State Route 823 and Southern Avenue and also a Possible Extension of Naches Avenue to Interstate-82

Introduced by Mayor Bell. Presented by Public Works Director, Rocky Wallace. After discussion,

Councilmember Peterson asked if Rocky was more optimistic since this is the 3rd time submitting this grant. Mr. Wallace said it takes a few times, but there is more support from the Department of Transportation, as well as the Mayor and myself (Mr. Wallace) will be traveling back to Washington DC to discuss the project with top legislators. Mr. Wallace also said this project was voted second on the list for this year’s portfolio.

Councilmember Marquis asked who wrote the grant? Mr. Wallace replied Matthew Taylor wrote it and HLA will be reviewing it before submission. Ms. Marquis noted how well it was written. Other Councilmembers agreed.

Councilmember Longmire asked about Environmental Equity and if there was any way to include it in the grant before submitting it. Mr. Wallace said yes, which is why HLA will be reviewing it so they can add hot topic words.

Councilmember Wickenhagen moved to approve the resolution as presented. Councilmember Peterson seconded. Hearing no further discussion, Mayor Bell requested roll call from Mrs. Morales. Executive Assistant Morales called roll. Councilmember Monaghan – yes; Councilmember Peterson – yes; Councilmember Marquis – yes; Councilmember Costello – yes;

Councilmember Wickenhagen – yes; Councilmember Longmire – yes; Councilmember Iverson – yes. Motion carries.

13-B. Resolution Authorizing the Mayor to Sign the Washut Outside Utility Agreement (OUA -2024-001)

Introduced by Mayor Bell. Presented by Community Services Planner, Jeff Peters. After discussion,

Councilmember Longmire expressed his concerns about adding a utility hook up on a property that is outside the City Limits when the City’s current treatment facility is nearly at capacity. Mr. Longmire said when he spoke with Waste Water Treatment Facility Supervisor, Eric Neumeyer, and when reading the HLA report on the facility, it is his understanding that there are only around 100 possible connections left. Mr. Wallace replied that there are 175 more homes that can be hooked up to the current plant and that is including if all the fruit processing plants start sending their waste as well. Mr. Longmire continued that if we can barely meet the needs of our current residents, why are we extending outside the City limits? Mr. Peters added that in addition to what Mr. Wallace said, the City’s remaining hook ups are provided on a first come first served basis. Mr. Peters continued to explain that City’s are required to plan to expand utilities to all UGA (urban growth boundary) areas. Mr. Longmire asked if there was a plant in place for future development into the UGA? Mr. Wallace answered that it is his understanding that only one house is planning to go there. Mr. Longmire noted that on four acres, there could be up to 20 connections. Mr. Peters explained that if they did plan to build more than one house, they would have to bring in a long or short plat and an engineering plan, and because they are extending an OUA to this property, the property owners will now have to meet the City standards for construction.

After more discussion, Councilmember Wickenhagen moved to approve the resolution as presented. Councilmember Costello seconded. Mayor Bell requested roll call from Mrs. Morales. Executive Assistant Morales called roll. Councilmember Monaghan – yes; Councilmember Peterson – yes; Councilmember Marquis – yes; Councilmember Costello – yes; Councilmember Wickenhagen – yes; Councilmember Longmire – yes; Councilmember Iverson – yes. Motion carries.

Ordinances

14-A. Ordinance Amending the 2024 Budget for the Expenditure of Lodging Taxes

Introduced by Mayor Bell and Presented by Clerk/Treasurer, Kimberly Grimm. After presentation,

Councilmember Costello moved to approve the Ordinance as presented. Councilmember Peterson seconded. Hearing no further discussion, Mayor Bell requested roll call from Mrs. Morales. Executive Assistant Morales called roll. Councilmember Monaghan – yes; Councilmember Peterson – yes; Councilmember Marquis – yes; Councilmember Costello – yes;

Councilmember Wickenhagen – yes; Councilmember Longmire – yes; Councilmember Iverson – yes. Motion carries.

Staff Updates:

The following staff members provided a department update.

- Fire Chief, James Lange
- Community Services Supervisor, Zack Schab
- Police Chief, Dan Christman
- Community Development Supervisor, Jeff Peters
- Public Works Director, Rocky Wallace
- Clerk/Treasurer, Kimberly Grimm

Councilmember Updates:

The following Councilmembers provided an update.

- Councilmember Peterson updated Council on his attendance from the Yakima Valley Conference of Governments meeting and the Selah Parks and Recreation Service Area (SPRSA) meeting.
- Councilmember Marquis provided a Council update on the School Board Meeting.
- Councilmember Costello informed Council on his attendance at the Selah Parks Foundation meeting.
- Councilmember Wickenhagen noted all the work being done by the SDA and his attendance at the Tourism Board Meeting.
- Councilmember Longmire provided his summary of the recent SPRSA meeting as well.
- Councilmember Iverson gave an update on the Selah Chamber of Commerce from his meeting.

City Attorney, Rob Case notified the Council that the purchase of the building where the current Police Station is located is complete. And noted that the Council can anticipate seeing an update on the SAFE mural and the final Union Agreements in the near future.


City Administrator, Rich Huebner, presented the Agreement Amendment with Beckwith Consulting that should have been included with Resolution 3064.

Mayor Bell gave a summary on the recent trip to Olympia to meet with Representative Mosbrucker, Senator King and Representative Corey. Mayor Bell said he was not expecting money this year, but reiterated that the process is a good one to keep the City on the map.

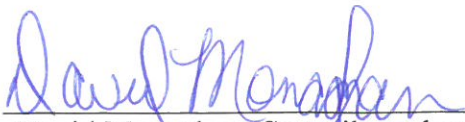
Adjournment

Councilmember Wickenhagen moved to adjourn the meeting. Councilmember Costello seconded. By voice vote, motion carries.

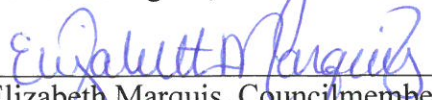
Meeting ended at 6:44 p.m.



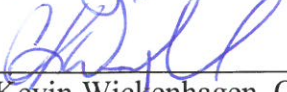
Roger Bell, Mayor



David Monaghan, Councilmember



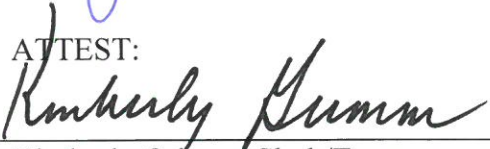
Elizabeth Marquis, Councilmember



Kevin Wickenhagen, Councilmember



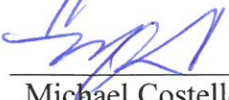
Jared Iverson, Councilmember

ATTEST:


Kimberly Grimm, Clerk/Treasurer



Clifford Peterson, Councilmember



Michael Costello, Councilmember



William Longmire, Councilmember



Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 2/27/2024

Agenda Number: 10-B*

Action Item

Title: Approval of Claims and Payroll

From: Kimberly Grimm, City Clerk/Treasurer

Action Requested: Approval

Staff Recommendation: Approval

Board/Commission Recommendation: N/A

Fiscal Impact: See attached payroll and claims directories

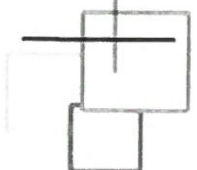
Funding Source: N/A

Background/Findings/Facts: N/A

Recommended Motion: I move to approve the Consent Agenda in the form presented (This item is part of the consent agenda).

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date: **Action Taken:** None



Accounts Payable Register 02/13/2024

Fiscal: 2024
Deposit Period: 2024 - FEB
Check Period: 2024 - FEB - IST COUNCIL

Number	Name	Print Date	Clearing Date	Amount
Banner Bank	1306024212			
181089	Apple Valley Homes LLC	1/25/2024		\$240.00
181092	Washington Teamsters Welfare Trust	2/5/2024		\$57.81
181093	Medstar Cabulance, Inc.	2/5/2024		\$14,943.56
181094	Pacific Power	2/6/2024		\$479.95
181095	Erin Hamilton	2/6/2024		\$87.00
181096	Caprise Groo/Petty Cash	2/7/2024		\$180.83
181097	Gerard Moore	2/7/2024		\$177.00
181098	James Lange	2/7/2024		\$149.00
181099	Washington State Department of Licensing	2/7/2024		\$61.75
181100	Bud Clary Ford Hyundai	2/7/2024		\$58,515.68
181101	Michael Gause	2/8/2024		\$146.00
181102	Christopher Knox	2/12/2024		\$17.00
181103	Washington State Department of Licensing	2/12/2024		\$18,601.28
181104	Washington State Department of Licensing	2/12/2024		\$201.00
181105	Abadan	2/13/2024		\$504.92
181106	ABM	2/13/2024		\$3,912.26
181107	AKTIVOV LLC	2/13/2024		\$2,924.10
181108	Amazon Capital Services	2/13/2024		\$1,619.31
181109	AMB Tools & Equipment	2/13/2024		\$281.02
181110	AmeriGas	2/13/2024		\$684.36
181111	Anatek Labs	2/13/2024		\$228.00
181112	Autozone	2/13/2024		\$80.43
181113	Axon Enterprise, Inc	2/13/2024		\$3,633.96
181114	Basin Disposal Of Yakima, LLC	2/13/2024		\$85,509.26
181115	Bill Harris Used Cars Inc	2/13/2024		\$3,908.16
181116	BNSF Railway Company	2/13/2024		\$1,300.00
181117	Central Washington Polygraph & Investigations	2/13/2024		\$414.00
181118	Centurylink	2/13/2024		\$157.68
181119	Charter Communications	2/13/2024		\$25.81

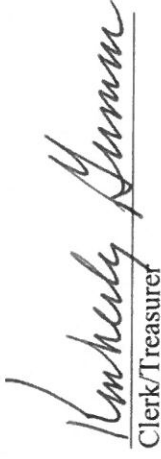
181120	Christensen, Inc.	2/13/2024	\$1,356.63
181121	Cintas	2/13/2024	\$146.42
181122	City of Selah	2/13/2024	\$16,377.33
181123	Consolidated Communications	2/13/2024	\$2,610.73
181124	Consolidated Electrical Distributors	2/13/2024	\$28.03
181125	Copiers Northwest, Inc.	2/13/2024	\$209.98
181126	Core & Main LP	2/13/2024	\$457.14
181127	Culligan Yakima	2/13/2024	\$117.28
181128	CWA Consultants	2/13/2024	\$700.00
181129	Daniel Polage	2/13/2024	\$9,000.00
181130	Databar	2/13/2024	\$1,600.00
181131	Dave's Heating & Air Conditioning, Inc.	2/13/2024	\$445.36
181132	Dooley Enterprises, Inc.	2/13/2024	\$7,964.47
181133	Ed M Feld Equipment Company, Inc	2/13/2024	\$365.54
181134	First Responder Outfitters, Inc	2/13/2024	\$6,457.24
181135	General Pacific, Inc.	2/13/2024	\$257,031.06
181136	George R. Boyd	2/13/2024	\$329.80
181137	GVC Plumbing & Mechanical, Inc.	2/13/2024	\$463.11
181138	GW, Inc.	2/13/2024	\$548.00
181139	HD Fowler Company	2/13/2024	\$886.08
181140	Helliesen Lumber & Supply	2/13/2024	\$284.54
181141	Helms Hardware Company	2/13/2024	\$2,322.15
181142	Independent Water Service, Inc.	2/13/2024	\$81.23
181143	Indoor Air Solutions	2/13/2024	\$192.77
181144	Intercom Language Services	2/13/2024	\$390.00
181145	J & B Medical Supply Inc	2/13/2024	\$570.00
181146	James Lange	2/13/2024	\$28.00
181147	JLA Supply, Inc	2/13/2024	\$277.42
181148	John Deere Financial	2/13/2024	\$1,289.71
181149	Johnstone Supply	2/13/2024	\$18.94
181150	KCDA Purchasing Cooperative	2/13/2024	\$57.78
181151	Kelley's Tele-Communications	2/13/2024	\$356.58
181152	Kubwater Resources, Inc.	2/13/2024	\$12,168.26
181153	LN Curtis & Sons	2/13/2024	\$533.27
181154	Margita A. Dornay, Attorney at Law	2/13/2024	\$8,000.00
181155	Minert & Associates	2/13/2024	\$69.00
181156	Moon Security Service, Inc.	2/13/2024	\$144.00
181157	Morton's Supply, Inc.	2/13/2024	\$28.48
181158	ODP Business Solutions, LLC	2/13/2024	\$523.81
181159	One Call Concepts	2/13/2024	\$15.21
181160	Operation Omni Janitorial Service	2/13/2024	\$5,460.04
181161	O'Reilly Automotive Inc	2/13/2024	\$242.59
181162	Owens Pump & Equipment	2/13/2024	\$140.99
181163	Oxarc, Inc.	2/13/2024	\$199.44
181164	Pat McCarthy Productions, Inc.	2/13/2024	\$900.00
181165	Pep Boys Fleet	2/13/2024	\$1,642.13
181166	Picatti Brothers, Inc.	2/13/2024	\$3,432.73

181167	Pointe Pest Control	2/13/2024	\$541.50
181168	Primary Electric & Design LLC	2/13/2024	\$874.61
181169	Protime Sports, Inc.	2/13/2024	\$10,253.29
181170	RACOM Corporation	2/13/2024	\$376.88
181171	Ricoh USA, Inc.	2/13/2024	\$72.19
181172	Robert R. Northcott	2/13/2024	\$300.00
181173	Ronimo, LLC	2/13/2024	\$5,000.00
181174	Sandro N. Garcia	2/13/2024	\$50.00
181175	Schneider Water Services	2/13/2024	\$154,446.63
181176	Sherwin-Williams	2/13/2024	\$171.84
181177	Smitty's Outdoor Power Equipment, Inc.	2/13/2024	\$150.71
181178	Tacoma Screw Products, Inc.	2/13/2024	\$56.62
181179	TransUnion Risk & Alternative Data Solutions, Inc.	2/13/2024	\$81.23
181180	ULJNE	2/13/2024	\$760.49
181181	US Postmaster	2/13/2024	\$769.97
181182	USIQ Inc	2/13/2024	\$7,597.25
181183	Valley Ford	2/13/2024	\$193.65
181184	Valley Lock & Key Service LLC	2/13/2024	\$686.63
181185	Valley Septic Services LLC	2/13/2024	\$145.00
181186	Valvoline Instant Oil Change	2/13/2024	\$189.48
181187	Verizon Wireless	2/13/2024	\$1,084.98
181188	Washington State Department of Transportation - Yakima	2/13/2024	\$29,997.25
181189	Washington State Patrol	2/13/2024	\$79.50
181190	Washington State Treasurer	2/13/2024	\$12,162.91
181191	Western Equipment Distributors, Inc.	2/13/2024	\$596.69
181192	William Ervin	2/13/2024	\$1,978.80
181193	William Gardner dba Slap It On Vinyl	2/13/2024	\$702.00
181194	Yakima Cooperative Association	2/13/2024	\$10,227.37
181195	Yakima County Fire District #5	2/13/2024	\$32,535.16
181196	Yakima County Prosecutors	2/13/2024	\$144.70
181197	Yakima Herald Republic	2/13/2024	\$658.73
181198	Yakima Regional Clean Air Agency	2/13/2024	\$2,273.75
181199	Yakima Valley Utility Coordinating Council	2/13/2024	\$120.00
	TotalCheck		\$820,784.21
	Total		\$820,784.21
	Grand Total		\$820,784.21

Claims Voucher/Check Approval

I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein, and that the claim is a just, due, and unpaid obligation against the City of Selah, and that I am authorized to authenticate and certify to said claim.


Accounts Payable Specialist


Clerk/Treasurer

Subscribed this 13th day of February, 2024

The following voucher/checks are approved for payment:

Voucher/check numbers 181089 through 181199 Total \$ 820,784.21

Payroll Register 02/15/2024

Number	Name	Fiscal Description	Cleared	Amount
86087	Washington Teamsters Welfare Tr-Medical	2024 - FEB - 1ST COUNCIL		\$1,386.10
86088	Washington Teamsters Welfare Trust	2024 - FEB - 1ST COUNCIL		\$137.60
86089	Buchler, Ella H	2024 - FEB - 1ST COUNCIL		\$105.35
86090	Dessler, Hudson	2024 - FEB - 1ST COUNCIL		\$175.43
86091	Escamilla, Cecilia	2024 - FEB - 1ST COUNCIL		\$65.79
86092	Freeborn, Taylor S	2024 - FEB - 1ST COUNCIL		\$84.07
86093	Gavic, Sophia L	2024 - FEB - 1ST COUNCIL		\$58.87
86094	Hall, Janae C	2024 - FEB - 1ST COUNCIL		\$73.10
86095	Henson, Ellie	2024 - FEB - 1ST COUNCIL		\$162.24
86096	Patching, Joseph A	2024 - FEB - 1ST COUNCIL		\$188.66
86097	Pelison, Camron S	2024 - FEB - 1ST COUNCIL		\$127.91
86098	Shea, Devin H	2024 - FEB - 1ST COUNCIL		\$130.13
86099	Thompson, Ryan A	2024 - FEB - 1ST COUNCIL		\$77.47
86100	Dept of Labor & Industries	2024 - FEB - 1ST COUNCIL		\$8,178.62
86101	Employment Security Department	2024 - FEB - 1ST COUNCIL		\$446.79
86102	Employment Security Department - PFML	2024 - FEB - 1ST COUNCIL		\$1,787.10
86103	Employment Security Department - WA CARES	2024 - FEB - 1ST COUNCIL		\$792.15
86104	HRA VEBA Trust - PD & PW YA063	2024 - FEB - 1ST COUNCIL		\$2,943.84
86105	Selah Police Association Employee Fund	2024 - FEB - 1ST COUNCIL		\$290.00
86106	Teamsters Local #760 - PD Dues	2024 - FEB - 1ST COUNCIL		\$1,673.00
86107	WA State Council Police Officer Dues	2024 - FEB - 1ST COUNCIL		\$187.50
86108	Western Conf of Teamsters Pension Tr-PD	2024 - FEB - 1ST COUNCIL		\$2,609.09
86109	Western Conf of Teamsters Pension Tr-PW	2024 - FEB - 1ST COUNCIL		\$1,689.60
EFT02022024-FICA	Default Tax Vendor-Fed W/H, FICA/Medicare	2024 - FEB - 1ST COUNCIL		\$700.26
EFT02152024-AFLAC	AFLAC Remittance Processing	2024 - FEB - 1ST COUNCIL		\$129.32
EFT02152024-DCP	Dept of Retirement - Def Comp	2024 - FEB - 1ST COUNCIL		\$4,373.51
EFT02152024-DRS	Dept of Retirement Systems	2024 - FEB - 1ST COUNCIL		\$32,882.04
EFT02152024-FIT/FICA	Default Tax Vendor-Fed W/H, FICA/Medicare	2024 - FEB - 1ST COUNCIL		\$51,941.95
EFT02152024-WSSR	Washington State Support Registry	2024 - FEB - 1ST COUNCIL		\$809.00
February 15 2024	Payroll Vendor	2024 - FEB - 1ST COUNCIL		\$152,530.17
February 15 2024 2	Vargas, Samantha	2024 - FEB - 1ST COUNCIL		\$113.20
February 2 2024 Uniform	Payroll Vendor	2024 - FEB - 1ST COUNCIL		\$4,224.87
				\$271,074.73

Payroll Approval

I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein, and that the claim is a just, due and unpaid obligation against the City of Selah, and that I am authorized to authenticate and certify to said claim.


Payroll & Accounts Payable Specialist


City Clerk/Treasurer

Subscribed this 15th day of February, 2024

The following voucher/checks are approved for payment:

Voucher/check number 86087 through 86109 Total \$ 271,074.73
+ EFT02152024-AFLAC, FIT/FICA, DCP, DRS, WSSR



Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 2/27/2024

Agenda Number: 10-C*

Action Item

Item: Resolution Authorizing City Attorney to Sign and Enter Into, on behalf of City, a Renewed Three-Year Contract with Thompson Reuters

From: Rob Case, City Attorney

Staff Recommendation: Approve the Resolution in the form presented

Board/Commission Recommendation: N/A

Fiscal Impact: Monthly service charges of \$225.45 for the first renewal year, followed by \$236.73 (a five percent increase) for the second renewal year, and then \$248.57 (an additional five percent increase) for the third renewal year. By comparison, the City is currently paying \$214.71 per month.

Funding Source: 001, General Fund

Background/Findings/Facts: Lawyers require the services of a legal research company, so that applicable laws can be located, cross-referenced and researched. For roughly three years, the City has been using Westlaw – which is the brand name of a legal research company operated by Thompson Reuters. The parties' current arrangement is set to expire at the end of April 2024. Thus, a renewal needs to be effectuated.

Appended to this AIS is a three-page combined "Order Form" and "Attachment". It sets forth the general contract provisions and the applicable monthly charges. The monthly charges are increasing slightly from what the City is currently paying, and will then increase further by five percent (5.00%) each year.

The attached proposed Resolution will – if approved – grant authority for the City Attorney to sign and enter into a three-year renewal contract on behalf of the City.

Proposed Motion: I move to approve the Resolution in the form presented.

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date: **Action Taken:** None

RESOLUTION NO. 3094

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SIGN AND ENTER INTO, ON BEHALF OF THE CITY, A RENEWED THREE-YEAR CONTRACT WITH THOMPSON REUTERS

WHEREAS, the City's current contract with Thompson Reuters (d/b/a Westlaw) is set to expire at the end of April 2024; and

WHEREAS, the City desires to enter into a three-year renewal; and


WHEREAS, a three-page combined "Order Form" and "Attachment" has been prepared, and the terms are acceptable to City staff; and

WHEREAS, the City Council finds that good cause exists;


NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the City Attorney is authorized to sign and enter into, on the City's behalf, the combined three-page "Order Form" and "Attachment" in the form appended hereto.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 27th day of February, 2024.

ATTEST:

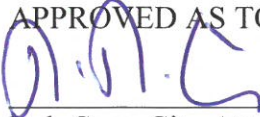


Kimberly Grimm, Clerk-Treasurer



Roger Bell, Mayor

APPROVED AS TO FORM:



Rob Case, City Attorney



THOMSON REUTERS™

Order Form

Order ID: Q-08024171

Contact your representative carey.vosler@thomsonreuters.com with any questions. Thank you.

Sold To Account Address

Account #: 1005585436
SELAH CITY
ACCOUNTS PAYABLE
115 W NACHES AVE
SELAH WA 98942-1303 US

“Customer”

Shipping Address

Account #: 1005585436
SELAH CITY
ACCOUNTS PAYABLE
115 W NACHES AVE
SELAH WA 98942-1303 US

Billing Address

Account #: 1005585436
SELAH CITY
ACCOUNTS PAYABLE
115 W NACHES AVE
SELAH, WA 98942-1303
US

This Order Form is a legal document between Customer and

- A. West Publishing Corporation to the extent that products or services will be provided by West Publishing Corporation, and/or
- B. Thomson Reuters Enterprise Centre GmbH to the extent that products or services will be provided by Thomson Reuters Enterprise Centre GmbH.

A detailed list of products and services that are provided by Thomson Reuters Enterprise Centre GmbH and current applicable IRS Certification forms are available at: <https://www.tr.com/trorderinginfo>

West Publishing Corporation may also act as an agent on behalf of Thomson Reuters Enterprise Centre GmbH solely with respect to billing and collecting payment from Customer. Thomson Reuters Enterprise Centre GmbH and West Publishing Corporation will be referred to as “Thomson Reuters”, “we” or “our,” in each case with respect to the products and services it is providing, and Customer will be referred to as “you”, or “your” or “Client”.

Renewal Order Governing Agreement. Access to any new or renewal products set forth in this Order Form is governed by the same terms and conditions as your previous order form that contained the product(s) you are renewing

Renewal Products

Material #	Renewed Product	Agreement #	Deal ID #	Monthly Charges in effect prior to Renewal Effective Date	Monthly Charges for Initial Renewal Year	Renewal Effective Date	Renewal Term (Months)
40757482	West Proflex	0000174826		\$214.71	\$225.45	5/1/2024	36

Renewal Terms

Renewal Term Monthly Charges will be based on the Monthly Charges in effect at the end of the month before the Renewal Term starts. Renewal Term Monthly Charges begin at the end of your Minimum Term or current Renewal Term. The Renewal Term will continue for the number of complete calendar months identified in the Renewal Term column. You are also responsible for all Excluded Charges. If your Minimum Term is longer than 12 months, then your Monthly Charges for each year of the Minimum Term are displayed in the Attachment to the Order Form.

Post Renewal Terms

Your subscription will automatically renew at the end of the Minimum Term. Each Automatic Renewal Term will be 12 months in length (“Automatic Renewal Term”), and we will notify you of any change in the Monthly Charges at least 60 days before each Automatic Renewal Term starts. You are also responsible for all Excluded Charges.

Federal government subscribers that chose a multi-year Minimum Term, those additional years will be implemented at your option pursuant to federal law. Either of us may cancel the Automatic Renewal Term by sending notice in writing at least 30 days before an Automatic Renewal Term begins.

Miscellaneous

Applicable Law. If you are a state or local governmental entity, your state’s law will apply, and any claim may be brought in the state or federal courts located in your state. If you are a non-governmental entity, this Order Form shall be interpreted under Minnesota state law and any claim by one of us shall exclusively be brought in the state or federal courts in Minnesota. If you are a United States Federal Government subscriber, United States federal law will apply, and any claim may be brought in any federal court.

Charges, Payments & Taxes. You agree to pay all charges in full within 30 days of the date of invoice. You are responsible for any applicable sales, use, value added tax (VAT), etc. unless you are tax exempt. If you are a non-government customer and fail to pay your invoiced charges, you are responsible for collection costs including attorneys’ fees.

Excluded Charges And Schedule A Rates. If you access products or services that are not included in your subscription you will be charged our then-current rate (“Excluded Charges”). Excluded Charges will be invoiced and due with your next payment. For your reference, the current Excluded Charges schedules are located in the below link. Excluded Charges may change from time-to-time upon 30 days written or online notice. We may, at our option, make certain products and services Excluded Charges if we are contractually bound or otherwise required to do so

by a third party provider or if products or services are enhanced or if new products or services are released after the effective date of this ordering document. Modification of Excluded Charges or Schedule A rates is not a basis for termination under paragraph 9 the General Terms and Conditions.

<https://legal.thomsonreuters.com/content/dam/ewp-m/documents/legal/en/pdf/other/plan-2-pro-govt-agencies.pdf>

eBilling Contact. All invoices for this account will be emailed to your e-Billing Contact(s) unless you have notified us that you would like to be exempt from e-Billing.

Credit Verification. If you are applying for credit as an individual, we may request a consumer credit report to determine your creditworthiness. If we obtain a consumer credit report, you may request the name, address and telephone number of the agency that supplied the credit report. If you are applying for credit on behalf of a business, we may request a current business financial statement from you to consider your request.

Cancellation Notification Address. Send your notice of cancellation to Customer Service, 610 Opperman Drive, P.O. Box 64833, Eagan MN 55123-1803

Returns and Refunds. You may return a print product to us within 45 days of the original shipment date if you are not completely satisfied. Please see <http://static.legalsolutions.thomsonreuters.com/static/returns-refunds.pdf> or contact Customer Service at 1-800-328-4880 for additional details regarding our policies on returns and refunds.

Document Intelligence Product Specific Terms: The following product specific terms shall apply to the Document Intelligence products on this order form, and are incorporated by reference: <http://www.thomsonreuters.com/document-intelligence-PST>.

Product Specific Terms and Information Security Controls: The following product specific terms and information security controls shall apply to the HighQ products on this order form, and are incorporated by reference:

- HighQ Product Specific Terms <http://tr.com/HighQ-PST>
- HighQ Information Security Controls <http://tr.com/HighQ-InfoSec>

Service Levels: Thomson Reuters shall provide service availability, maintenance and support for the term of the Agreement. Details are available at: <http://tr.com/HighQ-SLA>

Product Specific Terms. The following products have specific terms which are incorporated by reference and made part of this Order Form if they apply to your order. They can be found at <https://static.legalsolutions.thomsonreuters.com/static/ThomsonReuters-General-Terms-Conditions-PST.pdf>. If the product is not part of your order, the product specific terms do not apply. If there is a conflict between product specific terms and the Order Form, the product specific terms control.

- Campus Research
- Contract Express
- Hosted Practice Solutions
- ProView eBooks
- Time and Billing
- West km Software
- West LegalEdcenter
- Westlaw
- Westlaw Doc & Form Builder
- Westlaw Paralegal
- Westlaw Patron Access
- Westlaw Public Records

Drafting Tools Product Specific Terms: The following product specific terms shall apply to the Drafting Tools products (Drafting Assistant, Clause Finder, Clause Finder: Internal Agreements) on this order form, and are incorporated by reference: <http://tr.com/drafting-tools-product-specific-terms>.

•
The Federal Product Specific Terms can be found here: <http://tr.com/federal-product-specific-terms>

This Order Form will expire and will not be accepted after 3/16/2024.



THOMSON REUTERS

Attachment

Order ID: Q-08024171

Contact your representative carey.vosler@thomsonreuters.com with any questions. Thank you.

Payment, Shipping, and Contact Information

Payment Method:

Payment Method: Bill to Account
Account Number: 1005585436
This order is made pursuant to:

Order Confirmation Contact (#28)

Contact Name: Case, Rob
Email: rob.case@selahwa.gov

eBilling Contact

Contact Name Rob Case
Email rob.case@selahwa.gov

Shipping Information:

Shipping Method: Ground Shipping - U.S. Only

Account Contacts

Account Contact First Name	Account Contact Last Name	Account Contact Email Address	Account Contact Customer Type Description

Charges During Renewal Term

Material #	Product Name	Year 1 Charges per Billing Freq	% incr Yr 1-2*	Year 2 Charges per Billing Freq	% incr Yr 2-3*	Year 3 Charges per Billing Freq	% incr Yr 3-4*	Year 4 Charges per Billing Freq	% incr Yr 4-5*	Year 5 Charges per Billing Freq	Billing Freq
4075748 2	West Proflex	\$225.45	5.00%	\$236.72	5.00%	\$248.56	N/A	N/A	N/A	N/A	Monthly

Charges During Renewal Term

Pricing is displayed only for the years included in the Renewal Term. Years without pricing in above grid are not included in the Renewal Term. Refer to your Order Form for the Post Renewal Term pricing. The Charges per Billing Frequency for each year of the Renewal Term are as set forth in the grid above.



Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 2/27/2024

Agenda Number: 10-D*

Action Item

Title: Resolution Authorizing the Mayor or Public Works Director to sign and submit a TIB Complete Streets Early Opportunity 2024 Funding Application, for a sidewalk gap project on the north side of East Home Avenue which will add sidewalk to connect N 1st Street and Wenas Road

From: Rocky Wallace, Public Works Director

Action Requested: Approval

Staff Recommendation: Approval

Board/Commission Recommendation: N/A

Fiscal Impact: \$461,115 TIB Grant, \$51,235 City Funds

Funding Source: 111, Street Improvement Fund

Background/Findings/Facts: The City identified the need for construction improvements to E. Home Ave to connect N 1st Street to Wenas Road. The City applied for funding for this project in 2022 through the Safe Routes to School Funding Program but was unfortunately unsuccessful. The City would now like to apply through the TIB Complete Streets Early Opportunity Funding Application.

The project cost is estimated to be \$512,350 based on a cost estimate from HLA Engineering. TIB will contribute a maximum of \$461,115, provided that the City contributes a 10% match of \$51,235. The Selah School District has already provided \$20,200 cash in lieu of to the Street Improvement Fund for this project in October of 2022 as a part of the Selah School District Transportation Cooperative project.

This impromptu funding opportunity from TIB arose due to an influx of Complete Streets funding. The project will need to be constructed within the year. This is likely a one-time situation and the City wants to take full advantage of this funding opportunity.

Recommended Motion: I move to approve the Resolution in the form presented.

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date:

Action Taken:

4/12/2024

Resolution Authorizing the Mayor to Sign Task Order No. 2022-03 with HLA Engineering and Surveying, Inc., for Engineering and Surveying Services Necessary for a Washington State Department of Transportation (WSDOT) Funding Application for the Safe Routes to School (SRTS)/Pedestrian Bicyclist Program (PBP).

RESOLUTION NO. 3095

RESOLUTION AUTHORIZING THE MAYOR OR PUBLIC WORKS DIRECTOR TO SIGN AND SUBMIT A TIB COMPLETE STREETS EARLY OPPORTUNITY 2024 FUNDING APPLICATION, FOR A SIDEWALK GAP PROJECT ON THE NORTH SIDE OF EAST HOME AVENUE WHICH WILL ADD SIDEWALK TO CONNECT N 1ST STREET AND WENAS ROAD

WHEREAS, the City desires to submit a funding application to add sidewalk to the north side of the section of E Home Avenue that connects N 1st Street and Wenas Road; and

WHEREAS, there is currently no sidewalk on either side of the roadway on this section of E Home Avenue; and

WHEREAS, on April 12th, 2022, the City passed Resolution No. 2906 approving HLA Engineering to prepare and submit a Safe Routes to School Funding Application for this project; and

WHEREAS, in 2022 the City applied for funding through the Safe Routes to School Funding Application Opportunity, but unfortunately was not awarded funding in response; and

WHEREAS, the City now desires to yet again apply for funding, this time through the TIB Complete Streets Early Opportunity 2024 Funding Application; and

WHEREAS, a new funding application must be signed, submitted and the City must make a commitment of a 10% cost match for the project; and

WHEREAS, a 10% match for the project is estimated to be \$51,235. The total project cost is estimated to be \$512,350 based on HLA Engineering's cost estimate; and

WHEREAS, the Selah School District provided \$20,200 cash in lieu of to the Street Improvement Fund for this project as a part of the Selah School District Transportation Cooperative Project.

WHEREAS, the City would like to take full advantage of this funding opportunity as this is likely a one-time funding opportunity due to the influx of Complete Streets funding at TIB.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, that the Mayor or Public Works Director be and is authorized to sign and submit a TIB Complete Streets application on behalf of the City.

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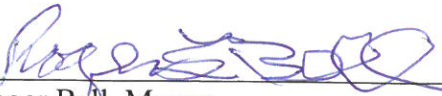
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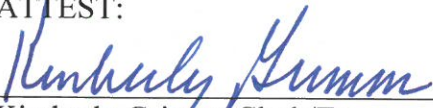
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PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH,
WASHINGTON, this 27th day of February, 2024.



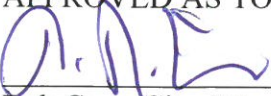
Roger Bell, Mayor

ATTEST:



Kimberly Grimm, Clerk/Treasurer

APPROVED AS TO FORM:



Rob Case, City Attorney

Taylor, Matthew

From: Wallace, Rocky
Sent: Monday, February 12, 2024 10:52 AM
To: Taylor, Matthew
Subject: FW: Complete Streets Funding - Early Opportunity Application
Attachments: image001.png; TIB Complete Streets Early Opportunities.pdf; 2024 TIB Complete Streets Early Opportunity Application.xlsx

FYI

Rocky Wallace
Public Works Director
City of Selah
222 S Rushmore Rd.
509-698-7365



From: Stephen Hazzard <shazzard@hlacivil.com>
Sent: Friday, February 9, 2024 9:29 AM
To: Wallace, Rocky <Rocky.Wallace@selahwa.gov>; Jones, Ty <ty.jones@selahwa.gov>
Subject: Complete Streets Funding - Early Opportunity Application

Good Morning Selah Team,

From the email below, there are multiple TIB Complete Street funding opportunities coming up. The first opportunity is due **March 1st**. We should discuss a possible application as soon as possible if the City is interested. The project eligibility is in the email below. Does the City have any projects that would be considered completing a street? Maybe Home and Third sidewalk gaps, which is in your Six Year TIP. We should discuss this sooner rather than later.

You may have received the following from TIB:

Hello, due to an influx of Complete Streets funding coming through TIB in the next several years, TIB has decided to open up an Early Opportunity Application for Complete Streets Project funding that would be required to be constructed this year. This opportunity is only open to Cities that currently have a Complete Streets Ordinance on the books and is open to apply for even if you currently have an active Complete Streets project ongoing now.

Attached you will find a one-pager document with some additional details such as the criteria, deadlines, and typical types of projects that would be eligible. You will also find attached the application to fill out if the City is interested in applying for funding. One of the big considerations in this opportunity is that the work can be completed this year, so please do not apply if the work will not be able to be completed this year.

Unlike previous Complete Streets funding cycles, there is no defined limit on the amount of funding. We will evaluate each application separately and determine what will be funded based off the quality of the proposals as well as the number of applications vs total funding available for them. As you will see from the attached one-pager, there are two deadlines, so essentially, we will have two early opportunity rounds and then we will also have our regular call for projects which will not have the requirements to be completed by the end of 2024.

This is likely a one-time situation where we will be calling for early applications, so if you have work that is considered complete streets type work and can get it completed this year, then don't miss out on this opportunity.

Jonathan Heusman, PE
Southeast Region Engineer
E: jonathanh@tib.wa.gov<mailto:jonathanh@tib.wa.gov>
T: 360.586.1143
A: PO Box 40901, Olympia, WA 98504-0901

March Consideration Deadline – March 1, 2024

May Consideration Deadline – April 26, 2024

Eligibility:

Must construct in 2024

Citywide ADA Ramp Retrofit

New ADA Ramps

Sidewalk Gaps

Rectangular Rapid Flashing Beacons

Restriping (including road diets, adding bike lanes, and other related projects)

Construction Ready Projects

Please give me a call when you want to discuss.



Stephen S. Hazzard, PE

HLA Engineering and Land Surveying, Inc.

2803 River Road, Yakima, WA 98902

Office: (509) 966-7000 | Cell: (509) 840-4746

shazzard@hlacivil.com | www.hlacivil.com

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2024 Complete Streets Early Opportunity Application



SUBMISSION GUIDELINES

Email a signed pdf application, the excel work sheet, and all required attachments to the your TIB Engineer. Applications must be received by **March 1, 2024** for March consideration or **April 26, 2024** for May consideration.

