

Chapter 3.04

BUILDING CODE

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**3.04.010 ADOPTION OF INTERNATIONAL BUILDING CODE,
INTERNATIONAL RESIDENTIAL CODE AND THE UNIFORM CODE FOR THE**

ABATEMENT OF DANGEROUS BUILDINGS. (a) The 2021 Edition of the International Building Code published by the International Code Council, Inc., and Appendices C, E, and J thereof, and the 2021 Edition of the International Residential Code, except Chapter 11 and Chapter 25 through Chapter 43 of such code published by the International Code Council, Inc., as now adopted or hereafter amended by the State of Washington, are hereby adopted by Benton County.

(b) The provisions of the International Residential Code for One- and Two-Family Dwellings, and Appendices AF and AQ thereof, shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three (3) stories above grade plane in height with a separate means of egress and their accessory structures not more than (3) stories above grade plane in height, including adult family homes, foster family care homes and family day care homes licensed by the Washington state department of social and health services.

(c) All other buildings hereafter erected or constructed, enlarged, altered, repaired, removed, demolished or converted, except electric utility substations and related uninhabited structures, shall be done in conformity with the provisions of the 2021 Edition of the International Building Code, except as expressly provided herein. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is also hereby adopted.

[Ord. 99 (1974) § 1; Ord. 138 (1980) § 2; Ord. 161 (1983) § 1; Ord. 190 (1986) § 1; Ord. 242 (1993) § 1; Ord. 272 (1996) § 1; Ord. 325 (1998) § 1; Ord. 347 (1999) § 1; Ord. 395 (2004) § 3; Ord. 449 (2007) § 1; Ord. 475 (2010) § 1; Ord. 527 (2013) § 1; Ord. 575 (2016) § 1; Ord. 629 (2021) § 1; Ord. 650 (2024) § 1]

3.04.015 DEFINITIONS. The following is added as a definition to Section 202 of the 2021 Edition of the International Building Code:

HOP PROCESSING AND STORAGE FACILITY. A building or multiple buildings where the hop plant is harvested. Hop vines are brought to the facility, and cones are then separated from the leaf and vine of the plant. The cones are dried and then packaged into compressed bales. After bailing, the hops are temporarily stored and then prepared for shipment to customers. [Ord. 568 (2016) § 1; Ord. 575 (2016) § 2; Ord. 629 (2021) § 2; Ord. 650 (2024) § 2]

3.04.018 COMPLETED BUILDING PERMIT APPLICATION. Pursuant to RCW 19.27.095, a fully complete building permit application shall consist of the following:

Table 3.04-1. Elements for a Complete Building Permit Application	
Description	Comments
SEPA Checklist	Checklist is required unless the Planning Department determines the project is exempt from SEPA review.
Conditional Use and Shoreline Substantial Development Permit Applications.	These and all other land use permits required by the Benton County Code for the project shall be applied for prior to or with the building permit application.
Building Permit Application Form	All required information in the application form must be completed in full.
Septic/Sewage Permit	Buildings to be served by city sewer or on-site sewage systems require approval for an on-site system or system remodel submitted with building permit application.
Proof of Water Availability and mitigation compliance if applicable.	Evidence of adequate water supply in accordance with RCW 19.27.097 and BCC Chapter 15.18.
Plot Plan	One complete site plan in accordance with Chapter 3.04 of the Benton County Code.
Construction Drawings	One original complete set of construction plans in accordance with Chapter 3.04 of the Benton County Code and the applicable adopted International Building Codes.
Conditional Approval to Construct Road Approach on Public Road	Permission to construct, pending final inspection, a road approach if permission required by jurisdiction in control of road or highway providing access to the parcel.
Declaration of Use, Access and Contractor Status	See Building Department form, which must be completed as applicable.

[Ord. 602 (2018) §1; Ord. 629 (2021) § 3]

3.04.020 BOARD OF APPEALS. Section 113.1 of the 2021 Edition of the International Building Code and Section 112.1 of the 2021 Edition of the International Residential Code shall be amended to read as follows:

BOARD OF APPEALS.

