



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Washington State Building Code Council

Permanent Rule
 Emergency Rule

(1) Date of adoption: December 15, 1989

(2) Purpose:
To adopt changes to ch 51-04 WAC, ch 51-06 WAC, and ch 51-08 WAC

(3) Citation of existing rules affected by this order:
Repealed:
Amended: ch 51-04 WAC, ch 51-06 WAC, and ch 51-08WAC
Suspended:

(4) Authority for adoption:
Statute: RCW 19.27 and 34.05
Other Authority: Chapter 348 Session Laws of 1989

(5.1) **PERMANENT RULE ONLY** 90-02-003 12/21/89 W.S.
Pursuant to notice filed as WSR 89-17-138 on 8/23/89 (date).
Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**
Pursuant to RCW 34.05.350 the agency for good cause finds:
 (a) 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.
 (b) 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:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:
Permanent Rules 31 days after filing Other (specify) _____*
Emergency Rules Immediately Later (specify) _____
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED
JAN 03 1990
TIME: 4:22
WSR 90-02-108

NAME (TYPE OR PRINT)
Marc Sullivan
SIGNATURE
M Sullivan
TITLE
Chair, State Building Code Council
DATE
12/21/89

Chapter 51-04 WAC

((GENERAL-PROCEDURES)) POLICIES AND PROCEDURES FOR CONSIDERATION OF STATE-WIDE AND LOCAL AMENDMENTS TO THE STATE BUILDING CODE

WAC

51-04-010	((Council)) <u>Declaration of purpose.</u>
51-04-015	Definitions.
51-04-018	Preproposal petition.
51-04-020	((Council-membership-and-organization)) <u>Policies for the consideration of proposed state-wide amendments.</u>
51-04-025	Procedure for submittal or proposed state-wide amendments.
51-04-030	Policies for consideration of proposed local government residential amendments.
51-04-035	Procedure for submittal of proposed local government residential amendments.
51-04-037	Preapproved local government residential amendments.
51-04-040	Reconsideration.
51-04-050	Ex parte communications.
51-04-060	Opinions and interpretations.
51-04-070	Council mailing address.

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-04-010 ((COUNCIL)) DECLARATION OF PURPOSE. The Washington state building code ((advisory)) council, hereinafter ((referred-to-as)) called the council, ((has-been-established-by-the-legislature-to-report-annually-to-the-governor-and-the-legislature-on-the-operation-and-administration-of-chapter-19.27-RCW-the-state-building-code-act-and-to-adopt-rules-and-regulations-establishing-barrier-free-design-standards-pursuant-to-RCW-19.27.030(5))) is required by chapter 266, Laws of 1988, to adopt and maintain the state building code, hereinafter referred to as the building code, as provided in chapters 19.27, 19.27A, and 70.92 RCW, and the state legislature.

The primary objective of the council is to encourage consistency in the building code throughout the state of Washington and to maintain the building code consistent with the state's interest as provided in RCW 19.27.020.

The building code shall be as defined in WAC 51-04-015(6).

The council is also required by RCW 19.27.074 to approve or deny all city and county amendments to the building code that apply to single family or multifamily buildings as defined in RCW 19.27.015.

The purpose of this chapter is to establish policies and procedures for submittal and council review and consideration of proposed state-wide and city and county amendments respectively, to the building code.

NEW SECTION

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

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

(3) "Emergency state-wide amendment" means any proposed state-wide 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 or to comply with enacted state or federal legislation. Emergency state-wide 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) "State building code" means the Uniform Building Code and Standards; the Uniform Mechanical Code including Appendix B, Chapter 22 Fuel Gas Piping; the Uniform Fire Code and Standards; the Uniform Plumbing Code and Standards, excluding Chapters 11 and 12; the state regulations for barrier-free facilities; the state energy code; and any other codes so designated by the Washington state legislature as adopted and amended by the council.

(7) "State-wide 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. State-wide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(8) "State building code update cycle" means that period during which the uniform 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. During the code update cycle, the entire building code is updated by the council. The code update cycle commences upon availability of the publication of the current edition of the Uniform Codes by the International Conference of Building Officials, and concludes with formal adoption of the revised building code by the council and final review by the state legislature.

Within sixty days of the receipt of the new current editions of the uniform codes as published by the International Conference of Building Officials, International Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively, the council shall enter rulemaking to update the building code.

(9) "Uniform codes" means the Uniform Building, Mechanical, Plumbing, and Fire Codes as published by the International Conference of Building Officials, International Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively.

NEW SECTION

WAC 51-04-013 PREPROPOSAL PETITION. An agency, city or county, or other interested individual or organization wishing to submit state-wide or local government residential amendments to the building code for council consideration, may file with the council a preproposal petition in order to solicit comments from council members and interested parties, prior to council action.

