
SENATE BILL 5964

State of Washington

53rd Legislature

1993 Regular Session

By Senator Sutherland

Read first time 03/25/93. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to the building code council; amending RCW
2 19.27.042, 19.27.085, 19.27.113, 19.27.120, 19.27.170, 19.27.180,
3 19.27.190, 19.27.192, 19.27.470, 19.27.480, 19.27A.020, 19.27A.025,
4 19.27A.045, 29.57.030, 35.68.076, 43.22.480, 70.92.130, 70.92.140,
5 70.92.150, 70.94.455, 70.94.457, 70.162.030, and 90.76.020; reenacting
6 and amending RCW 19.27.031 and 19.27.060; adding a new section to
7 chapter 19.27 RCW; and repealing RCW 19.27.035, 19.27.070, 19.27.074,
8 19.27.078, 19.27.175, and 19.27A.050.

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

10 **Sec. 1.** RCW 19.27.031 and 1989 c 348 s 9 and 1989 c 266 s 1 are
11 each reenacted and amended to read as follows:

12 Except as otherwise provided in this chapter, there shall be in
13 effect in all counties and cities the state building code which shall
14 consist of the following codes which are hereby adopted by reference:

15 (1) Uniform Building Code and Uniform Building Code Standards,
16 published by the International Conference of Building Officials;

17 (2) Uniform Mechanical Code, including Chapter 22, Fuel Gas Piping,
18 Appendix B, published by the International Conference of Building
19 Officials;

1 (3) The Uniform Fire Code and Uniform Fire Code Standards,
2 published by the International Conference of Building Officials and the
3 Western Fire Chiefs Association: PROVIDED, That, notwithstanding any
4 wording in this code, participants in religious ceremonies shall not be
5 precluded from carrying hand-held candles;

6 (4) Except as provided in RCW 19.27.150, the Uniform Plumbing Code
7 and Uniform Plumbing Code Standards, published by the International
8 Association of Plumbing and Mechanical Officials: PROVIDED, That
9 chapters 11 and 12 of such code are not adopted; and

10 (5) The rules and regulations (~~adopted by the council~~)
11 establishing standards for making buildings and facilities accessible
12 to and usable by the physically handicapped or elderly persons as
13 provided in RCW 70.92.100 through 70.92.160.

14 In case of conflict among the codes enumerated in subsections (1),
15 (2), (3), and (4) of this section, the first named code shall govern
16 over those following.

17 (~~The codes enumerated in this section shall be adopted by the
18 council as provided in RCW 19.27.074.~~)

19 The (~~council~~) department of community development may issue
20 opinions relating to the codes at the request of a local building
21 official. The department of community development shall be responsible
22 for administration of rules adopted by the state building code council.

23 **Sec. 2.** RCW 19.27.042 and 1991 c 139 s 1 are each amended to read
24 as follows:

25 (1) Effective January 1, 1992, the legislative authorities of
26 cities and counties may adopt an ordinance or resolution to exempt from
27 state building code requirements buildings whose character of use or
28 occupancy has been changed in order to provide housing for indigent
29 persons. The ordinance or resolution allowing the exemption shall
30 include the following conditions:

31 (a) The exemption is limited to existing buildings located in this
32 state;

33 (b) Any code deficiencies to be exempted pose no threat to human
34 life, health, or safety;

35 (c) The building or buildings exempted under this section are owned
36 or administered by a public agency or nonprofit corporation; and

1 (d) The exemption is authorized for no more than five years on any
2 given building. An exemption for a building may be renewed if the
3 requirements of this section are met for each renewal.

4 (2) (~~By January 1, 1992, the state building code council~~) The
5 department of community development shall (~~adopt by rule,~~) be
6 responsible for administering guidelines adopted by the state building
7 code council for cities and counties exempting buildings under
8 subsection (1) of this section.

9 **Sec. 3.** RCW 19.27.060 and 1989 c 266 s 2 and 1989 c 246 s 1 are
10 each reenacted and amended to read as follows:

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

17 (~~(a) No amendment to a code enumerated in RCW 19.27.031 as amended~~
18 ~~and adopted by the state building code council that affects single~~
19 ~~family or multifamily residential buildings shall be effective unless~~
20 ~~the amendment is approved by the building code council under RCW~~
21 ~~19.27.074(1)(b).~~

22 (~~(b) Any county or city amendment to a code enumerated in RCW~~
23 ~~19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to~~
24 ~~be effective after any action is taken under RCW 19.27.074(1)(a)~~
25 ~~without necessity of reapproval under RCW 19.27.074(1)(b) unless the~~
26 ~~amendment is declared null and void by the council at the time any~~
27 ~~action is taken under RCW 19.27.074(1)(a) because such action in any~~
28 ~~way altered the impact of the amendment.~~)

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

33 (3) The governing body of each county or city may limit the
34 application of any portion of the state building code to exclude
35 specified classes or types of buildings or structures according to use
36 other than single family or multifamily residential buildings:
37 PROVIDED, That in no event shall fruits or vegetables of the tree or

1 vine stored in buildings or warehouses constitute combustible stock for
2 the purposes of application of the uniform fire code.

3 (4) The provisions of this chapter shall not apply to any building
4 four or more stories high with a B occupancy as defined by the uniform
5 building code, 1982 edition, and with a city fire insurance rating of
6 1, 2, or 3 as defined by a recognized fire rating bureau or
7 organization.

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

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

16 (7)((~~a~~)) Effective one year after July 23, 1989, the governing
17 bodies of counties and cities may adopt an ordinance or resolution to
18 exempt from permit requirements certain construction or alteration of
19 either group R, division 3, or group M, division 1 occupancies, or
20 both, as defined in the uniform building code, 1988 edition, for which
21 the total cost of fair market value of the construction or alteration
22 does not exceed fifteen hundred dollars. The permit exemption shall
23 not otherwise exempt the construction or alteration from the
24 substantive standards of the codes enumerated in RCW 19.27.031(~~(, as~~
25 ~~amended and maintained by the state building code council under RCW~~
26 ~~19.27.070.~~

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

30 **Sec. 4.** RCW 19.27.085 and 1989 c 256 s 1 are each amended to read
31 as follows:

32 (1) There is hereby created the building code (~~council~~) account
33 in the state treasury. Moneys deposited into the account shall be used
34 by the (~~building code council~~) department of community development,
35 after appropriation, to perform the purposes of (~~the council~~) this
36 chapter and chapter 19.27A RCW.

