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HOUSE BILL 1969

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Cooper and Ferguson.

Read first time February 18, 1991. Referred to Committee on Local Government.

1            AN ACT Relating to amendments to the state building code; amending  
2 RCW 19.27.015 and 19.27.074; reenacting and amending RCW 19.27.060; and  
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 19.27.015 and 1985 c 360 s 1 are each amended to read  
6 as follows:

7            As used in this chapter:

8            (1) "City" means a city or town; ~~((and))~~

9            (2) "Multifamily residential building" means common wall  
10 residential buildings ~~((that consist of four or fewer units,))~~ that  
11 ~~((do not exceed two))~~ are less than three stories in height ~~((, that are~~  
12 ~~less than five thousand square feet in area, and that have a one-hour~~  
13 ~~fire-resistive occupancy separation between units))~~ and contain less  
14 than fifteen dwelling units; and

1       (3) "Stand-alone ordinance" means an ordinance, resolution, or  
2 regulation adopted by local government, under any of the powers  
3 generally granted by the state Constitution, which effectively amends  
4 the codes enumerated in RCW 19.27.031 as adopted and amended by the  
5 state building code council as they apply to single-family or  
6 multifamily residences.

7       **Sec. 2.** RCW 19.27.060 and 1989 c 266 s 2 and 1989 c 246 s 1 are  
8 each reenacted and amended to read as follows:

9       (1) The governing bodies of counties and cities may amend the codes  
10 enumerated in RCW 19.27.031 as amended and adopted by the state  
11 building code council as they apply within their respective  
12 jurisdictions, but the amendments shall not result in a code that is  
13 less than the minimum performance standards and objectives contained in  
14 the state building code.

15       (a)(i) No amendment to a code enumerated in RCW 19.27.031 as  
16 amended and adopted by the state building code council that affects  
17 single family or multifamily residential buildings or stand-alone  
18 ordinance shall be effective unless the amendment is approved by the  
19 building code council under RCW 19.27.074(1)(b).

20       (ii) Effective one year after the effective date of this act, any  
21 existing stand-alone ordinance of a county or city shall be submitted  
22 to the building code council for approval. If the ordinance is not  
23 approved by the building code council within two years after the  
24 effective date of this act, the stand-alone ordinance shall no longer  
25 be effective.

26       (b) Any county or city amendment to a code enumerated in RCW  
27 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to  
28 be effective after any action is taken under RCW 19.27.074(1)(a)  
29 without necessity of reapproval under RCW 19.27.074(1)(b) unless the

1 amendment is declared null and void by the council at the time any  
2 action is taken under RCW 19.27.074(1)(a) because such action in any  
3 way altered the impact of the amendment.

4 (2) Except as permitted or provided otherwise under this section,  
5 the state building code shall be applicable to all buildings and  
6 structures including those owned by the state or by any governmental  
7 subdivision or unit of local government.

8 (3) The governing body of each county or city may limit the  
9 application of any portion of the state building code to exclude  
10 specified classes or types of buildings or structures according to use  
11 other than single family or multifamily residential buildings:  
12 PROVIDED, That in no event shall fruits or vegetables of the tree or  
13 vine stored in buildings or warehouses constitute combustible stock for  
14 the purposes of application of the uniform fire code.

15 (4) The provisions of this chapter shall not apply to any building  
16 four or more stories high with a B occupancy as defined by the uniform  
17 building code, 1982 edition, and with a city fire insurance rating of  
18 1, 2, or 3 as defined by a recognized fire rating bureau or  
19 organization.

20 (5) No provision of the uniform fire code concerning roadways shall  
21 be part of the state building code: PROVIDED, That this subsection  
22 shall not limit the authority of a county or city to adopt street,  
23 road, or access standards.

24 (6) The provisions of the state building code may be preempted by  
25 any city or county to the extent that the code provisions relating to  
26 the installation or use of sprinklers in jail cells conflict with the  
27 secure and humane operation of jails.

