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HOUSE BILL 1581

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Horn and Morris; by request of Department of Community, Trade, and Economic Development

Read first time 01/31/95. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to clarification of building code and structure  
2 requirements; amending RCW 19.27A.080, 70.92.110, 70.92.120, 70.92.130,  
3 70.92.150, and 70.92.160; reenacting and amending RCW 19.27.031; and  
4 repealing RCW 70.89.005, 70.89.010, 70.89.021, 70.89.031, 70.89.040,  
5 70.89.050, 70.89.060, 70.89.070, 70.89.900, and 70.89.910.

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

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

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

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

14 (2) Uniform Mechanical Code, including Chapter ((22)) 13, Fuel Gas  
15 Piping, Appendix B, published by the International Conference of  
16 Building Officials;

17 (3) The Uniform Fire Code and Uniform Fire Code Standards,  
18 published by the International ((Conference of Building Officials and  
19 the Western Fire Chiefs Association)) Fire Code Institute: PROVIDED,

1 That, notwithstanding any wording in this code, participants in  
2 religious ceremonies shall not be precluded from carrying hand-held  
3 candles;

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

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

12 In case of conflict among the codes enumerated in subsections (1),  
13 (2), (3), and (4) of this section, the first named code shall govern  
14 over those following.

15 The codes enumerated in this section shall be adopted by the  
16 council as provided in RCW 19.27.074.

17 The council may issue opinions relating to the codes at the request  
18 of a local (~~building~~) official charged with the duty to enforce the  
19 enumerated codes.

20 **Sec. 2.** RCW 19.27A.080 and 1985 c 360 s 15 are each amended to  
21 read as follows:

22 Unless the context clearly requires otherwise, the definitions in  
23 this section apply throughout RCW 19.27A.080 through 19.27A.120.

24 (1) "Portable oil-fueled heater" means any nonflue-connected, self-  
25 contained, self-supporting, oil-fueled, heating appliance equipped with  
26 an integral reservoir, designed to be carried from one location to  
27 another.

28 (2) "Oil" means any liquid fuel with a flash point of greater than  
29 one hundred degrees Fahrenheit, including but not limited to kerosene.

30 (3) "Listed" means any portable oil-fueled heater which has been  
31 evaluated in accordance with the Underwriters Laboratories, Inc.  
32 standard for portable oil-fueled heaters or an equivalent standard and  
33 with respect to reasonably foreseeable hazards to life and property by  
34 a nationally recognized testing or inspection agency, such as  
35 Underwriters Laboratories, Inc., and which has been authorized as being  
36 reasonably safe for its specific purpose and shown in a list published  
37 by such agency and/or bears the mark, name, and/or symbol of such  
38 agency as indication that it has been so authorized. Such evaluation

1 shall include but not be limited to evaluation of the requirements  
2 hereinafter set forth.

3 (4) "Approved" means any listed portable oil-fueled heater which is  
4 deemed approved if it satisfies the requirements set forth herein or  
5 adopted under RCW 19.27A.080 through 19.27A.120 and if the supplier  
6 certifies to the authority having jurisdiction over the sale and use of  
7 the heater that it is listed and in compliance with RCW 19.27A.080  
8 through 19.27A.120.

9 (5) "Structure" means any building or completed construction of any  
10 kind included in state building code groups M, R-1, R-3, (~~(B-4 and B-~~  
11 ~~2)) B, F, S-1, S-2, and U occupancies, except sleeping rooms and  
12 bathrooms: PROVIDED, HOWEVER, That in (~~(B-2)) B, M, and S-1~~  
13 occupancies, approved portable oil-fueled heaters shall only be used  
14 under permit of the fire chief.~~

15 (6) "Supplier" means any party offering to sell to retailers or to  
16 the general public approved portable oil-fueled heaters.

17 **Sec. 3.** RCW 70.92.110 and 1989 c 14 s 9 are each amended to read  
18 as follows:

19 The standards and specifications adopted under this chapter shall,  
20 as provided in this section, apply to buildings, structures, or  
21 portions thereof used primarily for group A-1 through group (~~(R-1)) U-1~~  
22 occupancies, except for group (~~(M)) R-3~~ occupancies, as defined in the  
23 Uniform Building Code, (~~(1988)) 1994~~ edition, published by the  
24 International Conference of Building Officials. All such buildings,  
25 structures, or portions thereof, which are constructed, substantially  
26 remodeled, or substantially rehabilitated after July 1, 1976, shall  
27 conform to the standards and specifications adopted under this chapter:  
28 PROVIDED, That the following buildings, structures, or portions thereof  
29 shall be exempt from this chapter:

30 (1) Buildings, structures, or portions thereof for which  
31 construction contracts have been awarded prior to July 1, 1976;