37 (2) All moneys collected under subsection (3) of this section shall
38 be deposited into the building code (~~council~~) account. Every four

1 years the state treasurer shall report to the legislature on the
2 balances in the account so that the legislature may adjust the charges
3 imposed under subsection (3) of this section.

4 (3) There is imposed a fee of four dollars and fifty cents on each
5 building permit issued by a county or a city, plus an additional
6 surcharge of two dollars for each residential unit, but not including
7 the first unit, on each building containing more than one residential
8 unit. Quarterly each county and city shall remit moneys collected
9 under this section to the state treasury; however, no remittance is
10 required until a minimum of fifty dollars has accumulated pursuant to
11 this subsection.

12 **Sec. 5.** RCW 19.27.113 and 1991 c 170 s 1 are each amended to read
13 as follows:

14 The department of community development shall be responsible for
15 administration of rules adopted by the building code council (~~shall~~
16 ~~adopt rules by December 1, 1991,~~) requiring that all buildings classed
17 as E-1 occupancies, as defined in the state building code, except
18 portable school classrooms, constructed after July 28, 1991, be
19 provided with an automatic fire-extinguishing system. The rules
20 (~~adopted by the council~~) shall consider applicable nationally
21 recognized fire and building code standards and local conditions.

22 (~~By December 15, 1991, the council shall transmit to the~~
23 ~~superintendent of public instruction, the state board of education, and~~
24 ~~the fire protection policy board copies of the rules as adopted. The~~
25 ~~superintendent of public instruction, the state board of education, and~~
26 ~~the fire protection policy board shall respond to the council by~~
27 ~~February 15, 1992, with any recommended changes to the rule. If~~
28 ~~changes are recommended the council shall immediately consider those~~
29 ~~changes to the rules through its rule-making procedures. The rules~~
30 ~~shall be effective on July 1, 1992.~~)

31 **Sec. 6.** RCW 19.27.120 and 1985 c 360 s 13 are each amended to read
32 as follows:

33 (1) Repairs, alterations, and additions necessary for the
34 preservation, restoration, rehabilitation, strengthening, or continued
35 use of a building or structure may be made without conformance to all
36 of the requirements of the codes adopted under RCW 19.27.031, when

1 authorized by the appropriate building official under the rules adopted
2 under subsection (2) of this section, provided:

3 (a) The building or structure: (i) Has been designated by official
4 action of a legislative body as having special historical or
5 architectural significance, or (ii) is an unreinforced masonry building
6 or structure on the state or the national register of historic places,
7 or is potentially eligible for placement on such registers; and

8 (b) The restored building or structure will be less hazardous,
9 based on life and fire risk, than the existing building.

10 (2) (~~The state building code council shall adopt rules, where~~
11 ~~appropriate, to provide alternative methods to those otherwise required~~
12 ~~under this chapter for repairs, alterations, and additions necessary~~
13 ~~for preservation, restoration, rehabilitation, strengthening, or~~
14 ~~continued use of buildings and structures identified under subsection~~
15 ~~(1) of this section.~~) The department of community development shall be
16 responsible for administration of rules adopted by the state building
17 code council under this section and may amend such rules when
18 appropriate.

19 **Sec. 7.** RCW 19.27.170 and 1991 c 347 s 16 are each amended to read
20 as follows:

21 (1) The department of community development shall be responsible
22 for administration of rules adopted by the state building code council
23 ~~((shall adopt rules under chapter 34.05 RCW))~~ that implement and
24 incorporate the water conservation performance standards in subsections
25 (4) and (5) of this section. These standards shall apply to all new
26 construction and all remodeling involving replacement of plumbing
27 fixtures in all residential, hotel, motel, school, industrial,
28 commercial use, or other occupancies determined by the ~~((council))~~
29 department to use significant quantities of water.

30 (2) The legislature recognizes that a phasing-in approach to these
31 new standards is appropriate. Therefore, standards in subsection (4)
32 of this section shall take effect on July 1, 1990. The standards in
33 subsection (5) of this section shall take effect July 1, 1993.

34 (3) No individual, public or private corporation, firm, political
35 subdivision, government agency, or other legal entity may, for purposes
36 of use in this state, distribute, sell, offer for sale, import,
37 install, or approve for installation any plumbing fixtures unless the
38 fixtures meet the standards as provided for in this section.

1 (4) Standards for water use efficiency effective July 1, 1990.

2 (a) Standards for waterclosets. The guideline for maximum water
3 use allowed in gallons per flush (gpf) for any of the following
4 waterclosets is the following:

- 5 Tank-type toilets 3.5 gpf.
- 6 Flushometer-valve toilets 3.5 gpf.
- 7 Flushometer-tank toilets 3.5 gpf.
- 8 Electromechanical hydraulic toilets 3.5 gpf.

9 (b) Standard for urinals. The guideline for maximum water use
10 allowed for any urinal is 3.0 gallons per flush.

11 (c) Standard for showerheads. The guideline for maximum water use
12 allowed for any showerhead is 3.0 gallons per minute.

13 (d) Standard for faucets. The guideline for maximum water use
14 allowed in gallons per minute (gpm) for any of the following faucets
15 and replacement aerators is the following:

- 16 Bathroom faucets 3.0 gpm.
- 17 Lavatory faucets 3.0 gpm.
- 18 Kitchen faucets 3.0 gpm.
- 19 Replacement aerators 3.0 gpm.

20 (e) Except where designed and installed for use by the physically
21 handicapped, lavatory faucets located in restrooms intended for use by
22 the general public must be equipped with a metering valve designed to
23 close by spring or water pressure when left unattended (self-closing).