TIB Engineer: Jonathan Heusman, JonathanH@tib.wa.gov, (360) 586-1143

AGENCY ELIGIBILITY

Agencies with an adopted complete streets ordinance are eligible for Complete Streets funding from TIB. Contact your TIB engineer if you have a complete streets ordinance but do not show up on the list below of eligible agencies.

PROJECT INFORMATION

Agency Name SELAH Legislative District(s) 14

Project Name E Home Ave Sidewalk Improvements

Street/Road E Home Avenue Congressional District(s) 4

Limits N 1st Street - N Wenas Road [Find your Legislative or Congressional District here](#)

Agency Contact Rocky Wallace Phone Number 509-698-7368

Email Address rocky.wallace@selahwa.gov

Township 14N Range 18E Section 36

[Find your Township, Range, and Section here](#)

COMPLETE STREETS ELEMENTS

Which elements does this project include? Check all that apply

- Bicycle Access to transit Aesthetics
- Pedestrian Motor Vehicle

PROJECT SCHEDULE

	Date (mm/dd/yyyy)
Enter Target Dates	Contract Advertisement Date <u>6/18/2024</u>
	Construction Start Date <u>8/12/2024</u>
	Contract Completion Date <u>9/16/2024</u>

PROJECT FUNDING

Is this a construction ready project? No

Minimum Local Match 10%

Actual Local Match 10%

Actual TIB Match 90%

Enter "0" for phases with no costs or no TIB funds requested.

		Phase	Total Project	TIB Funds	Local Funds
Design Phase		Design Engineering	59,120	53,208	5,912
		Right of Way	0		0
Construction Phase		Construction Engineering	59,120	53,208	5,912
		Construction Contract	394,110	354,699	39,411
		Construction Other	0		0
TOTALS			512,350	461,115	51,235

FUNDING PARTNERS

Source	Public or Private	Commitment Letter or Status	Amount
SELAH	Public	Budgeted	51,235
TOTAL			51,235
Local funds are correct			

Are additional funds, not listed above, still being sought? No

List additional funding sources being sought: _____

PROJECT DESCRIPTION

Please answer the following questions. Keep your answers brief and within the allotted space.

Identify the community's need for this project.

The City of Selah's two primary arterials are 1st Street and Wenas Road (WSDOT SR 823). E Home Avenue is the first roadway on the south end of a half-mile stretch that connects these two arterials. E Home Avenue currently has no sidewalk on either side of the roadway. This half-mile stretch includes Selah's High School, Middle School, and Primary School. Pedestrians currently walk multiple blocks further south to reach a roadway with a sidewalk that connects the two major trafficways. A new traffic signal with crosswalks was installed at the Home Ave and N 1st Street intersection in 2021.

Describe the project, the solution, and how it incorporates complete streets to address need described above.

This project would add a sidewalk, curb, and gutter to the north side of E Home Avenue. There are existing ADA curb ramps on each side of the project that would tie the project into the rest of the City's sidewalk infrastructure.

What complete streets elements and modal solutions are being used?

This project would be considered a Complete Streets Sidewalk Gap Project. It aligns with Selah's Complete Streets Policy (adopted September 2021) to help create a comprehensive, integrated, connected transportation network.

Describe any Construction Other costs.

N/A

COMMUNITY ENGAGEMENT

Please answer the following questions. Keep your answers brief and within the allotted space.

Describe what level of community engagement has been completed for this project.

This project is on the City's STIP and was vetted by the Selah City Council. Selah City Council has approved submission of this application.

Explain the level of community support for this project.

The Selah City Council and Mayor are in favor of the project going forward. The project was approved to seek funding for by the Selah City Council.

CONSTRUCTION READINESS

PSE % Complete 0%

Permits Not started

Right of Way None needed

Cultural Resources Not started

Utilities No utility work needed

Federal Permits Required? No

APPLICATION ATTACHMENTS

Include the following attachments with your application

- Detailed vicinity map clearly showing project limits indicating facilities served
- Detailed project cost estimate signed by a professional engineer registered in Washington State
- Typical roadway section(s), drawings, or site plans
- Current photos of the existing condition (do not use screenshots from online maps).
- Funding commitment letters from all funding partners Number Attached 1
- Written concurrence from WSDOT if project is on or connects to a state highway

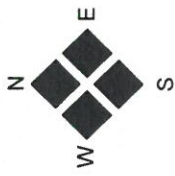
CERTIFICATION

Certification is hereby given that the information provided is accurate and the applicable attachments are complete and included as part of the application package

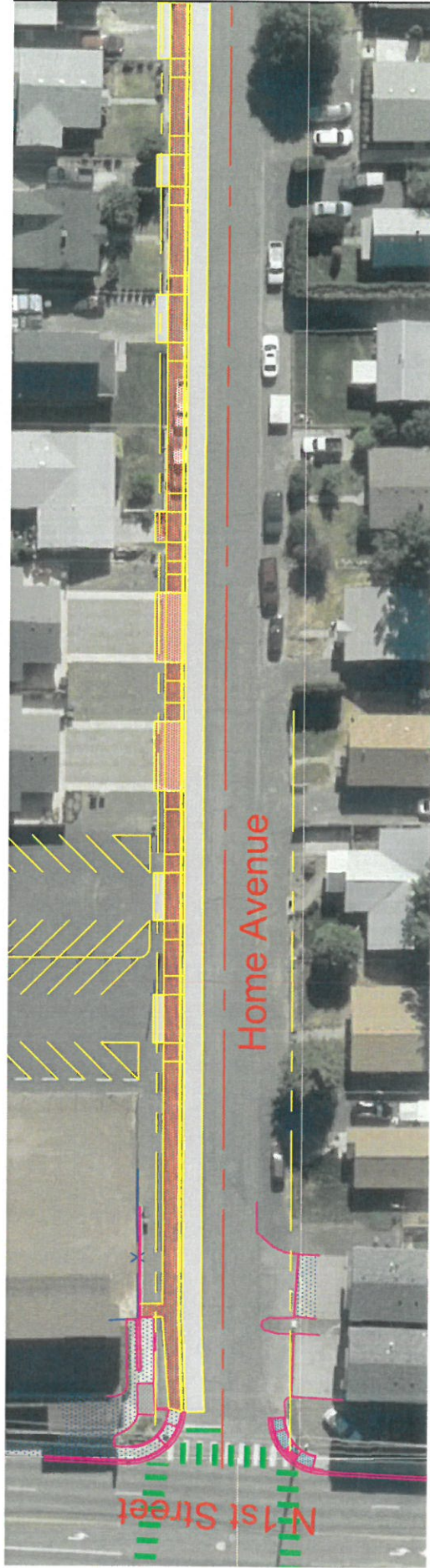
Agency Official Signature

Date Signed

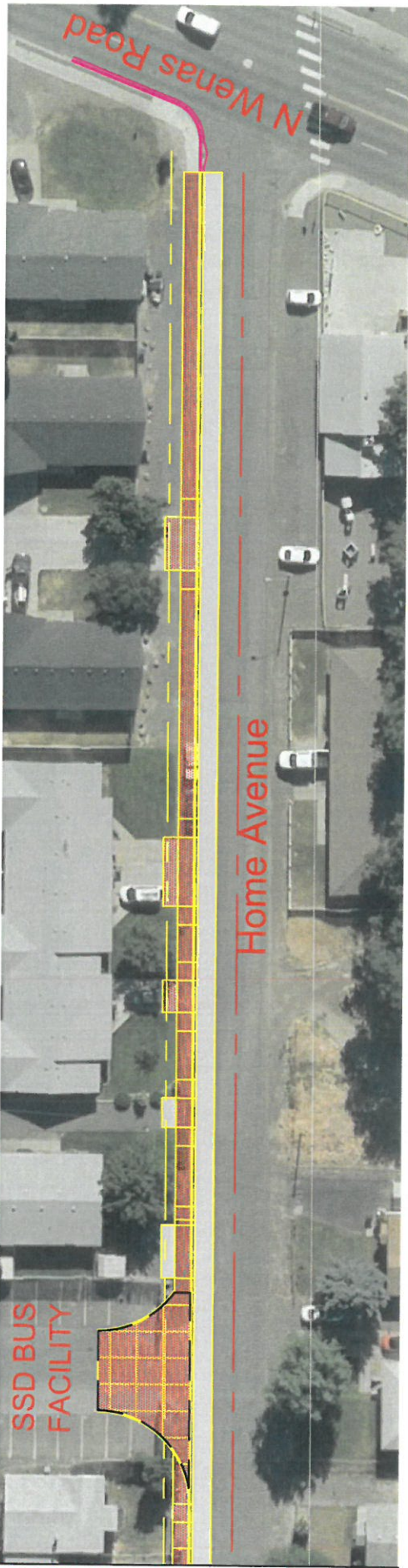
Printed or Typed Name & Title



MATCHLINE, SEE CONTINUATION BELOW



MATCHLINE, SEE CONTINUATION ABOVE



HILA
Engineering and Land Surveying, Inc.

2803 River Road
Yakima, WA 98902
509.966.7000
Fax 509.965.3800
www.hlacivil.com



2/19/2024

**CITY OF SELAH
HOME AVENUE
SIDEWALK IMPROVEMENTS**

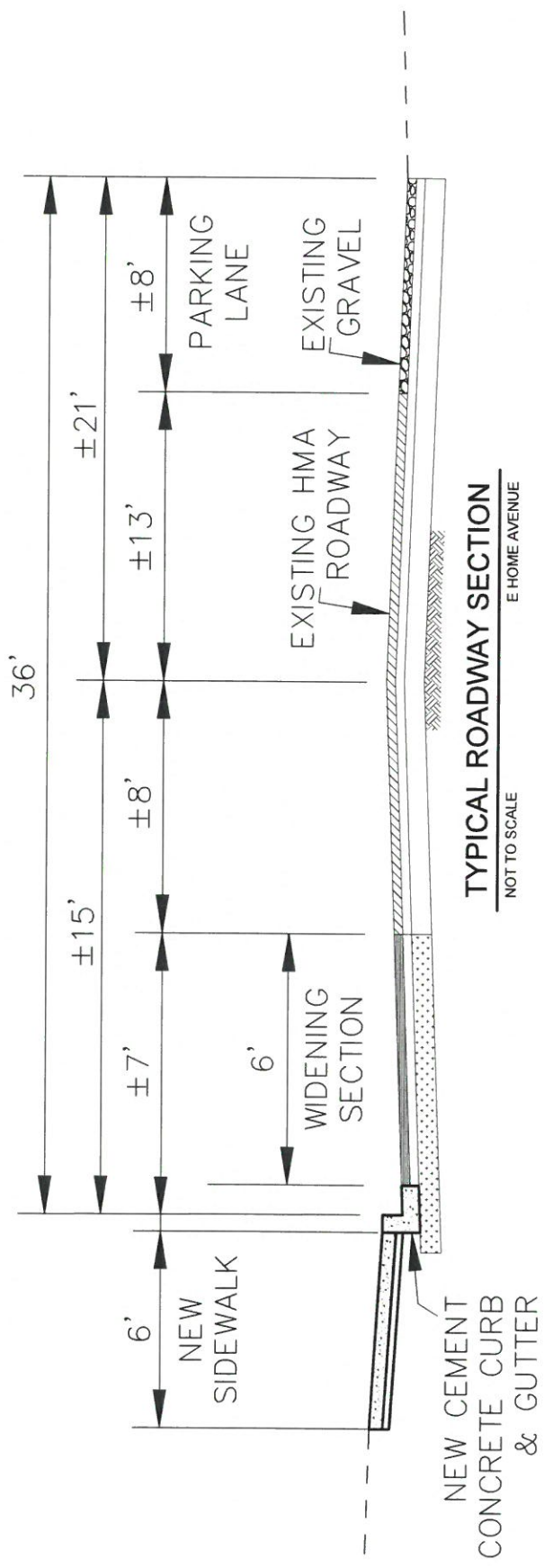
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CITY OF SELAH
SRTS Estimate
Home Ave Sidewalk Improvements
Engineer's Opinion of Construction Cost

HLA Project 22094E

Item No.	Description	Payment Specification	Unit	Unit Cost	Overall Quantity	Overall Cost
1	Minor Change	1-04.4(1)	FA	\$10,000.00	1	\$10,000.00
2	Mobilization	1-09.7	LS	\$31,200.00	1	\$31,200.00
3	Project Temporary Traffic Control	1-10.5	LS	\$20,000.00	1	\$20,000.00
4	Unclassified Excavation Incl. Haul	2-03.5	CY	\$80.00	645	\$51,600.00
5	Crushed Surfacing Base Course	4-04.5	TON	\$50.00	685	\$34,250.00
6	HMA CI. 3/8-Inch PG 64H-28	5-04.5	TON	\$250.00	150	\$37,500.00
7	Adjust Meter Box	7-15.5	EA	\$400.00	13	\$5,200.00
8	Erosion/Water Pollution Control	8-01.5	FA	\$1,000.00	1	\$1,000.00
9	Cement Conc. Traffic Curb and Gutter	8-04.5	LF	\$50.00	1,145	\$57,250.00
10	Commercial Driveway Approach	8-06.5	EA	\$10,000.00	1	\$10,000.00
11	Cement Conc. Sidewalk 6-Inch Thick	8-14.5	SY	\$120.00	360	\$43,200.00
12	Cement Conc. Sidewalk 4-Inch Thick	8-14.5	SY	\$100.00	365	\$36,500.00
13	Cement Conc. Curb Ramp	8-14.5	EA	\$2,500.00	2	\$5,000.00
				Subtotal		\$342,700.00
				Contingency	15%	\$51,410.00
				Subtotal w/ Contingency		\$394,110.00
				Design Engineering	15%	\$59,120.00
				Construction Engineering	15%	\$59,120.00
				Total		\$512,350.00

Terry D. Alapeteri, PE _____ Date
 HLA Engineering and Land Surveying, Inc.



TYPICAL ROADWAY SECTION
 NOT TO SCALE
 E HOME AVENUE

CITY OF SELAH
 E HOME AVENUE
 SIDEWALK IMPROVEMENTS
 TYPICAL SECTION

JOB NUMBER: 24006	DATE: 2-19-24
FILE NAMES: DRAWING: Cross Sections.dwg	
DESIGNED BY: TDA	ENTERED BY: TDA

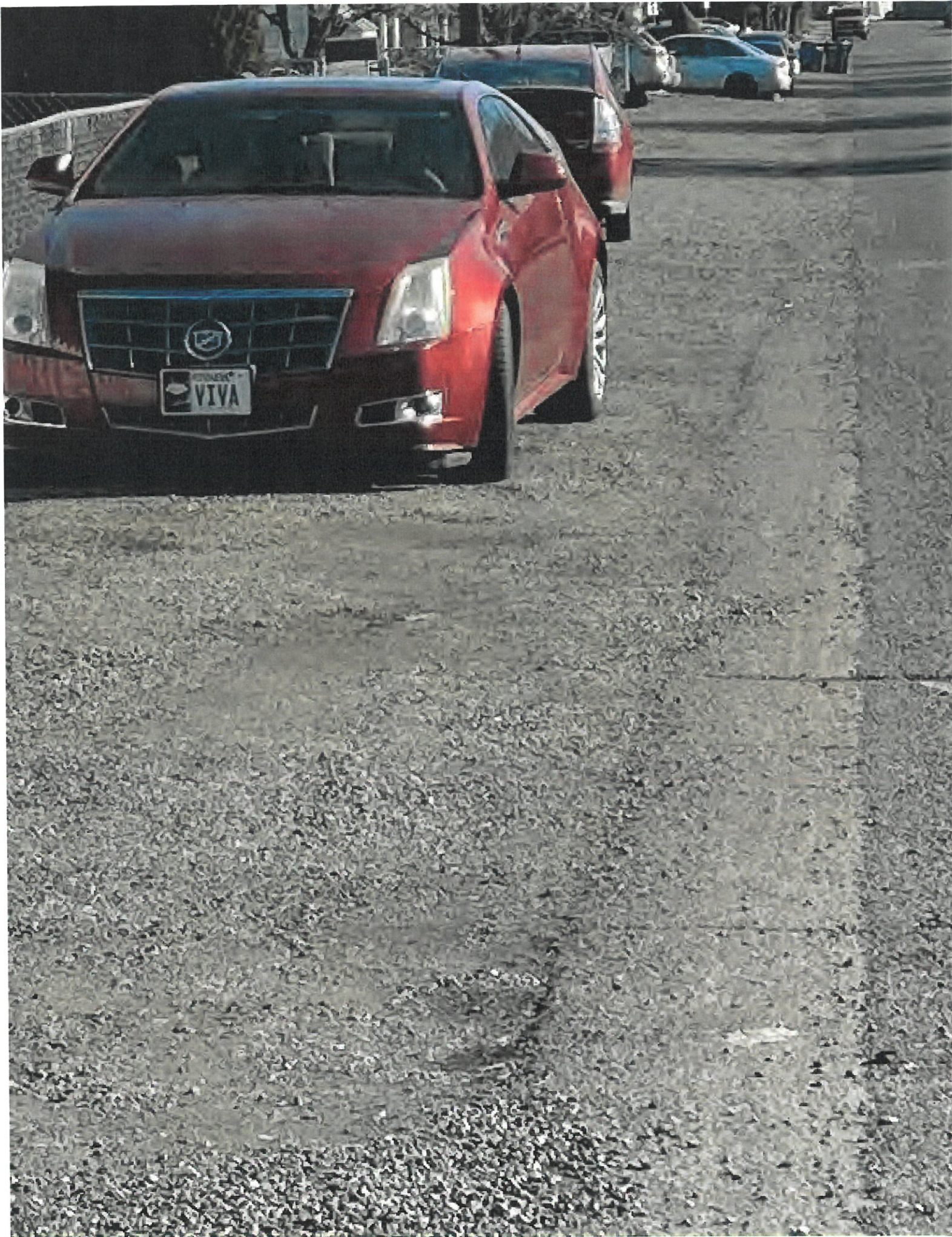


2803 River Road
 Yakima, WA 98902
 509.966.7000
 Fax 509.965.3800
 www.hlacivil.com

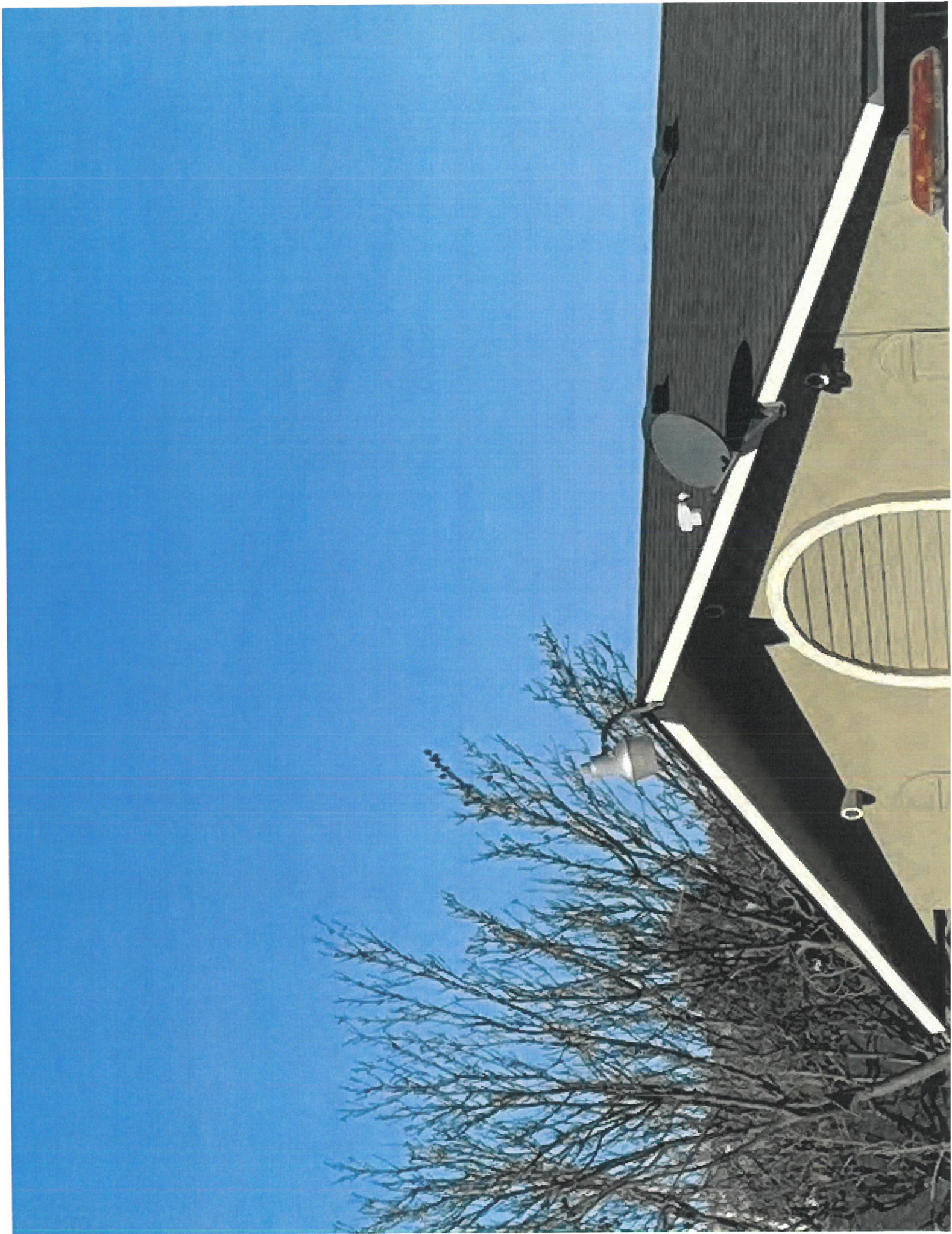
HILA
 Engineering and Land Surveying, Inc.











Taylor, Matthew

From: Gonseth, Paul <GonsetP@wsdot.wa.gov>
Sent: Tuesday, February 20, 2024 1:32 PM
To: Taylor, Matthew
Cc: Wallace, Rocky
Subject: RE: [EXTERNAL] City of Selah - 2024 Complete Streets Early Opportunity Application - Written WSDOT Concurrence
Attachments: E Home Avenue Sidewalk Improvements - Vicinity Map.pdf; E Home Avenue Sidewalk Improvements - Typical Roadway Section.pdf

Matthew,

WSDOT support Selah's effort to improve pedestrians connectivity and safety. Please coordinate any ADA ramp modifications to walkways on N Wenas Road (SR 823) with WSDOT region.

Please let me know if this email will for your written concurrence.

Paul Gonseth, P.E.

Asst Region Administrator – Construction
WSDOT – South Central Region

W: (509)577-1700
C: (509)697-6373

From: Taylor, Matthew <Matthew.Taylor@selahwa.gov>
Sent: Friday, February 16, 2024 2:35 PM
To: Gonseth, Paul <GonsetP@wsdot.wa.gov>; Anabtawi, Jamil <AnabtaJ@wsdot.wa.gov>; King, Kenny <KingK@wsdot.wa.gov>
Cc: Wallace, Rocky <Rocky.Wallace@selahwa.gov>
Subject: [EXTERNAL] City of Selah - 2024 Complete Streets Early Opportunity Application - Written WSDOT Concurrence

WARNING: This email originated from outside of WSDOT. Please use caution with links and attachments.

Hello Jamil, Kenny, and Paul,

The City of Selah is working on a Complete Streets Early Opportunity Application for a Sidewalk Project on E Home Avenue. I have provided a vicinity map and typical section for the project for reference.

This sidewalk project will connect to the existing sidewalk / curb ramp on Wenas Road (WSDOT SR 823). Since we are connecting to a state highway, the application requires the City to have written concurrence from WSDOT. If one of you could provide the City with a signed document providing the City with written concurrence for our sidewalk project connecting to SR 823 that would be much appreciated.

If you have any questions feel free to reach out over email or phone.

Thank you,

Matthew Taylor
Engineering Technician
City of Selah



Phone: (509)-698-7350
Email: Matthew.Taylor@selahwa.gov

222 S. Rushmore Rd.
Selah, WA 98942



Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 2/27/2024

Agenda Number: 10-E*

Action Item

Title: Ordinance Amending the 2024 Budget for Well No. 5 Repairs

From: Kim Grimm, Clerk/Treasurer

Action Requested: Approval

Staff Recommendation: Approval

Board/Commission Recommendation: Approval

Fiscal Impact: \$ 262,000

Funding Source: 461 Water Reserve

Background/Findings/Facts: The City Council approved the spending of \$375,000 for emergency repairs to Well No. 5. Approximately \$113,000.00 was spent in 2023 leaving a remaining balance of \$262,000.00 to be spent in 2024.

Recommended Motion: I move to approve an Ordinance amending the 2024 budget for emergency repairs to Well No. 5.

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date:	Action Taken:
2/27/2024	City Council approved spending an additional \$80,000 for the rehabilitation of Well No. 5.
8-8-2023	City Council approved spending an additional \$ 200,000 for the rehabilitation of Well No. 5.
7-11-23	City Council approved spending an additional \$ 30,000 for emergency repairs to Well No. 5.
6-13-23	City Council approved spending up to \$ 65,000 for emergency repairs to Well No. 5.

RESOLUTION NO. 3096

RESOLUTION AUTHORIZING ADDITIONAL FUNDING, ONCE AGAIN, FOR THE CITY'S EMERGENCY WATER WELL #5 PROJECT

WHEREAS, Resolution No. 3027 was passed and adopted by the City Council during the regularly-scheduled meeting on June 13, 2023, and it declared that an emergency existed with regard to the City's well number 5 and authorized the Public Works Director to spend up to \$65,000.00 in an effort to remediate the emergency; and

WHEREAS, a follow-up Resolution – specifically Resolution No. 3029 – was passed and adopted by the City Council during the regularly-scheduled meeting on July 11, 2023, and it declared that the emergency still existed and authorized the Public Works Director to spend an additional \$30,000.00 in an effort to remediate the emergency; and

WHEREAS, once again, a follow-up Resolution specifically Resolution No. 3037 – was passed and adopted by the City Council during the regularly-scheduled meeting on August 8, 2023, and it declared that the emergency still existed and authorized the Public Works Director to spend an additional \$200,000.00 in an effort to remediate the emergency; and


WHEREAS, despite the best efforts of City staff and retained outside contractors, the emergency has not yet been remediated and still exists; and

WHEREAS, it has become necessary to expend more funds due to additional parts and labor being needed; and

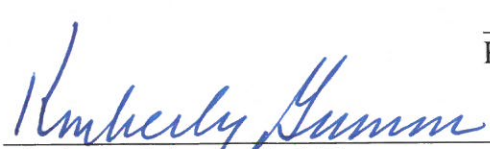
WHEREAS, City staff contemplates that an additional \$80,000.00 will suffice for fully remediating the emergency, and the City Council finds that good cause exists to authorize the Public Works Director to spend such additional amount;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON as follows: the previously-declared emergency still exists and the Public Works Director is hereby authorized to spend an additional \$80,000.00 in order to remediate the emergency.


PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 27th day of February, 2024.



Roger Bell, Mayor

ATTEST: 

Kimberly Grimm, Clerk/Treasurer

APPROVED AS TO FORM: 

Rob Case, City Attorney



Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 2/27/2024

Agenda Number: 12.A.i

New Business

Item: “Appeal” of Decision on a Code Complaint

From: City Staff

Staff Recommendation: Affirm the Decision without Modification

Board/Commission Recommendation: N/A

Fiscal Impact: N/A

Funding Source: N/A

Background/Findings/Facts: An appeal was filed on October 27, 2023. The Appeal challenges a Decision that was issued on October 19, 2023. Such Decision was issued relative to a Code Complaint that itself had been filed on September 15, 2023.

A sixteen-page Staff Report is submitted with this AIS, and there are 106 pages of attachments to the Staff Report. The Staff Report explains the established facts and applicable substantive law.

City Staff recommends that the challenged-via-appeal Decision be affirmed, and that City Staff be directed to take no further action on this matter.

The Appellant is William Longmire. Although Mr. Longmire is now a Councilmember, both his Appeal and his underlying Code Complaint were filed when he was simply a resident. MRSC states that “[w]hen a conflict of interest exists, a councilmember should refrain from voting.” In turn, SMC section 1.06.250 provides that “[i]n the event a member abstains from voting, that member shall announce his/her intention to abstain and reason for abstaining” and “[a]n abstention shall not be considered as either a vote for or against the matter.”

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date:	Action Taken:
10/19/23	Decision by Code Enforcement Officer, which is now challenged via this Appeal.



CITY OF SELAH

115 West Naches Ave
Selah, WA 98942

P: 509-698-7328
F: 509-698-7338

Wednesday, February 21, 2024

Staff Report for “Appeal” of Decision on Code Complaint

The Appeal

The subject Appeal was filed on October 27, 2023. The Appeal challenges a Decision that was issued on October 19, 2023. Such Decision was issued relative to a Code Complaint that itself had been filed on September 15, 2023. Copies of the Appeal, the challenged-via-appeal Decision, and the underlying Code Complaint are appended to this Staff Report. See pages A-1 through A-11 (the Appeal); pages A-9 and A-10 (the Decision); and pages A-2 and A-3 (the Code Complaint).

Background Pertaining to Procedure

The Appeal and the underlying Code Complaint were filed under Selah Municipal Code (SMC) Chapter 6.75, which is entitled “Code Enforcement”. The current version of SMC Chapter 6.75 was enacted via Ordinance No. 2205 on or about September 12, 2023.

The current version of SMC section 6.75.030 adopts and incorporates – by reference, and subject to a few minor changes – the 2018 Edition of the International Property Maintenance Code (IPC) as an operative part of SMC Chapter 6.75. See pages A-67 (current version SMC section 6.75.030) and A-68 through A-70 (excerpts of Ordinance No. 2205, adopting and incorporating the 2018 IPC). Thus, the 2018 IPC is part-and-parcel of the current version of SMC Chapter 6.75.

The IPC establishes – among other things – procedural rules for complaints, decisions and appeals arising under the IPC. See pages A-71 and A-72 (excerpted IPC sections). Those procedural rules govern the now-under-consideration Appeal because – as stated above in this Staff Report – the Appeal and the underlying Code Complaint were filed under SMC Chapter 6.75, and, thus, they were effectively filed under the IPC. However, as will be substantively explained below in this Staff Report, the Appeal and the underlying Code Complaint do not actually present IPC property maintenance-type issues. Instead, the Appeal and the underlying Code Complaint focus on construction standards and construction performance-type issues.

Procedure

The City Council will preside over an appeal hearing during the City Council’s regularly-scheduled meeting on Tuesday, February 27, 2024. The appeal hearing will be conducted consistent with Subpart 111.3 of the IPC, which is entitled “Open hearing”. See page A-72 (IPC section 111.3).

Following the appeal hearing, the City Council will issue a written decision within 30 days as required by Subpart 111.5 of the IPC, which is entitled “Decision, Records and copies”. See page A-72 (IPC section 111.5)

Page 1 of 16 (plus 106 pages of attachments, labeled A-1, A-2, etc.)



Executive Summary

Based the established facts and applicable substantive law, City Staff concludes that the underlying 09/15/23 Code Complaint and the now-under-consideration 10/27/23 Appeal – each and both – lack factual merit and/or legal merit. Thus, City Staff recommends that the previously-rendered Decision be affirmed and that City Staff be directed to take no further action on this matter.

Factually, proper inspections were performed and no violation(s) were noted as to the at-issue portions of the construction work – which at-issue portions of construction work are the installation of foundation forms and rebar, followed by pouring of concrete to create footings and stemwalls. Such work occurred in late-2018 and early-2019.

The foundation forms and internal rebar for the residence and garage footings were inspected by Roy Brons, the City's then-Building Inspector, on December 26, 2018. In turn, the forms and rebar for the stemwalls were inspected by Randy Allen, who was one of the City of Yakima's then-Building Inspectors, on January 16, 2019. The inspectors filled out inspection cards following each inspection, and copies are appended to this Staff Report. *See* pages A-12 (12/26/18 Inspection Card); and pages A-13 and A-14 (two 09/16/19 Inspection Cards).

Mr. Brons inspected all of the forms and all of the rebar for all of the footings, including but not limited to those for the garage. Unfortunately, two subsequent emails – by Jeff Peters, the City's Building Official, in mid-2019 – mistakenly said that the garage forms had not been inspected. But those after-the-fact mistakes do not change the reality of what previously occurred.

A handwritten note on 12/26/18 Inspection Card has also caused confusion. Such note indicated that the garage footings would be poured on a separate date. *See* page A-12 (12/26/18 Inspection Card). In fact, however, all of the footings – for the residence and the garage – ending up being poured on the same date. Mr. Brons explains that the note was not a binding restriction, that pour schedules often change, and that the builder did not lie about the schedule.

Erin Hamilton, the City's Code Compliance Officer, conducted an investigation after the 09/15/23 Code Complaint was filed. During that investigation, Ms. Hamilton reviewed all of the documentary evidence and spoke to each of the available witnesses. Ultimately, she was not able to substantiate that any construction violation(s) had occurred back in late-2018 or early-2019. *See* pages A-9 and A-10 (Decision).

Legally, the situation is moot for many reasons. The underlying 09/15/23 Code Complaint does not actually present IPC property maintenance-type issues. Instead, it focuses on construction standards and construction performance-type issues. *See* pages A-2 and A-3 (Code Complaint).

All applicable statutes of limitation – for any criminal case and/or civil case – expired several years ago. Even if they had not expired, the City had/has no duty to ensure that the builder complied with all codes, as the Washington Supreme Court has conclusively ruled.

Many of the code sections cited within the underlying 09/15/23 Code Complaint are irrelevant and others are redundant. Admittedly, Ms. Hamilton made a mistake with regard to the language of one code section. But that mistake boils down to a harmless error. Even when the accurate language is used, the outcome

does not change – no violation(s) can be substantiated now, approximately five-plus years after the construction work was completed (*i.e.*, 2023-2024 vs. 2018-2019).

Finally, the Complainant/Appellant does not ask for any substantive relief. He is not asking the City to pursue his builder, and via his 10/27/23 Appeal he merely asks for Ms. Hamilton to redo her investigation. *See* page A-60 (email by Appellant on September 25, 2023) and page A-1 (Appeal). However, redoing the investigation would be needless and wasteful for all the reasons stated in this Staff Report.

Relevant Facts, Applicable Law, and Substantive Analysis

1. Subject Property. Residential house and garage, located at 330 Lookout Point Drive, Selah, WA 98942.
2. Owners of Property. William and Dana Longmire.
3. Complainant/Appellant. William Longmire.¹
4. Date the Underlying Code Complaint was Filed. September 15, 2023. *See* pages A-2 and A-3 (Code Complaint).
5. Decision/Action that is Being Appealed. Letter-style Decision by the City’s Code Compliance Officer, Erin Hamilton, dated October 19, 2023. Ms. Hamilton concluded that the alleged violation(s) cannot be substantiated. No punishment or enforcement action was imposed by Ms. Hamilton. A copy of Ms. Hamilton’s 10/19/23 Decision is appended to this Staff Report. *See* pages A-9 and A-10 (Decision).
6. Date the Now-Under-Consideration Appeal was Filed. October 27, 2023. *See* page A-1 (Appeal).
7. Person/Entity Alleged to Have Committed Violation(s). The Code Complaint exclusively alleges that violation(s) were committed by the Appellant’s builder, William Joseph Frodsham of Palazzo Properties, Ltd. *See* page A-1 (Appeal).
8. This Situation is Peculiar in a Few Regards.
 - a. The Appellant is Complaining about his Own Property. One peculiarity is that the Appellant filed the underlying 09/15/23 Code Complaint – from which the now-under-consideration 10/27/23 Appeal follows – about his own property and specifically about its original construction. *See* pages A-2 and A-3 (Code Complaint) and page A-1 (Appeal). Typically, code complaints are filed by one party against another party or by one party with regard to another party’s property.
 - b. No Punishment or Enforcement Action has been Imposed. Another peculiarity is that no punishment or enforcement action has been imposed. *See* pages A-9 and A-10 (Decision).

¹ For ease of reference, this Staff Report will hereinafter refer to Mr. Longmire simply as the “Appellant” rather than as “Complainant/Appellant”.

Typically, appeals arise if and when a party has had some sort of punishment or enforcement action imposed against him/her/it. In fact, the City issued a residential “Certificate of Occupancy” to the Appellant nearly four years ago – specifically on April 28, 2020 – and he has been continuously residing at the property ever since.

- c. The Appellant Does Not Ask for Any Substantive Relief/Remedy. A third peculiarity is that the Appellant does not ask for any substantive relief or remedy. Via his underlying 09/15/23 Code Complaint, the Appellant alleges violation(s) exclusively against his builder. See pages A-2 and A-3 (Code Complaint). Yet via a subsequent email – specifically on September 25, 2023 – the Appellant clarified that he is not asking the City to pursue his builder. See page A-60 (email by Appellant on 09/25/23, saying, in part: “I never asked for a new inspection or for the city to pursue my builder”). Now, via his now-under-consideration 10/27/23 Appeal, the Appellant asks only that Ms. Hamilton’s investigation be redone. See page A-1 (Appeal, saying, in part: “A new investigation needs to be performed”). He does not ask for any substantive relief or remedy, and none is warranted or possible for the reasons explained in this Staff Report. Thus, redoing the investigation would be needless and wasteful.
 - d. SMC Chapter 6.75 is Not Applicable for this Situation, which was Explained to the Appellant Years Before He Filed the Code Complaint. A fourth peculiarity is that the underlying 09/15/23 Code Complaint was filed under SMC Chapter 6.75 for some reason, when it actually does not present IPC property maintenance-type issues such as the existence of noxious weeds or graffiti. Instead, the underlying 09/15/23 Code Complaint exclusively presents construction standards and construction performance-type issues, which topics are governed by SMC Title 11 rather than SMC Title 6. This distinction was explained to the Appellant – via email, by then-City Staff – several years before the Appellant filed his 09/15/23 Code Complaint. See page A-63 and A-64 (email by then-City Attorney Bob Noe on 06/17/19, saying, in part: “as a general rule, the City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issued discovered during a building inspection for and [*sic*, an] ongoing construction project.”). SMC Chapter 6.75 has never been intended as a means for investigating construction work, neither while such work is ongoing nor multiple years after the work was completed.
9. Date of the Alleged Violation(s). The 09/15/23 Code Complaint that underlies the now-under-consideration 10/27/23 Appeal pertains to alleged occurrences and/or omissions during late-2018 and early-2019. The Appellant contends that, during those points in time, his builder committed violation(s) of applicable building code sections and/or residential code sections. See pages A-2 and A-3 (Code Complaint).
 10. The Applicable Statutes of Limitation Have Expired. Notably, the applicable statutes of limitation for any criminal prosecution(s) and/or civil lawsuit(s) have long since expired. Legally, it is simply too late for any prosecution or lawsuit to occur.