28 (7) (a) Effective one year after July 23, 1989, the governing  
29 bodies of counties and cities may adopt an ordinance or resolution to  
30 exempt from permit requirements certain construction or alteration of

1 either group R, division 3, or group M, division 1 occupancies, or  
2 both, as defined in the uniform building code, 1988 edition, for which  
3 the total cost of fair market value of the construction or alteration  
4 does not exceed fifteen hundred dollars. The permit exemption shall  
5 not otherwise exempt the construction or alteration from the  
6 substantive standards of the codes enumerated in RCW 19.27.031, as  
7 amended and maintained by the state building code council under RCW  
8 19.27.070.

9 (b) Prior to July 23, 1989, the state building code council shall  
10 adopt by rule, guidelines exempting from permit requirements certain  
11 construction and alteration activities under (a) of this subsection.

12 **Sec. 3.** RCW 19.27.074 and 1989 c 266 s 3 are each amended to read  
13 as follows:

14 (1) The state building code council shall:

15 (a) Adopt and maintain the codes to which reference is made in RCW  
16 19.27.031 in a status which is consistent with the state's interest as  
17 set forth in RCW 19.27.020. In maintaining these codes, the council  
18 shall regularly review updated versions of the codes referred to in RCW  
19 19.27.031 and other pertinent information and shall amend the codes as  
20 deemed appropriate by the council;

21 (b) Approve or deny all county or city amendments (~~to any code~~  
22 ~~referred to in RCW 19.27.031 to the degree the amendments~~) and stand-  
23 alone ordinances that apply to single family or multifamily residential  
24 buildings as provided in RCW 19.27.060;

25 (c) As required by the legislature, develop and adopt any codes  
26 relating to buildings; and

27 (d) Propose a budget for the operation of the state building code  
28 council to be submitted to the office of financial management pursuant  
29 to RCW 43.88.090.

1 (2) The state building code council may:

2 (a) Appoint technical advisory committees which may include members  
3 of the council;

4 (b) Employ permanent and temporary staff and contract for services;  
5 and

6 (c) Conduct research into matters relating to any code or codes  
7 referred to in RCW 19.27.031 or any related matter.

8 All meetings of the state building code council shall be open to  
9 the public under the open public meetings act, chapter 42.30 RCW. All  
10 actions of the state building code council which adopt or amend any  
11 code of state-wide applicability shall be pursuant to the  
12 administrative procedure act, chapter 34.05 RCW.

13 All council decisions relating to the codes enumerated in RCW  
14 19.27.031 shall require approval by at least a majority of the members  
15 of the council.

16 All decisions to adopt or amend codes of state-wide application  
17 shall be made prior to December 1 of any year and shall not take effect  
18 before the end of the regular legislative session in the next year.

19 NEW SECTION. **Sec. 4.** The building code council shall, within  
20 one year of the effective date of this act, adopt clear criteria for  
21 the review of local amendments to the codes enumerated in RCW 19.27.031  
22 and stand-alone ordinances of a county or city that add construction  
23 requirements to single-family or multifamily residential buildings  
24 beyond those contained in the codes enumerated in RCW 19.27.031. The  
25 criteria shall include standards to achieve uniformity of residential  
26 codes, consideration of economic impact on the building industry and  
27 the consumer, and special consideration of amendments unique to  
28 specific jurisdictions. In developing criteria for the review of local  
29 amendments to the codes enumerated in RCW 19.27.031 as amended and

1 adopted by the state building code council and stand-alone ordinances  
2 of a county or city that add construction requirements to single-family  
3 or multifamily residential buildings beyond those contained in the  
4 codes enumerated in RCW 19.27.031, the building code council shall  
5 consult with representatives from affected parties including, but not  
6 limited to home builders, architects, governmental bodies, cities,  
7 towns, counties, building officials, and fire officials.