24 (f) No urinal or watercloset that operates on a continuous flow or
25 continuous flush basis shall be permitted.

26 (5) Standards for water use efficiency effective July 1, 1993.

27 (a) Standards for waterclosets. The guideline for maximum water
28 use allowed in gallons per flush (gpf) for any of the following
29 waterclosets is the following:

- 30 Tank-type toilets 1.6 gpf.
- 31 Flushometer-tank toilets 1.6 gpf.
- 32 Electromechanical hydraulic toilets 1.6 gpf.

33 (b) Standards for urinals. The guideline for maximum water use
34 allowed for any urinal is 1.0 gallons per flush.

35 (c) Standards for showerheads. The guideline for maximum water use
36 allowed for any showerhead is 2.5 gallons per minute.

37 (d) Standards for faucets. The guideline for maximum water use
38 allowed in gallons per minute for any of the following faucets and
39 replacement aerators is the following:

- 1 Bathroom faucets 2.5 gpm.
- 2 Lavatory faucets 2.5 gpm.
- 3 Kitchen faucets 2.5 gpm.
- 4 Replacement aerators 2.5 gpm.

5 (e) Except where designed and installed for use by the physically
6 handicapped, lavatory faucets located in restrooms intended for use by
7 the general public must be equipped with a metering valve designed to
8 close by water pressure when unattended (self-closing).

9 (f) No urinal or watercloset that operates on a continuous flow or
10 continuous basis shall be permitted.

11 (6) The (~~building code council~~) department shall establish
12 methods and procedures for testing and identifying fixtures that meet
13 the standards established in subsection (5) of this section. The
14 (~~council~~) department shall use the testing standards designated as
15 American national standards, written under American national standards
16 institute procedures or other widely recognized national testing
17 standards. The (~~council~~) department shall either review test results
18 from independent testing laboratories that are submitted by
19 manufacturers of plumbing fixtures or accept data submitted to and
20 evaluated by the international association of plumbing and mechanical
21 officials. The (~~council~~) department shall publish and widely
22 distribute a current list of fixtures that meet the standards
23 established in subsection (5) of this section.

24 (7) The (~~building code council~~) department shall adopt rules for
25 marking and labeling fixtures meeting the standards established in
26 subsection (5) of this section.

27 (8) This section shall not apply to fixtures installed before July
28 28, 1991, that are removed and relocated to another room or area of the
29 same building after July 28, 1991, nor shall it apply to fixtures, as
30 determined by the (~~council~~) department, that in order to perform a
31 specialized function, cannot meet the standards specified in this
32 section.

33 (9) The water conservation performance standards shall supersede
34 all local government codes. After July 1, 1990, cities, towns, and
35 counties shall not amend the code revisions and standards established
36 under subsection (4) or (5) of this section.

37 **Sec. 8.** RCW 19.27.180 and 1992 c 79 s 1 are each amended to read
38 as follows:

1 (1) Residential buildings or structures moved into or within a
2 county or city are not required to comply with all of the requirements
3 of the codes enumerated in chapters 19.27 ~~((and))~~, 19.27A ~~((RCW, as~~
4 ~~amended and maintained by the state building code council))~~, and
5 ~~((chapter))~~ 19.28 RCW, if the original occupancy classification of the
6 building or structure is not changed as a result of the move. The
7 department of community development shall be responsible for
8 administration of rules adopted by the state building code council
9 under this section.

10 (2) This section shall not apply to residential structures or
11 buildings that are substantially remodeled or rehabilitated, nor to any
12 work performed on a new or existing foundation.

13 (3) For the purposes of determining whether a moved building or
14 structure has been substantially remodeled or rebuilt, any cost
15 relating to preparation, construction, or renovation of the foundation
16 shall not be considered.

17 **Sec. 9.** RCW 19.27.190 and 1990 c 2 s 7 are each amended to read as
18 follows:

19 ~~((1))~~(a) ~~Not later than January 1, 1991, the state building code~~
20 ~~council, in consultation with the state energy office, shall establish~~
21 ~~interim requirements for the maintenance of indoor air quality in newly~~
22 ~~constructed residential buildings. In establishing the interim~~
23 ~~requirements, the council shall take into consideration differences in~~
24 ~~heating fuels and heating system types. These requirements shall be in~~
25 ~~effect July 1, 1991, through June 30, 1993.~~

26 (b) ~~The interim requirements for new electrically space heated~~
27 ~~residential buildings shall include ventilation standards which provide~~
28 ~~for mechanical ventilation in areas of the residence where water vapor~~
29 ~~or cooking odors are produced. The ventilation shall be exhausted to~~
30 ~~the outside of the structure. The ventilation standards shall further~~
31 ~~provide for the capacity to supply outside air to each bedroom and the~~
32 ~~main living area through dedicated supply air inlet locations in walls,~~
33 ~~or in an equivalent manner. At least one exhaust fan in the home shall~~
34 ~~be controlled by a dehumidistat or clock timer to ensure that~~
35 ~~sufficient whole house ventilation is regularly provided as needed.~~

36 (c)(i) ~~For new single family residences with electric space heating~~
37 ~~systems, zero lot line homes, each unit in a duplex, and each attached~~
38 ~~housing unit in a planned unit development, the ventilation standards~~

1 shall include fifty cubic feet per minute of effective installed
2 ventilation capacity in each bathroom and one hundred cubic feet per
3 minute of effective installed ventilation capacity in each kitchen.

4 (ii) For other new residential units with electric space heating
5 systems the ventilation standards may be satisfied by the installation
6 of two exhaust fans with a combined effective installed ventilation
7 capacity of two hundred cubic feet per minute.

8 (iii) Effective installed ventilation capacity means the capability
9 to deliver the specified ventilation rates for the actual design of the
10 ventilation system. Natural ventilation and infiltration shall not be
11 considered acceptable substitutes for mechanical ventilation.