- a. Misdemeanor Prosecution. The City’s building code and residential code are codified – directly or by reference – within SMC Title 11. If a builder violates an aspect of SMC Title 11, the violation(s) could constitute a criminal misdemeanor per SMC 11.25.010. *See* page A-81 (SMC 11.25.010). However, the statute of limitation for commencing prosecution on a misdemeanor – as established by RCW 9A.04.080(1) – is just one year from the date of the occurrence or omission. *See* pages A-86 and A-87 (RCW 9A.04.080(i)). It is manifest that 2023-2024 is more than one year after 2018-2019. Thus, any misdemeanor prosecution is time-barred at this point and was already time-barred when the underlying Code Complaint was filed.

- b. Civil Lawsuit(s). For civil lawsuits, there are different statutes of limitation of varying durations. No contract existed between the City and the Appellant’s builder, so obviously the City cannot sue the builder for breach of contract – irrespective of whether the applicable statute(s) of limitation for that type of civil claim have or have not yet expired. A negligence claim must be commenced within three years, per RCW 4.16.080(2) and clarifying case law. *See* page A-83 (RCW 4.16.080(2)). A claim for fraud/misrepresentation also must be commenced within three years, per RCW 4.16.080(4). *See* page A-83 (RCW 4.16.080(4)). And an action to enjoin or abate a nuisance must be commenced within two years, per RCW 4.16.130 and clarifying case law. *See* page A-84 (RCW 4.16.130). It is manifest that 2023-2024 is more than two-three years after 2018-2019. Thus, any civil lawsuit(s) are time-barred at this point and was already time-barred when the underlying Code Complaint was filed.²

10. It is Not the City, But Rather is the *Property Owner*, Who Must Ensure that a Builder Complies with Applicable Building Codes. A municipal government, such as the City of Selah, is not a guarantor with regard to compliance with applicable building codes. Rather, it is the property owner himself who is legally responsible for making sure that his builder does not violate the codes. These legal principles were conveyed to the Appellant by letter on September 20, 2023, which letter was sent in partial response to the underlying 09/15/23 Code Complaint. Such letter included the following excerpts:

“If you feel your builder did something wrong, that is a civil matter between you and the builder. As written by the Washington Supreme Court in 1988, and still holding true today:

Issuance of a building permit does not implicitly imply that the plans submitted are in compliance with all applicable codes. Nor do periodic building code inspections implicitly imply that the construction is in compliance with all applicable codes. Building permits and building code inspections only authorize construction to proceed; they do not guarantee that all provisions of all applicable codes have been complied with

. . .

² If any lawsuit(s) were filed against a current agent and/or former agent of the City, the City would be legally required to indemnify such agent(s) pursuant to RCW 4.96.041, governing case law, International Building Code (IBC) Section 104.8, and International Residential Code (IRC) Section R104.8. *See* pages A-85, A-89 & A-95.

We hold that no duty is owed by local government to a claimant [*sic*, claimant; clarification added] alleging negligent issuance of a building permit or negligent inspection to determine compliance with building codes. The duty to ensure compliance rests with individual permit applicants, builders and developers. . . . [L]ocal government owes no duty of care to ensure compliance with the codes.

See Taylor v. Stevens County, 111 Wn.2d 159, 167-168, 759 P.2d 447 (1988) (ellipses and underscore emphasis added). Likewise, Selah’s municipal code states, in relevant part, as follows:

Enactment and enforcement of this title is intended to only protect the general public welfare and not specific persons or property. Nothing in this title nor the International Codes adopted by reference herein shall be construed to impose any legal duty, directly or indirectly, upon the city or its officials and employees to protect individual persons or property in individual circumstances.

See Selah Municipal Code §11.01.020.”

See pages A-36 and A-37 (letter).

11. The Appellant Waived all Claims Against his Builder. On July 18, 2019, the Appellant entered into a “Release and Settlement Agreement of All Claims” with his builder. *See* pages A-57 through A-59 (Release). This was roughly seven months after – by the Appellant’s own allegation – the garage foundation had been poured. The Appellant chose to waive any and all claims for construction defects, both known and unknown. Thus, if any defect truly existed/exists with regard to the garage footings, the Appellant chose to accept that defect on an “as is” basis. Of further note, the building inspectors – including, but not limited to Mr. Brons – had issued multiple violation notices to the builder during earlier stages of the project. Some of those “earlier” violations were for other concrete work. Thus, the Appellant knew full well that his builder had committed defects with regard to concrete work prior to choosing to waive all claims.
12. The Code Complaint Cites Many Code Sections. The underlying 09/15/23 Code Complaint cites many code sections, and copies of each are appended to this Staff Report. *See* pages A-67 through A-104. They include sections of the existing-as-of-2018 and existing-as-of-2019 versions of the Selah Municipal Code (SMC), and also sections of the 2015 Edition of the International Building Code (IBC) and the 2015 Edition of the International Residential Code (IRC) – because those versions were in effect during 2018-2019 when the violation(s) allegedly occurred.
13. Many of the Cited Code Sections are, Actually, Irrelevant. Many of the code sections cited within the underlying 09/15/23 Code Complaint do not impose any restriction(s) or requirement(s) upon builders. Accordingly, those code sections are irrelevant to this Appeal; the underlying Code Complaint exclusively alleges that the Appellant’s builder committed violations, and conceptually a builder cannot violate sections that do not apply to him in the first place. The following code sections are, despite having been cited within the underlying Code Complaint, not relevant to this

Appeal:

- a. SMC 11.05.010
- b. IBC [A]104.1
- c. IBC [A]104.3
- d. IBC [A]104.4
- e. IBC [A]104.7
- f. IBC [A]104.10
- g. IBC [A]104.11
- h. IBC [A]110.3
- i. IBC [A]114.3
- j. IBC [A]114.4
- k. IBC [A]115.1
- l. IBC [A]115.2
- m. IRC R104.10
- n. IRC R104.11
- o. IRC R109.1

14. The Substantively-Relevant Code Sections, Summarized. The code sections that are substantively-relevant to this Appeal are listed below. Some are relevant because they are cited within the underlying 09/15/23 Code Complaint, actually do impose restriction(s) and/or requirement(s) upon builders, and thus could conceptually be violated by a builder. Others are relevant because – despite not being cited in the underlying 09/15/23 Code Complaint – they answer questions about how residential footings and stemwalls must be constructed, which are the at-issue portions of the construction work.

Selah Municipal Code (SMC)

- a. SMC 6.75.030(d)(2) (in the version that existed during 2018-2019)

Summarized as: it is unlawful to mispresent any material fact to obtain building or construction authorization. *See* page A-73.

International Building Code (IBC)

- b. IBC [A] 104.8

Summarized as: municipality must indemnify agent

- c. IBC [A]107.4 (which is redundant to IRC R106.4)

Summarized as: if changes are made from the plans during construction, new documents must be submitted for approval

- d. IBC [A]110.1

Summarized as: work must remain accessible and exposed for inspection

- e. IBC [A]110.3.1 (which is redundant to IRC R109.1.1)

Summarized as: footing and foundation inspections shall occur after footings (*i.e.*, forms) and reinforcing steel (*i.e.*, rebar) are in place

- f. IBC [A]110.3.2

Summarized as: concrete slab and under-floor inspections shall occur after reinforcing steel (*i.e.*, rebar) and any equipment is in place but prior to concrete being poured

- g. IBC [A]110.5
Summarized as: it is the builder's duty to notify the City when any portion of the work is ready for inspection
- h. IBC [A]114.1
Summarized as: it is unlawful for anyone to construct a property in violation of the code
- i. IBC 1905.1.7 & its written "Exceptions"
Summarized as: longitudinal reinforcement (*i.e.*, rebar) is not required for residential construction within Seismic Category C when the structure is not taller than three stories in height and is built with stud-bearing walls

International Residential Code (IRC)

- j. IRC R104.8
Summarized as: municipality must indemnify agent
- k. IRC R105.8
Summarized as: it is the duty of a builder to comply with the code
- l. IRC R106.4 (which is redundant to IBC [A]107.4)
Summarized as: if changes are made from the plans during construction, new documents must be submitted for approval
- m. IRC R109.1.1 (which is redundant to IBC [A]110.3.1)
Summarized as: inspection of the foundation shall occur after the poles/piers are in place or the trenches/basement is dug and any reinforcing steel (*i.e.*, rebar) is in place but prior to concrete being poured
- n. IRC R109.4
Summarized as: work shall not be done on the next component until the Building Inspector has inspected the prior component and given approval for the next component to occur. *See* page A-100.
- l. IRC Figure R301.2(2)
Summarized as: map of seismic categories (with Selah being within Seismic Category C)
- m. IRC R403.1
Summarized as: general construction standards for walls and footings
- n. IRC R404.1.3
Summarized as: specific construction standards for concrete foundation walls, depending on what type of walls will be supported by the foundation

15. Some of the Substantively-Relevant Code Sections are Redundant. Certain substantively-relevant sections of the IBC and the IRC are redundant, either literally or effectively. Those are the following sections:

- a. IBC [A]107.4 is redundant to IRC R106.4
Summarized as: if changes are made from the plans during construction, new documents must be submitted for approval
- b. IBC [A]110.3.1 is redundant to IRC R109.1.1
Summarized as: footing and foundation inspections shall occur after footings (*i.e.*, forms) and reinforcing steel (*i.e.*, rebar) are in place

16. Two Chief Allegations within the Code Complaint, and the Corresponding Two Code Sections of Principle Import. Summarized in plain English, the underlying 09/15/23 Code Complaint advances two chief allegations, specifically: (1) that the builder misled Mr. Brons about when the garage footings would be poured; and (2) that the builder concealed the garage forms, never got them inspected, and then poured concrete into the forms without Mr. Brons being able to confirm whether rebar had been installed therein. In turn, these two chief issues are governed by two code sections, specifically: (1) SMC 6.75.030(d)(2), in the version that existed during 2018-2019; and IRC R109.4, in its 2015 version, which was applicable during 2018-2019. *See* pages A-73 (SMC section 6.75.030(d)(2), in its 2015 version) and A-100 (IRC R109.4, in its 2015 version).

17. The Evidence from Mr. Brons Confirms that No Violation(s) Occurred. Mr. Brons's 12/26/18 Inspection Card confirms that he inspected and approved the footing forms and internal rebar on such date. Notably, such inspection card does not say that only some or a portion of the rebar was approved. Rather, it says – universally – that the “rebar placement” was approved. *See* page A-12 (12/26/18 Inspection Card).

- a. Handwritten Remark About When the Garage Footings Would be Poured. Mr. Brons included a few handwritten remarks on the 12/26/18 Inspection Card. One of those reads as follows:

Also contractor stated garage footings would not be poured at same time as house footing.

See page A-12 (12/26/18 Inspection Card).

- b. Mr. Brons's Testimony About his Inspection. Mr. Brons has been interviewed twice about this matter; originally by Ms. Hamilton during her investigation into the 09/15/23 Code Complaint, and then jointly by the then-City Administrator and the City Attorney after the 10/27/23 Appeal was filed. Mr. Brons's testimony – offered on a more probable than not basis – is that he inspected all of the foundation forms and all of the rebar, including those for the garage. Admittedly, he is not one-hundred percent certain due to so much time having passed. But based on how his 12/26/18 Inspection Card is filled out and also based upon his historical method of practice, his good faith belief is that he inspected everything. If only a portion of the forms and/or only a portion of the rebar had been in place at the time – as the Appellant contends – Mr. Brons believes he would have expressly stated that on the inspection card. The fact that the 12/26/18 Inspection Card does not include any such express statement leads him to conclude – again, on a more probable than not basis – that all of forms and all of the rebar were in place and were inspected. Stated inversely, Mr. Brons did not intend the above-quoted handwritten remark as any sort of statement that the garage forms or rebar were not yet in place.

- c. Mr. Brons's Testimony About Pour Schedules, and About whether the Builder Lied to Him. Mr. Brons did not intend the above-quoted handwritten remark as a binding schedule that would trigger a misdemeanor criminal charge if the builder failed to adhere to the schedule. Builders often make statements or provide information to building inspectors just as a proverbial “heads up”. When that occurred during his career, Mr. Brons typically wrote

notations on his inspection cards – or on other documents within the “property file” – confirming what he had heard. He did so simply for the sake of completeness and because the information might later prove helpful in some way. Mr. Brons’s testimony – again, offered on a more probable than not basis – is that the final handwritten notation on the 12/26/18 Inspection Card was effectively superfluous; it carried no weight. If it had not been included, the 12/26/18 Inspection Card would have had the exact same effect as it had with it being included. Pour schedules can change for any number of reasons, and Mr. Brons does not believe that this particular builder misled him or lied about when the garage footings would likely be poured. As the recipient of the supposed lie, Mr. Brons says no lie occurred.

- d. Mr. Brons’s Verification Signature on this Staff Report. Via his signature on the final page of this Staff Report, Mr. Brons confirms – under oath – that the-above recited facts are true.
 - i. SMC 6.75.030(d)(2) Was *Not* Violated. It follows that SMC 6.75.030(d)(2) (in the version that existed during 2018-2019) was not violated by the builder. *See* page A-73 (SMC section 6.75.030(d)(2), in its 2015 version). The builder did not mispresent any material fact to obtain building or construction authorization.
 - ii. IRC R109.4 Was *Not* Violated. It also follows that IRC R109.4 (in its 2015 version, which applied during 2018-2019) was not violated by the builder. *See* page A-100 (IRC R109.4, in its 2015 version). The builder did not proceed onto the next component of the work (*i.e.*, pouring the garage footings) without having the prior component (*i.e.*, the forms and rebar) inspected and approved.

18. Five Chief Allegations within the Appeal, and Rebuttals Thereof. Summarized in plain English, the now-under-consideration 10/27/23 Appeal advances five chief allegations, specifically: (1) that Ms. Hamilton supposedly failed, during her investigation, to consider relevant emails that had been submitted in support of the underlying 09/15/23 Code Complaint; (2) that Ms. Hamilton supposedly failed to speak with Mr. Peters, despite him supposedly having personal knowledge of relevant facts; (3) redundantly, that Mr. Peters supposedly has emails that “substantiate” that violation(s) occurred; (4) that Ms. Hamilton supposedly failed to consider photographic evidence provided by the Appellant; and (5) that Ms. Hamilton used the wrong language for one of the relevant code sections.
 - a. Ms. Hamilton *Did* Consider the Relevant Emails. In fact, Ms. Hamilton *did* consider the emails that were submitted in support of the underlying 09/15/23 Code Complaint. Via her signature on the final page of this Staff Report, she confirms – under oath – that this is true.
 - b. Ms. Hamilton *Did* Speak with Mr. Peters. In fact, Ms. Hamilton *did* speak with Mr. Peters about the underlying 09/15/23 Code Complaint. She asked him whether he knew or recalled that any violation(s) occurred, because the Appellant alleged that Mr. Peters supposedly had such knowledge. Mr. Peters informed Ms. Hamilton that he did not know or recall whether any violation(s) had occurred with regard to the at-issue portions of work. Although he was on site during Mr. Brons’s inspection on December 26, 2018, Mr. Peters cannot recall – now that so many years have passed – whether the garage footing forms and rebar were or were

not in place at that time. Nor does Mr. Peters otherwise have any firsthand knowledge whereby he can confirm that any violation(s) occurred. At most, Mr. Peters is aware that the Appellant has asserted – since late-2018 – that violation(s) occurred. But he was never able to substantiate the Appellant’s assertions. Via their respective signatures on the final page of this Staff Report, Ms. Hamilton and Mr. Peters confirm – under oath – that these facts are true.

c. There is *No* Email by Mr. Peters that “Substantiates” any Violation(s). In fact, Ms. Hamilton *did* review the specific emails from Mr. Peters that the Appellant contend supposedly “substantiate” that violation(s) occurred. Via her signature on the final page of this Staff Report, Ms. Hamilton confirms – under oath – that this is true. Ultimately, however, those emails do not carry the force and effect urged by the Appellant.

i. Mr. Peters’s Partially-Mistaken Emails. The emails in question from Mr. Peters were sent on May 8 & 9, 2019. Those emails include the following excerpts:

“Roy [Brons] and I inspected the footing for the main portion of the house (excluding garage).”

“Question about [the garage] footing: Per the inspection cards in your possession and [City of Yakima’s Building Inspector] Mr. Denman’s response above, the garage footing was not inspected by the City of Selah, or the City of Yakima, and was [already] poured and in place at the time [City of Yakima’s then-Building Inspector] Mr. Allen completed inspection of the stem walls.”

See pages A-4 & A-5 (emails by Mr. Peters; bracketed material added). Each of these statements by Mr. Peters was mistaken. The mistakes occurred for a couple reasons.

ii. Why/How the Mistake Occurred. Mr. Peters sent the above-quoted emails without speaking to Mr. Brons. At the time, Mr. Brons was away from work due to having suffered an injury. In drafting the emails, Mr. Peters misinterpreted Mr. Brons’s 12/26/18 Inspection Card. However, Mr. Peters’s misinterpretation does not change the true reality of which footings were actually inspected and approved by Mr. Brons. The Appellant’s contentions to the contrary are simply not well taken, because those contentions seek to elevate Mr. Peters’s mistaken interpretation over the actual fact of Mr. Brons’s inspection. Mr. Brons’s testimony is the dispositive piece of evidence; not Mr. Peters’s after-the-fact partially-mistaken emails. Via his signature on the final page of this Staff Report, Mr. Peters confirms – under oath – that these facts are true.

d. Ms. Hamilton *Did* Review the Photographic Evidence. In fact, Ms. Hamilton *did* consider the photographic evidence that was submitted in support of the underlying 09/15/23 Code Complaint. Such evidence – consisting of a single photograph – was included within a 42-page “Timeline” document that the Appellant drafted and submitted. *See* page A-15 (photograph); *see also* pages A-15 through A-56 (“Timeline” document). Ms. Hamilton reviewed the entire 42-page Timeline document, and, thus, it follows that she reviewed the

photograph that was contained therein. Via her signature on the final page of this Staff Report, Ms. Hamilton confirms – under oath – that these facts are true.

- i. The Photograph Does *Not* “Substantiate” any Violation(s). The singularly-submitted photograph does not actually “substantiate” that the builder committed any violation(s), despite the Appellant contending that it does. The Appellant added narrative words onto the photograph, which words say that the garage foundation was poured concurrently with the house foundation on December 27, 2018. *See* page A-16 (the photograph and added words). Even if those narrative words are assumed to be accurate, the photograph still does not substantiate either of the violations that are alleged within the Code Complaint for a number of reasons.

In terms of orientation, the photograph was taken from such an angle and at such a distance as to not enable a viewer to see whether or not rebar was present within the garage footings when the photograph was taken. Conceptually, the photograph does not prove when or whether the garage footings were inspected; rather, Mr. Brons’s 12/26/18 Inspection Card and subsequent testimony establish those facts. Finally, with regard to whether the builder lied to Mr. Brons about when the garage footings would be poured, Mr. Brons has confirmed that he – as the recipient/victim of the supposed lie – does not believe that any deception was intended nor that any occurred. Mr. Brons told this – that he was not lied to – to Ms. Hamilton when she interviewed him as part of her investigation. *See* pages A-41 and A-42 (Decision).

- e. Ms. Hamilton’s Use of an “Incorrect Definition” was a *Harmless Error*. City Staff concedes that Ms. Hamilton – within her letter-style Decision – recited incorrect language for one code section, as the Appellant contends via his 10/27/23 Appeal. That particular code section is IRC R109.4, for which Ms. Hamilton recited the following mistaken language:

R 109.4: “Work commencing before permit issuance. Any person who commences any work for which a permit is required before obtaining necessary permits shall be subject to an investigation fee.”

See pages A-41 and A-42 (Decision). In fact, the correct language is the following:

IRC R109.4: “Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.”

See page A-100 (IRC R109.4, in its 2015 version; bold and italic emphases omitted). This mistake by Ms. Hamilton is not entirely surprising given that – as noted above in this Staff Report – the Appellant’s underlying 09/15/23 Code Complaint was filed under SMC Chapter 6.75 when it actually raises SMC Title 11 construction issues that Ms. Hamilton has

very little experience with. In any event, Ms. Hamilton's mistake was a harmless error because her letter-style Decision includes the following information:

“On 10/9/23 at approximately 12:30 pm I spoke with the retired inspector, Roy Brons, [and] he said it was not uncommon for him to make notes while on site but it was also not uncommon for pour schedules to change due to weather, or material availability. Mr. Brons also stated that he did not feel the contractor was deceitful or trying to get away with something during the course of the inspections.”

See pages A-41 and A-42 (Decision; bracketed material added). Thus, even if Ms. Hamilton had used the correct language for this particular code section – rather than incorrect language – the facts as relayed by Mr. Brons dispel any contention that the code section was violated by the builder.

Furthermore, Mr. Brons's 12/26/18 Inspection Card states – as previously addressed above in this Staff Report – that all footings were inspected and approved on that date. See page A-12 (12/26/18 Inspection Card). Accordingly, even if the builder poured the garage footings at the same time as the house footings on December 27, 2018 – as alleged by the Appellant – that did not constitute any sort of moving-ahead-to-subsequent-work-without-first-getting-the-prior-work-inspected type of violation of IRC R109.4. Thus, it follows that Ms. Hamilton's recitation of incorrect code language within her investigation report was a harmless error.

19. Arguments About a “Stop Work Order” are, at this Point, Not Well-Taken. Via his 10/27/23 Appeal, the Appellant says – among other things – that “Jeff Peters is . . . the person who failed to enforce the reported violations he substantiated.” See page A-1 (Appeal; ellipsis added). Similarly, within his 42-page “Timeline” document, the Appellant argues – among other things – that Mr. Peters should have issued a “Stop Work Order” to the builder back in 2018-2019. See page A-20.

These arguments are not well-taken, particularly now that several years have passed since the work was completed. First, as previously explained above in this Staff Report, Mr. Peters did not ever “substantiate” any violation(s); thus, he had no basis for purporting to issue a Stop Work Order. Second, the evidence from Mr. Brons– as summarized above in this Staff Report – dispels any contention that the garage footings were poured without having been inspected first. Third, it was not possible to issue a Stop Work Order as to the garage footings as of June 13, 2019, which is the date referenced within the Appellant's “Timeline” document; by then, the work was complete and logically work cannot be stopped after it is already complete.

- a. Inspections Only Confirm Facts as of Such Point in Time. During his second interview, Mr. Brons stressed that an inspection only confirms facts as they exist as of the time of the inspection. Builders are not supposed to remove or improperly alter inspected-and-approved work, but there is always an inherent risk that an unscrupulous or inexperienced builder might do so. Thus, just because Mr. Brons approved the placement of all rebar on December 26, 2018, it is possible that the builder might have removed the rebar prior to pouring the garage foundation. For clarity, neither Mr. Brons nor any City agent has any

reason to believe that this particular builder actually *did* remove the rebar at a later date. Rather, the present point is that any evidence that literally or potentially shows the absence of rebar on a date after Mr. Brons’s inspection does not prove that the rebar was not in place when the inspection occurred. Via his signature on the final page of this Staff Report, Mr. Brons confirms – under oath – that the facts stated in this paragraph are true.

20. Mr. Peters Did *Not* Conduct his Own Inspection/Investigation. Via his 10/27/23 Appeal, the Appellant contends – among other things – that Mr. Peters “was at the scene during the footing inspection in question and he performed his own investigation”. See page A-1 (Appeal). This is partially true and partially untrue. Yes, Mr. Peters was on site when Mr. Brons performed the December 26, 2018 inspection. However, no, Mr. Peters did not perform his own investigation or inspection, whether on that date or any other date. Via his signature on the final page of this Staff Report, Mr. Peters confirms – under oath – that such facts are true.
21. More than Four Years Prior the Code Complaint being Filed, the Appellant was Told that SMC Chapter 6.75 does Not Apply to his Situation. The Appellant filed his 09/15/23 Code Complaint pursuant to SMC Chapter 6.75 when such Chapter does not actually govern the alleged violation(s) that he contends occurred. When filing it, the Appellant wrote – among other things – the following: “I have just today (09/14/2023)^[3] come to the realization that I need to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code.” See page A-65 (online-submitted Code Complaint; bracketed material added).

In fact, the Appellant was notified more than *four years* earlier that SMC Chapter 6.75 was inapplicable to his situation. Specifically, via an email on June 17, 2019, then-City Attorney Bob Noe told the Appellant – among other things – the following:

“As I understand the situation involving your project, there is no code compliance issue that would require the City to withhold a certificate of occupancy at this time. . . .

Please note that, as a general rule, the City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issue discovered during a building inspection for and [*sic*, an] ongoing construction project. . . .

. . . The City will not be issuing citations under its Code Enforcement Chapter during construction of your project. . . .”

See pages A-63 and A-64 (email by Bob Noe on 06/17/19; ellipses and bracketed material added).

22. Per the Applicable Codes, Rebar was *Not* Required within the Garage Footings. Selah is within “Sesmic Design Category C”, per IRC Figure R301.2(2). See pages A-101 and A-102 (IRC Figure R301.2(2)). General standards for construction of footings are established by IRC section 403.1. See page A-103 (IRC section 403.1). In turn, specific standards – depending on what type of walls will be supported by the foundation – are established by IRC section 404.1.3. See page A-104 (IRC

³ This appears to be a typo, as the Code Complaint was actually filed on 09/15/23 rather than 09/14/23.
Page 14 of 16 (plus 106 pages of attachments, labeled A-1, A-2, etc.)

Signatures and Affirmations

By: Richard Huebner, City Administrator

Richard A. Huebner

Date: 02/21/24

Mr. Huebner is the City Administrator, and thus, the City's chief staff member. Via his signature, he confirms that the arguments presented within this Staff Report are offered on behalf of the City.

By: Erin Hamilton, Code Compliance Officer

Erin Hamilton

Date: 2/20/24

Ms. Hamilton is the City's Code Compliance Officer. Via her signature, she affirms – under oath and subject to penalty of perjury – that the factual statements attributed to her within this Staff Report are true.

By: Jeff Peters, Building Official

Jeffery R. Peters

Date: 2-21-24

Mr. Peters is the City's Building Official. Via his signature, he affirms – under oath and subject to penalty of perjury – that the factual statements attributed to him within this Staff Report are true.

By: Roy Brons, former Building Inspector

Roy Brons

Date: 02-21-24

Mr. Brons is the City's former Building Inspector. Via his signature, he affirms – under oath and subject to penalty of perjury – that the factual statements attributed to him within this Staff Report are true.

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OCT 27 2023

Appeal to Code Enforcement Decision Dated 10-19-2023

(1) The names of all appellants participating in the appeal;

BY: _____

William Brandon Longmire

(2) A brief statement of the specific code enforcement officer's action protested, together with any material facts claimed to support the contentions of the appellant;

The code enforcement officer did not conduct this investigation /review to the best of their ability based on personal knowledge of email evidence that wasn't included in the investigation and other information. The code enforcement officer was made aware that Jeff Peters had personal knowledge of the reported violations and the report doesn't include any communication with Jeff Peters (exhibit "A"). The code enforcement officer was made aware that Jeff Peters had email evidence that would substantiate the reported violations and those emails were not included in the facts and document findings in the report (exhibit "B"). The code enforcement officer was given photo evidence that would substantiate the reported violations and this photo evidence was not included in the report (Exhibit "C"). The Code enforcement officer also references the wrong definition of R109.4 meaning that the code enforcement officer wasn't investigating for the correct violation (Exhibit "D" & "E").

(3) A brief statement of the relief sought, and the reason why it is claimed the protested code official's action should be reversed, modified, or otherwise set aside;

A new investigation needs to be performed using the proper definition of the violation (Exhibit "D"). This new investigation needs to include the substantiating evidence provided and outlined in this appeal. An interview with Jeff Peters needs to be conducted since he was at the scene during the footing inspection in question and he performed his own investigation that produced substantiating evidence. Jeff Peters has personal knowledge of the violations, additional email evidence, and has already substantiated the violations and has already presented that information via email (Exhibit "B"). All known information and documentation needs to be included in the investigation to be performed to the best ability. Jeff Peters is also the person who failed to enforce the reported violations he substantiated.

(4) The signatures of all parties named as appellants and their mailing addresses; and

William Longmire

330 Lookout Point Dr, Selah, WA 98942

William Longmire

(5) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

I William Longmire certify by declaration under penalty of perjury to the truth of the matters stated in this appeal.

William Longmire

A-1

Exhibit "A"

RECEIVED
OCT 27 2023

BY: _____

wibralo@outlook.com

From: Hamilton, Erin <erin.hamilton@selahwa.gov>
Sent: Monday, September 18, 2023 7:33 AM
To: 'William Longmire'
Cc: Peters, Jeff; Case, Rob; Henne, Joe; Raymond, Sherry
Subject: RE: Online Complaint Receipt Acknowledgement

Good Morning Mr. Longmire,

Your complaint noted below has been received and forwarded to Jeff Peters and Mr. Rob Case.

Regards,

Erin Hamilton
Code Enforcement Officer
Stormwater Management
City of Selah
(509) 698-7331

From: William Longmire <wibralo@outlook.com>
Sent: Friday, September 15, 2023 8:38 AM
To: Hamilton, Erin <erin.hamilton@selahwa.gov>
Cc: Peters, Jeff <jeff.peters@selahwa.gov>; Case, Rob <Rob.Case@selahwa.gov>; Henne, Joe <joe.henne@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>
Subject: Online Complaint Receipt Acknowledgement

Hi Erin,

I would like a confirmation that the below code enforcement complaint that was also submitted using the [City of Selah online code complaint form](#) on 09/15/2023 has been received. I would appreciate an email back acknowledging receipt of this complaint. I look forward to speaking with you regarding these violations.

Thank you,

William Longmire

Complaint submitted:

Multiple Code Enforcement violations have occurred that have not yet been enforced. I reported these violations via numerous emails to Jeff Peters the Building Official and included other City officials and City Council in my correspondences. My public disclosure request #03082022 of my entire address file failed to produce any investigation report, infraction citations, notice of violation, or stop work orders. I have just today (09/14/2023) come to the realization that I need to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code. The following is my "official code complaint". Selah Municipal Code 11.05.010 and 6.75.030 (d) (2) were violated by my contractor WILLIAM JOSEPH FRODSHAM during the construction of our home in Selah (Permit Number: NBP-2018-042). The following sections of The International Building Code and International Residential Code as adopted by section SMC 11.05.010 were violated by WILLIAM JOSEPH FRODSHAM, the person responsible for the conditions: IBC codes - [A] 104.1, [A] 104.3, [A] 104.4, [A] 104.7, [A] 104.10,

A-2

[A] 104.11, [A] 107.4, [A] 110.1, [A] 110.3, [A] 110.3.1, [A] 110.3.2, [A] 110.6, [A] 114.1, [A] 114.3, [A] 114.4, [A] 115.1, [A] 115.2 / IRC codes – R104.10, R104.11, R105.8, R106.4, R109.1, R109.1.1, R109.4

Jeff Peters has personal knowledge of all violations and infractions referenced, including multiple emails containing evidence that will substantiate these infractions. An investigation is warranted per SMC 6.75.050 (b) and should have already been completed since Jeff Peters had "personal knowledge" and received multiple complaints from me. It appears he did not act in good faith and without malice in handling my complaints. I inquired about the code enforcement process multiple times through email and could never get a response on what the procedures are for reporting these violations. I now see it must be through this "official code enforcement form" since nothing to date has been done about the reported violations. All this is well documented, and I will provide all evidence once contacted by the Code Enforcement Official. I look forward to speaking with you regarding these violations.

SMC 6.75.030 specifically references "terms of any permit" and "Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization" and "Fail to comply with any applicable provisions of this code".

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BY: _____

Exhibit "B"

wibralo@outlook.com

From: Peters, Jeff <jeff.peters@selahwa.gov>
Sent: Thursday, May 9, 2019 4:11 PM
To: 'William Longmire'
Subject: RE: A few questions
Attachments: SKM_C36819050912540.pdf

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BY: _____

Mr. Longmire,

As requested attached is a scan of the two inspection cards for the insulation and foundation walls. In regard to the questions in your email, Glenn Denman, the City of Yakima's Building Official has provided the following comments:

"According to Randy, he inspected the foundation wall forms and rebar after the previous walls had been removed. At that time, the footings under those walls had already been poured. According to Randy, he did not inspect any slab integrated load pads, nor did he advise anyone regarding the inspection of slab integrated load pads.

Randy also inspected the R-10 slab insulation at the area of the daylight basement, and the groundwork plumbing."

Question about inspection of thickened slab: The City of Selah and Yakima both do not require inspection of a typical slab pour (meaning without rebar) in accordance with the 2015 IRC. In the event that a building plan or slab requires rebar in the slab or thickened footing the contractor is responsible for calling for the necessary inspection prior to pouring of the slab.

Question about difference in inspection practices: Both the City of Selah and Yakima inspect buildings in accordance with the provisions of the property owners stamped approved building plans, and 2015 IRC.

Question about footing: Per the inspection cards in your possession and Mr. Denman's response above, the garage footing was not inspected by the City of Selah, or the City of Yakima, and was poured and in place at the time Mr. Allen completed inspection of the stem walls.

Questions about contractor changes/mistakes: As previously explained the City of Selah and Yakima inspect buildings per the plans and minimum 2015 IRC building codes. If a contractor does not comply with a portion of the building plans, or makes a mistake that is not structural and meets the 2015 IRC, then matter becomes civil between the contractor and property owner (the city is not involved). If the mistake/omission is structural and/or results in a condition which does not meet code, then it is up to the property owner, contractor, and designer to rectify the situation by submitting revised plans for review and approval with whatever changes are necessary to correct the noncompliant condition (the city's role is to ensure that the structure meets minimum safety codes per the 2015 IRC).

Question on safety of garage: The question of safety of your garage is not one that the City of Selah or Yakima can answer for you as our building inspectors are not structural engineers. The inspectors job is to review the proposed construction of the building at key points in the process to ensure that the structure meets the requirements of the 2015 IRC. As the City of Yakima has verified that the stem walls had rebar in them, were formed appropriately, and met the 2015 IRC, but neither the City of Selah or Yakima inspected the garage footing, a structural engineer would be necessary to attain a statement regarding safety.

Sincerely,

Jeff Peters

A-4

City of Selah
Building Official

RECEIVED
OCT 27 2023

BY: _____

From: William Longmire <wlongmire@outlook.com>
Sent: Wednesday, May 8, 2019 10:20 AM
To: Peters, Jeff <jeff.peters@selahwa.gov>
Subject: Re: A few questions

Jeff,

Can you also send me the inspections cards that the City of Yakima did for the plumbing and foundation insulation at your earliest convenience.

Thank you and I appreciate the quick responses this morning,

William

From: Peters, Jeff <jeff.peters@selahwa.gov>
Sent: Wednesday, May 8, 2019 9:56 AM
To: 'William Longmire'
Subject: RE: A few questions

No, Selah did not perform the garage footing inspection. The card indicates that it would be poured at a separate time which was what your contractor stated when Roy and I inspected the footing for the main portion of the house (excluding garage).

From: William Longmire <wlongmire@outlook.com>
Sent: Wednesday, May 8, 2019 9:49 AM
To: Peters, Jeff <jeff.peters@selahwa.gov>
Subject: Re: A few questions

Thanks Jeff,

Can you answer the questions about the garage as Selah did perform that inspection.

From: Peters, Jeff <jeff.peters@selahwa.gov>
Sent: Wednesday, May 8, 2019 9:23 AM
To: 'William Longmire'
Subject: RE: A few questions

Mr. Longmire,

I have forwarded your email onto Glenn Denman, Building Official for the City of Yakima, so that he can provide me with a direct response to your questions as the City of Selah did not conduct the identified inspections. I will provide a more detailed response to your questions once I have conferred with Mr. Denman.

Exhibit "B"

typo: this is actually
Exhibit "C"
to the Appeal

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BY: _____



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Exhibit "D"

SCOPED AND ADMINISTRATION

located within the same structure, they are required by Section R302 to be completely separated from each other by a specified level of fire resistance. This is the case for both two-family dwellings and townhouses. A second example would be the proximity of the building to an adjoining property line. Section R302 requires exterior walls located less than 3 feet (914 mm) from a property line (unless abutting a public way) to be of minimum 1-hour fire-resistance-rated construction. If either of these conditions should occur, an inspection of the fire-resistance-rated construction is required.

The inspection for compliance with the fire-resistance requirements of the code should be made at a point of construction when the membrane materials are in place, but the fasteners are still exposed. This allows the inspector to verify the appropriate fastener type and location based on the specific fire-resistance listing of the portion of the building under consideration.

R109.1.6 Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.

◆ The final inspection should occur after all of the work addressed by the code is complete, but prior to occupancy of the building. The issues addressed in the final inspection cover all aspects of construction, including fire safety, life safety and structural safety, as well as electrical, plumbing, gas and mechanical items. All violations of the approved construction documents and permit are to be noted and the holder of the permit is to be notified of the discrepancies. The final inspection must be approved before a certificate of occupancy can be issued.

R109.1.6.1 Elevation documentation. If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 shall be submitted to the *building official* prior to the final inspection.

◆ Permittees must submit documentation of elevations before final inspection. Also see commentary for Sections R109.1.3 and R322.1.10.

R109.2 Inspection agencies. The *building official* is authorized to accept reports of *approved agencies*, provided such agencies satisfy the requirements as to qualifications and reliability.

◆ It is common for the building official to rely on other agencies for informational or inspection reports regarding various aspects covering methods of the construction process materials. This reliance should be based on the building official's approval of the qualifications and reliability of the third-party inspection or testing service.