- (a) A Board of Appeals is hereby created to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code; to determine the suitability of alternate materials and methods of construction; and to provide for reasonable interpretations of the provisions of this code.
- (b) The Board consists of seven members who are qualified by experience and training to pass upon matters pertaining to building construction. Each member of the Board must be jointly appointed by the mayors of the cities of Pasco, Kennewick, Richland, and West Richland and the chairpersons of the Boards of County Commissioners of Benton and Franklin counties, and shall serve at their pleasure. The building official of each local government whose representative, as required by this section, jointly appoints members to the Board is an ex-officio member of the Board. Each building official serving as an ex officio member shall serve as secretary of the Board on a rotating basis.
- (c) The Board must adopt reasonable rules and regulations for conducting its investigations and must render all decisions and findings in writing to the appellant. Duplicate copies of all decisions and findings of the Board must be provided to all building officials. The Board may recommend to the city councils, the boards of county commissioners, or both, new legislation consistent with the decisions and findings of the Board.

(d) For purposes of this section, "Board" means the Board of Appeals created in accordance with this section.

[Ord. 99 (1974) § 3; Ord. 147 (1981) § 1; Ord. 242 (1993) § 2; Ord. 325 (1998) § 2; Ord. 395 (2004) § 4; Ord. 449 (2007) § 2; Ord. 475 (2010) § 2; Ord. 527 § 2; Ord. 575 (2016) § 3; Ord. 629 (2021) § 4; Ord. 650 (2024) § 3]

3.04.028 BUILDING PERMIT FEES. Building permit fees shall be in the amount established by Resolution of the Board of County Commissioners.
[Ord. 272 (1996) § 5]

3.04.030 FEES FOR PLAN REVIEWING. Plan reviewing fees shall be set by resolution of the Benton County Board of Commissioners and shall be paid for reviewing building plans in occupancy groups A through M inclusive, Group R-1, Group S, and Group U occupancies over 4,000 square feet, except fences.
[Ord. 99 (1974) § 4; Ord. 138 (1980) § 3; Ord. 161 (1983) § 2; Ord. 190 (1986) § 4; Ord. 242 (1993) § 3; Ord. 272 (1996) § 6; Ord. 395 (2004) § 5; Ord. 527 § 3]

3.04.034 FEES FOR PROCESSING PERMITS. In addition to permit fees set forth in BCC 3.04.028, a permit processing fee in an amount established by resolution of the Board of County Commissioners shall be paid prior to the issuance of any permit.
[Ord. 242 (1993) § 4; Ord. 375 (2001) § 1]

3.04.035 FEES FOR REINSPECTION. A reinspection fee in the amount established by resolution of the Board of County Commissioners may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not completed or when corrections called for are not made.
[Ord. 242 (1993) § 5; Ord. 375 (2001) § 2]

3.04.039 BUILDING PERMIT EXPIRATION. (a) A new Section 105.5.1 is added to Section 105.5 of the 2021 Edition of the International Building Code that reads as follows:

105.5.1 **Duration.** Notwithstanding continuation of work authorized by a permit, every permit shall expire two (2) years from the date of issuance unless an extension is requested in writing and justifiable cause demonstrated. No inspections will be conducted after expiration of a permit unless a new permit is applied for and issued. If such an extension request is submitted prior to expiration, an extension fee of twenty-five (25) percent of the original shall be immediately paid to validate the extension; provided, the extension fee shall not apply to permits for model homes if a final inspection is requested and a Certificate of Occupancy is obtained within sixty (60) days from the date sales operations from such home have been terminated. Extensions shall be valid for one (1) year only, and only one extension is allowed per permit. No extension application will be accepted for a permit that has expired. Once a permit expires, work may commence only upon issuance of an entirely new permit and payment of full permit fees.

(b) A new Section R105.5.1 is added to Section R105.5 of the 2021 Edition of the International Residential Code that reads as follows:

R105.5.1 **Duration.** Notwithstanding continuation of work authorized by a permit, every permit shall expire two (2) years from the date of issuance unless an extension is requested in writing and justifiable cause demonstrated. No inspections will be conducted after expiration of a permit unless a new permit is applied for and issued. If such an extension request is submitted prior to expiration, an extension fee of twenty-five (25) percent of the original shall be immediately paid to validate the extension; provided, the extension fee shall not apply to permits for model homes if a final inspection is requested and a Certificate of Occupancy is obtained within sixty (60) days from the date sales operations from such home have been terminated. Extensions shall be valid for one (1) year only, and only one extension is allowed per permit. No extension application will be accepted for a permit that has expired. Once a permit expires, work may commence only upon issuance of an entirely new permit and payment of full permit fees.
[Ord. 272 (1996) § 7; Ord. 360 (2000) § 2; Ord. 361 (2000) § 1; Ord. 629 (2021) § 5; Ord. 650 (2024) § 4]