12 (d) For new residential buildings that are space heated with other
13 than electric space heating systems, the interim standards shall be
14 designed to result in indoor air quality equivalent to that achieved
15 with the interim ventilation standards for electric space heated homes.

16 (e) The interim requirements for all newly constructed residential
17 buildings shall include standards for indoor air quality pollutant
18 source control, including the following requirements: All structural
19 panel components of the residence shall comply with appropriate
20 standards for the emission of formaldehyde; the back drafting of
21 combustion by products from combustion appliances shall be minimized
22 through the use of dampers, vents, outside combustion air sources, or
23 other appropriate technologies; and, in areas of the state where
24 monitored data indicate action is necessary to inhibit indoor radon gas
25 concentrations from exceeding appropriate health standards, entry of
26 radon gas into homes shall be minimized through appropriate foundation
27 construction measures.

28 (2) ~~No later than January 1, 1993,~~) The department of community
29 development shall be responsible for administration of rules adopted by
30 the state building code council, in consultation with the state energy
31 office, ((shall establish final requirements)) for the maintenance of
32 indoor air quality in newly constructed residences ((to be in effect
33 beginning July 1, 1993)). For new electrically space heated
34 residential buildings, these requirements shall maintain indoor air
35 quality equivalent to that provided by the mechanical ventilation and
36 indoor air pollutant source control requirements included in the
37 February 7, 1989, Bonneville power administration record of decision
38 for the environmental impact statement on new energy efficient homes
39 programs (DOE/EIS-0127F) built with electric space heating. In

1 residential units other than single family, zero lot line, duplexes,
2 and attached housing units in planned unit developments, ventilation
3 requirements may be satisfied by the installation of two exhaust fans
4 with a combined effective installed ventilation capacity of two hundred
5 cubic feet per minute. For new residential buildings that are space
6 heated with other than electric space heating systems, the standards
7 shall be designed to result in indoor air quality equivalent to that
8 achieved with the ventilation and source control standards for electric
9 space heated homes. (~~In establishing the final requirements, the~~
10 ~~council shall take into consideration differences in heating fuels and~~
11 ~~heating system types.~~)

12 **Sec. 10.** RCW 19.27.192 and 1992 c 132 s 1 are each amended to read
13 as follows:

14 (1) Beginning July 1, 1992, at the time of final inspection of a
15 new single-family residence or each ground floor unit in a multifamily
16 residential building, the building inspector shall deliver to each
17 residence and each ground floor unit a three-month etched track radon
18 measurement device that is listed on a current federal environmental
19 protection agency radon measurement proficiency list. Postage to the
20 testing facility and the cost of testing and notification to the
21 homeowner shall be included with the device. The device, the
22 instructions included with the device, and the instructions provided by
23 the state building code council (~~pursuant to subsection (2) of this~~
24 ~~section~~) shall be placed in a conspicuous location. The device shall
25 be provided to the building inspector by the local government.

26 (2) (~~Not later than June 15, 1992, in consultation with the~~
27 ~~department of health and the Washington state association of building~~
28 ~~code officials, the state building code council shall:~~

29 (a) ~~Develop instructions for use by the owner or occupant on the~~
30 ~~proper means of installation, maintenance and removal of the radon~~
31 ~~measurement device provided for in subsection (1) of this section and~~
32 ~~distribute the instructions to all affected county and city building~~
33 ~~departments; and~~

34 (b) ~~Distribute to all affected county and city building departments~~
35 ~~the current federal environmental protection agency radon measurement~~
36 ~~proficiency list and known sources for the devices.~~

37 (3)) The owner of a new single-family residence or of a
38 multifamily residential building shall be responsible for returning the

1 radon measurement device left by a building inspector pursuant to this
2 section to the appropriate testing laboratory in accordance with the
3 instructions left with the device by the building inspector.

4 ~~((4))~~ (3) The building inspector's approval of the final
5 inspection on the final inspection record card shall be prima facie
6 evidence that the building inspector left the radon measurement device
7 and instructions as required by this section.

8 ~~((5))~~ (4) The building inspector responsible for the final
9 inspection, the building inspector's employer, and the county or city
10 within which a single-family residence or multifamily residential
11 building is located shall not be liable for injuries caused by:

12 (a) The failure of the occupant or owner of the residence or
13 building to properly install, monitor, or send a radon measurement
14 device to the testing laboratory; or

15 (b) Radon entering into any single-family residence or multifamily
16 residential building.

17 ~~((6))~~ (5) This section shall expire June 30, 1995.

18 **Sec. 11.** RCW 19.27.470 and 1991 c 298 s 5 are each amended to read
19 as follows:

20 ~~((By July 1, 1992,))~~ The department of community development shall
21 be responsible for administration of rules adopted by the state
22 building code council ~~((shall adopt rules))~~ to ensure that new
23 multifamily residences have adequate and conveniently located space to
24 store and dispose of recyclable materials and solid waste.

25 **Sec. 12.** RCW 19.27.480 and 1991 c 298 s 6 are each amended to read
26 as follows:

27 ~~((By July 1, 1992,))~~ The department of community development shall
28 be responsible for administration of rules adopted by the state
29 building code council ~~((shall adopt rules))~~ to ensure that new
30 commercial facilities have adequate and conveniently located space to
31 store and dispose of recyclable materials and solid waste.

32 **Sec. 13.** RCW 19.27A.020 and 1990 c 2 s 3 are each amended to read
33 as follows:

34 (1) ~~((No later than January 1, 1991,))~~ The department of community
35 development shall be responsible for administration of rules adopted by

1 the state building code council (~~((shall promulgate rules to be))~~) known
2 as the Washington state energy code as part of the state building code.

3 (2) The (~~((council))~~) department shall follow the legislature's
4 standards set forth in this section (~~((to promulgate rules to be known~~
5 ~~as the Washington state energy code))~~). The Washington state energy
6 code shall be designed to require new buildings to meet a certain level
7 of energy efficiency, but allow flexibility in building design,
8 construction, and heating equipment efficiencies within that framework.
9 The Washington state energy code shall be designed to allow space
10 heating equipment efficiency to offset or substitute for building
11 envelope thermal performance.

