

**ORDINANCE NO. 2019-\_\_\_\_**

**ORDINANCE** amending the City of Yakima Municipal Code Chapter 11.04 Building Code

**WHEREAS**, the use of steel, intermodal shipping containers (containers) as permanent or temporary storage buildings is a viable method to store goods; and

**WHEREAS**, many City of Yakima businesses see the use of containers for storage as a secure and economical way to store equipment or inventory related to their businesses; and

**WHEREAS**, the Building Code requires permits for temporary storage buildings that are placed up to 180 days; and

**WHEREAS**, the Building Code also requires that all buildings be provided with a foundation that will resist the forces of earthquake and wind, and be installed deep enough below grade so as not to be affected by frost; and

**WHEREAS**, the building official has evaluated the use of containers as accessory storage, and when, under certain conditions, it may be appropriate to allow containers to be placed and used by businesses without the need for foundations within the City of Yakima; and

**WHEREAS**, the proposed amendment to the Building Code section 105.2 adds to the list of items exempt from building permits containers that are temporarily placed at job sites or events that have other valid permits, and provided they meet all other laws of the jurisdiction; and

**WHEREAS**, after evaluation, it was determined that due to the unique methods used to construct containers, that there are conditions that would warrant their limited use without foundations as long as businesses meet specific requirements; and

**WHEREAS**, the proposed addition to the Building Code, section 1801.1.1 would exempt certain containers from the requirement to be placed on a foundation prescribed in Chapter 18 of the building code, provided that the container meets all other provisions of the building code; and

**WHEREAS**, the building official has evaluated and determined that containers used as temporary storage at job sites or events that are under a valid permit, may be placed without the need for permits specific to such containers; and

**WHEREAS**, the City Council finds that it is in the best interest of businesses in the City of Yakima to allow the use of containers as permanent or temporary accessory storage with specific requirements; now, therefore,

**BE IT ORDAINED BY THE CITY OF YAKIMA:**

**Section 1.** Section 11.04.105 is added to the City of Yakima Municipal Code to read as follows:

11.105 Work exempt from permit.

An additional exemption, subsection (14) is added to the "Building" subsection of Section 105.2 of the International Building Code as adopted and maintained by the State Building Code Council and shall read as follows:

Exemptions 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 if this jurisdiction. Permits shall not be required for the following:

**Building:**

1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet.
2. Fences not over 7 feet high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5000 gallons and the ratio in height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 and U occupancy that are less than 24 inches deep, and are not greater than 5000 gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service equipment.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project for than 54 inches from the exterior wall and to not require additional support.
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
14. Intermodal shipping containers that are approved for temporary S-1 or S-2 storage under the umbrella of a valid temporary use permit or construction permit.

**Section 2.** Chapter 11.04.1801 is added to the City of Yakima Municipal Code is hereby added to read as follows:

**11.04.1801 Amendment to Section 1801.1.**

Subsection 1801.1.1 is added as a new subsection to Section 1801 (Foundations) of the International Building Code as adopted and maintained by the State Building Code Council to read as follows:

**1801.1.1 Foundation Exemptions for Intermodal Shipping Containers.**

Foundations are not required to be provided for intermodal shipping containers provided that containers:

- a. Are not accessed or used by the general public, e.g. people other than owners or employees of the business entity to which the containers are an accessory use;

- b. Are placed on an improved surface such as gravel, blacktop or concrete;
- c. Have not been modified from their original construction;
- d. Are used as S-1 or S-2 low to moderate hazard storage occupancies only; and
- e. Are accessory to an approved and permitted use.

This exception applies to containers approved for use other than as temporary S-1 or S-2 storage and must comply with all other provisions of the code, including, but not limited to: permits, site plans, building areas, building occupancy and zoning.

**Section 3.** Severability. If any section, subsection, paragraph, sentence or clause of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of the ordinance.

**Section 4.** This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

**PASSED BY THE CITY COUNCIL,** signed and approved this 19<sup>th</sup> day of March, 2019.

ATTEST:

\_\_\_\_\_  
Kathy Coffey, Mayor

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Sonya Claar Tee, City Clerk

Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_