3.04.040 SNOW LOADS. (a) Snow Loads for One and Two Family Dwellings. Pursuant to Table R301.2(3) of the 2021 Edition of the International Residential Code, the minimum snow load for unincorporated Benton County is established as twenty (20) pounds per square foot, provided that in those cases in which the building official determines that such minimum snow load should be increased, the building official may require such minimum snow load as he determines is necessary based upon analysis of local climate and topography and the publication Snow Load Analysis of Washington as published by the Structural Engineers Association of Washington.

(b) Snow Loads Under International Building Code. Section 1608.2 is amended to read as follows:

The minimum ground snow load for unincorporated Benton County is established as twenty (20) pounds per square foot, provided that in those cases in which the building official determines that such minimum snow load should be increased, the building official may require such minimum snow load as he determines is necessary based upon analysis of local climate and topography and the publication Snow Load Analysis of Washington as published by the Structural Engineers Association of Washington.

[Ord. 99 (1974) § 5; Ord. 138 (1980) § 4; Ord. 161 (1983) § 3; Ord. 190 (1986) § 5; Ord. 242 (1993) § 7; Ord. 325 (1998) § 3; Ord. 395 (2004) § 6; Ord. 449 (2007) § 3; Ord. 475 (2010) § 3; Ord. 527 (2013) § 4; Ord. 575 (2016) § 4; Ord. 629 (2021) § 6; Ord. 650 (2024) § 5]

3.04.041 AUTOMATIC SPRINKLER SYSTEM-WHERE REQUIRED.

Section 903.2 of the 2021 Edition of the International Building Code shall be amended to read as follows:

Approved *automatic sprinkler systems* in the new buildings and structure shall be provided in the locations described in Section 903.2.1 through 903.2.12.

Exceptions: *Hop processing and storage facilities* and spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those facilities and spaces or areas are equipped throughout with an automatic smoke detection system if required by the

terms of Section 907.2. Additionally, the spaces and areas in telecommunications buildings must be separated from the remainder of the building by not less than 1-hour *fire barriers* constructed in accordance with Section 707 or not less than 2-hour *horizontal assemblies* constructed in accordance with Section 711, or both.

[Ord. 568 (2016) § 2; Ord. 575 (2016) § 5; Ord. 629 (2021) § 7; Ord. 650 (2024) § 6]

3.04.045 FROST DEPTH. The frost line within Benton County is generally twenty-four (24) inches for purposes of Section 1809.5 of the International Building Code, Section R403.1.4.1 and Table R301.2 of the International Residential Code. Where greater frost depth is indicated by a foundation investigation or by conditions where ground will be uncovered or compacted, such greater depth shall be used.

[Ord. 138 (1980) § 5; Ord. 161 (1983) § 4; Ord. 190 (1986) § 6; Ord. 242 (1993) § 8; Ord. 325 (1998) § 4; Ord. 395 (2004) § 7; Ord. 475 (2010) § 4; Ord. 650 (2024) § 7]

3.04.046 SPECIAL FIRE PROTECTION. Notwithstanding other provisions of the International Building Code and/or the International Residential Code, the following restrictions shall apply:

(a) Except as set forth below, the use of cedar shakes or shingles or materials with similar flame spread characteristics for roof construction is prohibited.

(1) Cedar shakes or shingles or materials with similar flame spread may be used for roof construction of dwelling units that:

(i) Are located in the Growth Management Act Agricultural District; and

(ii) Are setback a minimum of 150' from all property lines and other dwelling units; and

(iii) No other dwelling unit on the parcel/lot may have a cedar roof as described in (a) above.

(2) Class A, B, or C rated cedar shakes or shingles may be used for additions to existing structures that have cedar

shake or shingle roofs and for existing roof repairs on structures of any type that have cedar shakes or shingles, provided the new fire rated shakes or shingles will not comprise fifty (50) percent or more of the existing roof within a twelve (12) month period.