32 (2) Any building, structure, or portion thereof in respect to which  
33 the administrative authority deems, after considering all circumstances  
34 applying thereto, that full compliance is impracticable: PROVIDED,  
35 That, such a determination shall be made no later than at the time of  
36 issuance of the building permit for the construction, remodeling, or  
37 rehabilitation: PROVIDED FURTHER, That the board of appeals provided  
38 for in (~~(section 204)) chapter 1~~ of the Uniform Building Code shall

1 have jurisdiction to hear and decide appeals from any decision by the  
2 administrative authority regarding a waiver or failure to grant a  
3 waiver from compliance with the standards adopted pursuant to RCW  
4 70.92.100 through 70.92.160. The provisions of the Uniform Building  
5 Code regarding the appeals process shall govern the appeals herein;

6 (3) Any building or structure used solely for dwelling purposes and  
7 which contains not more than two dwelling units;

8 (4) Any building or structure not used primarily for group A-1  
9 through group ((R-1)) U-1 occupancies, except for group ((M)) R-3  
10 occupancies, as set forth in the Uniform Building Code, ((1988)) 1994  
11 edition, published by the International Conference of Building  
12 Officials; or

13 (5) Apartment houses located on individual properties with ((ten))  
14 three or fewer dwelling units.

15 **Sec. 4.** RCW 70.92.120 and 1975 1st ex.s. c 110 s 3 are each  
16 amended to read as follows:

17 All buildings built in accordance with the standards and  
18 specifications provided for in this chapter, and containing facilities  
19 that are in compliance therewith, shall display the following symbol  
20 which is known as the International Symbol of Access.

21 (Illustration: Handicap symbol)

22 Such symbol shall be white on a blue background and shall indicate  
23 the location of facilities designed for the physically disabled or  
24 elderly. When a building contains an entrance other than the main  
25 entrance which is ramped or level for use by physically disabled or  
26 elderly persons, a sign with the symbol showing its location shall be

1 posted at or near the main entrance which shall be visible from the  
2 adjacent public sidewalk or way.

3 **Sec. 5.** RCW 70.92.130 and 1975 1st ex.s. c 110 s 4 are each  
4 amended to read as follows:

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

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

9 (2) "Substantially remodeled or substantially rehabilitated" means  
10 any alteration or restoration of a building or structure within any  
11 twelve-month period, the cost of which exceeds sixty percent of the  
12 (~~currently appraised~~) value of the particular building or structure;

13 (3) "Council" means the state building code (~~advisory~~) council.

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

16 The council in adopting these minimum standards shall consider  
17 minimum standards adopted by both law and rule and regulation in other  
18 states and the government of the United States: PROVIDED, That no  
19 standards adopted by the council pursuant to RCW 70.92.100 through  
20 70.92.160 shall take effect until July 1, 1976. The council shall  
21 adopt such standards by majority vote pursuant to the provisions of  
22 chapter 34.05 RCW.

23 **Sec. 7.** RCW 70.92.160 and 1975 1st ex.s. c 110 s 7 are each  
24 amended to read as follows:

25 The administrative authority of any jurisdiction may grant a waiver  
26 from compliance with any standard adopted hereunder for a particular  
27 building or structure if it determines that compliance with the  
28 particular standard is impractical: PROVIDED, That such a  
29 determination shall be made no later than at the time of issuance of  
30 the building permit for the construction, remodeling, or  
31 rehabilitation: PROVIDED FURTHER, That the board of appeals provided  
32 for in (~~section 204~~) chapter 1 of the Uniform Building Code shall  
33 have jurisdiction to hear and decide appeals from any decision by the  
34 administrative authority regarding a waiver or failure to grant a  
35 waiver from compliance with the standards adopted pursuant to RCW

1 70.92.100 through 70.92.160. The provisions of the Uniform Building  
2 Code regarding the appeals process shall govern the appeals herein.

3 NEW SECTION. **Sec. 8.** The following acts or parts of acts are each  
4 repealed:

- 5 (1) RCW 70.89.005 and 1973 1st ex.s. c 2 s 1;
- 6 (2) RCW 70.89.010 and 1973 1st ex.s. c 2 s 2 & 1963 c 128 s 1;
- 7 (3) RCW 70.89.021 and 1973 1st ex.s. c 2 s 3;
- 8 (4) RCW 70.89.031 and 1973 1st ex.s. c 2 s 4;
- 9 (5) RCW 70.89.040 and 1973 1st ex.s. c 2 s 8 & 1963 c 128 s 4;
- 10 (6) RCW 70.89.050 and 1989 c 12 s 19 & 1973 1st ex.s. c 2 s 5;
- 11 (7) RCW 70.89.060 and 1973 1st ex.s. c 2 s 6;
- 12 (8) RCW 70.89.070 and 1973 1st ex.s. c 2 s 7;
- 13 (9) RCW 70.89.900 and 1963 c 128 s 5; and
- 14 (10) RCW 70.89.910 and 1973 1st ex.s. c 2 s 10.

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