



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: State Building Code Council

- Permanent Rule
- Emergency Rule

Effective date of rule:

**Permanent Rules**

- 31 days after filing.
- Other (specify) January 1, 2006 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
  - No
- If Yes, explain:

**Purpose:**

The proposed rule updates the definitions for model code, model code organization, and state building code; clarifies procedures for local amendment review in regard to documentation; established a schedule of adoption for statewide amendments; and updates contact information.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: WAC 51-04, Sections 015, 020, 030, 035, 040 and 070.  
 Suspended:

Statutory authority for adoption: RCW 19.27.190 and RCW 19.27.020

Other authority: RCW 19.27 and RCW 34.05

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 05-17-008 on August 4, 2005 (date).  
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

- Under RCW 34.05.350 the agency for good cause finds:
- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
  - That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: November 4, 2005

NAME (TYPE OR PRINT)

John Neff

SIGNATURE

TITLE  
 Council Chair

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
 STATE OF WASHINGTON  
 FILED

NOV 17 2005

TIME: 2:00 AM/PM PM  
 WSR: 05-23-104

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>6</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>3</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 04-01-107, filed 12/17/03 effective 7/1/04)

**WAC 51-04-015 Definitions.** (1) "Supplements and accumulative supplements" mean the publications between editions of the model codes and standards which include changes to the current edition of the model codes and standards.

(2) "Council" means the Washington state building code council.

(3) "Emergency statewide amendment" means any proposed statewide amendment, the adoption of which is necessary immediately in order to protect life, safety or health of building occupants; preserve the structural integrity of buildings built to the state building code; to correct errors and omissions; or by the direction of the Washington state legislature or federal legislation. Emergency statewide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(4) "Local government amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions.

(5) "Local government residential amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions, that applies to single and multifamily buildings as defined by RCW 19.27.015.

(6) "Model codes" means the codes developed by the model code organizations and adopted by and referenced in chapter 19.27 RCW.

(7) "Model code organization(s)" means the national code-promulgating organizations that develop the model codes (as defined herein), such as the International Code Council, International Association of Plumbing and Mechanical Officials, and National Fire Protection Association.

(8) "State building code" means the (~~International Building Code including regulations for accessibility, the International Residential Code, the International Mechanical Code except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code), the International Fire Code including those standards of the National Fire Protection Association specifically referenced in the International Fire Code, the Uniform Plumbing Code and Standards, as designated~~) codes adopted by and referenced in chapter 19.27 RCW ((19.27.031)); the state energy code; and any other codes so designated by the Washington state legislature as adopted and amended by the council.

(~~(7)~~) (9) "Statewide amendment" means any amendment to the building code, initiated through council action or by petition to

the council from any agency, city or county, or interested individual or organization, that would have the effect of amending the building code for the entire state of Washington. Statewide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

~~((8))~~ (10) "State building code update cycle" means that period during which the model code and standards referenced in chapter 19.27 RCW are updated and amended by the council in accordance with the Administrative Procedure Act, chapter 34.05 RCW hereinafter referred to as the "adoption period" and those additional periods when code changes are received for review as proposed amendments to the model codes, hereinafter referred to as "submission periods."

~~((9) "Model codes" means the International Building, Residential, Mechanical, and Fire Codes and the Uniform Plumbing Code as published by the International Code Council and the International Association of Plumbing and Mechanical Officials respectively.))~~

AMENDATORY SECTION (Amending WSR 04-01-107, filed 12/17/03, effective 7/1/04)

**WAC 51-04-020 Policies for the consideration of proposed statewide amendments.** Statewide and emergency statewide amendments to the state building code should be based on one of the following criteria:

(1) The amendment is needed to address a critical life/safety need.

(2) The amendment is needed to address a specific state policy or statute.

(3) The amendment is needed for consistency with state or federal regulations.

(4) The amendment is needed to address a unique character of the state.

(5) The amendment corrects errors and omissions.

Statewide and emergency statewide amendments to the state building code shall conform to the purposes, objectives, and standards prescribed in RCW 19.27.020.

The council will accept and consider petitions for emergency statewide amendments to the building code at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW.

The council will accept and consider all other petitions for statewide amendments in conjunction with the state building code update cycle, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and 51-04-020 as follows:

The state building code council shall ~~((identify a submission period of at least thirty days when revisions to the state building code may be submitted))~~ publicize the state building code amendment



process in January of each year. Proposed state amendments must be received by March 1 to be considered for adoption by December 1. The state building code council shall review all ((submissions and accept)) proposed statewide amendments and file for future rule making those ((revisions favorably reviewed. Submissions must be received by March 1 to be considered for adoption by December 1 in any year. Revisions accepted)) proposals approved as submitted or as amended by the council. State amendments as approved by the council shall be submitted to the ((International Code Council and the International Association of Plumbing and Mechanical Officials, respectively, as proposed revisions to the model codes (unless recently considered as amendments)) appropriate model code organization, at the direction of the council, except those adopted for consistency with state statutes or regulation and held for further review during the adoption period of those model codes by the council. The effective date of any statewide amendments shall be the same as the effective date of the new edition of the model codes, except for emergency amendments adopted in accordance with chapter 34.05 RCW and deemed appropriate by the council.