(b) Non-combustible siding and soffit material is required on the downhill side of structures within thirty (30) feet of a fifteen (15) percent or greater grade.

NOTE: This section is continued on the following page.

(c) All structures within thirty (30) feet of the property line shall have non-combustible siding, soffits, or skirting on the side adjacent to an undeveloped area of natural vegetation that is in excess of five (5) contiguous acres, provided, that this restriction shall not apply to interior lots of platted parcels and development phases whose streets are accessible and the water system is operational.

[Ord. 272 (1996) § 2; Ord. 395 (2004) § 8; Ord. 635 (2021) § 1]

3.04.047 DECKS AND PORCHES. Single family residences, multi-family residences, decks and porches three feet or less above grade, shall have non-combustible skirting if within thirty (30) feet of adjacent undeveloped areas. Skirting shall be sufficiently constructed so as not to allow the accumulation of combustible material under the deck.

[Ord. 272 (1996) § 3]

3.04.048 GRADES FIFTEEN (15) PERCENT OR STEEPER. When determined by the Fire Marshal, non-combustible siding/soffit/skirting shall be required on the downhill side(s) of the structure if within thirty (30) feet of fifteen (15) percent or greater grade. The grade will be determined by the predominant slope on the downhill side within a maximum of three hundred (300) feet.

[Ord. 272 (1996) § 4]

3.04.049 SITE PLANS. As required, a legible site plan shall be the responsibility of the applicant for said permit. The following shall be located and drawn to scale: all property lines and dimensions, North direction, all recorded easements and any adjacent utility/access easements, the proposed structure and distance from all property lines, location of all existing structures and distance between them, all road names, main private driveway and distance from centerline of private driveway to nearest front corner, all slopes greater than 10%. All adjacent properties shall be described indicating the type of ground cover (i.e. sagebrush, pasture, grass, weeds, etc.). The location of private/community well, septic tank, replacement and drain field areas shall be included when applicable. In addition, the site plan shall also include the tax parcel number, property address or route and box number, scale

specified, date and signature of person completing the site plan.

Non-commercial structures shall be drawn on 8-1/2 x 11 paper.
[Ord. 272 (1996) § 8]

3.04.050 TOPOGRAPHY PLAN. Due to the possibility for structural problems on structures being built on steep slopes, a site plan with appropriate contour intervals necessary to evaluate slope and grade shall be required for all units being placed on slopes of greater than ten (10) percent. In some instances, an engineered drawing signed by a Washington State Registered Professional Civil/Structural Engineer may be required subject to determination by the building official.
[Ord. 272 (1996) § 9]

3.04.051 ARCHITECTURAL/ENGINEERED DRAWING. When required, all construction drawings shall be drawn by a Washington State Registered Professional Civil/Structural Engineer and submitted to the Building Official for review by the building department and shall be the "original" drawing. Such drawings shall be site specific showing job site address, signature and original "wet stamp" of the Washington State Registered Professional Civil/Structural Engineer.
[Ord. 272 (1996) § 10]

3.04.052 ROAD APPROACH. When required, permission to construct a road encroachment application shall be obtained from the jurisdiction in control of the road or highway providing access to the parcel prior to the issuance of a building or placement permit by the Benton County Building Department.
[Ord. 272 (1996) § 11; Ord. 303 (1997) § 1; Ord. 602 (2018) §2]

3.04.053 CERTIFICATE OF OCCUPANCY. (a) All applicable Building Department inspections required by the 2021 Editions of the International Building Code, International Residential Code, Uniform Plumbing Code (UPC), International Mechanical Code, International Fuel Gas Code, and International Fire Code and by any federal, state, or local agency with jurisdiction, shall have been requested and approved prior to the issuance of a Certificate of Occupancy.