12 (3) The Washington state energy code shall take into account
13 regional climatic conditions. Climate zone 1 shall include all
14 counties not included in climate zone 2. Climate zone 2 includes:
15 Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend
16 Oreille, Spokane, Stevens, and Whitman counties.

17 (4) The Washington state energy code for residential buildings
18 shall require:

19 (a) New residential buildings that are space heated with electric
20 resistance heating systems to achieve energy use equivalent to that
21 used in typical buildings constructed with:

22 (i) Ceilings insulated to a level of R-38. The code shall contain
23 an exception which permits single rafter or joist vaulted ceilings
24 insulated to a level of R-30 (R value includes insulation only);

25 (ii) In zone 1, walls insulated to a level of R-19 (R value
26 includes insulation only), or constructed with two by four members,
27 R-13 insulation batts, R-3.2 insulated sheathing, and other normal
28 assembly components; in zone 2 walls insulated to a level of R-24 (R
29 value includes insulation only), or constructed with two by six
30 members, R-22 insulation batts, R-3.2 insulated sheathing, and other
31 normal construction assembly components; for the purpose of determining
32 equivalent thermal performance, the wall U-value shall be 0.058 in zone
33 1 and 0.044 in zone 2;

34 (iii) Below grade walls, insulated on the interior side, to a level
35 of R-19 or, if insulated on the exterior side, to a level of R-10 in
36 zone 1 and R-12 in zone 2 (R value includes insulation only);

37 (iv) Floors over unheated spaces insulated to a level of R-30 (R
38 value includes insulation only);

1 (v) Slab on grade floors insulated to a level of R-10 at the
2 perimeter;

3 (vi) Double glazed windows with values not more than U-0.4;

4 (vii) In zone 1 the glazing area may be up to twenty-one percent of
5 floor area and in zone 2 the glazing area may be up to seventeen
6 percent of floor area where consideration of the thermal resistance
7 values for other building components and solar heat gains through the
8 glazing result in thermal performance equivalent to that achieved with
9 thermal resistance values for other components determined in accordance
10 with the equivalent thermal performance criteria of (a) of this
11 subsection and glazing area equal to fifteen percent of the floor area.
12 Throughout the state for the purposes of determining equivalent thermal
13 performance, the maximum glazing area shall be fifteen percent of the
14 floor area; and

15 (viii) Exterior doors insulated to a level of R-5; or an exterior
16 wood door with a thermal resistance value of less than R-5 and values
17 for other components determined in accordance with the equivalent
18 thermal performance criteria of (a) of this subsection.

19 (b) New residential buildings which are space-heated with all other
20 forms of space heating to achieve energy use equivalent to that used in
21 typical buildings constructed with:

22 (i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in
23 zone 2 the code shall contain an exception which permits single rafter
24 or joist vaulted ceilings insulated to a level of R-30 (R value
25 includes insulation only);

26 (ii) Walls insulated to a level of R-19 (R value includes
27 insulation only), or constructed with two by four members, R-13
28 insulation batts, R-3.2 insulated sheathing, and other normal assembly
29 components;

30 (iii) Below grade walls, insulated on the interior side, to a level
31 of R-19 or, if insulated on the exterior side, to a level of R-10 in
32 zone 1 and R-12 in zone 2 (R value includes insulation only);

33 (iv) Floors over unheated spaces insulated to a level of R-19 in
34 zone 1 and R-30 in zone 2 (R value includes insulation only);

35 (v) Slab on grade floors insulated to a level of R-10 at the
36 perimeter;

37 (vi) Heat pumps with a minimum heating season performance factor
38 (HSPF) of 6.8 or with all other energy sources with a minimum annual
39 fuel utilization efficiency (AFUE) of seventy-eight percent;

1 (vii) Double glazed windows with values not more than U-0.65 in
2 zone 1 and U-0.60 in zone 2. The (~~state building code council~~)
3 department of community development, in consultation with the state
4 energy office, shall review these U-values, and, if economically
5 justified for consumers, shall amend the Washington state energy code
6 to improve the U-values by December 1, 1993. The amendment shall not
7 take effect until July 1, 1994; and

8 (viii) In zone 1, the maximum glazing area shall be twenty-one
9 percent of the floor area. In zone 2 the maximum glazing area shall be
10 seventeen percent of the floor area. Throughout the state for the
11 purposes of determining equivalent thermal performance, the maximum
12 glazing area shall be fifteen percent of the floor area.

13 (c) For log built homes with space heat other than electric
14 resistance, the (~~building code council~~) department of community
15 development shall establish equivalent thermal performance standards
16 consistent with the standards and maximum glazing areas of (b) of this
17 subsection.

18 (d) The (~~state building code council~~) department of community
19 development may approve an energy code for pilot projects of
20 residential construction that use innovative energy efficiency
21 technologies intended to result in savings that are greater than those
22 realized in the levels specified in this section.

23 (5) U-values for glazing shall be determined using the area
24 weighted average of all glazing in the building. U-values for glazing
25 are the tested values for thermal transmittance due to conduction
26 resulting from either the American architectural manufacturers'
27 association (AAMA) 1503.1 test procedure or the American society for
28 testing materials (ASTM) C236 or C976 test procedures. Testing shall
29 be conducted under established winter horizontal heat flow test
30 conditions using the fifteen miles per hour wind speed perpendicular to
31 the exterior surface of the glazing as specified under AAMA 1503.1 and
32 product sample sizes specified under AAMA 1503.1. The AAMA 1503.1
33 testing must be conducted by an AAMA certified testing laboratory. The
34 ASTM C236 or C976 testing U-values include any tested values resulting
35 from a future revised AAMA 1503.1 test procedure. Sealed insulation
36 glass, where used, shall conform to ASTM E-774-81 level A or better.
37 The (~~state building code council~~) department of community development
38 shall maintain a list of the tested U-values for glazing products
39 available in the state.