R109.3 Inspection requests. It shall be the duty of the *permit holder* or their agent to notify the *building official* that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

◆ It is the responsibility of the permit holder or other authorized person, such as the contractor performing

the work, to arrange for the required inspections when completed work is ready and to allow for sufficient time for the building official to schedule a visit to the site to prevent work from being concealed prior to being inspected.

Each building department establishes its own procedures on how and when requests should be made. Once an inspection has been scheduled, access to the work to be inspected must be provided, including any special means such as a ladder.

R109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official* upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the *permit holder* or an agent of the *permit holder* wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

◆ Work must not continue past the point of a required inspection until that inspection has been approved by the building department. It is possible that if the work progresses beyond this point and is not in total compliance with the code, some of the work may have to be removed. It is critical that each individual stage of the project be approved prior to continuance of construction.

As indicated in Section R109.1, inspections must be performed when requested, and the inspector must indicate whether the construction is satisfactory or is not compliant. If the work is not approved, it must be corrected, and a reinspection must be requested. Any item not approved cannot be concealed until it has been corrected and approved by the building official.

SECTION R110 CERTIFICATE OF OCCUPANCY

R110.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the *jurisdiction*. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the *jurisdiction* shall not be valid.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.
2. Accessory buildings or structures.

◆ The tool the building official employs to control the uses and occupancies of the various buildings in a jurisdiction is the certificate of occupancy. This section establishes the conditions of a certificate of occupancy

A-7

RECEIVED
OCT 17 2023

Exhibit "E"

BY: _____



CITY OF SELAH

115 West Naches Ave
Selah, WA 98942

P: 509-698-7328
F: 509-698-7338

October 19, 2023

Via Email: wibralo@outlook.com
And Via Certified Mail

William Longmire
330 Lookout Point Drive
Selah, WA 98942

RE: Conclusion of Investigation

Mr. Longmire:

The City's Code Enforcement Officer, Erin Hamilton, has completed her investigation on the Code Complaint you recently filed. A copy of her two-page report is enclosed.

You alleged that, back in 2018, your builder violated the then-existing version of Selah Municipal Code section 6.75.030(d)(2) by giving false information to the Building Inspector and/or the then-existing version of the International Residential Code section R109.4 by not obtaining approval from the Building Inspector prior to pouring your garage footings.

Ms. Hamilton was not able to substantiate any such violation.

This letter constitutes notice of Ms. Hamilton's decision. Any future period of time and/or deadline will be measured from the date of this letter.

Respectfully,

Joe Henne
City Administrator



A-8

RECEIVED
OCT 27 2023

BY: _____



CITY OF SELAH

Code Enforcement

222 South Rushmore Road
Selah, Washington 98942

City of Selah
Code Enforcement review

Phone 509 698-7365
Fax 509 698-7372

Complaint from William Longmire: "...violation of SMC 6.75.030(d)(2)
"It is unlawful to: Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization;"

R109.4 "Work commencing before permit issuance. Any person who commences any work for which a permit is required before obtaining necessary permits shall be subject to an investigation fee."

Subject property: 330 Lookout Point Dr APN: 181310-14403

Narrative Description:

Section 10 Township 13 Range 18 Quarter NE: SHORT PLAT 80-183 Lot 2
Building Permit: 2018-042

Reported party of violations: William Joseph Frodsham
Date: 12/26/2018

Facts & document findings regarding subject building permits:

8/27/18-The building permit application and submittals received
9/10/18-Submittals were reviewed by City of Yakima
9/14/18-Water meter #46657145 set by Selah PW
10/1/18-City issued NBP 2018-042; M-RES 2018-040; PL RES 2018-017
10/1/18-Selah produced an invoice for water services
10/5/18- NBP 2018-042 adjust fees
10/15/18 Receipt for NBP2018-042, Plumbing & Mechanical fees paid
11/2/18 Setback "appear okay" foot & forms inspection
11/7/18 submit new site plan with set back adjustment
11/13/18 Stem wall not complete-re inspection required
11/14/18 Foundation stem wall "OK" approved to pour concrete
12/17/18 Mechanical permit with additional Inspection fees
12/21/18 Footing inspection with corrections
12/26/18 Footing & rebar inspection "okay", approved to pour
1/16/19 Inspection by Randy Allan of City of Yakima, two inspection cards found-is noted as a failure of foundation inspection to move and add rebar to match plans
1/22/19 Inspection by Randy Allan of Yakima, Pass Foundation , notes.
5/9/19 Roof, Wall Sheeting, Shear Wall inspection with notes
5/29/19 Framing, stucco board, rough plumbing, mechanical, gas piping "OK" plus corrections
5/31/19 Stucco partial "OK"
6/4/19 Insulation-Notes a re inspect from 5/29/19 as all "OK", rough in framing discrepancies noted
6/5/19 Re-inspection for insulation with corrections "OK"
7/2/19 Porch footing and sheetrock "OK"
7/7/19 Notice of release from the contractor
12/19/19 Pool permit application and submittals
4/23/20 NBP2018-042 Final "OK" with corrections
4/27/19 final re-inspect "Approved"
9/9/20 Pool set back and pressure "OK"



A-9

RECEIVED
OCT 27 2023

BY: _____

Summary:

The complainant has expressed concerns regarding the 12/26/18 inspection, specifically where the inspector noted "...contractor stated garage footings would not be poured at same time as house footings". On 10/9/23 at approximately 12:30pm I spoke with the retired inspector, Roy Brons, he said it was not uncommon for him to make notes while on site but it was also not uncommon for pour schedules to change due to weather, or material availability. Mr. Brons also stated that he did not feel the contractor was deceitful or trying to get away with something during the course of inspections. The succeeding inspection was completed by Randy Allen who has since retired from the City of Yakima. Mr. Allen was not available for me to communicate with for this report. Based on the address file, there are two inspection cards dated 1/16/19 regarding the foundation, one signed by Mr. Allen but has no notes and does not have a check mark for "approved", "Disapproved" or "See attached comments". The second inspection card dated 1/16/19 checks "disapproved" and notes "need to move and add rebar in walls to match plans". The following inspection card dated 1/22/19 is signed by Randy Allen with a "result" marked "PA" and remarks "Remove water & ice from piers in North East area, brace tall walls on East side". All inspection cards under my review with notes or corrections appear to be standard.

I certify under penalty of perjury under the laws of the State of Washington that the following is true and correct, based on my own personal knowledge; I have conducted this review to the best of my ability with the information that is available.



Erin Hamilton
Code Enforcement
City of Selah
(509) 698-7331
erin.hamilton@selahwa.gov

CITY OF SELAH CASHIER'S RECEIPT

115 W. Naches Ave., Selah, Wash

10, 27, 23 No. 27706
MO DAY YR

Received From William Longmire

CASH \$ 50.00 CHECK \$ _____ CHECK # _____ EFT \$ _____ Dollars

FUND#	ACCT. NO.	EXPLANATION		
		Appeal Fee -		
		Code Enforcement		
		330 Lookout point Dr		
		Longmire		

Received By Copius Groo

Total \$ 50 -

A-11

Permit No: _____

Building

Plumbing

Mechanical

CITY OF SELAH BUILDING INSPECTION CALL

Date of Inspection 1-16-19

Time Requested: _____ a.m. / p.m.

Person Requesting Inspection: Bill

Phone: _____

Location of Inspection: 330 303 Lookout Pt. Dr.

BUILDING			PLUMBING			MECHANICAL		
DATE	TYPE OF INSP	RESULT	DATE	TYPE OF INSP	RESULT	DATE	TYPE OF INSP	RESULT
	FOOTINGS / FORMS / SET BACKS			GROUND PLUMBING			ROUGH DUCT	
<u>1/16</u>	FOUNDATION			UNDER SLAB DRAINS			GAS PIPING	
	FRAMING			UNDER SLAB WATER			WOOD STOVE	
	INSULATION			BUILDING (SIDE) SEWER			SIGN	
	GYP BOARD			WATER SERVICE			FOOTING AND SETBACK	
				TOP OUT				
	FINAL BUILDING			FINAL PLUMBING			FINAL MECHANICAL	

Approved

Disapproved

See attached Comments

REMARKS: Need to move and Add Rebar in walls to match plans

YC Printing Dept. #4115

Randy Allen
BUILDING INSPECTOR

1-16-19
DATE

RB
X

A 13

Permit No: _____

Building

Plumbing

Mechanical

CITY OF SELAH BUILDING INSPECTION CALL

Date of Inspection 1-16-2019 Time Requested: _____ a.m. (p.m.)

Person Requesting Inspection: Bill Phone: 307 8705

Location of Inspection: 380 Lookout Pt Dr.

BUILDING			PLUMBING			MECHANICAL		
DATE	TYPE OF INSP	RESULT	DATE	TYPE OF INSP	RESULT	DATE	TYPE OF INSP	RESULT
	FOOTINGS / FORMS / SET BACKS			GROUND PLUMBING UNDER SLAB DRAINS			ROUGH DUCT	
<u>1/16</u>	FOUNDATION			UNDER SLAB WATER			GAS PIPING	
	FRAMING			BUILDING (SIDE) SEWER			WOOD STOVE	
	INSULATION			WATER SERVICE			SIGN	
	DRY WALL			TOP OUT			FOOTING AND SETBACK	
	ROOF SHEATHING			ROUGH IN				
	EXT. WALL							
	RE-INSPECT							
	FINAL BUILDING			FINAL PLUMBING			FINAL MECHANICAL	

Approved

Disapproved

See attached Comments

REMARKS: _____

YC Printing Dept. #4115

Randy Allen
BUILDING INSPECTOR

1-16-19 R13
DATE

A-14

Code Violations Reported Timeline

12/27/2018 Contractor pours garage footing the same time as house footing without getting them inspected.



Photo taken by William Longmire of contractor pouring garage footing the same time as house footing on 12/27/2018.

Code Violations Reported Timeline

04/24/2019 William Longmire asks city for copies of inspection cards and discovers contractor violated SMC 6.75.030 (d) (2) by giving false information to the building inspector. Contractor also violated International Residential Code R109.4 as adopted by section SMC 11.05.010 by concealing and not obtaining approval from the building official to work beyond each successive inspection. The contractor did not have the garage footing inspected and gave false information to the building official to obtain building or construction authorization. William Longmire informs Building Official, Mayor, City Administrator, and Building Inspector of the unlawful acts. The city fails to enforce the reported code violations and no investigation is done.



And this is why I've been emailing the City this whole time. These guys lie and are getting away with it! Nobody comes back to makes sure what they say they are going to do gets done. Verbal correction notices are given and they don't follow through. We saw that with the exposed rebar on my first foundation. Roy verbally told them to fix it and they didn't. The process is broken and needs to be fixed! Attached is a photo taken 12/27/18 of said contractor pouring the exact footings that they said (as noted) were not going to be poured the same time as the house. The footings were already poured when Randy inspected the stem walls. If you and Roy would have done that inspection, you guys would of caught that. So, did those garage footings not get inspected? I'm sorry if I've hurt anyone's feeling or offended anyone but this is the type of stuff I was seeing and it upset me to see our dream home being built this way. To be consistent, I would like Roy doing my inspections and not some outside agency that has no vested interest in our community.

From: Peters, Jeff <jeff.peters@selahwa.gov>
Sent: Wednesday, April 24, 2019 4:24 PM
To: 'William Longmire'
Subject: RE: Framing code questions

Per the note on the card the contractor indicated that they were pouring that separately. I believe that Randy covered the inspection of the garage footing when the stem walls were poured, but I am checking as the inspection card for January does not have any notes.

From: William Longmire <wlongmire@outlook.com>
Sent: Wednesday, April 24, 2019 3:51 PM
To: Peters, Jeff <jeff.peters@selahwa.gov>
Subject: Re: Framing code questions

Yourself and Roy did the 12/26/18 inspection, were the garage footings not ready for inspection when that inspection was done?

Email sent to Jeff Peter, The Mayor, City Administrator, Building Inspector notifying them of the unlawful acts.

Code Violations Reported Timeline

06/13/2019 William Longmire asks city to take action (enforce the code) on the reported violations of SMC 6.75.030 (d) (2) and International Residential Code R109.4 as adopted by section SMC 11.05.010. The Building Official, Mayor, City Administrator, and Building Inspector are all aware of the reported unlawful acts.

Re: Occupancy Permit and Footings that Never Got Inspected

 William Longmire <wlongmire@outlo...>
To: Peters, Jeff
Cc: donald.wayman@selahwa.gov; sherry.raymond@selahwa.gov; Roy Brons@selahwa.gov
Thu 6/13/2019 1:12 PM

 You replied to this message on 6/13/2019 2:59 PM.
If there are problems with how this message is displayed, click here to view it in a web browser.

 UntilApproved.jpg 70 KB	 CorrectionNotice.jpg 15 KB	 FootingRebar.jpg 233 KB
 GarageFooting.jpg 95 KB	 20181227_141338.jpg 978 KB	 EmailViolation.jpg 309 KB

Were the garage footing left exposed until they were approved by the building official as required by the City of Selah?

Were the garage footings built per the approved plans that were submitted to the City of Selah?

Why wasn't a correction notice issued or any action what so ever taken once the violation was reported? ((Reported Wed 4/24/2019 4:47 PM) Almost two months ago without any action)

A violation took place and the City needs to take action. We have this process for a reason!

Since the footings were never inspected, how can the questions below be answered about IRC compliance? If you can truthfully answer them, please do so.

R403.1 (International Residential Code, 2015 Edition)

Were the garage footings installed on undisturbed natural soils?

R403.1.1 (International Residential Code, 2015 Edition)

Did the garage footings meet the minimum width, W, and thickness, T, for concrete footings and in accordance with Tables R403.1(1) through R403.1(3) and Figure R403.1(1) or R403.1.3, as applicable?

Were the garage footing projections, P, not less than 2 inches (51 mm) and did they not exceed the thickness of the footing.

R403.1.5 (International Residential Code, 2015 Edition)

Did the garage footings meet the code requirements and not have a slope exceeding one unit vertical in 10 units horizontal?

<https://selah.municipal.codes/Code/6.75.010>

Email sent to Building Official, Mayor, City Administrator, Building Inspector asking them to take action on the reported unlawful acts.

Code Violations Reported Timeline

06/13/2019 William Longmire pleads with city to enforce the reported violations of SMC 6.75.030 (d) (2) and International Residential Code R109.4 as adopted by section SMC 11.05.010.


Re: Occupancy Permit and Footings that Never Got Inspected



William Longmire <wlongmire@outlook.com>
To: Peters, Jeff, Roy.Brons@selahwa.gov


Reply Reply All Forward ...

Thu 6/13/2019 3:59 PM

 You replied to this message on 6/17/2019 10:03 AM.
If there are problems with how this message is displayed, click here to view it in a web browser.

Do I need to submit an official complaint or does your personal knowledge of the violation enough to invoke a citation or notice of violation? Let me know if I need to file an official complaint? This will affect my home and us forever and I am required by law to disclose this information to anyone that would purchase my home and possibly bring the value of my home down. Palazzo Properties needs to be held accountable for their actions and this is why this code is in place.

<https://selah.municipal.codes/Code/6.75.050>

 The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

6.75.050 Investigation, infraction citations and notices of violation | Selah Municipal Code

(a) Authority to Enter. Upon presentation of proper credentials, the code enforcement officer may, with the consent of the owner or occupant of a building or premises, enter at reasonable times any building or premises in order to perform the duties imposed by this chapter.

Email sent to Building Official pleading with him to enforce the reported violations and issue a citation or notice of violation.

Code Violations Reported Timeline

06/13/2019 The Building Official assures William Longmire that the lack of inspections should not affect his certificate of occupancy and that he would just indicate the footing appears to be poured in accordance with the IRC. Instead of serving a citation, stop work order, or infraction on the person responsible for the conditions.

RE: Occupancy Permit and Footings that Never Got Inspected



Peters, Jeff <jeff.peters@selahwa.gov>
To: William Longmire

Reply Reply All Forward ...
Thu 6/13/2019 10:23 AM

You replied to this message on 3/17/2022 12:50 PM.

The footing inspection should not affect your final as we would just indicate that we could not verify the placement of the rebar in the footing, but the footing **appears** to be poured in accordance with the IRC. The other thing to note/check is per code is rebar required in a single-family home footing. Without looking it up, I don't believe that it is required. Therefore, the footing would meet minimum code if the contractor left it out of your footing.

I cannot answer any legal questions regarding the build of your home as I am not an attorney for the City of Selah. I am happy to provide you any documentation from your address file as requested.

Jeff Peters

Community Development Supervisor

CITY of SELAH

222 S. Rushmore Rd

Selah, WA 98942

509-698-7366 Office

jeff.peters@selahwa.gov



From: William Longmire <wlongmire@outlook.com>
Sent: Thursday, June 13, 2019 9:46 AM
To: Peters, Jeff <jeff.peters@selahwa.gov>
Subject: Occupancy Permit and Footings that Never Got Inspected

Jeff,

How does the fact that my footings for my garage never got inspected affect my ability to acquire our occupancy permit at the end of our build? Are we legally aloud to occupy our home without this inspection? Were there any laws broken by my contractor by not having those footings inspected or by giving false information to the inspector? These are time sensitive questions and I need a response in the next three business days.

Thanks,

William Longmire

Email from Building Official giving William Longmire assurance.

Code Violations Reported Timeline

06/17/2019 William Longmire receives email from city attorney stating SMC 6.75 is not the mechanism for compliance for my reported violations.

Regarding your e-mail inquiry



Robert Noe <bob@noe-law.com>

To: wlongmire@outlook.com

Cc: Peters, Jeff; roy.brons@selahwa.gov; Wayman, Donald; Raymond, Sherry

Reply Reply All Forward ...

Mon 6/17/2019 3:10 PM

You replied to this message on 3/16/2022 1:03 PM.

If there are problems with how this message is displayed, click here to view it in a web browser.

image001.jpg
933 bytes

Dear Mr. Longmire -

I serve as the City Attorney for the City of Selah. I have been asked to respond to your e-mail inquiry regarding building inspections related to your residential construction project (your inquiry is embodied in the e-mail correspondence chain set forth below).

The City of Selah conducts building inspections for new construction to ensure compliance with applicable building, health and safety codes over which the City has jurisdiction to administer. Where the City finds that a code has not been met, the City routinely provides direction to builders, owners, contractors and/or developers to correct the code issue. Where the code issue is not corrected, the City can refrain from issuing a certificate of occupancy. Where the certificate is not issued, the structure is effectively rendered unusable until the code issues are rectified.

As I understand the situation involving your project, there is no code compliance issue that would require the City to withhold a certificate of occupancy at this time. As I also understand, your project is still in progress and routine inspections may or may not turn up matters for corrections in the future prior to final approval.

Please note that, as a general rule, the City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issue discovered during a building inspection for an ongoing construction project. Instead, the mechanism for compliance, as indicated above, is the issuance of direction to correct and where there is no correction, the City can withhold issuance of the certificate of occupancy.

At present, it appears that your project is progressing and the City will continue to conduct inspections as needed during the construction phases. The City will continue to note any code issues and request correction when necessary. The City will not be issuing citations under its Code Enforcement Chapter during construction of your project. The City will be conducting inspections on your project as necessary, as it would do for any other construction project within the City.

Thank you for your consideration of these matters.

Bob

From: William Longmire (mailto:wlongmire@outlook.com)
Sent: Monday, June 17, 2019 10:03 AM
To: Peters, Jeff; Brons, Roy; Raymond, Sherry; Wayman, Donald
Subject: Re: Occupancy Permit and Footings that Never Got Inspected
Sent: Monday, June 17, 2019 10:03 AM
To: Peters, Jeff; Brons, Roy; Raymond, Sherry; Wayman, Donald
Subject: Re: Occupancy Permit and Footings that Never Got Inspected
Sent: Monday, June 17, 2019 10:03 AM
To: Peters, Jeff; Brons, Roy; Raymond, Sherry; Wayman, Donald
Subject: Re: Occupancy Permit and Footings that Never Got Inspected

Email from city attorney in response to William Longmire's reported violations and pleads for enforcement.

Code Violations Reported Timeline

06/19/2019 With this assurance from the Building Official that he would indicate the footing appears to be poured in accordance with the IRC and the City Attorney response stating SMC 6.75 is not the mechanism for my reported violations, William Longmire operated as though there were no current code compliance issues.

Re: Regarding your e-mail inquiry



William Longmire <wlongmire@outlook.com>

To: Robert Noe

Cc: Peters, Jeff; roy.brons@selahwa.gov; Wayman, Donald; Raymond, Sherry

Reply

Reply All

Forward

Wed 6/19/2019 11:19 AM

If there are problems with how this message is displayed, click here to view it in a web browser.

Bob,

Thanks for the response. I will operate as if there are no current code compliance issues then and move forward with my project.

William Longmire

From: Robert Noe <bob@noe-law.com>

Sent: Monday, June 17, 2019 5:10 PM

To: wlongmire@outlook.com

Cc: Peters, Jeff; roy.brons@selahwa.gov; Wayman, Donald; Raymond, Sherry


Subject: Regarding your e-mail inquiry

William Longmire's response to the City Attorney "I will operate as if there are no current code compliance issues then and move forward with my project."

04/28/2020 William Longmire receives Certificate Of Occupancy

CERTIFICATE OF OCCUPANCY
City of Selah
Building Inspection Division

This Certificate issued pursuant to the requirements of the International Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City Of Selah regulating construction or use of the following

Use Classification Group:	New Single Family Construction R-3	Permit No.:	NBP-2018-042
Fire Zone:		Construction Type:	V
		Use Zone:	R-1
Building Owner:	William & Dana Longmire	Building Address:	330 Lookout Point Dr
		Locality:	Selah, WA
Building Official:	 Jeffery Peters	Date:	4-28-2020

Certificate Of Occupancy

Code Violations Reported Timeline

04/28/2020 – 02/17/2022 William Longmire started doing research on state law and started submitting public records requests to find out more about the code enforcement process and to obtain records from his address file. When he read through his prior emails, then read what the state law requires, and what he was told by the city attorney that “The City will not be issuing citations under its Code Enforcement Chapter during construction of your project” even though violations were reported, while also seeing the city issuing citations to other citizens for violation of IRC code, he got really confused as to what the process is. The process wasn’t clear, and he had received contradictory information in the past from the Building Official and the City Attorney. He also found no evidence of an investigation into his reported code violations as required by SMC 6.75.050 and no indication the garage footing appeared to be poured in accordance with the IRC in his address file as he was assured that would be indicated.

PRRs Submitted:

PRR #02172022

PRR #02132022

PRR #03082022

PRR #03132022

PRR #04042022

PRR #05012022

PRR #05022022

PRR #06012022

PRR #06022022

Code Violations Reported Timeline

03/16/2022 After all William Longmire's research the process is still unclear to him, so he posed the question to the city attorney.

From: William Longmire <wlongmire@outlook.com>
Sent: Wednesday, March 16, 2022 1:02 PM
To: Case, Rob <Rob.Case@selahwa.gov>
Cc: Peters, Jeff <jeff.peters@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>; joe.henne@selahwa.gov <joe.henne@selahwa.gov>; jeff.fortner@selahwa.gov <jeff.fortner@selahwa.gov>; kevin.wickenhagen@selahwa.gov <kevin.wickenhagen@selahwa.gov>; clifford.peterson@selahwa.gov <clifford.peterson@selahwa.gov>; michael.costello@selahwa.gov <michael.costello@selahwa.gov>; russell.carlson@selahwa.gov <russell.carlson@selahwa.gov>; roger.bell@selahwa.gov <roger.bell@selahwa.gov>; elizabeth.marquis@selahwa.gov <elizabeth.marquis@selahwa.gov>; jared.iverson@selahwa.gov <jared.iverson@selahwa.gov>
Subject: Re: Regarding your e-mail inquiry

Mr. Case,

Does the city still maintain that the "City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issue discovered during a building inspection for and ongoing construction project" as stated by the previous City Attorney? It seems Ordinance #2032 states otherwise. Is this still the city's official stance. I'm having trouble finding any action that was taken for the multiple code violations I reported to the city I based off my public disclosure request PRR 02132022.

I look forward to your response,

William Longmire

Email to city attorney that got no response.

03/22/2022 The city withholds three records from PRR 03082022

CITY OF SELAH
 115 W. Naches Ave
 Selah, WA 98942
 509-698-7381



PUBLIC RECORDS REQUEST EXEMPTION LOG

DATE: 3/22/2022

PRR #: 03082022

RECORDS PROVIDED WITH REDACTIONS		
Document Type	Pages	Code*

*Refer to Exemption Key

RECORDS WITHHELD IN THEIR ENTIRETY					
Document Type / Description	Document Date	# of Pages	Author	Recipient	Code*
Email	6/13/2019		Jeff Peters	Roy Brons/Robert Noe	1A
Email	6/13/2019		Robert Noe	Jeff Peters	1A
Email	6/13/2019		Jeff Peters	Robert Noe	1A

*Refer to Exemption Key

EXEMPTION KEY		
CODE	APPLICABLE EXEMPTION	THE CITED EXEMPTION APPLIES BECAUSE THE REDACTED/WITHHELD INFORMATION INCLUDES THE FOLLOWING:
1A	RCW 42.56.070(1); RCW 5.60.060(2)(a). Communication between client and attorney for the purpose of obtaining or providing legal advice is exempt.	1A: Communication between client and attorney to obtain or provide legal advice

Withheld records

Code Violations Reported Timeline

09/20/2022 William Longmire got no response from the city attorney after 6 months, so he posed the question to the City Administrator.

From: William Longmire [<mailto:wlongmire@outlook.com>]
Sent: Tuesday, September 20, 2022 1:22 PM
To: Henne, Joe <joe.henne@selahwa.gov>
Cc: Peters, Jeff <jeff.peters@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>; Fortner, Jeff <jeff.fortner@selahwa.gov>; Wickenhagen, Kevin <kevin.wickenhagen@selahwa.gov>; Peterson, Clifford <clifford.peterson@selahwa.gov>; Costello, Michael <michael.costello@selahwa.gov>; Carlson, Russell <russell.carlson@selahwa.gov>; Bell, Roger <roger.bell@selahwa.gov>; Marquis, Elizabeth <Elizabeth.Marquis@selahwa.gov>; Iverson, Jared <Jared.Iverson@selahwa.gov>; Case, Rob <Rob.Case@selahwa.gov>; tips@kimatv.com; Morales, Treesa <Treesa.Morales@selahwa.gov>; news@yakimaherald.com
Subject: RE: Municipal Code Question

Joe,

It has been almost 6 months since I asked the below question and have yet to receive a response from the City. Will you please answer the following as I am doing another project and I need this answered in order to proceed. Does the city still maintain that the "City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issue discovered during a building inspection for an ongoing construction project" as stated by the previous City Attorney? Is this still the city's official stance?

I look forward to a response,

William Longmire

PRR 05.01.2022 and 05.02.2022

Email to City Administrator

Code Violations Reported Timeline

09/21/2022 William Longmire receives a response from the City Administrator that contradicts ordinance #2032. The process still isn't clear, and William Longmire has now received contradictory information from the Building Official, City Attorney, and the City Administrator.

RE: Municipal Code Question



Henne, Joe <joe.henne@selahwa.gov>

To: William Longmire

Cc: Peters, Jeff; Raymond, Sherry; Fortner, Jeff; Wickenhagen, Kevin; Peterson, Clifford; Costello, Michael; Carlson, Russell; Bell, Roger; Marquis, Elizabeth; +3 others

Reply Reply All Forward ...

Wed 9/21/2022 3:58 PM

You replied to this message on 9/21/2022 9:16 PM

Mr. Longmire: To answer your question, Yes. What we use is the Building Code to review building plans, inspect construction, issue correction notices, and if needed to issue stop work orders. The Selah Municipal Code, Chapter 6.75, Code Enforcement, is not for these items as stated in Mr. Noe's reply to you.

Thank you

Joe Henne

City Administrator

City of Selah

115 West Naches Avenue

Selah, WA 98942

509-698-7326



Response from the City Administrator

09/21/2022 Ordinance #2032 that contradicts the response from the City Administrator.

11.25.010 - Violations and penalties

Any person, firm, or corporation violating any of the provisions of this title, including the provisions of the International Codes adopted by reference therein, or failing to comply therewith, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and non-compliance respectively, be guilty of a misdemeanor. Any person so convicted shall be punished for each offense by a fine of not more than one thousand dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment. The penalty prescribed in this section is cumulative in addition to any other remedy, criminal or civil, and a violation hereunder may also be subject enforcement and penalties as provided in **Seiatah Municipal Code Chapter 6.75 Code Enforcement**.

(Ord. 1619 § 2 (part), 2004.)

11.25.020 - Continued violations

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Any person, firm, or corporation shall be required to correct such violations or defects. Each week after notice of violation to such person, firm, or corporation, shall constitute a separate offense unless time for correction is otherwise expressly extended in writing by the official enforcing this title. Provided, that where the building official has ordered any work or occupancy stopped or has revoked or suspended any permit or certificate, each and every day that such work or occupancy continues or is permitted to continue shall constitute a separate offense.

(Ord. 1619 § 2 (part), 2004.)

11.25.030 - Permits limited

Permits, certificates, or other approvals issued on the basis of plans and applications approved by the official enforcing this title authorize only the construction or use set forth therein. Construction or use at variance with such permits, certificates or approvals without authorization is a violation of this title and punishable as provided in Section 11.25.010.

(Ord. 1619 § 2 (part), 2004.)

Code Violations Reported Timeline

09/29/2023 City Attorney informs William Longmire that he will not be releasing attorney-client communications.

RE: PRR 03082022 - Final



Case, Rob <Rob.Case@selahwa.gov>
To: William Longmire; Morales, Tressa

Reply Reply All Forward ...

Thu 9/29/2023 8:13 AM

Mr. Longmire:

I am the City Attorney for Selah. I am sending you this email in regards to your objection (advanced via your email set forth below) to the "Public Records Request Exemption Log" (a copy of which is attached) that our Public Records Officer (Tressa Morales) issued as part of Selah's response to your records request PRR #03082022.

As recited on the Exemption Log, three documents (specifically emails) were denied/withheld in their entirety and the claimed exemption is communication between client and attorney for legal advice (per RCW 42.56.070(1) & 5.60.060(2)(a)).

As stated on Selah's website, my duty is to either affirm or reverse the denial/withholding.

Via this email I am notifying you that I am affirming the denial/withholding. The three documents are unquestionably attorney-client communications for legal advice. Selah will not disclose copies of those documents to you.

D. R. (Rob) Case

City Attorney

City of Selah

115 West Naches Avenue

Selah, WA 98942

Office: (509) 698-7330

Mobile: (509) 571-4608

Email: Rob.Case@SelahWa.gov

Attorney-client communications denied. Nothing to see here.

Code Violations Reported Timeline

09/21/2022 - 06/09/2023 Because William Longmire has now received contradictory information from the Building Official, City Attorney, and the City Administrator and the process still isn't clear, William Longmire asks for clarification from the City Administrator via multiple emails over the next year with no response.

Henne, Joe; Bell, Rog... 
FW: Municipal Code Questi... 6/9/2023
Joe, I am still waiting for a

Henne, Joe; Bell, Rog...  →
Municipal Code Question 5/17/2023
Joe, It has been over a year

Henne, Joe; Bell, Rog...  →
Municipal Code Question 4/21/2023
Joe, It has been 6 months

Henne, Joe  →
RE: Municipal Code Questi... 10/20/2022
Mr. Henne, The clarification

Henne, Joe  ←
RE: Municipal Code Questi... 9/29/2022
Joe, I am doing another

Henne, Joe  ←
RE: Municipal Code Questi... 9/21/2022
Joe,

Unanswered emails asking for clarification.

Code Violations Reported Timeline

06/09/2023 The Building Official and City Attorney submit an ordinance that eliminates and overwrites the very code of Ordinance 1613 that William Longmire asked the Building Official to enforce. This was submitted to Council under the guise of a "New Chapter" and as a graffiti and nuisance update.



Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 9/12/2023

Agenda Number: 14-C

Action Item

Title: Ordinance Enacting New Chapter 6.75, "Code Enforcement", of the Selah Municipal Code; Providing for Severability; Authorizing Corrections; and Directing Publication and Establishing an Effective Date

From: Jeff Peters, Community Development Supervisor; Rob Case, City Attorney

Action Requested: Approval

Staff Recommendation: Approve the Ordinance as submitted

Board/Commission Recommendation: Not Applicable

Fiscal Impact: N/A

Funding Source: N/A

Background/Findings/Facts: This is part of the ongoing effort to update the Selah Municipal Code (SMC). This AIS should be considered after, and if, the City Council approves the separately-proposed Ordinance that repeals the existing Chapter 6.10 labeled "Graffiti" and Chapter 6.58 labeled "Nuisances".

The International Property Maintenance Code 2018 Edition constitutes the City's property maintenance code for regulation and governing of the conditions and maintenance of all property, buildings, and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions that are essential to ensure that structures are safe, sanitary and fit for occupation and use, and also the standards for demolition of existing structures. Said 2018 Edition has previously been adopted by the City by incorporating it within SMC Chapter 11.14.

Over the past year City staff has identified that numerous discrepancies exist within and between said 2018 Edition and the City's currently-existing municipal code sections that pertain to the topics of graffiti, nuisances, code enforcement, property maintenance, and fire code regulations. Those discrepancies needlessly lessen clarity for the public and frustrate the City's code enforcement efforts.

To resolve the discrepancies, City staff proposes - among other things - to adopt a new SMC Chapter 6.75 labeled "Code Enforcement" that will comprehensively address the topics of graffiti, nuisances, code enforcement, property maintenance, and fire code regulations. The appended proposed Ordinance sets forth - via its appended "Exhibit A" - the content of such prospective SMC Chapter 6.75. City staff requests that the City Council adopt the Ordinance in the form presented.

Agenda item 14-C

A-27

04/13/2004 Existing Ordinance 1613 adopting new chapter 6.75 on April 13, 2004

ORDINANCE NO. 1613

ORDINANCE OF THE CITY OF SELAH ADOPTING A NEW CHAPTER TO THE SELAH MUNICIPAL CODE, CHAPTER 6.75, "CODE ENFORCEMENT," PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Selah has amended its nuisance code and seeks to more effectively enforce the provisions of the nuisance code and other provisions of the Selah Municipal Code, and

WHEREAS, the City of Selah desires to adopt procedures to ensure compliance with its codes through the use of injunctions, abatements, and monetary penalties;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, do ordain as follows:

Section 1. New Chapter 6.75 "Code Enforcement" adopted.

Chapter 6.75

CODE ENFORCEMENT

6.75.010 Purpose. The purpose of this chapter is to establish an efficient process for enforcement of code violations.

6.75.020 Scope. The procedures set forth in this chapter shall be utilized to enforce violations of the Selah Municipal Code; as such violations are described within the code. The remedies found in this Chapter are cumulative to and are in addition to any other remedy already specified within the Selah Municipal Code.

6.75.030 Violations.

A. It is unlawful for any person to initiate, maintain, or cause to be initiated or maintained, the use of any structure, land or property within the City without first obtaining the permits or authorizations required for the use by the applicable provisions of any of the Selah Municipal Code.

B. It is unlawful for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished, any structure, land, or property within the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the applicable provisions of the Selah Municipal Code.

C. It is unlawful for any person to engage in or conduct business within the City of Selah without first obtaining appropriate business licensing.

D. It is unlawful to:

Ordinance 1613 adopting new chapter 6.75 on April 13, 2004

Code Violations Reported Timeline

09/14/2023 William Longmire then came to the realization that maybe he needs to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code. Maybe that is why nothing had been done to date. He assumed personal knowledge (SMC 6.75.050) was enough to invoke a citation, stop work order, or infraction, but he must have been wrong because the Building Official did nothing to uphold the law of the reported violations. To this date no action has ever been taken on the reported violations and there has never been an investigation into the reported violations that William Longmire can find. William Longmire then submitted his complaint using the official online complaint form.

From: Hamilton, Erin <erin.hamilton@selahwa.gov>
Sent: Monday, September 18, 2023 7:33 AM
To: 'William Longmire' <wibralo@outlook.com>
Cc: Peters, Jeff <jeff.peters@selahwa.gov>; Case, Rob <Rob.Case@selahwa.gov>; Henne, Joe <joe.henne@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>
Subject: RE: Online Complaint Receipt Acknowledgement

Good Morning Mr. Longmire,

Your complaint noted below has been received and forwarded to Jeff Peters and Mr. Rob Case.

Regards,

Erin Hamilton
Code Enforcement Officer
Stormwater Management
City of Selah
(509) 698-7331

Email confirmation of online complaint submitted 09/15/2023

Complaint submitted:

Multiple Code Enforcement violations have occurred that have not yet been enforced. I reported these violations via numerous emails to Jeff Peters the Building Official and included other City officials and City Council in my correspondences. My public disclosure request #03082022 of my entire address file failed to produce any investigation report, infraction citations, notice of violation, or stop work orders. I have just today (09/14/2023) come to the realization that I need to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code. The following is my "official code complaint". Selah Municipal Code 11.05.010 and 6.75.030 (d) (2) were violated by my contractor WILLIAM JOSEPH FRODSHAM during the construction of our home in Selah (Permit Number: NBP-2018-042). The following sections of The International Building Code and International Residential Code as adopted by section SMC 11.05.010 were violated by WILLIAM JOSEPH FRODSHAM, the person responsible for the conditions: IBC codes - [A] 104.1, [A] 104.3, [A] 104.4, [A] 104.7, [A] 104.10, [A] 104.11, [A] 107.4, [A] 110.1, [A] 110.3, [A] 110.3.1, [A]

Code Violations Reported Timeline

110.3.2, [A] 110.6, [A] 114.1, [A] 114.3, [A] 114.4, [A] 115.1, [A] 115.2 / IRC codes – R104.10, R104.11, R105.8, R106.4, R109.1, R109.1.1, R109.4

Jeff Peters has personal knowledge of all violations and infractions referenced, including multiple emails containing evidence that will substantiate these infractions. An investigation is warranted per SMC 6.75.050 (b) and should have already been completed since Jeff Peters had "personal knowledge" and received multiple complaints from me. It appears he did not act in good faith and without malice in handling my complaints. I inquired about the code enforcement process multiple times through email and could never get a response on what the procedures are for reporting these violations. I now see it must be through this "official code enforcement form" since nothing to date has been done about the reported violations. All this is well documented, and I will provide all evidence once contacted by the Code Enforcement Official. I look forward to speaking with you regarding these violations.