The adoption period of new model codes commences upon availability of the publication of the new edition of the model codes ((by the International Code Council and the International Association of Plumbing and Mechanical Officials,)) and concludes with formal adoption of the ((revised)) building code as amended by the council and final review by the state legislature. For the purposes of this section, the publication of supplements shall not be considered a new edition. ((At the beginning of the adoption period, the state building code council shall identify a limited submission period of at least thirty days. During this period,)) The council will ((receive revisions proposed)) consider state amendments to:

The model codes provided that the proposed ((revisions)) amendments shall be limited to ((revisions which)) address changes in the model codes since the previous edition((-

~~The state building code which)); or, address((es)) existing statewide amendments to the model codes((-~~

~~The state building code which)); or, address((es)) portions of the state building code other than the model codes.~~

((In addition, the state building code council shall review for adoption those proposed revisions to the model code accepted after preliminary review in those submission periods since the last adoption period. The state building code council shall consider the action of the International Code Council and the International Association of Plumbing and Mechanical Officials, respectively, in their consideration of these proposals.)) The state building code council shall consider the action of the model code organizations in their consideration of these proposals.

Within sixty days of the receipt of the new edition of the model codes the council shall enter rule making to update the state building code.

AMENDATORY SECTION (Amending WSR 04-07-193, filed 3/24/04, effective 7/1/04)

**WAC 51-04-030 Policies for consideration of proposed local government residential amendments.** All amendments to the building code, as adopted by cities and counties for implementation and enforcement in their respective jurisdictions, that apply to single and multifamily buildings as defined by RCW 19.27.015, shall be submitted to the council for approval.

The council shall consider and approve or deny all proposed local government residential amendments to the building code within ninety days of receipt of a proposal, unless alternative scheduling is agreed to by the council and the proposing entity.

All local government residential amendments to the building code that require council approval shall be submitted in writing to the council, after the city or county legislative body has adopted the amendment and prior to implementation and enforcement of the amendment by the local jurisdiction. All local amendments submitted for review shall be accompanied by findings of fact adopted by the governing body of the local jurisdiction justifying the adoption of the local amendment in accordance with the five criteria noted below in this section.

It is the policy of the council to encourage joint proposals for local government residential amendments from more than one jurisdiction. Local government residential amendments submitted to the council for approval should be based on:

- (1) Climatic conditions that are unique to the jurisdiction.
- (2) Geologic or seismic conditions that are unique to the jurisdiction.
- (3) Environmental impacts such as noise, dust, etc., that are unique to the jurisdiction.
- (4) Life, health, or safety conditions that are unique to the local jurisdiction.
- (5) Other special conditions that are unique to the jurisdiction.

**EXCEPTIONS:** Appendices or portions thereof that have the effect of amending the uniform codes, that do not conflict with the building code for single and multifamily residential buildings as defined by RCW 19.27.015, may be adopted by local jurisdictions without council review or approval.

Local government residential amendments to:(  
(1) Chapter 1, 17, or 34 of the International Building Code;  
(2) Chapter 1 of the International Residential Code;  
(3) Chapter 1 of the International Mechanical Code;  
(4) Chapter 1 of the International Fire Code;  
(5) Chapter 1 of the Uniform Plumbing Code;  
(6) Chapter 1 or 11 of the State Energy Code; or  
(7) Chapter 1 of the Ventilation and Indoor Air Quality Code)) administrative provisions (departmental operational procedures) contained within the state building code need not be submitted to the Council for review and approval provided that such amendments do not ~~(diminish)~~ alter the construction requirements of those chapters.

Those portions of the supplement or accumulative supplements that affect single and multifamily residential buildings as defined by RCW 19.27.015 that are not adopted by the council shall be submitted to the council for consideration as local government residential amendments to the building code.

Local government residential amendments shall conform to the

AMENDATORY SECTION (Amending WSR 90-02-108, filed 1/3/90, effective 2/3/90)

**WAC 51-04-035 Procedure for submittal of proposed local government residential amendments.** All proposed local government residential amendments to the state building code shall be submitted in writing to the council, on a form provided by the council, along with ~~((a statement of need))~~ findings of fact as required in WAC 51-04-030 for the proposed amendment. Local government residential amendments to administrative provisions (departmental operational procedures) contained within the state building code need not be submitted to the council for review and approval provided that such amendment does not affect the construction requirements of those chapters.

The council shall accept and consider all applications for review of local government residential amendments submitted to the council in a proper manner.

The council may refer a proposed local government residential amendment to one of the council standing committees for review and comment prior to council action in accordance with RCW 19.27.074.

AMENDATORY SECTION (Amending WSR 02-01-113, filed 12/18/01, effective 7/1/02)

**WAC 51-04-040 Reconsideration.** Any party proposing a statewide or local government amendment to the building code may, upon denial of the amendment by the council, file a petition for reconsideration.

Within ten days of a building code council vote to deny a statewide or local government amendment, any party may file a petition for reconsideration, stating the specific justification for rule adoption or local amendment. The petition shall be filed with the State Building Code Council, P.O. Box ~~((48300))~~ 42525, Olympia, Washington 98504-2525.

The council is deemed to have denied the petition for reconsideration if, within sixty days from the date the petition is filed, the council does not either:

- (1) Dispose of the petition; or
- (2) Serve the parties with a written notice specifying the date by which it will act on the petition.

Unless the petition is deemed denied, the petition shall be disposed of by the council with recommendations from the same

committee or committees that considered the proposed rule or local amendment. The disposition shall be in the form of a written notice denying the petition, granting the petition and refiling the rule-making order or approving the local amendment, or granting the petition and setting the matter for further hearings.

AMENDATORY SECTION (Amending WSR 98-02-048, filed 1/5/98, effective 7/1/98)

**WAC 51-04-070 Council mailing address.** All requests for information, documentation, etc., should be submitted to:

Washington State Building Code Council  
906 Columbia St SW  
Post Office Box (~~(48300)~~) 42525  
Olympia, Washington 98504-~~(8300)~~ 2525  
~~((360) 586-0486)~~ 360-725-2966