1 (6) The minimum state energy code for new nonresidential buildings
2 shall be the Washington state energy code, 1986 edition, as amended.

3 (7)(a) Except as provided in (b) of this subsection, the Washington
4 state energy code for residential structures shall preempt the
5 residential energy code of each city, town, and county in the state of
6 Washington.

7 (b) The state energy code for residential structures does not
8 preempt a city, town, or county's energy code for residential
9 structures which exceeds the requirements of the state energy code and
10 which was adopted by the city, town, or county prior to March 1, 1990.
11 Such cities, towns, or counties may not subsequently amend their energy
12 code for residential structures to exceed the requirements adopted
13 prior to March 1, 1990.

14 (8) The (~~state building code council~~) department of community
15 development shall consult with the state energy office as provided in
16 RCW 34.05.310 prior to publication of proposed rules. The state energy
17 office shall review the proposed rules for consistency with the
18 guidelines adopted in subsection (4) of this section. The director of
19 the state energy office shall recommend to the (~~state building code~~
20 ~~council~~) department any changes necessary to conform the proposed
21 rules to the requirements of this section.

22 (9) (~~The state building code council shall conduct a study of~~
23 ~~county and city enforcement of energy codes in the state. In~~
24 ~~conducting the study, the council shall conduct public hearings at~~
25 ~~designated council meetings to seek input from interested individuals~~
26 ~~and organizations, and to the extent possible, hold these meetings in~~
27 ~~conjunction with adopting rules under this section. The study shall~~
28 ~~include recommendations as to how code enforcement may be improved.~~
29 ~~The findings of the study shall be submitted in a report to the~~
30 ~~legislature no later than January 1, 1991.~~

31 (~~10~~)) If any electric utility providing electric service to
32 customers in the state of Washington purchases at least one percent of
33 its firm energy load from a federal agency, pursuant to section
34 5.(b)(1) of the Pacific Northwest electric power planning and
35 conservation act (P.L. 96-501), and such utility is unable to obtain
36 from that agency at least fifty percent of the funds for payments
37 required by RCW 19.27A.035, the amendments to this section by chapter
38 2, Laws of 1990 shall be null and void, and the 1986 state energy code
39 shall be in effect, except that a city, town, or county may enforce a

1 local energy code with more stringent energy requirements adopted prior
2 to March 1, 1990. This subsection shall expire June 30, 1995.

3 **Sec. 14.** RCW 19.27A.025 and 1991 c 122 s 3 are each amended to
4 read as follows:

5 (1) The minimum state energy code for new nonresidential buildings
6 shall be the Washington state energy code, 1986 edition, as amended.
7 The (~~(state building code council)~~) department of community development
8 may, by rule adopted pursuant to chapter 34.05 RCW, amend that code's
9 requirements for new nonresidential buildings provided that:

10 (a) Such amendments increase the energy efficiency of typical newly
11 constructed nonresidential buildings; and

12 (b) Any new measures, standards, or requirements adopted must be
13 technically feasible, commercially available, and cost-effective to
14 building owners and tenants.

15 (2) In considering amendments to the state energy code for
16 nonresidential buildings, the (~~(state building code council)~~)
17 department of community development shall establish and consult with a
18 technical advisory committee including representatives of appropriate
19 state agencies, local governments, general contractors, building owners
20 and managers, design professionals, utilities, and other interested and
21 affected parties.

22 (3) Decisions to amend the Washington state energy code for new
23 nonresidential buildings shall be made prior to December 15th of any
24 year and shall not take effect before the end of the regular
25 legislative session in the next year. Any disputed provisions within
26 an amendment presented to the legislature shall be approved by the
27 legislature before going into effect. A disputed provision is one
28 which was adopted by the (~~(state building code council)~~) department of
29 community development with less than a two-thirds majority vote.
30 Substantial amendments to the code shall be adopted no more frequently
31 than every three years.

32 **Sec. 15.** RCW 19.27A.045 and 1990 c 2 s 5 are each amended to read
33 as follows:

34 The (~~(state building code council)~~) department of community
35 development shall maintain the state energy code for residential
36 structures in a status which is consistent with the state's interest as
37 set forth in section 1, chapter 2, Laws of 1990. In maintaining the

1 Washington state energy code for residential structures, beginning in
2 1996 the (~~council~~) department shall review the Washington state
3 energy code every three years. After January 1, 1996, by rule adopted
4 pursuant to chapter 34.05 RCW, the (~~council~~) department may amend any
5 provisions of the Washington state energy code to increase the energy
6 efficiency of newly constructed residential buildings. Decisions to
7 amend the Washington state energy code for residential structures shall
8 be made prior to December 1 of any year and shall not take effect
9 before the end of the regular legislative session in the next year.

10 **Sec. 16.** RCW 29.57.030 and 1985 c 205 s 2 are each amended to read
11 as follows:

12 The secretary of state, in consultation with (~~the state building~~
13 ~~code advisory council and~~) local election officials, shall determine
14 standards for accessible polling places as required by this chapter and
15 provide county auditors with these standards by July 1, 1985. These
16 standards shall be revised whenever there are significant amendments to
17 the applicable rules of the (~~state building code advisory council~~)
18 department of community development.

19 **Sec. 17.** RCW 35.68.076 and 1989 c 175 s 84 are each amended to
20 read as follows:

21 The department of general administration shall, pursuant to chapter
22 34.05 RCW, the Administrative Procedure Act, adopt several suggested
23 model design, construction, or location standards to aid counties,
24 cities, and towns in constructing curb ramps to allow reasonable access
25 to the crosswalk for physically handicapped persons without uniquely
26 endangering blind persons. The department of general administration
27 shall consult with handicapped persons, blind persons, counties, and
28 cities(~~, and the state building code council~~) in adopting the
29 suggested standards.