SMC 6.75.030 specifically references "terms of any permit" and "Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization" and "Fail to comply with any applicable provisions of this code".

Code Violations Reported Timeline

09/20/2023 Response received from City Administrator doesn't address the complaint, specifically the violation of SMC 6.75.030 (d) (2) giving false information to the building inspector.



CITY OF SELAH

115 West Naches Ave
Selah, WA 98942

P: 509-698-7328
F: 509-698-7338

September 20, 2023

Via Email Only: wibrato@outlook.com

William Longmire
330 Lookout Point Drive
Selah, WA 98942

RE: Code Complaint Dated September 15th

Mr. Longmire:

This letter is sent in response to the Code Complaint that you submitted, both via the City's online portal and numerous certified mailings, dated September 15, 2023.

Your complaint is not about someone else's property somehow violating an applicable code, but, instead, is about your own property. You contend that your property violates multiple specified provisions of the International Building Code and International Residential Code, both of which have been adopted as components of the City's own municipal code. My understanding is that you believe your builder made mistakes with regard to concrete work during construction of your garage, back in 2019 or so.

During the construction process, customary inspections were performed - both by Selah's then-inspector and also by Yakima's then-inspector, acting on Selah's behalf. When the concrete work was first inspected, problems were noted and your builder was directed to remedy the problems. After the builder redid the work, a follow-up inspection was performed and no problems were noted on the concrete work. Copies of all inspection records have been previously provided to you.

A Certificate of Occupancy was issued for your property, including the garage, years ago. The building permit is no longer active.

The work by your builder is long since complete, rather than still ongoing. You do not claim that anything has changed with regard to your structure, yet you ask for the City to conduct a new inspection.

I am not aware of any situation where the City re-inspected a structure when nothing has changed with regard to the structure, and then sent a Notice of Violation and/or Infraction Citation to a builder based on work the builder completed several years prior.

The City stands by its prior inspections and its issuance of the Certificate of Occupancy.



Code Violations Reported Timeline

William Longmire
September 20, 2023
Page - 2

If you feel your builder did something wrong, that is a civil matter between you and the builder. As written by the Washington Supreme Court in 1988, and still holding true today:

Issuance of a building permit does not implicitly imply that the plans submitted are in compliance with all applicable codes. Nor do periodic building code inspections implicitly imply that the construction is in compliance with all applicable codes. Building permits and building code inspections only authorize construction to proceed; they do not guarantee that all provisions of all applicable codes have been complied with. . . .

We hold that no duty is owed by local government to a claimant alleging negligent issuance of a building permit or negligent inspection to determine compliance with building codes. The duty to ensure compliance rests with individual permit applicants, builders and developers. . . . [L]ocal government owes no duty of care to ensure compliance with the codes.

See *Taylor v. Stevens County*, 111 Wn.2d 159, 167-168, 759 P.2d 447 (1988) (ellipses and underscore emphasis added). Likewise, Selah's municipal code states, in relevant part, as follows:

Enactment and enforcement of this title is intended to only protect the general public welfare and not specific persons or property. Nothing in this title nor the International Codes adopted by reference herein shall be construed to impose any legal duty, directly or indirectly, upon the city or its officials and employees to protect individual persons or property in individual circumstances.


See Selah Municipal Code, §11.01.020.

The City has no duty to pursue your builder. Even if the City were inclined to pursue your builder, a lawsuit cannot be filed unless the City Council votes to authorize it. I do not plan on asking for such a vote because, as stated above, this is a civil matter between you and your builder.

The City's inspections were conducted in good faith, no code violations were noted on the final concrete work, nothing has changed with regard to your structure, the City has no knowledge of anything inherently dangerous and hazardous with regard to the concrete work, and the City has no duty to pursue your builder.

Other than issuing this responsive and explanatory letter, the City does not intend to take any action on your Code Complaint.

Respectfully,


Joe Henne
City Administrator

Response from city administrator

Code Violations Reported Timeline

10/04/2023 William Longmire emails code enforcement regarding response from city and response from code enforcement is received.

RE: Online Complaint Receipt Acknowledgement



Hamilton, Erin <erin.hamilton@selahwa.gov>
To: 'William Longmire'

Reply Reply All Forward ...

Wed 10/4/2023 2:55 PM

Suggested Meetings

+ Get more add-ins

Good Afternoon Mr. Longmire;

I am reaching out to you in regard to the Code Complaint you recently filed and your request for an investigation. I would like to arrange a time to speak with you in person and preferably on site, so that I can hear firsthand in common language exactly who and/or what you would like investigated. I know you have sent some emails, but I would like to make sure that I have a full understanding of why this investigation is necessary in your perspective.

I am available before noon on any day next week, October 9th through the 13th.

Depending on what you would like investigated, I may need to have the City's building inspector-Jeff Fortner-participate on the investigation.

Respectfully,

Erin Hamilton
Code Enforcement Officer
Stormwater Management
City of Selah
(509) 698-7331

From: William Longmire <wibralo@outlook.com>
Sent: Sunday, October 1, 2023 10:03 PM
To: Hamilton, Erin <erin.hamilton@selahwa.gov>
Cc: Peters, Jeff <jeff.peters@selahwa.gov>; Henne, Joe <joe.henne@selahwa.gov>; Case, Rob <Rob.Case@selahwa.gov>; Carlson, Russell <russell.carlson@selahwa.gov>
Subject: Online Complaint Receipt Acknowledgement

Erin,

The response from the City doesn't address my complaint, specifically the violation of 6.75.030 (d) (2). I have evidence and so does Jeff Peters of laws that were broke and I request that you investigate the unlawful acts that have been reported to you. The Code Enforcement officer is the person authorized by the mayor to enforce the civil provisions of this code. I never asked for a new inspection or for the city to pursue my builder, only for an investigation into my complaint as required by SMC 6.75.050. Is the city once again selectively enforcing its Municipal Codes?

Response from code enforcement

Code Violations Reported Timeline

10/05/2023 William Longmire responds to code enforcement officer with all evidence included in this timeline and includes additional supporting evidence to substantiate the reported violations.

RE: Online Complaint Receipt Acknowledgement



William Longmire

To: 'Hamilton, Erin'

Cc: Peters, Jeff; Case, Rob; Raymond, Sherry; russell.carlson@selahwa.gov; joe.henne@selahwa.gov

Reply Reply All Forward ...

Thu 10/5/2023 3:02 AM

You forwarded this message on 10/5/2023 1:21 PM.
This message was sent with High importance.



CodeEnforcementTimeline.pdf
2 MB



20181227_141338.jpg
8 MB



GarageFootings.jpg
102 KB



Re: Framing code questions
Outlook item

Hi Erin,

Unless you plan on digging up my garage footings, there is nothing to see onsite. Attached is my account of the violations in common language and all evidence to substantiate. I have now reported a violation of SMC 6.75.030 (d)(2) and R109.4 to you. You have all the evidence you need to proceed with whatever the process is for dealing with such reported violations. WILLIAM JOSEPH FRODSHAM is the person responsible for the conditions. Let me know if you need the original documents for your records or need clarification on anything.

William Longmire

Response from William Longmire

Code Violations Reported Timeline

10/19/2023 Response received from City Administrator and code enforcement report that doesn't include email evidence that would substantiate violations. The code enforcement officer was made aware of the emails the building official had in the original. The response demonstrates the city does use SMC 6.75 for reported code violations for construction projects which contradicts the information received from the building official, city administrator, and city attorney.



CITY OF SELAH

115 West Naches Ave.
Selah, WA 98942

T: 509.698.7325
F: 509.698.7338

October 19, 2023

Via Email: wibrato@outlook.com
And Via Certified Mail

William Longmire
330 Lookout Point Drive
Selah, WA 98942

RE: Conclusion of Investigation

Mr. Longmire:

The City's Code Enforcement Officer, Erin Hamilton, has completed her investigation on the Code Complaint you recently filed. A copy of her two-page report is enclosed.

You alleged that, back in 2018, your builder violated the then-existing version of Selah Municipal Code section 6.75.030(d)(2) by giving false information to the Building Inspector and of the then-existing version of the International Residential Code section R109.4 by not obtaining approval from the Building Inspector prior to pouring your garage footings.

Ms. Hamilton was not able to substantiate any such violation.

This letter constitutes notice of Ms. Hamilton's decision. Any future period of time and/or deadline will be measured from the date of this letter.

Respectfully,

Joe Henne
City Administrator



Code Violations Reported Timeline



CITY OF SELAH

Code Enforcement

222 South Rushmore Road
Selah, Washington 99422

Phone: 509.496.1265
Fax: 509.496.1262

City of Selah
Code Enforcement review

Complaint from William Longmire - violation of SMC 6.75.030(c)(2)
It is unlawful to Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization.

R109.4 "Work commencing before permit issuance. Any person who commences any work for which a permit is required before obtaining necessary permits shall be subject to an investigation fee.

Subject property: 330 Lookout Point Dr APN: 181310-14403

Narrative Description:

Section 10 Township 13 Range 18 Quarter NE SHORT PL 47 RD 187 Lot 2
Building Permit: 2018-042

Reported party of violations: William Joseph Frodsham
Date: 12/26/2018

Facts & document findings regarding subject building permits

- 8/27/18 The building permit application and submittals received
- 9/10/18 Submittals were reviewed by City of Yakima
- 9/14/18 Water meter #46657145 set by Selah PW
- 10/1/18 City issued NBP 2018-042, M-RES 2018-040, PL RES 2018-017
- 10/1/18 Selah produced an invoice for water services
- 10/5/18 NBP 2018-042 adjust fees
- 10/15/18 Receipt for NBP2018-042 Plumbing & Mechanical fees paid
- 11/2/18 Setback "appear okay" foot & forms inspection
- 11/7/18 submit new site plan with set back adjustment
- 11/13/18 Stem wall not complete-re inspection required
- 11/14/18 Foundation stem wall "OK" approved to pour concrete
- 12/17/18 Mechanical permit with additional inspection fees
- 12/21/18 Footing inspection with corrections
- 12/26/18 Footing & rebar inspection "okay" approved to pour
- 1/16/19 Inspection by Randy Allan of City of Yakima, two inspection cards found- notes as a failure of foundation inspection to move and add rebar to match plans
- 1/22/19 Inspection by Randy Allan of Yakima, Pass Foundation, notes
- 5/9/19 Roof, Wall Sheeting, Shear Wall inspection with notes
- 5/29/19 Framing, stucco board, rough plumbing, mechanical, gas piping "OK" plus corrections
- 5/31/19 Stucco partial "OK"
- 6/4/19 Insulation-Notes a re inspect from 5/29/19 as all "OK" rough in framing discrepancies noted
- 6/5/19 Re-inspection for insulation with corrections "OK"
- 7/2/19 Porch footing and sheetrock "OK"
- 7/7/19 Notice of release from the contractor
- 12/19/19 Pool permit application and submittals
- 4/23/20 NBP2018-042 Final "OK" with corrections
- 4/27/19 final re-inspect "Approved"
- 9/5/20 Pool set back and pressure "OK"

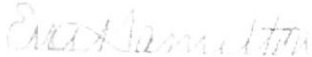


Code Violations Reported Timeline

Summary

The complainant has expressed concerns regarding the 12/26/18 inspection, specifically where the inspector noted "...contractor stated garage footings would not be poured at same time as house footings". On 10/9/23 at approximately 12:30pm I spoke with the retired inspector, Roy Brons, he said it was not uncommon for him to make notes while on site but it was also not uncommon for pour schedules to change due to weather, or material availability. Mr. Brons also stated that he did not feel the contractor was deceitful or trying to get away with something during the course of inspections. The succeeding inspection was completed by Randy Allen who has since retired from the City of Yakima. Mr. Allen was not available for me to communicate with for this report. Based on the address file, there are two inspection cards dated 1/16/19 regarding the foundation, one signed by Mr. Allen but has no notes and does not have a check mark for "approved", "Disapproved" or "See attached comments". The second inspection card dated 1/16/19 checks "disapproved" and notes "need to move and add rebar in walls to match plans". The following inspection card dated 1/22/19 is signed by Randy Allen with a result marked "PA" and remarks "Remove water & ice from piers in North East area, brace tall walls on East side". All inspection cards under my review with notes or corrections appear to be standard.

I certify under penalty of perjury under the laws of the State of Washington that the following is true and correct, based on my own personal knowledge. I have conducted this review to the best of my ability with the information that is available.



Erin Hamilton
Code Enforcement
City of Selah
(509) 698-7331
erin.hamilton@selahwa.gov

Code Violations Reported Timeline

05/09/2019 Email received from building official substantiating all reported violations that the building official failed to enforce at the time of reporting them. This email was not included in the 10/19/2023 response facts and findings even though code enforcement was made aware that the building official had substantiating evidence.

From: Peters, Jeff <jeff.peters@selahwa.gov>
Sent: Thursday, May 9, 2019 4:11 PM
To: 'William Longmire'
Subject: RE: A few questions
Attachments: SKM_C36819050912540.pdf

Mr. Longmire,

As requested attached is a scan of the two inspection cards for the insulation and foundation walls. In regard to the questions in your email, Glenn Denman, the City of Yakima's Building Official has provided the following comments:

"According to Randy, he inspected the foundation wall forms and rebar after the previous walls had been removed. At that time, the footings under those walls had already been poured. According to Randy, he did not inspect any slab integrated load pads, nor did he advise anyone regarding the inspection of slab integrated load pads.

Randy also inspected the R-10 slab insulation at the area of the daylight basement, and the groundwork plumbing."

Question about inspection of thickened slab: The City of Selah and Yakima both do not require inspection of a typical slab pour (meaning without rebar) in accordance with the 2015 IRC. In the event that a building plan or slab requires rebar in the slab or thickened footing the contractor is responsible for calling for the necessary inspection prior to pouring of the slab.

Question about difference in inspection practices: Both the City of Selah and Yakima inspect buildings in accordance with the provisions of the property owners stamped approved building plans, and 2015 IRC.

Question about footing: Per the inspection cards in your possession and Mr. Denman's response above, the garage footing was not inspected by the City of Selah, or the City of Yakima, and was poured and in place at the time Mr. Allen completed inspection of the stem walls.

Questions about contractor changes/mistakes: As previously explained the City of Selah and Yakima inspect buildings per the plans and minimum 2015 IRC building codes. If a contractor does not comply with a portion of the building plans, or makes a mistake that is not structural and meets the 2015 IRC, then matter becomes civil between the contractor and property owner (the city is not involved). If the mistake/omission is structural and/or results in a condition which does not meet code, then it is up to the property owner, contractor, and designer to rectify the situation by submitting revised plans for review and approval with whatever changes are necessary to correct the noncompliant condition (the city's role is to ensure that the structure meets minimum safety codes per the 2015 IRC).

Question on safety of garage: The question of safety of your garage is not one that the City of Selah or Yakima can answer for you as our building inspectors are not structural engineers. The inspectors job is to review the proposed construction of the building at key points in the process to ensure that the structure meets the requirements of the 2015 IRC. As the City of Yakima has verified that the stem walls had rebar in them, were formed appropriately, and met the 2015 IRC, but neither the City of Selah or Yakima inspected the garage footing, a structural engineer would be necessary to attain a statement regarding safety.

Sincerely,

Jeff Peters

A-4B

Code Violations Reported Timeline

City of Selah
Building Official

From: William Longmire <wlongmire@outlook.com>
Sent: Wednesday, May 8, 2019 10:20 AM
To: Peters, Jeff <jeff.peters@selahwa.gov>
Subject: Re: A few questions

Jeff,

Can you also send me the inspections cards that the City of Yakima did for the plumbing and foundation insulation at your earliest convenience.

Thank you and I appreciate the quick responses this morning,

William

From: Peters, Jeff <jeff.peters@selahwa.gov>
Sent: Wednesday, May 8, 2019 9:56 AM
To: 'William Longmire'
Subject: RE: A few questions

No, Selah did not perform the garage footing inspection. The card indicates that it would be poured at a separate time which was what your contractor stated when Roy and I inspected the footing for the main portion of the house (excluding garage).

From: William Longmire <wlongmire@outlook.com>
Sent: Wednesday, May 8, 2019 9:49 AM
To: Peters, Jeff <jeff.peters@selahwa.gov>
Subject: Re: A few questions

Thanks Jeff,

Can you answer the questions about the garage as Selah did perform that inspection.

From: Peters, Jeff <jeff.peters@selahwa.gov>
Sent: Wednesday, May 8, 2019 9:23 AM
To: 'William Longmire'
Subject: RE: A few questions

Mr. Longmire,

I have forwarded your email onto Glenn Denman, Building Official for the City of Yakima, so that he can provide me with a direct response to your questions as the City of Selah did not conduct the identified inspections. I will provide a more detailed response to your questions once I have conferred with Mr. Denman.

2

Building official had already substantiated all reported violations but failed to enforce.

Code Violations Reported Timeline

10/27/2023 William Longmire files appeal to code enforcement officers response.

RECEIVED
OCT 27 2023

Appeal to Code Enforcement Decision Dated 10-19-2023

(1) The names of all appellants participating in the appeal;

William Brandon Longmire

BY: _____

(2) A brief statement of the specific code enforcement officer's action protested, together with any material facts claimed to support the contentions of the appellant;

The code enforcement officer did not conduct this investigation /review to the best of their ability based on personal knowledge of email evidence that wasn't included in the investigation and other information. The code enforcement officer was made aware that Jeff Peters had personal knowledge of the reported violations and the report doesn't include any communication with Jeff Peters (exhibit "A"). The code enforcement officer was made aware that Jeff Peters had email evidence that would substantiate the reported violations and those emails were not included in the facts and document findings in the report (exhibit "B"). The code enforcement officer was given photo evidence that would substantiate the reported violations and this photo evidence was not included in the report (Exhibit "C"). The Code enforcement officer also references the wrong definition of R109.4 meaning that the code enforcement officer wasn't investigating for the correct violation (Exhibit "D" & "E").

(3) A brief statement of the relief sought, and the reason why it is claimed the protested code official's action should be reversed, modified, or otherwise set aside;

A new investigation needs to be performed using the proper definition of the violation (Exhibit "D"). This new investigation needs to include the substantiating evidence provided and outlined in this appeal. An interview with Jeff Peters needs to be conducted since he was at the scene during the footing inspection in question and he performed his own investigation that produced substantiating evidence. Jeff Peters has personal knowledge of the violations, additional email evidence, and has already substantiated the violations and has already presented that information via email (Exhibit "B"). All known information and documentation needs to be included in the investigation to be performed to the best ability. Jeff Peters is also the person who failed to enforce the reported violations he substantiated.

(4) The signatures of all parties named as appellants and their mailing addresses; and

William Longmire

330 Lookout Point Dr, Selah, WA 98942

William Longmire

(5) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

I William Longmire certify by declaration under penalty of perjury to the truth of the matters stated in this appeal.

William Longmire

Code Violations Reported Timeline

Exhibit "A"

RECEIVED
OCT 1 2023

BY: _____

wibrato@outlook.com

From: Hamilton, Erin <erin.hamilton@selahwa.gov>
Sent: Monday, September 18, 2023 7:33 AM
To: 'William Longmire'
Cc: Peters, Jeff; Case, Rob; Henne, Joe; Raymond, Sherry
Subject: RE: Online Complaint Receipt Acknowledgement

Good Morning Mr. Longmire,

Your complaint noted below has been received and forwarded to Jeff Peters and Mr. Rob Case.

Regards,

Erin Hamilton
Code Enforcement Officer
Stormwater Management
City of Selah
(509) 698-7331

From: William Longmire <wibrato@outlook.com>
Sent: Friday, September 15, 2023 8:38 AM
To: Hamilton, Erin <erin.hamilton@selahwa.gov>
Cc: Peters, Jeff <jeff.peters@selahwa.gov>; Case, Rob <Rob.Case@selahwa.gov>; Henne, Joe <joe.henne@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>
Subject: Online Complaint Receipt Acknowledgement

Hi Erin,

I would like a confirmation that the below code enforcement complaint that was also submitted using the [City of Selah online code complaint form](#) on 09/15/2023 has been received. I would appreciate an email back acknowledging receipt of this complaint. I look forward to speaking with you regarding these violations.

Thank you,

William Longmire

Complaint submitted:

Multiple Code Enforcement violations have occurred that have not yet been enforced. I reported these violations via numerous emails to Jeff Peters the Building Official and included other City officials and City Council in my correspondences. My public disclosure request #03082022 of my entire address file failed to produce any investigation report, infraction citations, notice of violation, or stop work orders. I have just today (09/14/2023) come to the realization that I need to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code. The following is my "official code complaint". Selah Municipal Code 11.05.010 and 6.75.030 (d) (2) were violated by my contractor WILLIAM JOSEPH FRODSHAM during the construction of our home in Selah (Permit Number: NBP-2018-042). The following sections of The International Building Code and International Residential Code as adopted by section SMC 11.05.010 were violated by WILLIAM JOSEPH FRODSHAM, the person responsible for the conditions: IBC codes - [A] 104.1, [A] 104.3, [A] 104.4, [A] 104.7, [A] 104.10,

1

A-46

Code Violations Reported Timeline

[A] 104.11, [A] 107.4, [A] 110.1, [A] 110.3, [A] 110.3.1, [A] 110.3.2, [A] 110.6, [A] 114.1, [A] 114.3, [A] 114.4, [A] 115.1, [A] 115.2 / IRC codes – R104.10, R104.11, R105.8, R106.4, R109.1, R109.1.1, R109.4

Jeff Peters has personal knowledge of all violations and infractions referenced, including multiple emails containing evidence that will substantiate these infractions. An investigation is warranted per SMC 6.75.050 (b) and should have already been completed since Jeff Peters had "personal knowledge" and received multiple complaints from me. It appears he did not act in good faith and without malice in handling my complaints. I inquired about the code enforcement process multiple times through email and could never get a response on what the procedures are for reporting these violations. I now see it must be through this "official code enforcement form" since nothing to date has been done about the reported violations. All this is well documented, and I will provide all evidence once contacted by the Code Enforcement Official. I look forward to speaking with you regarding these violations.

SMC 6.75.030 specifically references "terms of any permit" and "Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization" and "Fail to comply with any applicable provisions of this code".

RECEIVED
OCT 28
BY: _____

A-412

Exhibit "B"

wibrato@outlook.com

From: Peters, Jeff <jeff.peters@selahwa.gov>
Sent: Thursday, May 9, 2019 4:11 PM
To: 'William Longmire'
Subject: RE: A few questions
Attachments: SKM_C36819050912540.pdf

RECEIVED

BY: _____

Mr. Longmire,

As requested attached is a scan of the two inspection cards for the insulation and foundation walls. In regard to the questions in your email, Glenn Denman, the City of Yakima's Building Official has provided the following comments:

"According to Randy, he inspected the foundation wall forms and rebar after the previous walls had been removed. At that time, the footings under those walls had already been poured. According to Randy, he did not inspect any slab integrated load pads, nor did he advise anyone regarding the inspection of slab integrated load pads.

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Questions about contractor changes/mistakes: As previously explained the City of Selah and Yakima inspect buildings per the plans and minimum 2015 IRC building codes. If a contractor does not comply with a portion of the building plans, or makes a mistake that is not structural and meets the 2015 IRC, then matter becomes civil between the contractor and property owner (the city is not involved). If the mistake/omission is structural and/or results in a condition which does not meet code, then it is up to the property owner, contractor, and designer to rectify the situation by submitting revised plans for review and approval with whatever changes are necessary to correct the noncompliant condition (the city's role is to ensure that the structure meets minimum safety codes per the 2015 IRC).

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Sincerely,

Jeff Peters

A-48

Code Violations Reported Timeline

City of Selah
Building Official

RECEIVED

BY: _____

From: William Longmire <wlongmire@outlook.com>
Sent: Wednesday, May 8, 2019 10:20 AM
To: Peters, Jeff <jeff.peters@selahwa.gov>
Subject: Re: A few questions

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To: 'William Longmire'
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2

A-49

Code Violations Reported Timeline

Exhibit "B"

RECEIVED
BY: _____

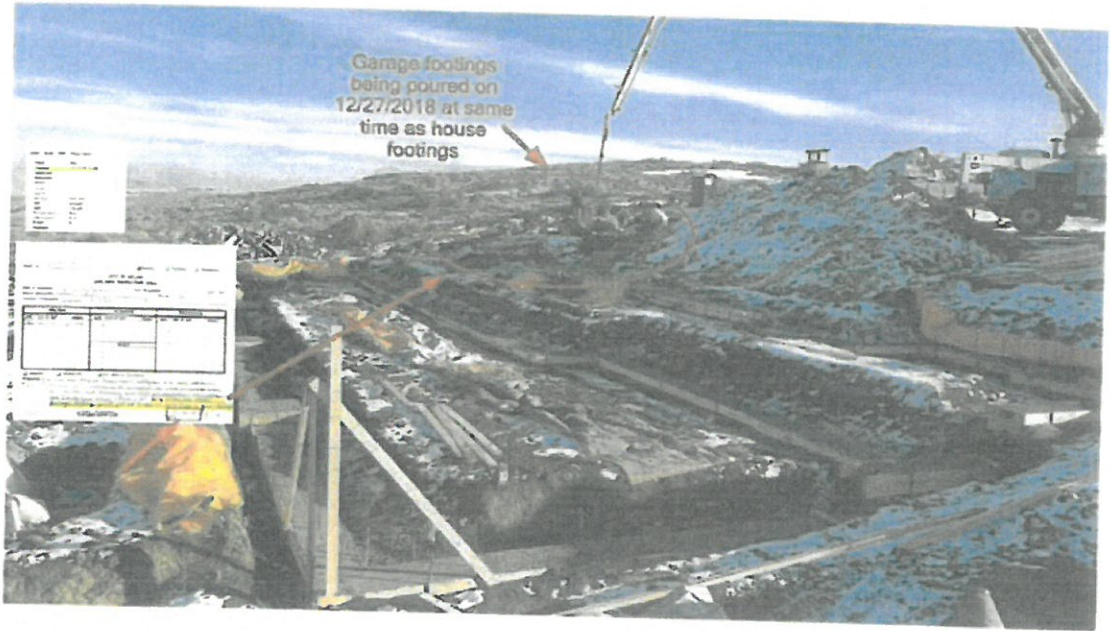


Exhibit "D"

RECEIVED
01 11 20

SCOPE AND ADMINISTRATION

located within the same structure, they are required by Section R302 to be completely separated from each other by a specified level of fire resistance. This is the case for both two-family dwellings and townhouses. A second example would be the proximity of the building to an adjoining property line. Section R302 requires exterior walls located less than 3 feet (914 mm) from a property line (unless abutting a public way) to be of minimum 1-hour fire-resistance-rated construction. If either of these conditions should occur, an inspection of the fire-resistance-rated construction is required.

The inspection for compliance with the fire-resistance requirements of the code should be made at a point of construction when the membrane materials are in place, but the fasteners are still exposed. This allows the inspector to verify the appropriate fastener type and location based on the specific fire-resistance listing of the portion of the building under consideration.

R109.1.6 Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.

◆ The final inspection should occur after all of the work addressed by the code is complete, but prior to occupancy of the building. The issues addressed in the final inspection cover all aspects of construction, including fire safety, life safety and structural safety, as well as electrical, plumbing, gas and mechanical items. All violations of the approved construction documents and permit are to be noted and the holder of the permit is to be notified of the discrepancies. The final inspection must be approved before a certificate of occupancy can be issued.

R109.1.6.1 Elevation documentation. If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 shall be submitted to the building official prior to the final inspection.

◆ Permittees must submit documentation of elevations before final inspection. Also see commentary for Sections R109.1.3 and R322.1.10.

R109.2 Inspection agencies. The building official is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

◆ It is common for the building official to rely on other agencies for informational or inspection reports regarding various aspects covering methods of the construction process materials. This reliance should be based on the building official's approval of the qualifications and reliability of the third-party inspection or testing service.

R109.3 Inspection requests. It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

◆ It is the responsibility of the permit holder or other authorized person, such as the contractor performing

the work, to arrange for the required inspections when completed work is ready and to allow for sufficient time for the building official to schedule a visit to the site to prevent work from being concealed prior to being inspected.

Each building department establishes its own procedures on how and when requests should be made. Once an inspection has been scheduled, access to the work to be inspected must be provided, including any special means such as a ladder.

R109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

◆ Work must not continue past the point of a required inspection until that inspection has been approved by the building department. It is possible that if the work progresses beyond this point and is not in total compliance with the code, some of the work may have to be removed. It is critical that each individual stage of the project be approved prior to continuance of construction.

As indicated in Section R109.1, inspections must be performed when requested, and the inspector must indicate whether the construction is satisfactory or is not compliant. If the work is not approved, it must be corrected, and a reinspection must be requested. Any item not approved cannot be concealed until it has been corrected and approved by the building official.

SECTION R110 CERTIFICATE OF OCCUPANCY

R110.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.
 2. Accessory buildings or structures.
- ◆ The tool the building official employs to control the uses and occupancies of the various buildings in a jurisdiction is the certificate of occupancy. This section establishes the conditions of a certificate of occupancy

A-51

Exhibit "E"

RECEIVED

BY: _____



CITY OF SELAH

115 West Naches Ave
Selah, WA 98942

P 509-698-7325
F 509-698-7335

October 19, 2023

Via Email: wibrato@outlook.com
And Via Certified Mail

William Longmire
330 Lookout Point Drive
Selah, WA 98942

RE: Conclusion of Investigation

Mr. Longmire:

The City's Code Enforcement Officer, Erin Hamilton, has completed her investigation on the Code Complaint you recently filed. A copy of her two-page report is enclosed.

You alleged that, back in 2018, your builder violated the then-existing version of Selah Municipal Code section 6.75.030(d)(2) by giving false information to the Building Inspector and/or the then-existing version of the International Residential Code section R109.4 by not obtaining approval from the Building Inspector prior to pouring your garage footings.

Ms. Hamilton was not able to substantiate any such violation.

This letter constitutes notice of Ms. Hamilton's decision. Any future period of time and/or deadline will be measured from the date of this letter.

Respectfully,

Joe Henne
City Administrator



Code Violations Reported Timeline

RECEIVED
OCT 2018

BY: _____



CITY OF SELAH

Code Enforcement

222 South Rushmore Road
Selah, Washington 98942

City of Selah
Code Enforcement review

Phone 509 698 7365
Fax 509 698 7372

Complaint from William Longmire - violation of SMC 6 75 030(d)(2)
"It is unlawful to Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization."

R109 4 "Work commencing before permit issuance. Any person who commences any work for which a permit is required before obtaining necessary permits shall be subject to an investigation fee."

Subject property: 330 Lookout Point Dr APN: 181310-14403

Narrative Description:

Section 10 Township 13 Range 18 Quarter NE SHORT PLAT 80-183 Lot 2
Building Permit: 2018-042

Reported party of violations: William Joseph Frodsham
Date: 12/26/2018

Facts & document findings regarding subject building permits

- 8/27/18-The building permit application and submittals received
- 9/10/18-Submittals were reviewed by City of Yakima
- 9/14/18 Water meter #46657145 set by Selah PW
- 10/1/18-City issued NBP 2018-042, M-RES 2018-040, PL RES 2018-017
- 10/1/18-Selah produced an invoice for water services
- 10/5/18- NBP 2018-042 adjust fees
- 10/15/18 Receipt for NBP2018-042, Plumbing & Mechanical fees paid
- 11/2/18 Setback "appear okay" foot & forms inspection
- 11/7/18 submit new site plan with set back adjustment
- 11/13/18 Stem wall not complete-re inspection required
- 11/14/18 Foundation stem wall "OK" approved to pour concrete
- 12/17/18 Mechanical permit with additional inspection fees
- 12/21/18 Footing inspection with corrections
- 12/26/18 Footing & rebar inspection "okay", approved to pour
- 1/16/19 Inspection by Randy Allan of City of Yakima, two inspection cards found-is noted as a failure of foundation inspection to move and add rebar to match plans
- 1/22/19 Inspection by Randy Allan of Yakima, Pass Foundation, notes
- 5/9/19 Roof, Wall Sheeting, Shear Wall inspection with notes
- 5/29/19 Framing, stucco board, rough plumbing, mechanical, gas piping "OK" plus corrections
- 5/31/19 Stucco partial "OK"
- 6/4/19 Insulation-Notes a re inspect from 5/29/19 as all "OK" rough in framing discrepancies noted
- 6/5/19 Re-inspection for insulation with corrections "OK"
- 7/2/19 Porch footing and sheetrock "OK"
- 7/7/19 Notice of release from the contractor
- 12/19/19 Pool permit application and submittals
- 4/23/20 NBP2018-042 Final "OK" with corrections
- 4/27/19 final re-inspect "Approved"
- 9/9/20 Pool set back and pressure "OK"



Code Violations Reported Timeline

RECEIVED
MAY 20 2019

BY: _____

Summary.

The complainant has expressed concerns regarding the 12/26/18 inspection, specifically where the inspector noted "...contractor stated garage footings would not be poured at same time as house footings" On 10/9/23 at approximately 12:30pm I spoke with the retired inspector, Roy Brons, he said it was not uncommon for him to make notes while on site but it was also not uncommon for pour schedules to change due to weather, or material availability. Mr. Brons also stated that he did not feel the contractor was deceitful or trying to get away with something during the course of inspections. The succeeding inspection was completed by Randy Allen who has since retired from the City of Yakima. Mr. Allen was not available for me to communicate with for this report. Based on the address file, there are two inspection cards dated 1/16/19 regarding the foundation, one signed by Mr. Allen but has no notes and does not have a check mark for "approved", "Disapproved" or "See attached comments". The second inspection card dated 1/16/19 checks "disapproved" and notes "need to move and add rebar in walls to match plans". The following inspection card dated 1/22/19 is signed by Randy Allen with a "result" marked "PA" and remarks "Remove water & ice from piers in North East area, brace tall walls on East side". All inspection cards under my review with notes or corrections appear to be standard.

I certify under penalty of perjury under the laws of the State of Washington that the following is true and correct, based on my own personal knowledge, I have conducted this review to the best of my ability with the information that is available.



Erin Hamilton
Code Enforcement
City of Selah
(509) 698-7331
erin.hamilton@selahwa.gov

A-54

Code Violations Reported Timeline

CITY OF SELAH CASHIER'S RECEIPT

115 W. Naches Ave., Selah, Wash

MO: 10 DAY: 27 YR: 23 No. 27706

Received From William Longmire

CASH \$ 50.00 CHECK \$ _____ CHECK # _____ L.I.F. \$ _____ Dollars

FUND#	ACCT. NO.	EXPLANATION		
		Appeal Fee-		
		Code Enforcement		
		330 Lookoutpoint Dr		
		Longmire		
Received By <u>Copius Green</u>			Total \$	<u>50 -</u>

Appeal sent to city

Code Violations Reported Timeline

Compiled by William Longmire 12/04/2023.

RELEASE AND SETTLEMENT AGREEMENT OF ALL CLAIMS

THIS RELEASE AND SETTLEMENT AGREEMENT is made this 18th day of July, 2019, by and between PALAZZO PROPERTIES LTD, a Washington corporation, (hereinafter, "Palazzo") and WILLIAM LONGMIRE and DANA LONGMIRE, husband and wife (hereinafter, "Longmires").

WHEREAS, the parties hereto previously entered into a contract wherein Palazzo agreed to build a custom home for Longmires on real property owned by the Longmires at 330 Lookout Point Drive, Selah, WA 98942, Yakima County Tax Parcel Number 181310-14403 (hereinafter, "Home Site") and

WHEREAS, a dispute has arisen between the parties as to the terms of said contract and the quality of the work performed to date by Palazzo; and

WHEREAS, the parties have reached an agreement to resolve said dispute and wish to reduce the same to writing as set forth herein;

NOW, THEREFORE, in consideration of the mutual promises, including the recitals above and conditions herein contained, the Parties covenant and agree as follows:

1. Palazzo shall be responsible for the payment of any and all materials it ordered and delivered to the Home Site on, or before, June 7, 2019, together with any and all labor it caused to be performed on the Home Site on, or before, June 7, 2019. Except as set forth in this paragraph, Palazzo shall have no further liability of any kind to Longmires arising out of the contract between the parties and Longmires shall have no further liability of any kind to Palazzo. Notwithstanding anything herein to the contrary, Palazzo warrants that it has paid all subcontractors in full for work performed on the Home Site.
2. Except as set forth herein, the parties hereto release and forever discharge each other and all of their representatives, agents, assigns, consultants, advisers, and lawyers and each of them from and against any and all liabilities, claims, obligations, demands, sums of money, actions or causes of action, debts, judgments, damages, costs or losses, known or unknown, that they may have whether past, present, or future, which arise from or relate in any manner to the subject matter of this Agreement.
3. Except as set forth herein, this Agreement is intended to be as complete and comprehensive as the law permits, and to be comprehensive and universal with respect to all such claims of either party hereto, which arise from or relate to the subject matter of this Agreement. This release is intended to

A-57

cover any and all future damages or losses not presently known to the parties to this Agreement, but which may later develop or be discovered. The parties hereto agree that the terms of this complete mutual release and waiver have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise and settlement with respect to any and all claims arising out of the subject matter of this agreement, disputed or otherwise. This release specifically includes, but it not limited to construction defect claims by the Longmires against Palazzo and payment claims by Palazzo against the Longmires. Except as specifically limited herein, each party assumes the risk that the facts or evidence may turn out to be different than it now understands them to be, and agrees to be bound by this Agreement notwithstanding the discovery of new or different facts or evidence. It is understood that this Agreement effectuates a resolution of contested claims and that by entering into this Agreement each party is motivated by the desire to avoid protracted and expensive litigation.