(b) When required, the road encroachment shall be completed to meet the relevant standards and a final encroachment permit shall be issued by the jurisdiction in control of the road or highway providing access to the parcel prior to the issuance of a Certificate of Occupancy.
[Ord. 272 (1996) § 12; Ord. 303 (1997) § 2; Ord. 395 (2004) § 9; Ord. 449 (2007) § 4; Ord. 475 (2010) § 5; Ord. 527 (2013) § 5; Ord. 575 (2016) § 6; Ord. 602 (2018) §3; Ord. 629 (2021) § 8; Ord. 650 (2024) § 8]

3.04.054 MEANS OF EGRESS. The following exception shall be added to Appendix C, Section C104 of the International Building Code:

3. Greenhouses that are of noncombustible construction and the interior finish is noncombustible shall have exits which create a reasonably safe means of egress as determined by the Building Official and the Fire Marshal, with concurrence of the respective Fire District Fire Chief.
[Ord. 384 (2003) § 1; Ord. 395 (2004) § 10]

3.04.056 VARIANCES. (a) The Benton County Hearings Examiner may grant variances to the provisions of this chapter that require setbacks between structures or between structures and property lines.

Any person seeking such a variance shall submit to the Planning Department the following:

- (1) A completed application supplied by the Benton County Building Department, which includes an accurate drawing, drawn at a scale to be determined by the Building Official, showing the following:
 - (i) The boundaries and dimensions of the site.
 - (ii) Existing streets, roads, and highways bordering or crossing the site.
 - (iii) Interior private roads.
 - (iv) Locations and uses of existing and proposed structures.
 - (v) Location of parking facilities, including access points.
 - (vi) Scale and North Arrow.

- (vii) Vicinity Map showing adjacent properties.
- (viii) Location of drainage facilities.
- (ix) Location of utilities easements.

(2) A non-refundable application fee as established by resolution of the Board of Benton County Commissioners.

(3) Additional information as required by the Planning Director.

(b) Before granting any variance under the provisions of this section, the Hearings Examiner shall hold an open record hearing, at which time the applicant and other interested parties will be given an opportunity to be heard. The open record hearing shall be held not less than ten (10) days after legal notice is given in the following manner:

(1) By United States mail addressed to the applicant and to the owners of all property within a distance of three hundred (300) feet in any direction from the subject property.

Notices addressed to the last known address of the person making the latest tax payment shall be deemed proper notice to the owner of such property.

(2) By publication of a legal notice in a paper of general circulation.

[Ord. 282 (1996) § 1; Ord. 536 (2014) § 1]

3.04.065 VIOLATIONS-PENALTIES. (a) Upon a finding of a first violation of any provision of this chapter, any person or contractor shall be punished by a civil penalty not to exceed five hundred dollars (\$500) for said violation, shall be responsible for court costs, if applicable, and shall be ordered to pay restitution for any damages caused by said violation.

(b) Upon the court's finding of a second or subsequent violation of the same provision of this chapter, any person or contractor shall be found guilty of a misdemeanor.

[Ord. 138 (1980) § 9; Ord. 161 (1983) § 6; Ord. 175 (1984) § 1; Ord. 190 (1986) § 8; Ord. 242 (1993) § 10; Ord. 303 (1997) § 3]

3.04.070 BUILDING DEPARTMENT - ADMINISTRATION. There is hereby established the Benton County Building Department. The director thereof, to be appointed by the Board of County Commissioners, shall serve as the Benton County Building Official. The Building Department shall have responsibility for the administration and enforcement of this chapter. [Ord. 99 (1974) § 8; Ord. 138 (1980) § 10; Ord. 178 (1984) § 1; Ord. 242 (1993) § 11; Ord. 475 (2010) § 6]

3.04.080 INJUNCTIVE RELIEF. Notwithstanding the existence or use of any other remedy or means of enforcement of the provisions hereof, Benton County may seek legal or equitable relief to enjoin any acts or practices which constitute a violation of any of the provisions hereof and compel compliance with all provisions of this chapter. The costs of such action shall be taxed against the person violating the provisions of this chapter. The Building Department may accept a written assurance of discontinuance of any act in violation of this chapter from any person who has engaged in such act. Failure to comply with the assurance of discontinuance shall be a further violation of this chapter. [Ord. 138 (1980) § 11; Ord. 190 (1986) § 9; Ord. 242 (1993) § 12; Ord. 475 (2010) § 7]

3.04.090 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby. [Ord. 190 (1986) § 10]

3.04.100 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption. [Ord. 325 (1998) § 6; Ord. 395 (2004) § 12; Ord. 475 (2010) § 9]