30 **Sec. 18.** RCW 43.22.480 and 1989 c 134 s 1 are each amended to read
31 as follows:

32 The department shall adopt and enforce rules that protect the
33 health, safety, and property of the people of this state by assuring
34 that all factory built housing or factory built commercial structures
35 are structurally sound and that the plumbing, heating, electrical, and
36 other components thereof are reasonably safe. The rules shall be

1 reasonably consistent with recognized and accepted principles of safety
2 and structural soundness, and in adopting the rules the department
3 shall consider, so far as practicable, the standards and specifications
4 contained in the uniform building, plumbing, and mechanical codes,
5 including the barrier free code and the Washington energy code (~~as~~
6 ~~adopted by the state building code council~~) pursuant to chapter 19.27A
7 RCW, and the national electrical code, including the state rules as
8 adopted pursuant to chapter 19.28 RCW and published by the national
9 fire protection association.

10 The department shall set a schedule of fees which will cover the
11 costs incurred by the department in the administration and enforcement
12 of RCW 43.22.450 through 43.22.490.

13 **Sec. 19.** RCW 70.92.130 and 1975 1st ex.s. c 110 s 4 are each
14 amended to read as follows:

15 As used in this chapter the following words and phrases shall have
16 the following meanings unless the context clearly requires otherwise:

17 (1) "Administrative authority" means the building department of
18 each county, city, or town of this state;

19 (2) "Substantially remodeled or substantially rehabilitated" means
20 any alteration or restoration of a building or structure within any
21 twelve-month period, the cost of which exceeds sixty percent of the
22 currently appraised value of the particular building or structure(~~(~~
23 ~~(3) "Council" means the state building code advisory council~~)).

24 **Sec. 20.** RCW 70.92.140 and 1975 1st ex.s. c 110 s 5 are each
25 amended to read as follows:

26 The (~~state building code advisory council~~) department of
27 community development shall adopt minimum standards by rule and
28 regulation for the provision of facilities in buildings and structures
29 to accommodate the elderly, as well as physically disabled persons,
30 which shall include but not be limited to standards for:

31 (1) Ramps;

32 (2) Doors and doorways;

33 (3) Stairs;

34 (4) Floors;

35 (5) Entrances;

36 (6) Toilet rooms and paraphernalia therein;

37 (7) Water fountains;

- 1 (8) Public telephones;
- 2 (9) Elevators;
- 3 (10) Switches and levers for the control of light, ventilation,
- 4 windows, mirrors, etc.;
- 5 (11) Plaques identifying such facilities;
- 6 (12) Turnstiles and revolving doors;
- 7 (13) Kitchen facilities, where appropriate;
- 8 (14) Grading of approaches to entrances;
- 9 (15) Parking facilities;
- 10 (16) Seating facilities, where appropriate, in buildings where
- 11 people normally assemble.

12 **Sec. 21.** RCW 70.92.150 and 1975 1st ex.s. c 110 s 6 are each
13 amended to read as follows:

14 The ~~((council))~~ department of community development in adopting
15 these minimum standards shall consider minimum standards adopted by
16 both law and rule and regulation in other states(~~((: PROVIDED, That no~~
17 ~~standards adopted by the council pursuant to RCW 70.92.100 through~~
18 ~~70.92.160 shall take effect until July 1, 1976))~~). The ~~((council))~~
19 department shall adopt such standards by majority vote pursuant to the
20 provisions of chapter 34.05 RCW.

21 **Sec. 22.** RCW 70.94.455 and 1991 c 199 s 503 are each amended to
22 read as follows:

23 After January 1, 1992, no used solid fuel burning device shall be
24 installed in new or existing buildings unless such device is either
25 Oregon department of environmental quality phase II or United States
26 environmental protection agency certified or a pellet stove either
27 certified or exempt from certification by the United States
28 environmental protection agency.

29 (1) ~~((By July 1, 1992, the state))~~ The department of community
30 development shall be responsible for administration of rules adopted by
31 the building code council ~~((shall adopt rules))~~ requiring an adequate
32 source of heat other than wood stoves in all new and substantially
33 remodeled residential and commercial construction. This rule shall
34 apply (a) to areas designated by a county to be an urban growth area
35 under chapter 36.70A RCW; and (b) to areas designated by the
36 environmental protection agency as being in nonattainment for
37 particulate matter.

1 (2) For purposes of this section, "substantially remodeled" means
2 any alteration or restoration of a building exceeding sixty percent of
3 the appraised value of such building within a twelve-month period.

4 **Sec. 23.** RCW 70.94.457 and 1991 c 199 s 501 are each amended to
5 read as follows:

6 The department of ecology shall establish by rule under chapter
7 34.05 RCW:

8 (1) State-wide emission performance standards for new solid fuel
9 burning devices. Notwithstanding any other provision of this chapter
10 which allows an authority to adopt more stringent emission standards,
11 no authority shall adopt any emission standard for new solid fuel
12 burning devices other than the state-wide standard adopted by the
13 department under this section.

14 (a) After January 1, 1995, no solid fuel burning device shall be
15 offered for sale that does not meet the following particulate air
16 contaminant emission standards under the test methodology of the United
17 States environmental protection agency in effect on January 1, 1991, or
18 an equivalent standard under any test methodology adopted by the United
19 States environmental protection agency subsequent to such date: (i)
20 Two and one-half grams per hour for catalytic wood stoves; and (ii)
21 four and one-half grams per hour for all other solid fuel burning
22 devices. For purposes of this subsection, "equivalent" shall mean the
23 emissions limits specified in this subsection multiplied by a
24 statistically reliable conversion factor determined by the department
25 that compares the difference between the emission test methodology
26 established by the United States environmental protection agency prior
27 to May 15, 1991, with the test methodology adopted subsequently by the
28 agency. Subsection (a) of this subsection does not apply to
29 fireplaces.

30 (b) After January 1, 1997, no fireplace, except masonry fireplaces,
31 shall be offered for sale unless such fireplace meets the 1990 United
32 States environmental protection agency standards for wood stoves or
33 equivalent standard that may be established by the (~~state building~~
34 ~~code council~~) department of community of development by rule. Prior
35 to January 1, 1997, the (~~state building code council~~) department of
36 community development shall establish by rule a methodology for the
37 testing of factory-built fireplaces. The methodology shall be designed
38 to achieve a particulate air emission standard equivalent to the 1990

1 United States environmental protection agency standard for wood stoves.
2 In developing the rules, the (~~ecouncil~~) department shall include on
3 the technical advisory committee at least one representative from the
4 masonry fireplace builders and at least one representative of the
5 factory-built fireplace manufacturers.