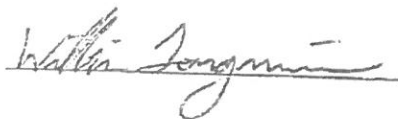
4. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.
5. The drafting and negotiation of this Agreement has been participated in by all of the parties and their counsel, and for all purposes this Agreement shall be deemed to have been drafted jointly by each of the Parties. The parties agree that no presumption shall be made or asserted by or against either party as a result of document preparation.
6. This Agreement shall become effective upon execution by the Parties.
7. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and each of their respective successors, assigns, or heirs.
8. This Agreement may be executed in counterparts and signatures may be provided by facsimile or e-mail attachments and when each party has signed and delivered at least one such counterpart, each such counterpart shall be deemed an original, and, when taken together with other signed counterparts, shall constitute one agreement, which shall be binding upon and effective as to all parties.
9. In the event of any controversy or dispute between the Parties arising from or relating to this Agreement, including but not limited to enforcement of its terms or interpretation thereof, the prevailing party shall be entitled to recover from the losing party its reasonable attorney fees, expenses, and costs.

DATED THIS 18th day of July, 2019.

Palazzo Properties, LTD, a Washington corporation

By:

 *Pres. LA*

 *William Longmire*

A-58

William Longmire

Dana Longmire
Dana Longmire

A-59

Case, Rob

From: William Longmire <wlongmire@outlook.com>
Sent: Monday, September 25, 2023 2:55 AM
To: Hamilton, Erin
Cc: Peters, Jeff; Henne, Joe; Case, Rob; Carlson, Russell
Subject: RE: Online Complaint Receipt Acknowledgement
Attachments: Ordinance #1613.pdf; Ltr-William Longmire-Response to Code Complaint 09-20-23 (signed).pdf

Erin,

The response from the City doesn't address my complaint, specifically the violation of 6.75.030 (d) (2). I have evidence and so does Jeff Peters of laws that were broken and I request that you investigate the unlawful acts that have been reported to you. The Code Enforcement officer is the person authorized by the mayor to enforce the civil provisions of this code. I never asked for a new inspection or for the city to pursue my builder, only for an investigation into my complaint as required by SMC 6.75.050. Is the city once again selectively enforcing its Municipal Codes?

William Longmire

SMC 6.75.050 Investigation, infraction citations and notices of violation.

(b) Investigation Upon Complaint or Personal Knowledge. The code enforcement officer shall investigate any structure or use when he or she receives a complaint from an identifiable person who owns, rents or leases real property affected by the code violation to which the complaint relates or when the code enforcement officer reasonably believes, based on personal knowledge, that any structure or use does not comply with the applicable standards and requirements of this code.

From: William Longmire <wlongmire@outlook.com>
Sent: Monday, September 18, 2023 3:33 PM
To: Hamilton, Erin <erin.hamilton@selahwa.gov>
Cc: Peters, Jeff <jeff.peters@selahwa.gov>; Case, Rob <Rob.Case@selahwa.gov>; Henne, Joe <joe.henne@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>; russell.carlson@selahwa.gov; roger.bell@selahwa.gov; kevin.wickenhagen@selahwa.gov; jared.iverson@selahwa.gov; elizabeth.marquis@selahwa.gov; michael.costello@selahwa.gov; clifford.peterson@selahwa.gov
Subject: RE: Online Complaint Receipt Acknowledgement

Erin,

Thanks for the confirmation and for forwarding this on to the people at the city in charge of handling these complaints.

If you are forwarding this on, it would appear that I've been corresponding with the right people at the City, but there has just been a failure to enforce the ordinance.

William Longmire

From: Hamilton, Erin <erin.hamilton@selahwa.gov>
Sent: Monday, September 18, 2023 7:33 AM

To: 'William Longmire' <wibralo@outlook.com>

Cc: Peters, Jeff <jeff.peters@selahwa.gov>; Case, Rob <Rob.Case@selahwa.gov>; Henne, Joe <joe.henne@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>

Subject: RE: Online Complaint Receipt Acknowledgement

Good Morning Mr. Longmire,

Your complaint noted below has been received and forwarded to Jeff Peters and Mr. Rob Case.

Regards,

Erin Hamilton
Code Enforcement Officer
Stormwater Management
City of Selah
(509) 698-7331

From: William Longmire <wibralo@outlook.com>

Sent: Friday, September 15, 2023 8:38 AM

To: Hamilton, Erin <erin.hamilton@selahwa.gov>

Cc: Peters, Jeff <jeff.peters@selahwa.gov>; Case, Rob <Rob.Case@selahwa.gov>; Henne, Joe <joe.henne@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>

Subject: Online Complaint Receipt Acknowledgement

Hi Erin,

I would like a confirmation that the below code enforcement complaint that was also submitted using the [City of Selah online code complaint form](#) on 09/15/2023 has been received. I would appreciate an email back acknowledging receipt of this complaint. I look forward to speaking with you regarding these violations.

Thank you,

William Longmire

Complaint submitted:

Multiple Code Enforcement violations have occurred that have not yet been enforced. I reported these violations via numerous emails to Jeff Peters the Building Official and included other City officials and City Council in my correspondences. My public disclosure request #03082022 of my entire address file failed to produce any investigation report, infraction citations, notice of violation, or stop work orders. I have just today (09/14/2023) come to the realization that I need to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code. The following is my "official code complaint". Selah Municipal Code 11.05.010 and 6.75.030 (d) (2) were violated by my contractor WILLIAM JOSEPH FRODSHAM during the construction of our home in Selah (Permit Number: NBP-2018-042). The following sections of The International Building Code and International Residential Code as adopted by section SMC 11.05.010 were violated by WILLIAM JOSEPH FRODSHAM, the person responsible for the conditions: IBC codes - [A] 104.1, [A] 104.3, [A] 104.4, [A] 104.7, [A] 104.10, [A] 104.11, [A] 107.4, [A] 110.1, [A] 110.3, [A] 110.3.1, [A] 110.3.2, [A] 110.6, [A] 114.1, [A] 114.3, [A] 114.4, [A] 115.1, [A] 115.2 / IRC codes – R104.10, R104.11, R105.8, R106.4, R109.1, R109.1.1, R109.4

Jeff Peters has personal knowledge of all violations and infractions referenced, including multiple emails containing evidence that will substantiate these infractions. An investigation is warranted per SMC 6.75.050 (b) and should have

already been completed since Jeff Peters had "personal knowledge" and received multiple complaints from me. It appears he did not act in good faith and without malice in handling my complaints. I inquired about the code enforcement process multiple times through email and could never get a response on what the procedures are for reporting these violations. I now see it must be through this "official code enforcement form" since nothing to date has been done about the reported violations. All this is well documented, and I will provide all evidence once contacted by the Code Enforcement Official. I look forward to speaking with you regarding these violations.

SMC 6.75.030 specifically references "terms of any permit" and "Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization" and "Fail to comply with any applicable provisions of this code".

Case, Rob

From: William Longmire <wlongmire@outlook.com>
Sent: Wednesday, March 16, 2022 1:03 PM
To: Case, Rob
Cc: Peters, Jeff; Raymond, Sherry; Henne, Joe; Fortner, Jeff; Wickenhagen, Kevin; Peterson, Clifford; Costello, Michael; Carlson, Russell; Bell, Roger; Marquis, Elizabeth; Iverson, Jared
Subject: Re: Regarding your e-mail inquiry
Attachments: Ordinance #2032.pdf; GarageFooting.jpg

Mr. Case,

Does the city still maintain that the "City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issue discovered during a building inspection for and ongoing construction project" as stated by the previous City Attorney? It seems Ordinance #2032 states otherwise. Is this still the city's official stance. I'm having trouble finding any action that was taken for the multiple code violations I reported to the city I based off my public disclosure request PRR 02132022.

I look forward to your response,

William Longmire

From: Robert Noe <bob@noe-law.com>
Sent: Monday, June 17, 2019 5:10 PM
To: wlongmire@outlook.com <wlongmire@outlook.com>
Cc: Peters, Jeff <jeff.peters@selahwa.gov>; roy.brons@selahwa.gov <roy.brons@selahwa.gov>; Wayman, Donald <donald.wayman@selahwa.gov>; Raymond, Sherry <sherry.raymond@selahwa.gov>
Subject: Regarding your e-mail inquiry

Dear Mr. Longmire -

I serve as the City Attorney for the City of Selah. I have been asked to respond to your e-mail inquiry regarding building inspections related to your residential construction project (your inquiry is embodied in the e-mail correspondence chain set forth below).

The City of Selah conducts building inspections for new construction to ensure compliance with applicable building, health and safety codes over which the City has jurisdiction to administer. Where the City finds that a code has not been met, the City routinely provides direction to builders,

owners, contractors and/or developers to correct the code issue. Where the code issue is not corrected, the City can refrain from issuing a certificate of occupancy. Where the certificate is not issued, the structure is effectively rendered unusable until the code issues are rectified.

As I understand the situation involving your project, there is no code compliance issue that would require the City to withhold a certificate of occupancy at this time. As I also understand, your project is still in progress and routine inspections may or may not turn up matters for corrections in the future prior to final approval.

Please note that, as a general rule, the City does not use its Code Enforcement Chapter, Selah Municipal Code 6.75, to issue citations to builders, owners, contractors and/or developers where there is a code issue discovered during a building inspection for and ongoing construction project. Instead, the mechanism for compliance, as indicated above, is the issuance of direction to correct and where there is no correction, the City can withhold issuance of the certificate of occupancy.

At present, it appears that your project is progressing and the City will continue to conduct inspections as needed during the construction phases. The City will continue to note any code issues and request correction when necessary. The City will not be issuing citations under its Code Enforcement Chapter during construction of your project. The City will be conducting inspections on your project as necessary, as it would do for any other construction project within the City.

Thank you for your consideration of these matters.

Bob

Case, Rob

From: Hamilton, Erin
Sent: Monday, September 18, 2023 7:31 AM
To: Peters, Jeff
Cc: Case, Rob
Subject: FW: New submission from Form

Erin Hamilton
Code Enforcement Officer
Stormwater Management
City of Selah
(509) 698-7331

From: Hamilton, Erin <erin.hamilton@selahwa.gov>
Sent: Friday, September 15, 2023 1:41 AM
To: Hamilton, Erin <erin.hamilton@selahwa.gov>
Subject: New submission from Form

Section 1: Complaint Location Information

Address of Possible Code Violation

330 Lookout Point Dr
Selah, WA 98942
United States
[Map It](#)

Section 2: Complaint Summary

Complaint Summary

Multiple Code Enforcement violations have occurred that have not yet been enforced. I reported these violations via numerous emails to Jeff Peters the Building Official and included other City officials and City Council in my correspondences. My public disclosure request #03082022 of my entire address file failed to produce any investigation report, infraction citations, notice of violation, or stop work orders. I have just today (09/14/2023) come to the realization that I need to file an official complaint with the Code Enforcement officer, as they are the person(s) authorized by the mayor to enforce the civil provisions of this code. The following is my "official code complaint". Selah Municipal Code 11.05.010 and 6.75.030 (d) (2) were violated by my contractor WILLIAM JOSEPH FRODSHAM during the construction of our home in Selah (Permit Number: NBP-2018-042). The following sections of The International Building Code and International Residential Code as adopted by section SMC 11.05.010 were violated by WILLIAM JOSEPH FRODSHAM, the person responsible for the conditions: IBC codes - [A] 104.1, [A] 104.3, [A] 104.4, [A] 104.7, [A] 104.10, [A] 104.11, [A] 107.4, [A] 110.1, [A] 110.3, [A] 110.3.1, [A] 110.3.2, [A] 110.6, [A] 114.1, [A] 114.3, [A] 114.4, [A] 115.1, [A] 115.2 / IRC codes – R104.10, R104.11, R105.8, R106.4, R109.1, R109.1.1, R109.4

Jeff Peters has personal knowledge of all violations and infractions referenced, including multiple emails containing evidence that will substantiate these infractions. An investigation is warranted per SMC 6.75.050 (b) and should have already been completed since Jeff Peters had "personal knowledge" and received multiple complaints from me. It appears he did not act in good faith and without malice in handling my complaints. I inquired about the code enforcement process multiple times through email and could never get a response on what the procedures are for reporting these violations. I now see it must be through this "official code enforcement form" since nothing to date has been done about the reported violations. All this is well documented, and I will provide all evidence once contacted by the Code Enforcement Official. I look forward to speaking with you regarding these violations.

SMC 6.75.030 specifically references "terms of any permit" and "Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization" and "Fail to comply with any applicable provisions of this code".

How long has the condition existed (to your knowledge)?

Since 2019

Section 3: Your Information

Name

William Longmire

Address

330 Lookout Point Dr
Selah, WA 98942
United States
[Map It](#)

Phone

(509) 580-0186

Email

wlongmire@outlook.com

Please indicate if you would like the City to redact your information to the extent possible if you fear disclosure may endanger life, physical safety or property to you or someone else:

- No, I do not feel my information needs to be redacted
- No preference

Section 4: The Violation Must be Visible

Is the location of the complaint visible from a public right-of-way?

- Not Sure

Property Access Information

Please contact me to review evidence of the enforceable code violations.

Signature

William Longmire

6.75.030 City of Selah property maintenance code.

The property maintenance code of the city shall be comprised of the following texts in their presently existing forms and, also, each and every future form of such texts following any amendment, addition, deletion or recodification that the publishing bodies enact or effectuate, but in all instances subject to the express amendments, additions, deletions and exceptions specifically set forth in this chapter: the 2018 Edition of the International Property Maintenance Code, including its Appendix A (Boarding Standards), as published by the International Code Council, Inc. Said 2018 Edition is hereby fully incorporated in this chapter by reference, subject to the express amendments, additions, deletions and exceptions set forth in this chapter. One or more copies of the texts that comprise the property maintenance code of the city shall be maintained on file in the office of the building official. (Ord. 2205, § 1 (Exh. A), 2023.)

The Selah Municipal Code is current through Ordinance 2216, passed December 12, 2023.

Disclaimer: The finance department has the official version of the Selah Municipal Code. Users should contact the finance department for ordinances passed subsequent to the ordinance cited above.

City Website: selahwa.gov

City Telephone: (509) 698-7334

Hosted by Code Publishing Company, A General Code Company.

ORDINANCE NO. 2205

ORDINANCE AMENDING CHAPTER 6.75, "CODE ENFORCEMENT", OF THE SELAH MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AUTHORIZING CORRECTIONS, AND DIRECTING PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, RCW Chapters 35A.11, 35A.12 and 36.43 authorize municipalities to: (1) adopt municipal codes, including standard building codes; (2) provide for administration and enforcement of such codes; (3) amend or limit the applicability of such codes as authorized by law; (4) set fees within the codes; and (5) provide that any violation of such codes as adopted shall warrant imposition of a penalty, including potentially a misdemeanor criminal charge; and

WHEREAS, the City has previously adopted the International Property Maintenance Code 2018 Edition by incorporating it within Selah Municipal Code (SMC) Chapter 11.14; and

WHEREAS, said International Property Maintenance Code 2018 Edition constitutes the City's property maintenance code for regulation and governing of the conditions and maintenance of all property, buildings and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions that are essential to ensure that structures are safe, sanitary and fit for occupation and use, and also the standards for demolition of existing structures; and

WHEREAS, the City has identified that numerous discrepancies exist within and between said International Property Maintenance Code 2018 Edition and the City's currently-existing municipal code sections that pertain to the topics of graffiti, nuisances, code enforcement, property maintenance, and fire code regulations, and such discrepancies needlessly lessen clarity for the public and frustrate the City's code enforcement efforts; and

WHEREAS, the City desires to resolve such discrepancies by, among other things, amending SMC Code Chapter 6.75 labeled "Code Enforcement" in a comprehensive way so as to address the topics of graffiti, nuisances, code enforcement, property maintenance, and fire code regulations;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does hereby ordain as follows:

Section 1. Amendment of SMC Chapter 6.75. That Chapter 6.75 labeled "Code Enforcement" of the SMC be and is hereby amended so as to henceforth read as set forth in "Exhibit A" appended hereto, a portion of which is set forth in a two-column format that utilizes numbering established by the 2019 International Property Maintenance Code and that also includes editing marks showing express deletions via strikethrough text.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining

Ordinance No. 2205

Page 1 of 2

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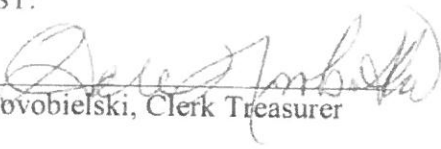
portions of this Ordinance or its application to other persons or circumstances.

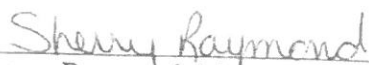
Section 3. Corrections. The City Attorney and the codifiers of the SMC are authorized to make any necessary or desirable clerical or formatting changes – including but not limited to correcting scrivener errors; changing formatting; eliminating bold, italic and underscore emphasis; changing numbering; and correcting references – when publishing or republishing the official text of any section(s), Chapter(s), title(s) or other portion(s) of the SMC due to any amendment, addition, alteration, change, impact or enactment effectuated by this Ordinance. However, the codifiers are asked to retain and show – to the extent possible – each of the editing marks that show the express deletions via strikethrough text when the official text is published, so that City staff and members of the public will be able to easily pinpoint the express deletions that the City has made.

Section 4. Publishing & Effective Date. Consistent with RCW 35A.12.130 (3rd ¶) and .160 (1st and 2nd ¶¶), this Ordinance or a summary of it shall be published at least once in the City's official newspaper prior to the Ordinance taking effect and this Ordinance shall then take effect and be in full force five (5) days after the date of such publication.

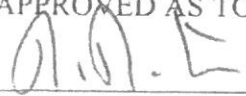
PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH,
WASHINGTON this 12th day of September, 2023.

ATTEST:


Dale Novobielski, Clerk Treasurer


Sherry Raymond, Mayor

APPROVED AS TO FORM:


Rob Case, City Attorney

"Exhibit A"

Chapter 6.75 - CODE ENFORCEMENT

Sections:

- 6.75.010 Purpose.**
- 6.75.020 Scope.**
- 6.75.030 City of Selah property maintenance code.**
- 6.75.040 Schedule of fees adopted.**
- 6.75.050 Property Maintenance Code (Chapter 8 referenced standards).**
- 6.75.060 Nuisances not associated with property maintenance.**
- 6.75.070 Graffiti and related vandalism.**

6.75.010 Purpose.

The purpose of this chapter is to establish an efficient process for enforcement of code violations, including but not limited to those that constitute nuisances and graffiti.

6.75.020 Scope.

The procedures set forth in this chapter shall be utilized to enforce violations of any aspect of the Selah Municipal Code, including but not limited to violations described within this chapter. The remedies found in this chapter are cumulative to and are in addition to any other remedy already specified within any section the Selah Municipal Code.

6.75.030 City of Selah property maintenance code.

The property maintenance code of the city shall be comprised of the following texts in their presently-existing forms and, also, each and every future form of such texts following any amendment, addition, deletion or recodification that the publishing bodies enact or effectuate, but in all instances subject to the express amendments, additions, deletions and exceptions specifically set forth in this chapter: The 2018 Edition of the International Property Maintenance Code, including its Appendix A (Boarding Standards), as published by the International Code Council, Inc. Said 2018 Edition is hereby fully incorporated in this chapter by reference, subject to the express amendments, additions, deletions and exceptions set forth in this chapter. One or more copies of the texts that comprise the property maintenance code of the city shall be maintained on file in the office of the Building Official.

6.75.040 Schedule of fees adopted.

The City Council shall adopt a schedule of fees applicable to this chapter, which schedule shall be codified under Title 20 labeled "Unified Fee Schedule" of the Selah Municipal Code.

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DEMOLITION

110.1 General. The *code official* shall order the *owner* or *owner's* authorized agent of any *premises* upon which is located any structure, which in the *code official's* or *owner's* authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* or *owner's* authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

110.2 Notices and orders. Notices and orders shall comply with Section 107.

110.3 Failure to comply. If the *owner* of a *premises* or *owner's* authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 MEANS OF APPEAL

~~[A] 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the~~

~~right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.~~

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the city council, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

~~[A] 111.2 Membership of board. The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex officio member but shall not vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.~~

~~[A] 111.2.1 Alternate members. The chief appointing authority shall appoint not less than two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.~~

~~[A] 111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.~~

~~[A] 111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.~~

~~[A] 111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.~~

~~[A] 111.2.5 Compensation of members. Compensation of members shall be determined by law.~~

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~~{A} 111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.~~

111.3 Open hearing. Hearings before the city council shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

~~{A} 111.4 Open hearing. Hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two thirds of the board membership.~~

~~{A} 111.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.~~

111.4 Procedure. An aggrieved person who desires to file an appeal of the code official's action must do so pursuant to the provisions set forth in this section. The appeal process set forth in this section replaces an appeal to the board of appeals provided for in each of the International Codes, which the city of Selah has adopted by reference under Section 11.02.010 of the Selah Municipal Code. The appellant shall file a written appeal to the code official within 10 days and shall pay a filing fee of fifty dollars. The written appeal shall contain the following information:

- (1) The names of all appellants participating in the appeal;
- (2) A brief statement of the specific code enforcement officer's action protested, together with any material facts claimed to support the contentions of the appellant;
- (3) A brief statement of the relief sought, and the reason why it is claimed the protested code

official's action should be reversed, modified, or otherwise set aside;

(4) The signatures of all parties named as appellants and their mailing addresses; and

(5) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

(b) Upon the receipt of the appeal and the filing fee, the code official shall schedule an appeal hearing before the city council and give due notice thereof to the appellants and general public.

(c) At or after the appeal hearing, the city council may affirm, reverse, or modify the code officials action or continue the hearing to a date certain for receipt of additional information.

~~{A} 111.5 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.~~

111.5 Decision, Records and copies. The city council shall issue a written decision within thirty days after the hearing and shall cause copies thereof to be sent to the code official and appellants.

111.5.1 Administration. The code official shall take immediate action in accordance with the decision of the council.

~~{A} 111.6 Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.~~

~~{A} 111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.~~

~~{A} 111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.~~

111.6 Court review. Any party to the appeal shall have the right to appeal the council's decision to the appropriate court. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

6.75.030 Violations.

- (a) It is unlawful for any person to initiate, maintain, or cause to be initiated or maintained, the use of any structure, land or property within the city without first obtaining the permits or authorizations required for the use by the applicable provisions of any of this code.
- (b) It is unlawful for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished, any structure, land, or property within the city in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the applicable provisions of this code.
- (c) It is unlawful for any person to engage in or conduct business within the city without first obtaining appropriate business licensing.
- (d) It is unlawful to:
 - (1) Remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter;
 - (2) Misrepresent any material fact in any application, plans, or other information submitted to obtain any building or construction authorization; or
 - (3) Fail to comply with any of the requirements of an order to cease activity issued under this chapter or issued pursuant to authority provided in other chapters of this code.
- (e) It is unlawful to:
 - (1) Maintain, allow, permit or fail to prevent a nuisance as defined in Chapter 6.58 or as defined throughout this code; or
 - (2) Fail to comply with any applicable provisions of this code. (Ord. 1613, § 1, 2004.)

The Selah Municipal Code is current through Ordinance 2202, passed August 22, 2023.

Disclaimer: The finance department has the official version of the Selah Municipal Code. Users should contact the finance department for ordinances passed subsequent to the ordinance cited above.

City Website: selahwa.gov

City Telephone: (509) 698-7334

Hosted by Code Publishing Company, A General Code Company.

ORDINANCE NO. 2032

**ORDINANCE AMENDING TITLE 11 RELATING TO THE REGULATION OF
BUILDING CODES AND STANDARDS**

WHEREAS, RCW Chapters 3A.12, 35A.11.020 and 36.43 authorize municipalities within the State of Washington to; (1) adopt standard building codes; (2) provide for their administration and enforcement; (3) amend or limit the applicability of such codes as authorized by law; (4) set fees within the codes; and (5) provide that any violation of the provisions of said codes as adopted shall constitute a misdemeanor; and,

WHEREAS, the International Code Council has released its 2015 International Codes, which include revisions to the International Building Code, Residential Code, Energy Code, Mechanical Code, Existing Building Code, Property Maintenance Code, Uniform Plumbing Code, and Fire Code. These codes are founded on principals intended to establish provisions that are consistent with the scope of a building code that adequately protects the public health, safety and welfare; provides provisions that do not unnecessarily increase construction costs, and provides for provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction; and

WHEREAS, the City of Selah Community Development and Planning Department has identified that the City of Selah has not updated its building codes since 2008, and therefore recommends adoption of the previously identified codes to ensure that the city can continue to provide plan review, building inspection, and code enforcement that protects the public's health, safety and welfare; and,

WHEREAS, the City Council of the City of Selah has examined and understands the scope and purpose of the codes and regulations adopted under this ordinance, and the amendments and additions thereto, and deems it to be in the public interest and for the general health, safety and welfare of the citizens of the City that such codes and amendments and additions thereto be adopted as the law of the City of Selah: and,

WHEREAS, pursuant to RCW 35A.12.140, a public hearing was held regarding the adoption of this ordinance and that one (1) copy of each code and regulation adopted hereunder together with a copy of this ordinance specifying amendments and additions thereto were filed in the Office of the Clerk-Treasurer ten (10) days prior to the public hearing; and all persons desiring to speak for and against the adoption of this ordinance and the amendments and supplements thereto have been heard as required by law;

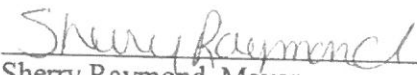
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NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Title 11 Building Codes, are hereby amended as set forth in Exhibit "A":


Section 2. This ordinance, and all adopted building codes identified within shall become effective five (5) days following legal publication of this ordinance or a summary of this ordinance.

Done this 14th day of November 2017.



Sherry Raymond, Mayor

ATTEST:



Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:



Robert Noe, City Attorney

ORDINANCE NO.: 2032

Shorelines substantial development permit and/or conditional use permit short plat approval certification of zoning review;

Rezones;

Final plat approval.

(2) Public Works Department.

Road access permits.

(3) Washington State Department of Transportation for SR-823.

(4) Washington State Department of Labor and Industry, Mobile Home Division.

Approval of uncertified mobile homes.

Nothing within this section shall otherwise interfere with or limit the discretionary authority of the building official to confer with other departments and jurisdictions prior to the issuance of any permit required under this title pursuant to applicable sections of the International Codes adopted by reference in this title.

(Ord. 1619 § 2 (part), 2004.)

11.04.040- Board of Appeals

Section 113 of the International Building Code, 2015 Edition, is amended to read as follows:

Section 113.3 Qualifications. The board of appeals shall consist of five (5) members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member of and shall act as secretary to said Board but shall have no vote on any matter before the Board. The Board of Appeals shall be appointed by the Mayor and shall hold office at the Mayor's pleasure. The term of appointment of Board members shall be concurrent with the effective dates of this ordinance. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official. The appellant shall cause to be made at his own expense any tests or research required by the Board to substantiate claims.

11.04.050 – Enforcement

This title and its enforcement provisions are cumulative and in addition to other methods by which the City may seek enforcement, including the provisions of Selah Municipal Code, Chapter 6.75, Code Enforcement.

Chapter 11.05 - BUILDING CODE AND RESIDENTIAL CODE

Sections:

11.05.010 - Adoption of International Building Code, 2015 Edition.

The International Building Code, 2015 Edition, including Appendices Chapters J , as published by the International Code Council, and as amended by the State Building Code Council and adopted by the state of Washington, of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's building code for the regulation and governing of the conditions and maintenance of all property, buildings and structures; by providing for the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures that are unfit for human occupancy and use and the demolition of such structures; providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of the building code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter.

(Ord. 1729 (part), 2008: Ord. 1619 § 2 (part), 2004.)

11.05.020 - Adoption of International Residential Code, 2015 Edition.

The International Residential Code, 2015 Edition, including its Appendix Chapter L, as published by the International Code Council and as amended by the State Building Code Council and adopted by the state of Washington, of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's residential code for the regulation and governing of construction, alternation, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress; providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of the residential code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter.

(Ord. 1729 (part), 2008: Ord. 1619 § 2 (part), 2004.)

Chapter 11.06 - ELECTRICAL CODE

Sections:

11.06.010 - Adoption of electrical code.

Pursuant to Chapters 19.28 and 19.29 RCW, the National Electrical Code, as adopted and maintained by the State Department of Labor and Industries in Chapter 296-46B WAC, and any other duly adopted rules or regulations, shall govern electrical installations and construction in the city of Selah.

11.06.020 Enforcement.

Pursuant to Chapters 19.28 and 19.29 RCW, the State Department of Labor and Industries is responsible for enforcement of Chapters 19.28 and 19.29 RCW, Chapter 296-46B WAC, and any other duly adopted rules or regulations.

11.06.030 Authority to disconnect utilities.

The administrative authority and/or an authorized representative of the Washington State Department of Labor and Industries shall have the authority to disconnect an electrical system to a

11.01.020 Purpose.

The purpose of this title is to provide minimum standards to safeguard life or limb, health, property, and general public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and placement, repair and maintenance of all buildings and structures within the city and of certain equipment specifically regulated herein and to safeguard to a reasonable degree life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. Enactment and enforcement of this title is intended to only protect the general public welfare and not specific persons or property. Nothing in this title nor the International Codes adopted by reference herein shall be construed to impose any legal duty, directly or indirectly, upon the city or its officials and employees to protect individual persons or property in individual circumstances. (Ord. 2032, § 1 (Exh. A), 2017; Ord. 1619, § 2, 2004.)

The Selah Municipal Code is current through Ordinance 2216, passed December 12, 2023.

Disclaimer: The finance department has the official version of the Selah Municipal Code. Users should contact the finance department for ordinances passed subsequent to the ordinance cited above.

City Website: selahwa.gov

City Telephone: (509) 698-7334

Hosted by Code Publishing Company, A General Code Company.

11.05.010 Adoption of International Building Code, 2018 Edition.

The International Building Code, 2018 Edition, including Appendices J, and G, as published by the International Code Council, and as amended by the State Building Code Council and adopted by the state of Washington, of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's building code for the regulation and governing of the conditions and maintenance of all property, buildings and structures; by providing for the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures that are unfit for human occupancy and use and the demolition of such structures; providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of the building code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter. (Ord. 2114, § 1 (Exh. A), 2020; Ord. 2032, § 1 (Exh. A), 2017; Ord. 1729,, 2008; Ord. 1619, § 2, 2004.)

The Selah Municipal Code is current through Ordinance 2216, passed December 12, 2023.

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Hosted by Code Publishing Company, A General Code Company.

11.05.020 Adoption of International Residential Code, 2018 Edition.

The International Residential Code, 2018 Edition, including its Appendix Chapter F, L, and Q as published by the International Code Council and as amended by the State Building Code Council and adopted by the state of Washington, of which there is no less than one copy on file with the office of the city clerk, is adopted as the city's residential code for the regulation and governing of construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress; providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of the residential code on file with the office of the city clerk are referred to, adopted, and made a part hereof, as if fully set forth in this chapter. (Ord. 2114, § 1 (Exh. A), 2020; Ord. 2032, § 1 (Exh. A), 2017; Ord. 1729,, 2008; Ord. 1619, § 2, 2004.)

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Hosted by Code Publishing Company, A General Code Company.

11.25.050 Violation – Civil remedies – Remedies not exclusive.

- (a) In addition to any criminal proceedings brought to enforce this title and in addition to any fine or imprisonment provided for therein, violations of this title may be enjoined or ordered abated in a civil proceeding for injunction or for abatement. For purposes of abatement actions, such violations are declared to be public nuisances. Any person, firm, or corporation violating the provisions of this title shall be liable for all costs of such proceedings, including reasonable attorney's fees and expenses of abatement. The provisions of this subsection are in addition to any other remedies available at law or equity including the code enforcement provisions found in Chapter 6.75 of the Selah Municipal Code.
- (b) The city attorney's office on behalf of the city and the public may pursue civil remedies to enforce compliance with the provisions of the title. A private person directly affected by a violation of this title may pursue civil remedies to enforce compliance with its provisions or to recover damages for its violation. (Ord. 2032, § 1 (Exh. A), 2017; Ord. 1619, § 2, 2004.)

The Selah Municipal Code is current through Ordinance 2202, passed August 22, 2023.

Disclaimer: The finance department has the official version of the Selah Municipal Code. Users should contact the finance department for ordinances passed subsequent to the ordinance cited above.

City Website: selahwa.gov

City Telephone: (509) 698-7334

Hosted by Code Publishing Company, A General Code Company.

11.25.010 Violations and penalties.

Any person, firm, or corporation violating any of the provisions of this title, including the provisions of the International Codes adopted by reference therein, or failing to comply therewith, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and noncompliance respectively, be guilty of a misdemeanor. Any person so convicted shall be punished for each offense by a fine of not more than one thousand dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment. The penalty prescribed in this section is cumulative in addition to any other remedy, criminal or civil, and a violation hereunder may also be subject to enforcement and penalties as provided in Chapter 6.75, Code Enforcement. (Ord. 2032, § 1 (Exh. A), 2017; Ord. 1619, § 2, 2004.)

The Selah Municipal Code is current through Ordinance 2216, passed December 12, 2023.

Disclaimer: The finance department has the official version of the Selah Municipal Code. Users should contact the finance department for ordinances passed subsequent to the ordinance cited above.

City Website: selahwa.gov

City Telephone: (509) 698-7334

Hosted by Code Publishing Company, A General Code Company.

Actions limited to three years.

The following actions shall be commenced within three years:

- (1) An action for waste or trespass upon real property;
- (2) An action for taking, detaining, or injuring personal property, including an action for the specific recovery thereof, or for any other injury to the person or rights of another not hereinafter enumerated;
- (3) Except as provided in RCW 4.16.040(2), an action upon a contract or liability, express or implied, which is not in writing, and does not arise out of any written instrument;
- (4) An action for relief upon the ground of fraud, the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud;
- (5) An action against a sheriff, coroner, or constable upon a liability incurred by the doing of an act in his or her official capacity and by virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution; but this subsection shall not apply to action for an escape;
- (6) An action against an officer charged with misappropriation or a failure to properly account for public funds intrusted to his or her custody; an action upon a statute for penalty or forfeiture, where an action is given to the party aggrieved, or to such party and the state, except when the statute imposing it prescribed a different limitation: PROVIDED, HOWEVER, The cause of action for such misappropriation, penalty, or forfeiture, whether for acts heretofore or hereafter done, and regardless of lapse of time or existing statutes of limitations, or the bar thereof, even though complete, shall not be deemed to accrue or to have accrued until discovery by the aggrieved party of the act or acts from which such liability has arisen or shall arise, and such liability, whether for acts heretofore or hereafter done, and regardless of lapse of time or existing statute of limitation, or the bar thereof, even though complete, shall exist and be enforceable for three years after discovery by aggrieved party of the act or acts from which such liability has arisen or shall arise.

[2011 c 336 § 83; 1989 c 38 § 2; 1937 c 127 § 1; 1923 c 28 § 1; Code 1881 § 28; 1869 p 8 § 28; 1854 p 363 § 4; RRS § 159.]

NOTES:

Reviser's note: Transitional proviso omitted from subsection (6). The proviso reads: "PROVIDED, FURTHER, That no action heretofore barred under the provisions of this paragraph shall be commenced after ninety days from the time this act becomes effective;"

PDF

RCW 4.16.130

Action for relief not otherwise provided for.

An action for relief not hereinbefore provided for, shall be commenced within two years after the cause of action shall have accrued.

[Code 1881 § 33; 1877 p 9 § 32; 1854 p 364 § 7; RRS § 165.]

NOTES:

Limitation of action to recover taxes paid: RCW 84.68.060.

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Action or proceeding against officer, employee, or volunteer of local governmental entity—Payment of damages and expenses of defense.

(1) Whenever an action or proceeding for damages is brought against any past or present officer, employee, or volunteer of a local governmental entity of this state, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer, employee, or volunteer may request the local governmental entity to authorize the defense of the action or proceeding at the expense of the local governmental entity.

(2) If the legislative authority of the local governmental entity, or the local governmental entity using a procedure created by ordinance or resolution, finds that the acts or omissions of the officer, employee, or volunteer were, or in good faith purported to be, within the scope of his or her official duties, the request shall be granted. If the request is granted, the necessary expenses of defending the action or proceeding shall be paid by the local governmental entity. Any monetary judgment against the officer, employee, or volunteer shall be paid on approval of the legislative authority of the local governmental entity or by a procedure for approval created by ordinance or resolution.

(3) The necessary expenses of defending an elective officer of the local governmental entity in a judicial hearing to determine the sufficiency of a recall charge as provided in *RCW 29.82.023 shall be paid by the local governmental entity if the officer requests such defense and approval is granted by both the legislative authority of the local governmental entity and the attorney representing the local governmental entity. The expenses paid by the local governmental entity may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge.

(4) When an officer, employee, or volunteer of the local governmental entity has been represented at the expense of the local governmental entity under subsection (1) of this section and the court hearing the action has found that the officer, employee, or volunteer was acting within the scope of his or her official duties, and a judgment has been entered against the officer, employee, or volunteer under chapter 4.96 RCW or 42 U.S.C. Sec. 1981 et seq., thereafter the judgment creditor shall seek satisfaction for nonpunitive damages only from the local governmental entity, and judgment for nonpunitive damages shall not become a lien upon any property of such officer, employee, or volunteer. The legislative authority of a local governmental entity may, pursuant to a procedure created by ordinance or resolution, agree to pay an award for punitive damages.

[1993 c 449 § 4; 1989 c 250 § 1; 1979 ex.s. c 72 § 1. Formerly RCW 36.16.134.]

NOTES:

*Reviser's note: RCW 29.82.023 was recodified as RCW 29A.56.140 pursuant to 2003 c 111 § 2401, effective July 1, 2004.

Purpose—Severability—1993 c 449: See notes following RCW 4.96.010.

Limitation of actions.