6 (c) Prior to January 1, 1997, the (~~state building code council~~)
7 department of community development shall establish by rule design
8 standards for the construction of new masonry fireplaces in Washington
9 state. In developing the rules, the (~~ecouncil~~) department shall
10 include on the technical advisory committee at least one representative
11 from the masonry fireplace builders and at least one representative of
12 the factory-built fireplace manufacturers. It shall be the goal of the
13 (~~ecouncil~~) department to develop design standards that generally
14 achieve reductions in particulate air contaminant emissions
15 commensurate with the reductions being achieved by factory-built
16 fireplaces at the time the standard is established.

17 (d) Actions of the department and local air pollution control
18 authorities under this section shall preempt actions of other state
19 agencies and local governments for the purposes of controlling air
20 pollution from solid fuel burning devices, except where authorized by
21 this act.

22 (e) Subsection (1)(a) of this section shall not apply to
23 fireplaces.

24 (f) Notwithstanding (a) of this subsection, the department is
25 authorized to adopt, by rule, emission standards adopted by the United
26 States environmental protection agency for new wood stoves sold at
27 retail. For solid fuel burning devices for which the United States
28 environmental protection agency has not established emission standards,
29 the department may exempt or establish, by rule, state-wide standards
30 including emission levels and test procedures for such devices and such
31 emission levels and test procedures shall be equivalent to emission
32 levels per pound per hour burned for other new wood stoves and
33 fireplaces regulated under this subsection.

34 (2) A program to:

35 (a) Determine whether a new solid fuel burning device complies with
36 the state-wide emission performance standards established in subsection
37 (1) of this section; and

38 (b) Approve the sale of devices that comply with the state-wide
39 emission performance standards.

1 **Sec. 24.** RCW 70.162.030 and 1989 c 315 s 4 are each amended to
2 read as follows:

3 The (~~state building code council is directed to~~) department of
4 community development shall be responsible for:

5 (1) (~~Review~~) Reviewing the state building code to determine the
6 adequacy of current mechanical ventilation and filtration standards
7 prescribed by the state compared to the industry standard; and

8 (2) (~~Make~~) Making appropriate changes in the building code to
9 bring the state prescribed standards into conformity with the industry
10 standard.

11 **Sec. 25.** RCW 90.76.020 and 1989 c 346 s 3 are each amended to read
12 as follows:

13 (1) By July 1, 1990, the department shall adopt rules establishing
14 requirements for all underground storage tanks that are regulated under
15 the federal act, taking into account the various classes or categories
16 of tanks to be regulated. The rules must be consistent with and no
17 less stringent than the federal regulations and consist of requirements
18 for the following:

19 (a) New underground storage tank system design, construction,
20 installation, and notification;

21 (b) Upgrading existing underground storage tank systems;

22 (c) General operating requirements;

23 (d) Release detection;

24 (e) Release reporting;

25 (f) Out-of-service underground storage tank systems and closure;
26 and

27 (g) Financial responsibility for underground storage tanks
28 containing regulated substances.

29 (2) By July 1, 1990, the department shall adopt rules:

30 (a) Establishing physical site criteria to be used in designating
31 local environmentally sensitive areas;

32 (b) Establishing procedures for local government application for
33 this designation; and

34 (c) Establishing procedures for local government adoption and
35 department approval of rules more stringent than the state-wide
36 standards in these designated areas.

37 (3) By July 1, 1990, the department shall establish by rule an
38 administrative and enforcement program that is consistent with and no

1 less stringent than the program required under the federal regulations
2 in the areas of:

3 (a) Compliance monitoring, including procedures for recordkeeping
4 and a program for systematic inspections;

5 (b) Enforcement;

6 (c) Public participation; and

7 (d) Information sharing.

8 (4) By July 1, 1990, the department shall establish a program that
9 provides for the tagging of underground storage tanks. Tanks are not
10 eligible for tagging unless the owner or operator is in compliance with
11 the requirements of this chapter and annual state and local tank fees
12 have been remitted. The tank tagging program shall be designed to
13 ensure that tags will be clearly identifiable to persons delivering
14 regulated substances to underground storage tanks.

15 (5) The department may establish programs to certify persons who
16 conduct inspections, testing, closure, cathodic protection, interior
17 tank lining, corrective action, or other activities required under this
18 chapter. Certification programs shall be designed to ensure that each
19 certification will be effective in all jurisdictions of the state.

20 (6) When adopting rules under this chapter, the department shall
21 consult with the (~~state building code council~~) department of
22 community development to ensure coordination with the building and fire
23 codes adopted under chapter 19.27 RCW.

24 NEW SECTION. Sec. 26. A new section is added to chapter 19.27 RCW
25 to read as follows:

26 The department of community development may establish a committee
27 to provide advice and consultation on the adoption and administration
28 of building codes authorized in chapters 19.27 and 19.27A RCW.

29 NEW SECTION. Sec. 27. The following acts or parts of acts are
30 each repealed:

31 (1) RCW 19.27.035 and 1989 c 266 s 6;

32 (2) RCW 19.27.070 and 1989 c 246 s 2, 1987 c 505 s 7, 1985 c 360 s
33 11, 1984 c 287 s 55, 1975-76 2nd ex.s. c 34 s 59, & 1974 ex.s. c 96 s
34 7;

35 (3) RCW 19.27.074 and 1989 c 266 s 3 & 1985 c 360 s 2;

36 (4) RCW 19.27.078 and 1989 c 266 s 4 & 1985 c 360 s 3;

37 (5) RCW 19.27.175 and 1991 c 297 s 15; and

1 (6) RCW 19.27A.050 and 1985 c 144 s 5.

--- **END** ---