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

- (i) Murder;
- (ii) Homicide by abuse;
- (iii) Arson if a death results;
- (iv) Vehicular homicide;
- (v) Vehicular assault if a death results;
- (vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4));
- (vii) Rape in the first degree (RCW 9A.44.040) if the victim is under the age of sixteen;
- (viii) Rape in the second degree (RCW 9A.44.050) if the victim is under the age of sixteen;
- (ix) Rape of a child in the first degree (RCW 9A.44.073);
- (x) Rape of a child in the second degree (RCW 9A.44.076);
- (xi) Rape of a child in the third degree (RCW 9A.44.079);
- (xii) Sexual misconduct with a minor in the first degree (RCW 9A.44.093);
- (xiii) Custodial sexual misconduct in the first degree (RCW 9A.44.160);
- (xiv) Child molestation in the first degree (RCW 9A.44.083);
- (xv) Child molestation in the second degree (RCW 9A.44.086);
- (xvi) Child molestation in the third degree (RCW 9A.44.089); and
- (xvii) Sexual exploitation of a minor (RCW 9.68A.040).

(b) Except as provided in (a) of this subsection, the following offenses may not be prosecuted more than twenty years after its commission:

- (i) Rape in the first degree (RCW 9A.44.040);
- (ii) Rape in the second degree (RCW 9A.44.050); or
- (iii) Indecent liberties (RCW 9A.44.100).

(c) The following offenses may not be prosecuted more than ten years after its commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

- (ii) Arson if no death results;
- (iii) Rape in the third degree (RCW 9A.44.060);
- (iv) Attempted murder; or
- (v) Trafficking under RCW 9A.40.100.

(d) A violation of any offense listed in this subsection (1)(d) may be prosecuted up to ten years after its commission or, if committed against a victim under the age of eighteen, up to the victim's thirtieth birthday, whichever is later:

- (i) RCW 9.68A.100 (commercial sexual abuse of a minor);
- (ii) RCW 9.68A.101 (promoting commercial sexual abuse of a minor);
- (iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse of a minor); or
- (iv) RCW 9A.64.020 (incest).

(e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years after its commission, or if committed against a victim under the age of 18, up to the victim's 28th birthday, whichever is later.

(f) The following offenses may not be prosecuted more than six years after its commission or discovery, whichever occurs later:

- (i) Violations of RCW 9A.82.060 or 9A.82.080;
- (ii) Any felony violation of chapter 9A.83 RCW;
- (iii) Any felony violation of chapter 9.35 RCW;

(iv) Theft in the first or second degree under chapter 9A.56 RCW when accomplished by color or aid of deception;

(v) Theft from a vulnerable adult under RCW 9A.56.400;

(vi) Trafficking in stolen property in the first or second degree under chapter 9A.82 RCW in which the stolen property is a motor vehicle or major component part of a motor vehicle as defined in RCW 46.80.010; or

(vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

(g) The following offenses may not be prosecuted more than five years after its commission: Any class C felony under chapter 74.09, *82.36, or 82.38 RCW.

(h) Bigamy may not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(i) A violation of RCW 9A.56.030 may not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

(j) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

(k) No gross misdemeanor, except as provided under (e) of this subsection, may be prosecuted more than two years after its commission.

(l) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or four years from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing or by photograph as defined in RCW 9.68A.011, whichever is later.

(4) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

[2023 c 197 § 8; 2023 c 122 § 8; 2022 c 282 § 4. Prior: 2019 c 93 § 2; 2019 c 87 § 2; prior: 2017 c 266 § 9; 2017 c 231 § 2; 2017 c 125 § 1; 2013 c 17 § 1; 2012 c 105 § 1; prior: 2009 c 61 § 1; 2009 c 53 § 1; 2006 c 132 § 1; 1998 c 221 § 2; prior: 1997 c 174 § 1; 1997 c 97 § 1; prior: 1995 c 287 § 5; 1995 c 17 § 1; 1993 c 214 § 1; 1989 c 317 § 3; 1988 c 145 § 14; prior: 1986 c 257 § 13; 1986 c 85 § 1; prior: 1985 c 455 § 19; 1985 c 186 § 1; 1984 c 270 § 18; 1982 c 129 § 1; 1981 c 203 § 1; 1975 1st ex.s. c 260 § 9A.04.080.]

NOTES:

Reviser's note: *(1) Chapter 82.36 RCW was repealed in its entirety by 2013 c 225 § 501.

(2) This section was amended by 2023 c 122 § 8 and by 2023 c 197 § 8, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Finding—Intent—Effective date—2023 c 122: See notes following RCW 9A.36.170.

Effective date—2019 c 93 §§ 1, 2, and 8: "Sections 1, 2, and 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and

A.07

[A] 102.3 **Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[A] 102.4 **Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

[A] 102.4.1 **Conflicts.** Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[A] 102.4.2 **Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the International Codes listed in Section 101.4, the provisions of this code or the International Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.5 **Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

[A] 102.6 **Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *International Existing Building Code*, the *International Property Maintenance Code* or the *International Fire Code*.

[A] 102.6.1 **Buildings not previously occupied.** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *International Building Code* or *International Residential Code*, as applicable, for new construction or with any current permit for such occupancy.

[A] 102.6.2 **Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *International Fire Code* or *International Property Maintenance Code*, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF BUILDING SAFETY

[A] 103.1 **Creation of enforcement agency.** The Department of Building Safety is hereby created and the official in charge thereof shall be known as the *building official*.

[A] 103.2 **Appointment.** The *building official* shall be appointed by the chief appointing authority of the jurisdiction.

[A] 103.3 **Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*. For the maintenance of existing properties, see the *International Property Maintenance Code*.

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

[A] 104.1 **General.** The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 **Applications and permits.** The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection, and *alteration*, demolition and moving of buildings and structures, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

[A] 104.2.1 **Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, *repair*, *alteration*, *addition* or other improvement of existing buildings or structures located in *flood hazard areas*, the *building official* shall determine if the proposed work constitutes substantial improvement or *repair of substantial damage*. Where the *building official* determines that the proposed work constitutes *substantial improvement* or *repair of substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612.

[A] 104.3 **Notices and orders.** The *building official* shall issue necessary notices or orders to ensure compliance with this code.

[A] 104.4 **Inspections.** The *building official* shall make the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

[A] 104.5 **Identification.** The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] **104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

[A] **104.7 Department records.** The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

[A] **104.8 Liability.** The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

[A] **104.8.1 Legal defense.** Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] **104.9 Approved materials and equipment.** Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

[A] **104.9.1 Used materials and equipment.** The use of used materials that meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

[A] **104.10 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the *owner* or the *owner's* authorized agent, provided that the *building official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, *accessibility*, life

and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

[A] **104.10.1 Flood hazard areas.** The *building official* shall not grant modifications to any provision required in *flood hazard areas* as established by Section 1612.3 unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inapplicable.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the *design flood elevation* and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the *design flood elevation* increases risks to life and property.

[A] **104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.

[A] **104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

[A] **104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

ing official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

[A] 107.3.2 **Previous approvals.** This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

[A] 107.3.3 **Phased approval.** The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

[A] 107.3.4 **Design professional in responsible charge.** Where it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the *owner* or the *owner's* authorized agent to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the *owner* or the *owner's* authorized agent shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the *owner* or the *owner's* authorized agent if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties.

The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

[A] 107.3.4.1 **Deferred submittals.** Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*.

Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the *building official*.

[A] 107.4 **Amended construction documents.** Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

[A] 107.5 **Retention of construction documents.** One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

SECTION 108 TEMPORARY STRUCTURES AND USES

[A] 108.1 **General.** The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

[A] 108.2 **Conformance.** Temporary structures and uses shall comply with the requirements in Section 3103.

[A] 108.3 **Temporary power.** The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

[A] 108.4 **Termination of approval.** The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109 FEES

[A] 109.1 **Payment of fees.** A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

[A] 109.2 **Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

[A] 109.3 **Building permit valuations.** The applicant for a *permit* shall provide an estimated *permit* value at time of application. *Permit* valuations shall include total value of work, including materials and labor, for which the *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

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[A] **109.4 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to a fee established by the *building official* that shall be in addition to the required *permit* fees.

[A] **109.5 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a *building permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

[A] **109.6 Refunds.** The *building official* is authorized to establish a refund policy.

SECTION 110 INSPECTIONS

[A] **110.1 General.** Construction or work for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *owner* or the *owner's* authorized agent to cause the work to remain accessible and exposed for inspection purposes. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[A] **110.2 Preliminary inspection.** Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

[A] **110.3 Required inspections.** The *building official*, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.10.

[A] **110.3.1 Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

[A] **110.3.2 Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

[A] **110.3.3 Lowest floor elevation.** In *flood hazard areas*, upon placement of the lowest floor, including the

basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the *building official*.

[A] **110.3.4 Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, *fire-blocking* and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

[A] **110.3.5 Lath, gypsum board and gypsum panel product inspection.** Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

[A] **110.3.6 Fire- and smoke-resistant penetrations.** Protection of joints and penetrations in *fire-resistance-rated* assemblies, *smoke barriers* and smoke partitions shall not be concealed from view until inspected and *approved*.

[A] **110.3.7 Energy efficiency inspections.** Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.

[A] **110.3.8 Other inspections.** In addition to the inspections specified in Sections 110.3.1 through 110.3.7, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

[A] **110.3.9 Special inspections.** For *special inspections*, see Chapter 17.

[A] **110.3.10 Final inspection.** The final inspection shall be made after all work required by the *building permit* is completed.

[A] **110.3.10.1 Flood hazard documentation.** If located in a *flood hazard area*, documentation of the elevation of the lowest floor as required in Section 1612.5 shall be submitted to the *building official* prior to the final inspection.

[A] **110.4 Inspection agencies.** The *building official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

[A] **110.5 Inspection requests.** It shall be the duty of the holder of the *building permit* or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

[A] **110.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the *permit* holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

SECTION 111 CERTIFICATE OF OCCUPANCY

[A] **111.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

[A] **111.2 Certificate issued.** After the *building official* inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the *owner* or the *owner's* authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the *building official*.
7. The edition of the code under which the *permit* was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design *occupant load*.
11. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building *permit*.

[A] **111.3 Temporary occupancy.** The *building official* is authorized to issue a temporary certificate of occupancy

before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

[A] **111.4 Revocation.** The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 112 SERVICE UTILITIES

[A] **112.1 Connection of service utilities.** A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a *permit* is required, until released by the *building official*.

[A] **112.2 Temporary connection.** The *building official* shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

[A] **112.3 Authority to disconnect service utilities.** The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The *building official* shall notify the serving utility, and wherever possible the *owner* and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the *owner* or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 113 BOARD OF APPEALS

[A] **113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

[A] **113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

[A] **113.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to

pass on matters pertaining to building construction and are not employees of the jurisdiction.

SECTION 114 VIOLATIONS

[A] 114.1 **Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, *repair*, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] 114.2 **Notice of violation.** The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, *repair*, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[A] 114.3 **Prosecution of violation.** If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[A] 114.4 **Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION 115 STOP WORK ORDER

[A] 115.1 **Authority.** Where the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

[A] 115.2 **Issuance.** The stop work order shall be in writing and shall be given to the *owner* of the property involved, the *owner's* authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

[A] 115.3 **Unlawful continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

[A] 116.1 **Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or that constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

[A] 116.2 **Record.** The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

[A] 116.3 **Notice.** If an unsafe condition is found, the *building official* shall serve on the *owner*, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

[A] 116.4 **Method of service.** Such notice shall be deemed properly served if a copy thereof is (a) delivered to the *owner* personally; (b) sent by certified or registered mail addressed to the *owner* at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the *owner's* agent or upon the person responsible for the structure shall constitute service of notice upon the *owner*.

[A] 116.5 **Restoration.** Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such *repairs*, *alterations*, *additions* and change of occupancy shall comply with the requirements of Section 105.2.2 and the *International Existing Building Code*.

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14.6.2.1 – Detailed plain concrete structural walls are walls conforming to the requirements of ordinary structural plain concrete walls and 14.6.2.2.

14.6.2.2 – Reinforcement shall be provided as follows:

- (a) Vertical reinforcement of at least 0.20 square inch (129 mm²) in cross-sectional area shall be provided continuously from support to support at each corner, at each side of each opening and at the ends of walls. The continuous vertical bar required beside an opening is permitted to substitute for one of the two No. 5 bars required by 14.6.1.
- (b) Horizontal reinforcement at least 0.20 square inch (129 mm²) in cross-sectional area shall be provided:
 1. Continuously at structurally connected roof and floor levels and at the top of walls;
 2. At the bottom of load-bearing walls or in the top of foundations where doweled to the wall; and
 3. At a maximum spacing of 120 inches (3048 mm).

Reinforcement at the top and bottom of openings, where used in determining the maximum spacing specified in Item 3 above, shall be continuous in the wall.

1905.1.7 ACI 318, Section 14.1.4. Delete ACI 318, Section 14.1.4, and replace with the following:

14.1.4 – Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

14.1.4.1 – Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Structural plain concrete basement, foundation or other walls below the base as defined in ASCE 7 are permitted in detached one- and two-family dwellings three stories or less in height constructed with stud-bearing walls. In dwellings assigned to Seismic Design Category D or E, the height of the wall shall not exceed 8 feet (2438 mm), the thickness shall be not less than 7½ inches (190 mm), and the wall shall retain no more than 4 feet (1219 mm) of unbalanced fill. Walls shall have reinforcement in accordance with 14.6.1.
- (b) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one- and two-family dwellings three stories or less in height, the projection of the footing beyond the

face of the supported member is permitted to exceed the footing thickness.

- (c) Plain concrete footings supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. For footings that exceed 8 inches (203 mm) in thickness, a minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exceptions:



1. In Seismic Design Categories A, B and C, detached one- and two-family dwellings three stories or less in height constructed with stud-bearing walls are permitted to have plain concrete footings without longitudinal reinforcement.
2. For foundation systems consisting of a plain concrete footing and a plain concrete stemwall, a minimum of one bar shall be provided at the top of the stemwall and at the bottom of the footing.
3. Where a slab on ground is cast monolithically with the footing, one No. 5 bar is permitted to be located at either the top of the slab or bottom of the footing.

1905.1.8 ACI 318, Section 17.2.3. Modify ACI 318 Sections 17.2.3.4.2, 17.2.3.4.3(d) and 17.2.3.5.2 to read as follows:

17.2.3.4.2 – Where the tensile component of the strength-level earthquake force applied to anchors exceeds 20 percent of the total factored anchor tensile force associated with the same load combination, anchors and their attachments shall be designed in accordance with 17.2.3.4.3. The anchor design tensile strength shall be determined in accordance with 17.2.3.4.4.

Exception: Anchors designed to resist wall out-of-plane forces with design strengths equal to or greater than the force determined in accordance with ASCE 7 Equation 12.11-1 or 12.14-10 shall be deemed to satisfy Section 17.2.3.4.3(d).

17.2.3.4.3(d) – The anchor or group of anchors shall be designed for the maximum tension obtained from design load combinations that include E, with E increased by Ω_0 . The anchor design tensile strength shall be calculated from 17.2.3.4.4.

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nance Code or the International Fire Code, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

R102.7.1 Additions, alterations or repairs. *Additions, alterations* or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirements of this code, unless otherwise stated. *Additions, alterations, repairs* and relocations shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION R103 DEPARTMENT OF BUILDING SAFETY

R103.1 Creation of enforcement agency. The department of building safety is hereby created and the official in charge thereof shall be known as the *building official*.

R103.2 Appointment. The *building official* shall be appointed by the *jurisdiction*.

R103.3 Deputies. In accordance with the prescribed procedures of this *jurisdiction* and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy *building official*, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*.

SECTION R104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

R104.1 General. The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

R104.2 Applications and permits. The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection and *alteration* of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

R104.3 Notices and orders. The *building official* shall issue necessary notices or orders to ensure compliance with this code.

R104.4 Inspections. The *building official* shall make the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *build-*

ing official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

R104.5 Identification. The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

R104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the *building official* or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner, the owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

R104.7 Department records. The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

R104.8 Liability. The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the *jurisdiction* in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

R104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the *jurisdiction* until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

R104.9 Approved materials and equipment. Materials, *equipment* and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

R104.9.1 Used materials and equipment. Used materials, *equipment* and devices shall not be reused unless *approved* by the *building official*.

R104.10 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifica-

tions for individual cases, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

R104.10.1 Flood hazard areas. The *building official* shall not grant modifications to any provisions required in flood hazard areas as established by Table R301.2(1) unless a determination has been made that:

1. There is good and sufficient cause showing that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section R322 inappropriate.
2. Failure to grant the modification would result in exceptional hardship by rendering the lot undevelopable.
3. The granting of modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. The modification is the minimum necessary to afford relief, considering the flood hazard.
5. Written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the design flood elevation increases risks to life and property, has been submitted to the applicant.

R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of the International Codes shall be an alternative to the specific requirements of this code. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.

R104.11.1 Tests. Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall

have the authority to require tests as evidence of compliance to be made at no expense to the *jurisdiction*. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved* agency. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

SECTION R105 PERMITS

R105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

R105.2 Work exempt from permit. Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required for the following:

Building:

1. One-story detached *accessory structures*, provided that the floor area does not exceed 200 square feet (18.58 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon *grade* if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a dwelling do not serve the exit door required by Section R311.4.

R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, *addition*, alteration, repair or other improvement of existing buildings or structures located in a flood hazard area as established by Table R301.2(1), the *building official* shall examine or cause to be examined the *construction documents* and shall make a determination with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the *building official* finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the proposed work is a substantial improvement or restoration of substantial damage and the building official shall require existing portions of the entire building or structure to meet the requirements of Section R322.

For the purpose of this determination, a substantial improvement shall mean any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. Where the building or structure has sustained substantial damage, repairs necessary to restore the building or structure to its predamaged condition shall be considered substantial improvements regardless of the actual repair work performed. The term shall not include either of the following:

1. Improvements to a building or structure that are required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to ensure safe living conditions.
2. Any alteration of a historic building or structure, provided that the alteration will not preclude the continued designation as a historic building or structure. For the purposes of this exclusion, a historic building shall be any of the following:
 - 2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.
 - 2.2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.
 - 2.3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

R105.3.2 Time limitation of application. An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a

permit has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.4 Validity of permit. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an *approval* of, any violation of any of the provisions of this code or of any other ordinance of the *jurisdiction*. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the *jurisdiction* shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this *jurisdiction*.

R105.5 Expiration. Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.6 Suspension or revocation. The *building official* is authorized to suspend or revoke a *permit* issued under the provisions of this code wherever the *permit* is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

R105.7 Placement of permit. The building *permit* or a copy shall be kept on the site of the work until the completion of the project.

R105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

R105.9 Preliminary inspection. Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

SECTION R106 CONSTRUCTION DOCUMENTS

R106.1 Submittal documents. Submittal documents consisting of *construction documents*, and other data shall be submitted in two or more sets with each application for a *permit*. The *construction documents* shall be prepared by a registered *design professional* where required by the statutes of the *jurisdiction* in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a registered *design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not

required to be prepared by a registered *design professional* if it is found that the nature of the work applied for is such that reviewing of *construction documents* is not necessary to obtain compliance with this code.

R106.1.1 Information on construction documents. *Construction documents* shall be drawn upon suitable material. Electronic media documents are permitted to be submitted where *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*.

R106.1.2 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

R106.1.3 Information on braced wall design. For buildings and structures utilizing braced wall design, and where required by the *building official*, braced wall lines shall be identified on the *construction documents*. Pertinent information including, but not limited to, bracing methods, location and length of *braced wall panels* and foundation requirements of braced wall panels at top and bottom shall be provided.

R106.1.4 Information for construction in flood hazard areas. For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1), *construction documents* shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.
2. The elevation of the proposed lowest floor, including *basement*; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including *basement*, above the highest adjacent *grade*.
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone) and in Coastal A Zones where such zones are delineated on flood hazard maps identified in Table R301.2(1) or otherwise delineated by the jurisdiction.
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the *building official* and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

R106.2 Site plan or plot plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from *lot lines*. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application

for *permit* is for *alteration* or repair or where otherwise warranted.

R106.3 Examination of documents. The *building official* shall examine or cause to be examined *construction documents* for code compliance.

R106.3.1 Approval of construction documents. Where the *building official* issues a *permit*, the *construction documents* shall be *approved* in writing or by a stamp that states "REVIEWED FOR CODE COMPLIANCE." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

R106.3.2 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

R106.3.3 Phased approval. The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

R106.4 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

R106.5 Retention of construction documents. One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

SECTION R107 TEMPORARY STRUCTURES AND USES

R107.1 General. The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

R107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

R107.3 Temporary power. The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

R107.4 Termination of approval. The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION R108 FEES

R108.1 Payment of fees. A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

R108.3 Building permit valuations. Building *permit* valuation shall include total value of the work for which a *permit* is being issued, such as electrical, gas, mechanical, plumbing *equipment* and other permanent systems, including materials and labor.

R108.4 Related fees. The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

R108.5 Refunds. The *building official* is authorized to establish a refund policy.

R108.6 Work commencing before permit issuance. Any person who commences work requiring a *permit* on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required *permit* fees.

SECTION R109 INSPECTIONS

R109.1 Types of inspections. For on-site construction, from time to time the *building official*, upon notification from the *permit* holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the *permit* holder or his or her agent wherein the same fails to comply with this code.

R109.1.1 Foundation inspection. Inspection of the foundation shall be made after poles or piers are set or trenches or *basement* areas are excavated and any required forms

erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or *equipment* and special requirements for wood foundations.

R109.1.2 Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or *appliances* are set or installed, and prior to framing inspection.

Exception: Backfilling of ground-source heat pump loop systems tested in accordance with Section M2105.1 prior to inspection shall be permitted.

R109.1.3 Floodplain inspections. For construction in flood hazard areas as established by Table R301.2(1), upon placement of the lowest floor, including *basement*, and prior to further vertical construction, the *building official* shall require submission of documentation, prepared and sealed by a registered *design professional*, of the elevation of the lowest floor, including *basement*, required in Section R322.

R109.1.4 Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry, framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are *approved*.

R109.1.5 Other inspections. In addition to inspections in Sections R109.1.1 through R109.1.4, the *building official* shall have the authority to make or require any other inspections to ascertain compliance with this code and other laws enforced by the *building official*.

R109.1.5.1 Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between *dwelling units* or due to location on property, the *building official* shall require an inspection of such construction after lathing or gypsum board or gypsum panel products are in place, but before any plaster is applied, or before board or panel joints and fasteners are taped and finished.

R109.1.6 Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.

R109.1.6.1 Elevation documentation. If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 shall be submitted to the *building official* prior to the final inspection.

R109.2 Inspection agencies. The *building official* is authorized to accept reports of *approved* agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

R109.3 Inspection requests. It shall be the duty of the *permit* holder or their agent to notify the *building official* that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

R109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official* upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the *permit* holder or an agent of the *permit* holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

SECTION R110 CERTIFICATE OF OCCUPANCY

R110.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the *jurisdiction*. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the *jurisdiction* shall not be valid.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section R105.2.
2. Accessory buildings or structures.

R110.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in Sections 3408 and 3409 of the *International Building Code*.

R110.3 Certificate issued. After the *building official* inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy containing the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code.
6. The name of the *building official*.
7. The edition of the code under which the *permit* was issued.
8. If an automatic sprinkler system is provided and whether the sprinkler system is required.
9. Any special stipulations and conditions of the building *permit*.

R110.4 Temporary occupancy. The *building official* is authorized to issue a temporary certificate of occupancy

before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

R110.5 Revocation. The *building official* shall, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION R111 SERVICE UTILITIES

R111.1 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a *permit* is required, until *approved* by the *building official*.

R111.2 Temporary connection. The *building official* shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

R111.3 Authority to disconnect service utilities. The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section R102.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section R111.1 or R111.2. The *building official* shall notify the serving utility and where possible the owner or the owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

SECTION R112 BOARD OF APPEALS

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The *building official* shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render decisions and findings in writing to the appellant with a duplicate copy to the *building official*.

R112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or

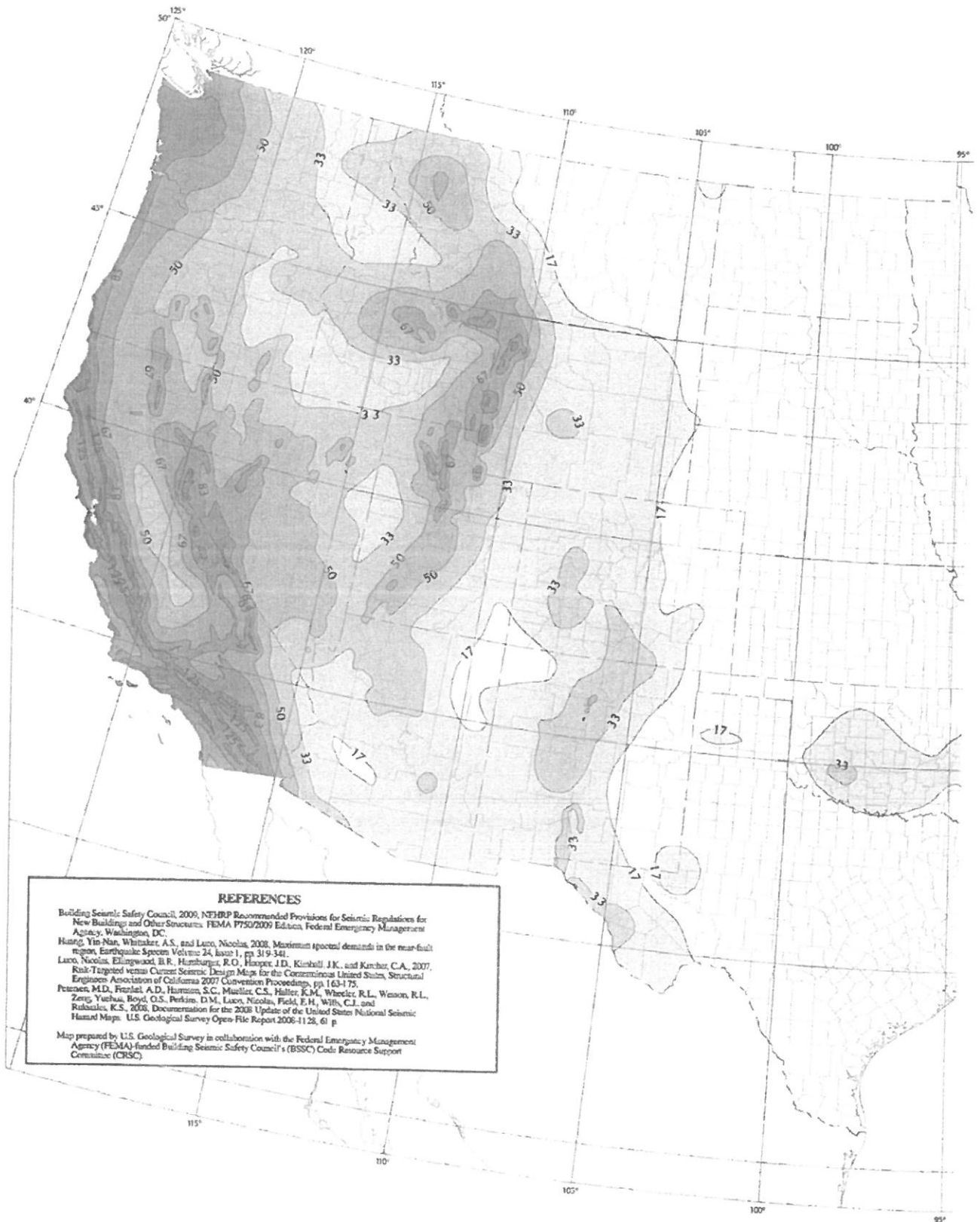


FIGURE R301.2(2)—continued
SEISMIC DESIGN CATEGORIES—SITE CLASS D

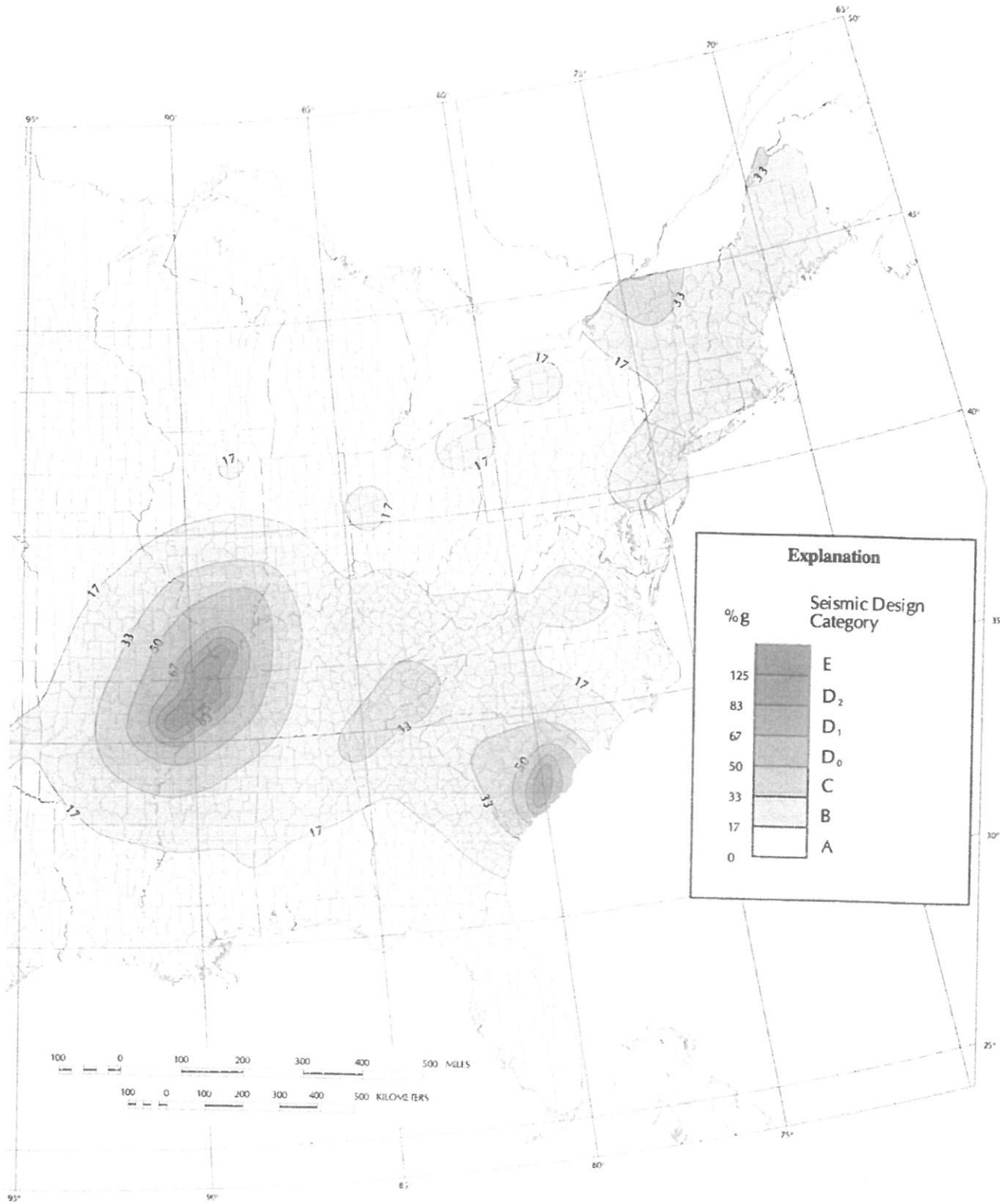


FIGURE R301.2(2)—continued
SEISMIC DESIGN CATEGORIES—SITE CLASS D

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FOUNDATIONS

copper metal, by repeated brushing, dipping or soaking until the wood absorbs no more preservative.

R402.2 Concrete. Concrete shall have a minimum specified compressive strength of f'_c , as shown in Table R402.2. Concrete subject to moderate or severe weathering as indicated in Table R301.2(1) shall be air entrained as specified in Table R402.2. The maximum weight of fly ash, other pozzolans, silica fume, slag or blended cements that is included in concrete mixtures for garage floor slabs and for exterior porches, carport slabs and steps that will be exposed to deicing chemicals shall not exceed the percentages of the total weight of cementitious materials specified in Section 19.3.3.4 of ACI 318. Materials used to produce concrete and testing thereof shall comply with the applicable standards listed in Chapters 19 and 20 of ACI 318 or ACI 332.

R402.2.1 Materials for concrete. Materials for concrete shall comply with the requirements of Section R608.5.1.

R402.3 Precast concrete. Precast concrete foundations shall be designed in accordance with Section R404.5 and shall be installed in accordance with the provisions of this code and the manufacturer's instructions.

R402.3.1 Precast concrete foundation materials. Materials used to produce precast concrete foundations shall meet the following requirements.

1. All concrete used in the manufacture of precast concrete foundations shall have a minimum compressive strength of 5,000 psi (34 470 kPa) at 28 days. Concrete exposed to a freezing and thawing environment shall be air entrained with a minimum total air content of 5 percent.
2. Structural reinforcing steel shall meet the requirements of ASTM A 615, A 706 or A 996. The minimum yield strength of reinforcing steel shall be 40,000 psi (Grade 40) (276 MPa). Steel reinforcement for precast concrete foundation walls shall have a minimum concrete cover of $\frac{3}{4}$ inch (19.1 mm).

3. Panel-to-panel connections shall be made with Grade II steel fasteners.
4. The use of nonstructural fibers shall conform to ASTM C 1116.
5. Grout used for bedding precast foundations placed upon concrete footings shall meet ASTM C 1107.

R402.4 Masonry. Masonry systems shall be designed and installed in accordance with this chapter and shall have a minimum specified compressive strength of 1,500 psi (10.3 MPa).

SECTION R403 FOOTINGS

R403.1 General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, crushed stone footings, wood foundations, or other *approved* structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footing shall be designed and constructed in accordance with the provisions of Section R403 or in accordance with ACI 332.

R403.1.1 Minimum size. The minimum width, W, and thickness, T, for concrete footings shall be in accordance with Tables R403.1(1) through R403.1(3) and Figure R403.1(1) or R403.1.3, as applicable. The footing width shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. Footing projections, P, shall be not less than 2 inches (51 mm) and shall not exceed the thickness of the footing. Footing thickness and projection for fireplaces shall be in accordance with Section R1001.2. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2, and Figures R403.1(2) and R403.1(3).

TABLE R402.2
MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF CONCRETE

TYPE OR LOCATION OF CONCRETE CONSTRUCTION	MINIMUM SPECIFIED COMPRESSIVE STRENGTH* (f'_c)		
	Weathering Potential ^b		
	Negligible	Moderate	Severe
Basement walls, foundations and other concrete not exposed to the weather	2,500	2,500	2,500 ^c
Basement slabs and interior slabs on grade, except garage floor slabs	2,500	2,500	2,500 ^c
Basement walls, foundation walls, exterior walls and other vertical concrete work exposed to the weather	2,500	3,000 ^d	3,000 ^d
Porches, carport slabs and steps exposed to the weather, and garage floor slabs	2,500	3,000 ^{d, e, f}	3,500 ^{d, e, f}

For SI: 1 pound per square inch = 6.895 kPa.

a. Strength at 28 days psi.

b. See Table R301.2(1) for weathering potential.

c. Concrete in these locations that is subject to freezing and thawing during construction shall be air-entrained concrete in accordance with Footnote d.

d. Concrete shall be air-entrained. Total air content (percent by volume of concrete) shall be not less than 5 percent or more than 7 percent.

e. See Section R402.2 for maximum cementitious materials content.

f. For garage floors with a steel-troweled finish, reduction of the total air content (percent by volume of concrete) to not less than 3 percent is permitted if the specified compressive strength of the concrete is increased to not less than 4,000 psi.

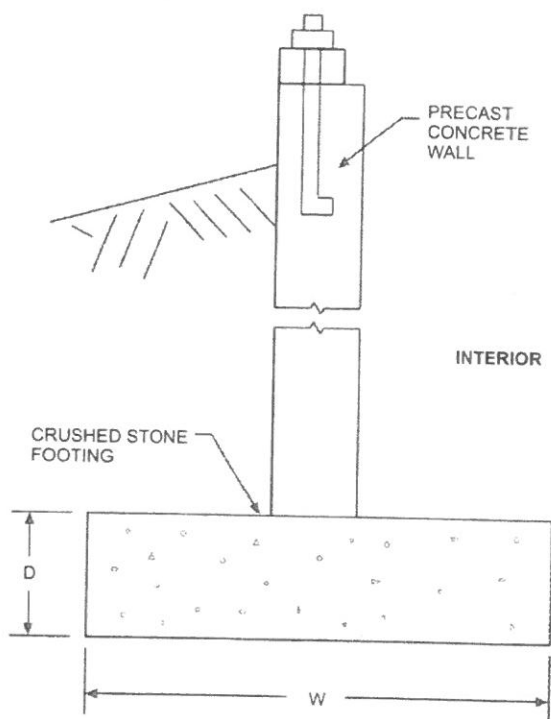


FIGURE R403.4(1)
BASEMENT OR CRAWL SPACE WITH PRECAST
FOUNDATION WALL BEARING ON CRUSHED STONE

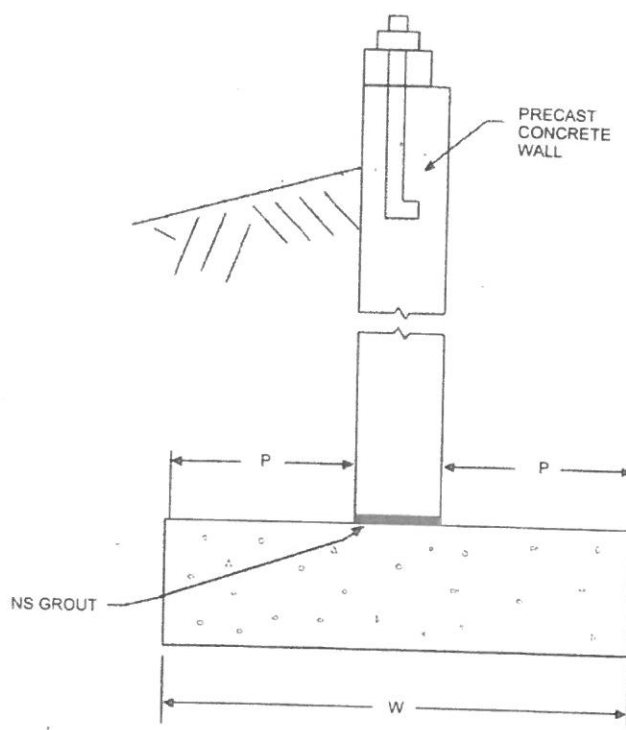


FIGURE R403.4(2)
BASEMENT OR CRAWL SPACE WITH PRECAST
FOUNDATION WALL ON SPREAD FOOTING

**SECTION R404
FOUNDATION AND RETAINING WALLS**

R404.1 Concrete and masonry foundation walls. Concrete foundation walls shall be selected and constructed in accordance with the provisions of Section R404.1.3. Masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404.1.2.

** **R404.1.1 Design required.** Concrete or masonry foundation walls shall be designed in accordance with accepted engineering practice where either of the following conditions exists:

1. Walls are subject to hydrostatic pressure from ground water.
2. Walls supporting more than 48 inches (1219 mm) of unbalanced backfill that do not have permanent lateral support at the top or bottom.

R404.1.2 Design of masonry foundation walls. Masonry foundation walls shall be designed and constructed in accordance with the provisions of this section or in accordance with the provisions of TMS 402/ACI 530/ASCE 5. When TMS 402/ACI 530/ASCE 5 or the provisions of this section are used to design masonry foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

R404.1.2.1 Masonry foundation walls. Concrete masonry and clay masonry foundation walls shall be

constructed as set forth in Table R404.1.1(1), R404.1.1(2), R404.1.1(3) or R404.1.1(4) and shall also comply with applicable provisions of Section R606. In buildings assigned to Seismic Design Categories D_0 , D_1 and D_2 , concrete masonry and clay masonry foundation walls shall also comply with Section R404.1.4.1. Rubble stone masonry foundation walls shall be constructed in accordance with Sections R404.1.8 and R606.3.2. Rubble stone masonry walls shall not be used in Seismic Design Categories D_0 , D_1 and D_2 .

R404.1.3 Concrete foundation walls. Concrete foundation walls that support light-frame walls shall be designed and constructed in accordance with the provisions of this section, ACI 318, ACI 332 or PCA 100. Concrete foundation walls that support above-grade concrete walls that are within the applicability limits of Section R608.2 shall be designed and constructed in accordance with the provisions of this section, ACI 318, ACI 332 or PCA 100. Concrete foundation walls that support above-grade concrete walls that are not within the applicability limits of Section R608.2 shall be designed and constructed in accordance with the provisions of ACI 318, ACI 332 or PCA 100. When ACI 318, ACI 332, PCA 100 or the provisions of this section are used to design concrete foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

EXTERIOR WALL CONSTRUCTION

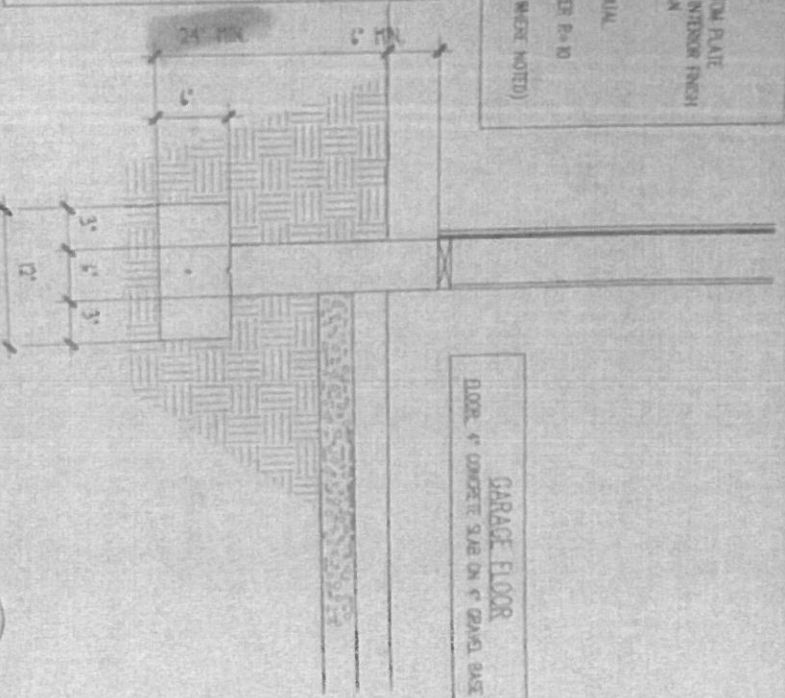
STUDS 2x6 @ 16" O.C. W/ DOUBLE TOP PLATE SINGLE BOTTOM PLATE
 NOTE: ALTERNATE FOR 2x6 STUDS 2x4 O.C. W/ 5/8" C.M.B. INTERIOR FINISH
 CONTRACTOR MAY SUBSTITUTE EQUAL OR BETTER
 HOUSEWIRE, DUPONT TRUSS OR EQUAL
 SEALING: 1/2" COX PLUMBOID 7/8" O.S.B. OR APPROVED EQUAL
 STRING SET BUILDING ELEVATIONS
 INSULATION: R-21 HEATED AND AIR CONDITIONED SPACES HEADER R-10
 VAPOR BARRIER: 6 MIL POLY ON STUDS
 INTERIOR FINISH: 1/2" C.M.B. (5/8" FOR COMMERCIAL WORK OR WHERE NOTED)

FOOTING AND FOUNDATION NOTES:

DEPTH: 24" MIN. BELOW GRADE OR PER UNDISTURBED SOIL
 MATERIAL: 2x6 FT. W/ 1/2" IR AS 6" O.C. WALL AND
 1/2" FROM ALL OPENINGS AND CORNERS TP
 NOTE: ALL WOOD IN DIRECT CONTACT W/ CONCRETE OR WITHIN
 6" OF SOIL TO BE REDWOOD OR PRESSURE TREATED
 REINFORCING UNDER 4-2" AND REINFORCED IN RESIDENTIAL
 COMMERCIAL FOOTING (2) 5/8" CONTINUOUS 3" CLEAR OF SOIL
 COMMERCIAL STEMMALL (2) 1/4" CONTINUOUS HORIZONTALLY
 #4 24" O.C. VERT. HOOKED UNDER FOOTING REBAR
 REINFORCING OVER 4-2" RESIDENTIAL AND COMMERCIAL
 FOOTING: (2) 1/4" CONTINUOUS 3" CLEAR OF SOIL
 STEMMALL: #4 @ 6" O.C. VERTICALLY & HORIZONTALLY
 #4 DOMES - 16" O.C. HOOKED UNDER FOOTING REBAR
 ALTERNATE DIRECTIONS
 LAPS: MIN. OF 24" HOOKED END AND MID.

TYPICAL GARAGE STEMMALL DETAIL

SCALE 3/4" = 1'-0"



EXTERIOR WALL CONSTRUCTION

STUDS 2x6 @ 16" O.C. W/ DOUBLE TOP PLATE SINGLE BOTTOM PLATE
 NOTE: ALTERNATE FOR 2x6 STUDS 2x4 O.C. W/ 5/8" C.M.B. INTERIOR FINISH
 HEADERS 5-0" AND UNDER (2) 2x4 @ 16" OR AS NOTED ON PLAN
 CONTRACTOR MAY SUBSTITUTE EQUAL OR BETTER
 HOUSEWIRE- DUPONT TRUSS OR EQUAL
 SEALING: 1/2" COX PLUMBOID 7/8" O.S.B. OR APPROVED EQUAL
 STRING SET BUILDING ELEVATIONS
 INSULATION: R-21 HEATED AND AIR CONDITIONED SPACES HEADER R-10
 VAPOR BARRIER: 6 MIL POLY ON STUDS
 INTERIOR FINISH: 1/2" C.M.B. (5/8" FOR COMMERCIAL WORK OR WHERE NOTED)

TYPICAL FLOOR CONSTRUCTION

NOTE: SEE FOUNDATION PLAN OR FLOOR PLANING
 SIGN-FLOOR 1/4" TC 2-4-11 PLYWOOD DECK OR EQUAL (RESPT)
 UNDERLAMENT FOR TILE, VINYL OR HARDWOOD FLOORS -
 1/2" AD SOLID CORE PLYWOOD
 FINISH: AS NOTED ON FLOOR PLANS
 VAPOR BARRIER: 6 MIL POLY OR KWART PAPER UNDER SUB-FLOOR
 INSULATION: THREE JOIST SPACE R-31
 JOIST LATERAL SUPPORT: ALL JOIST SHALL BE CROSS BRACED OR
 SOLID BLOCKED 8-0" MAX. O.C. (SOLID WOOD JOIST ONLY)

A-105

EXTERIOR

STUDS 2x6 @ 16" O.C. W/ DOUBLE TOP PLATE SINGLE BOTTOM PLATE
 NOTE: ALTERNATE FOR 2x6 STUDS 2x4 O.C. W/ 5/8" C.M.B. INTERIOR FINISH
 CONTRACTOR MAY SUBSTITUTE EQUAL OR BETTER
 HOUSEWIRE, DUPONT TRUSS OR EQUAL
 SEALING: 1/2" COX PLUMBOID 7/8" O.S.B. OR APPROVED EQUAL
 STRING SET BUILDING ELEVATIONS
 INSULATION: R-21 HEATED AND AIR CONDITIONED SPACES HEADER R-10
 VAPOR BARRIER: 6 MIL POLY ON STUDS
 INTERIOR FINISH: 1/2" C.M.B. (5/8" FOR COMMERCIAL WORK OR WHERE NOTED)

FOOTING AND FOUNDATION NOTES:

DEPTH: 24" MIN. BELOW GRADE OR PER UNDISTURBED SOIL
 MATERIAL: 2x6 FT. W/ 1/2" IR AS 6" O.C. WALL AND
 1/2" FROM ALL OPENINGS AND CORNERS TP
 NOTE: ALL WOOD IN DIRECT CONTACT W/ CONCRETE OR WITHIN
 6" OF SOIL TO BE REDWOOD OR PRESSURE TREATED
 REINFORCING UNDER 4-2" AND REINFORCED IN RESIDENTIAL
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 #4 DOMES - 16" O.C. HOOKED UNDER FOOTING REBAR
 ALTERNATE DIRECTIONS
 LAPS: MIN. OF 24" HOOKED END AND MID.

TYPICAL

NOTE: SEE FOUNDATION PLAN OR FLOOR PLANING
 SIGN-FLOOR 1/4" TC 2-4-11 PLYWOOD DECK OR EQUAL (RESPT)
 UNDERLAMENT FOR TILE, VINYL OR HARDWOOD FLOORS -
 1/2" AD SOLID CORE PLYWOOD
 FINISH: AS NOTED ON FLOOR PLANS
 VAPOR BARRIER: 6 MIL POLY OR KWART PAPER UNDER SUB-FLOOR
 INSULATION: THREE JOIST SPACE R-31
 JOIST LATERAL SUPPORT: ALL JOIST SHALL BE CROSS BRACED OR
 SOLID BLOCKED 8-0" MAX. O.C. (SOLID WOOD JOIST ONLY)



Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 2/27/2024

Agenda Number: **B-A**

Action Item

Title: Resolution Authorizing Additional Funding, Once Again, for the City's Emergency Water Well #5 Project

From: Rocky Wallace, Public Works Director

Action Requested: Approval

Staff Recommendation: Approval

Board/Commission Recommendation: N/A

Fiscal Impact: \$80,000.00. Prior Resolutions previously authorized a combined total of \$295,000.00. Thus, the instant Resolution will bring the combined total to \$375,000.00.

Funding Source: 411, Water Fund

Background/Findings/Facts: It has become necessary to expend more funds due to additional parts and labor being needed as part of this ongoing, emergency project.

Recommended Motion: I move to approve the Resolution in the form presented.

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date:	Action Taken:
8/8/2023	Resolution No. 3037 authorizing additional funding, once again, for the City's Emergency Water Well #5 Project
7/11/2023	Resolution No. 3029 authorizing additional funding for the City's Emergency Water Well #5 Project.
6/13/2023	Resolution No. 3027 declaring that an emergency exists due to unexpected failure of a 100-Horsepower submersible pump and soft start at the City's water Well #5; waiving all typically-applicable competitive bidding requirements; authorizing the Public Works Director to sign one or more contracts to purchase all necessary replacement equipment and to obtain all necessary planning and/or installation services without delay or further approval; authorizing all necessary work to commence without delay or further approval; and providing for publication of summary and financial estimate.

ORDINANCE NO. 2220

AN ORDINANCE AMENDING THE 2024 BUDGET FOR EMERGENCY REPAIRS TO WELL NO. 5

WHEREAS, the City desires to adjust the 2024 Budget for emergency repairs to Well No. 5;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does ordain as follows: that the Clerk-Treasurer be authorized to amend the 2024 Budget as follows:

411 Water

411.000.034.397.00.00.00	Operating Transfers-In – Fund 461 Water Res.	\$ 262,000
411.000.094.594.34.65.04	Well No. 5 Emergency Repairs	\$ 262,000

461 Water Reserve

461.000.097.597.00.00.00	Operating Transfers-Out – Fund 411 Water	\$ 262,000
461.000.008.508.51.00.00	Ending Assigned Cash & Investments	\$ 3,135,799

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 27th day of February 2024.



Roger Bell, Mayor

ATTEST:



Kimberly Grimm, Clerk-Treasurer

APPROVED AS TO FORM:



Rob Case, City Attorney

ORDINANCE NO. 2220

WELL DRILLING
PUMPS • CONTROLS
SALES & SERVICE

SAINT PAUL, OR
(503) 633-2666



21881 River Road NE · St. Paul, OR 97137

schneiderwater.com

SINCE 1945
OR CCB No. 39265
WA SCHNEEI940R8

RICHLAND, WA
(509) 943-0331

ESTIMATE TO: City of Selah

DATE: 1/26/2023

ATTN: Justin Bellamy, PE - HLA

EST BY: Patrick Schneider, VP

PROJECT: Well 5 Development

EMAIL: pat@schneiderwater.com

SCOPE OF WORK:

- Mobilization.
- Setup baker tank for water management and discharge to same drain used for pump test.
- Well Development using impulse generation, airlifting, isolation pumping with airlift, swab/brush/bail.
- Well Video.
- Install test pump. Includes pump, motor, column, wire, probe tube, generator, pump control, throttling valve, data logging level transducer, pressure gauge, hose bib, rossom sand tester, flow meter, and connection just outside of pump house.
 - **City to supply pipe & connect from test pump discharge to discharge point.
 - **City to provide traffic control as needed.
- Perform pump testing.
- Remove test pump.
- Bail out well if needed.
- Demobilization.

Item No.	Description	QTY	Unit	Unit Price	Amount
1	Mobilization - Includes water management with baker tank, discharge to same drain used during 1st pump test.	1	LS	\$ 12,500.00	\$ 12,500.00
2	Hourly Well Development (Utilize Impulse generation, airlifting isolation pumping with airlift, swabbing, brushing, bailing) **hours apply to trip in/out time. **hours are estimated, additional hours could be needed. **have 14 hours of development remaining from original screen installation work.	40	HR	\$ 400.00	\$ 16,000.00
3	Well Video - optional	1	EA	\$ 1,250.00	\$ 1,250.00
4	Pump Test Setup & Removal Up to 1000GPM, pump set at ~480' BGS **discuss flow rate based on airlifting specific capacity check.	1	LS	\$ 22,200.00	\$ 22,200.00
5	Pump Testing/Development Hourly Rate	8	HR	\$ 400.00	\$ 3,200.00
6	Hourly Pump Related Work	0	HR	\$ 600.00	\$ -
7	Stand-by Time	0	HR	\$ 300.00	\$ -
SUBTOTAL					\$ 55,150.00
8.3% WA SALES TAX					\$ 4,577.45
TOTAL					\$ 59,727.45

WELL DRILLING
PUMPS • CONTROLS
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DATE: 1/26/2023

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SCOPE OF WORK:

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- Install test pump. Includes pump, motor, column, wire, probe tube, generator, pump control, throttling valve, data logging level transducer, pressure gauge, hose bib, rossom sand tester, flow meter, and connection just outside of pump house.
 - **City to supply pipe & connect from test pump discharge to discharge point.
 - **City to provide traffic control as needed.
- Perform pump testing.
- Remove test pump.
- Bail out well if needed.
- Demobilization.

Notes:

- ** SEI Terms - 9/21/2016 apply and copy received.
- ** Quantities are estimated, actual quantities will be invoiced. Hours apply to trip in/out time of tooling in well.
- ** Traffic Control not included.
- ** City to coordinate water discharge point and obtain any approvals or permits as needed.
- ** WA Prevailing wages included.
- ** WA State Sales tax subject to change at time of invoice.
- ** 30 Day Price Validity.

Accepted By: _____

Date: _____

Title: _____

THANK YOU!



Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 2/27/2024

Agenda Number: 14-A

Action Item

Title: Ordinance Amending the 2024 Base Salary and Wage Schedule for Unrepresented (a/k/a Non-Union) Positions

From: Rich Huebner, City Administrator

Action Requested: Approval

Staff Recommendation: Approval

Board/Commission Recommendation: N/A

Fiscal Impact: N/A

Funding Source: General Fund

Background/Findings/Facts: As part of the 2023 budget process, the Fire Department Joint Board recommended a 5% cost-of-living adjustment (COLA) for the department’s Administrative Assistant position, the current incumbent of which is Kylie Huri. During the budget process, Fire Chief Jim Lange also recommended that the salary of the Administrative Assistant position **not** be higher than that of a probationary firefighter.

In order to meet Chief Lange’s recommendation, rather than increasing the salary of the probationary firefighter, the previous administration assigned a COLA of less than 5% to the position of Administrative Assistant, and action that was contrary to the recommendation of the Joint Board. The Administrative Assistant position is currently paid \$5,062 per month. The salary for the position, with the recommended 5% COLA, would be a salary of \$5,107 per month. This rate would align the salary of the Fire Department’s Administrative Assistant position with that of similarly titled and structured positions in the Executive, Finance, Police, and Public Works Departments. There is no additional fiscal impact to the City; funds are already in the Fire Department budget.

Recommended Motion: I move to approve the Ordinance in the form presented.

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date: **Action Taken:**

01/09/2024 Ordinance No. 2218 – Ordinance Amending the 2024 Base Salary and Wage Schedule for Unrepresented (a/k/a Non-Union) Employment Positions

12/12/2023 Ordinance No. 2215 – Ordinance Establishing the 2024 Base Salary and Wage Schedule for Unrepresented (a/k/a Non-Union) Employment Positions

ORDINANCE NO. 2221

ORDINANCE ESTABLISHING THE 2024 BASE SALARY AND WAGE SCHEDULE FOR
UNREPRESENTED (A/K/A NON-UNION) POSITIONS

WHEREAS, the City needs to establish the salary and wage schedule that will apply for the City's unrepresented (a/k/a non-union) positions during the calendar year of 2024;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Salary and Wage Rates for 2024. During the calendar year of 2024, the following respective monthly salary ranges and hourly wage ranges will apply for the City's unrepresented (a/k/a non-union) positions:

Full-Time Regular Employee
Positions Established by
SMC 1.10.031(f):

(all figures are gross)
Monthly Salary:

minimum **maximum**

Executive

Administration

(ranges of approx. 15%)

City Administrator	\$ 9,600	\$11,262
Clerk-Treasurer	\$ 8,600	\$10,131
City Attorney	\$12,900	\$15,070
Human Resrcs./Public Rcrds. Mngr./Admin. Asst. (as 3 combined positions)	\$ 5,900	\$ 6,911
Human Resources Manager	\$ 4,500	\$ 5,250
Public Records Manager	\$ 4,650	\$ 5,436
Admin. Asst. (a/k/a Exc. Asst.)	\$ 4,375	\$ 5,107
Payroll & Accts. Pyabl. Spclst.	\$ 4,375	\$ 5,107
Utility Billing Specialist	\$ 4,375	\$ 5,107
Court Clerk & Administrator	\$ 4,375	\$ 5,107

Community Development

(ranges of approx. 15%)

Community Dvlpmt. Superv. (a/k/a Cmty. Plnr. or Code Dftr.)	\$ 7,500	\$ 8,821
Building & Code Inspector	\$ 5,000	\$ 5,943
Code Enfor. & Strwtr. Mgmt.	\$ 4,000	\$ 4,666

(range of approx. 20%)

Plnng. & Bldg. Permit Spclst.	\$ 3,600	\$ 4,465
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Community Services

(ranges of approx. 15%)

Community Services Mngr.	\$ 4,600	\$ 5,462
Recr. Coord. – Youth Sports	\$ 3,400	\$ 4,038
Facility Coord. – Civic Center	\$ 3,400	\$ 4,038

Public Works

Administration & Utilities

(ranges of approx. 15%)

Public Works Director	\$ 7,900	\$ 9,269
Public Works Utility Superv.	\$ 7,500	\$ 8,821
Public Works Engineer Tech.	\$ 4,600	\$ 5,369
Public Works Admin. Asst.	\$ 4,100	\$ 5,107

Wastewater Treatment Plant

(ranges of approx. 15%)

WWTP. Supervisor	\$ 6,900	\$ 8,130
WWTP. Lab Tech IV	\$ 5,500	\$ 6,325
WWTP Lab Tech III	\$ 5,300	\$ 6,217
WWTP. Operator IV	\$ 5,300	\$ 6,217
WWTP. Operator III	\$ 5,100	\$ 5,952
WWTP. Operator II	\$ 4,700	\$ 5,577
WWTP. Operator I	\$ 4,450	\$ 5,198
WWTP. Operator Trainee	\$ 4,100	\$ 4,820
WWTP. Mechanic	\$ 4,400	\$ 5,150

Police Department

(ranges of approx. 15%)

Police Chief	\$ 9,250	\$10,801
Deputy Chief of Police	\$ 8,600	\$10,080
Police Lieutenant	\$ 8,000	\$ 9,345

Fire Department

(range of approx. 15%)

Fire Chief	\$10,200	\$11,991
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(step ranges of approx. 4%)

Deputy Fire Chief – Step 3	\$ 9,242	\$ 9,593
Deputy Fire Chief – Step 2	\$ 8,890	\$ 9,242
Deputy Fire Chief – Step 1	\$ 7,683	\$ 8,890
Captain – Step 3	\$ 7,479	\$ 7,684
Captain – Step 2	\$ 7,274	\$ 7,479
Captain – Step 1	\$ 7,070	\$ 7,274
Lieutenant – Step 3	\$ 6,884	\$ 7,070
Lieutenant – Step 2	\$ 6,699	\$ 6,884
Lieutenant – Step 1	\$ 6,504	\$ 6,699
Firefighter – Step 3	\$ 5,983	\$ 6,504
Firefighter – Step 2	\$ 5,286	\$ 5,983
Firefighter – Step 1	\$ 5,062	\$ 5,286

Firefighter – Probationary	\$ 4,300	\$ 5,062
	(range of approx. 20%)	
Fire Dept. Admin. Asst.	\$ 4,300	\$ 5,107

Part-Time, Seasonal & Temporary Positions:

**(all figures are gross)
Hourly Rate:**

	<u>minimum</u>	<u>maximum</u>
Office Assistant	\$ 17.58	\$ 20.51
PW. Laborer II	\$ 18.64	\$ 21.53
PW. Laborer I	\$ 16.28	\$ 18.38
Recr. Sports Supervisor	\$ 16.28	\$ 18.38
Recr. Programs: Spts. Ref. III	\$ 16.28	\$ 17.22
Recr. Programs: Spts. Ref. II	\$ 16.28	\$ 16.91
Recr. Programs: Spts. Ref. I or Scorekeeper	\$ 16.28	\$ 16.80

The state-wide minimum wage during 2024 will be \$16.28 per hour. As allowed by state law, any referee or scorekeeper who is 14 or 15 years of age may be employed at an hourly rate that is 85% of the then-applicable minimum wage, which will equate to \$13.84 per hour during the calendar year of 2024.

Section 2. Clarifications and Cross-References. The following clarifications and cross-references apply:

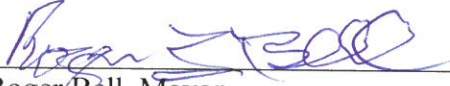
- a. Not every position recited above is presently occupied as of the date of this Ordinance and the City is not required to fill every position. As allowed by SMC 1.10.031(e), some positions recited above are nonexclusive positions, which means that multiple people may occupy those positions at the same time.
- b. As allowed by SMC 1.10.031(a) & (c), additional or different positions may be created at the discretion of the Mayor, and multiple positions may be combined at the discretion of the Mayor so long as the salary/wage rate paid to any person occupying a combined position does not exceed the maximum amount specified on this Ordinance for the highest-paid of the combined positions or a new amount specifically approved by the City Council. As of the date of this Ordinance, the three positions of Human Resources Manager, Public Records Manager and [City Hall] Administrative Assistant are combined and are occupied by a single person, and such person will be paid a salary that does not exceed the maximum amount specified on this Ordinance for such combined position.
- c. This Ordinance establishes a salary/wage range for each position. Whenever the City advertises an opening as to any position recited above, the full salary/wage range should be specified within the advertisement(s). Any new person hired into a fulltime position recited above should ordinarily begin at, or near, the minimum rate amount specified for that

position. Thereafter, one or more periodic salary/wage increase(s) should occur when appropriate prior to the person then earning the maximum salary/wage for the fulltime position. When a person is promoted from a fulltime position to a higher fulltime position, the person may immediately be paid the maximum rate specified for the higher fulltime position at the discretion of the Mayor.

- d. This Ordinance only establishes base salary rates and base wage rates. By contrast, it does not establish, guarantee or restrict any fringe benefits (such as insurance coverage, vacation and leave accruals, and retirement accruals), any longevity pay accruals or any overtime or comp time accruals that might exist or apply.
- e. As reflected by its title and body, this Ordinance only pertains to unrepresented (a/k/a non-union) positions. Represented employees (a/k/a union members) will be paid the salaries/wages specified by the then-applicable Collective Bargaining Agreement (or other union contract) that governs their employment. As of the date of this Ordinance, most Police Department employees and many Public Works Department employees are represented employees (a/k/a union members).
- f. Ordinance No. 2185 was the applicable salary and wage ordinance for the year of 2023.

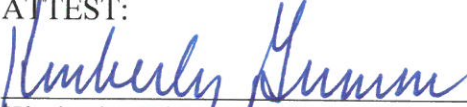
Section 3. Publishing and Effective Date. A summary of this Ordinance shall be published in the City's official newspaper, consistent with RCW 35A.12.120 and .16. This Ordinance shall take effect and be in full force five calendar days following publication.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 27th day of February, 2024.



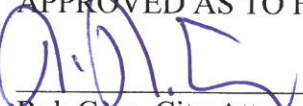
Roger Bell, Mayor

ATTEST:



Kimberly Grimm, Clerk/Treasurer

APPROVED AS TO FORM:



Rob Case, City Attorney

ORDINANCE NO. _____

ORDINANCE ESTABLISHING THE 2024 BASE SALARY AND WAGE SCHEDULE FOR UNREPRESENTED (A/K/A NON-UNION) POSITIONS

WHEREAS, the City needs to establish the salary and wage schedule that will apply for the City’s unrepresented (a/k/a non-union) positions during the calendar year of 2024;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Salary and Wage Rates for 2024. During the calendar year of 2024, the following respective monthly salary ranges and hourly wage ranges will apply for the City’s unrepresented (a/k/a non-union) positions:

<u>Full-Time Regular Employee</u>	(all figures are gross)	
<u>Positions Established by</u>	<u>Monthly Salary:</u>	
<u>SMC 1.10.031(f):</u>	<u>minimum</u>	<u>maximum</u>
<u>Executive</u>		
<u>Administration</u>		(ranges of approx. 15%)
City Administrator	\$ 9,600	\$11,262
Clerk-Treasurer	\$ 8,600	\$10,131
City Attorney	\$12,900	\$15,070
Human Resrcs./Public Rcrds.	\$ 5,900	\$ 6,911
Mngr./Admin. Asst.		
(as 3 combined positions)		
Human Resources Manager	\$ 4,500	\$ 5,250
Public Records Manager	\$ 4,650	\$ 5,436
Admin. Asst. (a/k/a Exc. Asst.)	\$ 4,375	\$ 5,107
Payroll & Accts. Pyabl. Splst.	\$ 4,375	\$ 5,107
Utility Billing Specialist	\$ 4,375	\$ 5,107
Court Clerk & Administrator	\$ 4,375	\$ 5,107
<u>Community Development</u>		(ranges of approx. 15%)
Community Dvlpmt. Superv.	\$ 7,500	\$ 8,821
(a/k/a Cmty. Plnr. or Code Dftr.)		
Building & Code Inspector	\$ 5,000	\$ 5,943
Code Enfor. & Strwtr. Mgmt.	\$ 4,000	\$ 4,666
		(range of approx. 20%)
Plnng. & Bldg. Permit Splst.	\$ 3,600	\$ 4,465
<u>Community Services</u>		(ranges of approx. 15%)

Community Services Mngr.	\$ 4,600	\$ 5,462
Recr. Coord. – Youth Sports	\$ 3,400	\$ 4,038
Facility Coord. – Civic Center	\$ 3,400	\$ 4,038

Public Works

Administration & Utilities

(ranges of approx. 15%)

Public Works Director	\$ 7,900	\$ 9,269
Public Works Utility Superv.	\$ 7,500	\$ 8,821
Public Works Engineer Tech.	\$ 4,600	\$ 5,369
Public Works Admin. Asst.	\$ 4,100	\$ 5,107

Wastewater Treatment Plant

(ranges of approx. 15%)

WWTP. Supervisor	\$ 6,900	\$ 8,130
WWTP. Lab Tech IV	\$ 5,500	\$ 6,325
WWTP Lab Tech III	\$ 5,300	\$ 6,217
WWTP. Operator IV	\$ 5,300	\$ 6,217
WWTP. Operator III	\$ 5,100	\$ 5,952
WWTP. Operator II	\$ 4,700	\$ 5,577
WWTP. Operator I	\$ 4,450	\$ 5,198
WWTP. Operator Trainee	\$ 4,100	\$ 4,820
WWTP. Mechanic	\$ 4,400	\$ 5,150

Police Department

(ranges of approx. 15%)

Police Chief	\$ 9,250	\$10,801
Deputy Chief of Police	\$ 8,600	\$10,080
Police Lieutenant	\$ 8,000	\$ 9,345

Fire Department

(range of approx. 15%)

Fire Chief	\$10,200	\$11,991
	(step ranges of approx. 4%)	
Deputy Fire Chief – Step 3	\$ 9,242	\$ 9,593
Deputy Fire Chief – Step 2	\$ 8,890	\$ 9,242
Deputy Fire Chief – Step 1	\$ 7,683	\$ 8,890
Captain – Step 3	\$ 7,479	\$ 7,684
Captain – Step 2	\$ 7,274	\$ 7,479
Captain – Step 1	\$ 7,070	\$ 7,274
Lieutenant – Step 3	\$ 6,884	\$ 7,070
Lieutenant – Step 2	\$ 6,699	\$ 6,884
Lieutenant – Step 1	\$ 6,504	\$ 6,699
Firefighter – Step 3	\$ 5,983	\$ 6,504
Firefighter – Step 2	\$ 5,286	\$ 5,983
Firefighter – Step 1	\$ 5,062	\$ 5,286

Firefighter – Probationary	\$ 4,300	\$ 5,062
	(range of approx. 20%)	
Fire Dept. Admin. Asst.	\$ 4,300	\$
5,062 107		

Part-Time, Seasonal & Temporary Positions:

(all figures are gross)
Hourly Rate:

	<u>minimum</u>	<u>maximum</u>
Office Assistant	\$ 17.58	\$ 20.51
PW. Laborer II	\$ 18.64	\$ 21.53
PW. Laborer I	\$ 16.28	\$ 18.38
Recr. Sports Supervisor	\$ 16.28	\$ 18.38
Recr. Programs: Spts. Ref. III	\$ 16.28	\$ 17.22
Recr. Programs: Spts. Ref. II	\$ 16.28	\$ 16.91
Recr. Programs: Spts. Ref. I or Scorekeeper	\$ 16.28	\$ 16.80

The state-wide minimum wage during 2024 will be \$16.28 per hour. As allowed by state law, any referee or scorekeeper who is 14 or 15 years of age may be employed at an hourly rate that is 85% of the then-applicable minimum wage, which will equate to \$13.84 per hour during the calendar year of 2024.

Section 2. Clarifications and Cross-References. The following clarifications and cross-references apply:

- a. Not every position recited above is presently occupied as of the date of this Ordinance and the City is not required to fill every position. As allowed by SMC 1.10.031(e), some positions recited above are nonexclusive positions, which means that multiple people may occupy those positions at the same time.
- b. As allowed by SMC 1.10.031(a) & (c), additional or different positions may be created at the discretion of the Mayor, and multiple positions may be combined at the discretion of the Mayor so long as the salary/wage rate paid to any person occupying a combined position does not exceed the maximum amount specified on this Ordinance for the highest-paid of the combined positions or a new amount specifically approved by the City Council. As of the date of this Ordinance, the three positions of Human Resources Manager, Public Records Manager and [City Hall] Administrative Assistant are combined and are occupied by a single person, and such person will be paid a salary that does not exceed the maximum amount specified on this Ordinance for such combined position.
- c. This Ordinance establishes a salary/wage range for each position. Whenever the City advertises an opening as to any position recited above, the full salary/wage range should be specified within the advertisement(s). Any new person hired into a fulltime position recited

above should ordinarily begin at, or near, the minimum rate amount specified for that position. Thereafter, one or more periodic salary/wage increase(s) should occur when appropriate prior to the person then earning the maximum salary/wage for the fulltime position. When a person is promoted from a fulltime position to a higher fulltime position, the person may immediately be paid the maximum rate specified for the higher fulltime position at the discretion of the Mayor.

- d. This Ordinance only establishes base salary rates and base wage rates. By contrast, it does not establish, guarantee or restrict any fringe benefits (such as insurance coverage, vacation and leave accruals, and retirement accruals), any longevity pay accruals or any overtime or comp time accruals that might exist or apply.
- e. As reflected by its title and body, this Ordinance only pertains to unrepresented (a/k/a non-union) positions. Represented employees (a/k/a union members) will be paid the salaries/wages specified by the then-applicable Collective Bargaining Agreement (or other union contract) that governs their employment. As of the date of this Ordinance, most Police Department employees and many Public Works Department employees are represented employees (a/k/a union members).
- f. Ordinance No. 2185 was the applicable salary and wage ordinance for the year of 2023.

Section 3. Publishing and Effective Date. ~~This Ordinance shall take effect and be in full force as of January 1, 2024.~~ A summary of this Ordinance shall be published in the City's official newspaper, consistent with RCW 35A.12.120 and .160. ~~This Ordinance shall take effect and be in full force five calendar days following publication, at least five calendar days prior to January 1, 2023.~~

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this ~~9th~~-~~27th~~ day of ~~January~~~~February~~, 2024.

Roger Bell, Mayor

ATTEST:

Kimberly Grimm, Clerk/Treasurer

APPROVED AS TO FORM:

Rob Case, City Attorney

**CITY OF SELAH
COUNCIL MEETING SIGN-IN SHEET**

DATE: FEB 27, 2024

Name	Address
John J. Gawlik	603 W. Bartlett
Mitchell Richards	20 Rutheena Ln
Karmelle Richards	" "
Katrina Henke	
Lisa Adon	102 E Waches
Leah Richards	20 Rutheena Ln
Sarah Richards	20 Rutheena Ln
Shelly Oord	903 W. Pear Ave Selah WA 98942
Adam Smith	Selah Journal

COUNCIL ROLL CALL LIST: Meeting Date: 02/27/2024

UNANI.

YES	14-B	NO
✓	Councilmember Monaghan	
✓	Councilmember Peterson	
✓	Councilmember Marquis	
✓	Councilmember Costello	
✓	Councilmember Wickenhagen	
✓	Councilmember Longmire	
✓	Councilmember Iverson	
7	RESULTS	0
	PASS (Y) (N)	

YES		NO
	Councilmember Monaghan	
	Councilmember Peterson	
	Councilmember Marquis	
	Councilmember Costello	
	Councilmember Wickenhagen	
	Councilmember Longmire	
	Councilmember Iverson	
	RESULTS	
	PASS (Y) (N)	

YES		NO
	Councilmember Monaghan	
	Councilmember Peterson	
	Councilmember Marquis	
	Councilmember Costello	
	Councilmember Wickenhagen	
	Councilmember Longmire	
	Councilmember Iverson	
	RESULTS	
	PASS (Y) (N)	

YES		NO
	Councilmember Monaghan	
	Councilmember Peterson	
	Councilmember Marquis	
	Councilmember Costello	
	Councilmember Wickenhagen	
	Councilmember Longmire	
	Councilmember Iverson	
	RESULTS	
	PASS (Y) (N)	

COUNCIL ROLL CALL LIST: Meeting Date: 02/27/2024

ATTENDANCE ROLL CALL

YES		NO
✓	Councilmember Monaghan	
✓	Councilmember Peterson	
✓	Councilmember Marquis	
✓	Councilmember Costello	
✓	Councilmember Wickenhagen	
✓	Councilmember Longmire	
✓	Councilmember Iverson	
	RESULTS	
	PASS (Y) (N)	

13-A

YES		NO
✓	Councilmember Monaghan	
✓	Councilmember Peterson	
✓	Councilmember Marquis	
✓	Councilmember Costello	
✓	Councilmember Wickenhagen	
✓	Councilmember Longmire	
✓	Councilmember Iverson	
7	RESULTS	0
	PASS (Y) (N)	

UNAN.

CONSENT

YES		NO
X	Councilmember Monaghan	
X	Councilmember Peterson ①	
X	Councilmember Marquis	
X	Councilmember Costello	
X	Councilmember Wickenhagen ②	
X	Councilmember Longmire	
X	Councilmember Iverson	
7/8	RESULTS	0
	PASS (Y) (N)	

13-B

YES		NO
✓	Councilmember Monaghan	
✓	Councilmember Peterson	
✓	Councilmember Marquis	
✓	Councilmember Costello	
✓	Councilmember Wickenhagen	
✓	Councilmember Longmire	
✓	Councilmember Iverson	
7	RESULTS	0
	PASS (Y) (N)	

UNAN.

GENERAL VOTE