The council may refer a preproposal petition to one of the council standing committees for review and comment.

AMENDATORY SECTION (Amending Order 75-02, filed 9/1/76)

WAC 51-04-020 ((~~COUNCIL--MEMBERSHIP-AND-ORGANIZATION~~)) POLICIES FOR THE CONSIDERATION OF PROPOSED STATE-WIDE AMENDMENTS. ((~~1~~)) ~~The membership of the council is appointed by the governor and includes a designee from the department of labor and industries, a designee from the insurance commissioner, and thirteen additional members broadly representative of the general public, local government, industries and professions concerned with building design and construction.~~

~~(2) At the request of the governor, staff support to the council is provided by the office of community development, hereinafter referred to as the office;~~

~~(3) The principal office of the council shall be in Olympia, Washington at the office, 400 Capitol Center Building, Olympia, 98504. The office shall be open each day from 8:00 a.m. to 5:00 p.m., (Saturdays, Sundays, and legal holidays excepted). Submissions, requests, and communications shall be sent to the state building code advisory council, c/o office of community development, 400 Capitol Center Building, Olympia, Washington 98504.)~~ The council will accept and consider petitions for emergency state-wide 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 state-wide 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.

NEW SECTION

WAC 51-04-025 PROCEDURE FOR SUBMITTAL OR PROPOSED STATE-WIDE AMENDMENTS. All proposed state-wide amendments shall be submitted in writing to the council, on the form provided by the council.

Petitions for state-wide amendments to the building code should be submitted to the council within thirty days of publication of the new current editions of the uniform codes as revised by the International Conference of Building Officials, International Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively.

Petitions for emergency state-wide amendments to the building code may be submitted at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and 51-04-020.

The council may refer a proposed state-wide amendment to one of the council standing committees for review and comment prior to council action in accordance with chapter 34.05 RCW.

The council shall deal with all proposed state-wide amendments within the time frames required by chapter 19.27 RCW, RCW 34.05.330, and all other deadlines established by statute.

NEW SECTION

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

says 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.

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 Chapters 1, 2, or 3 of the uniform building code need not be submitted to the council for review and approval provided that such amendments do not diminish 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 limitations provided in RCW 19.27.040.

NEW SECTION

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 for the proposed amendment.

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.

NEW SECTION

WAC 51-04-037 PREAPPROVED LOCAL GOVERNMENT RESIDENTIAL AMENDMENTS. Any local government residential amendment, that the council determines to be appropriate for adoption by other local governments, may be designated as a preapproved local government residential amendment.

A preapproved local government residential amendment may be adopted by any local government upon notification of the council.

NEW SECTION

WAC 51-04-040 RECONSIDERATION. Any party proposing a state-wide or local government amendment to the building code may, upon denial of the amendment by the council, file a petition for reconsideration in accordance with RCW 34.05.470.

NEW SECTION

WAC 51-04-050 EX PARTE COMMUNICATIONS. All written communications received by council members during council rule-making proceedings, shall be forwarded to staff for inclusion in the public record.

NEW SECTION

WAC 51-04-060 OPINIONS AND INTERPRETATIONS. RCW 19.27.031 grants the council authority to render opinions relating to the building code at the request of a local building official.

Council building code related opinions and interpretations shall be limited to the state regulations for barrier-free facilities, the state energy code, and council amendments to the uniform codes.

The Washington state energy office shall provide opinions and interpretations related to the state energy code.

NEW SECTION

WAC 51-04-070 COUNCIL MAILING ADDRESS. All requests for information, documentation, etc., should be submitted to:

Washington State Building Code Council
 Ninth and Columbia Building
 Mailstop: GH-51
 Olympia, Washington 98504-4151
 (206) 753-2222

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-06-010 PURPOSE OF CHAPTER. The purpose of this chapter shall be to ensure compliance by the state building code ((advisory)) council (hereinafter referred to as the "council"), including its members and staff, with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with RCW 42.17.250 - 42.17.320 dealing with public records.

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-06-020 PUBLIC RECORDS AVAILABLE. All public records of the council as defined in WAC 51-06-030 are ((deemed-to-be)) available for public inspection and copying at the Department of Community Development, Ninth and Columbia Building, Olympia, Washington 98504, pursuant to these rules, except as otherwise provided by RCW 42.17.310 ((and-WAC-51-06-000)).

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-06-070 COPYING. ((No--fee--shall--be--charged--for--the inspection--of--public--records,)) The ((office--shall)) department of community development may charge a fee of twenty-five cents per page for providing copies of public records and for use of the office's copy equipment. ((This-charge-is-the-amount--necessary--to--reimburse the-office-for-its-costs-incident-to-such-copying,))

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-06-120 ADDRESS FOR COMMUNICATIONS. ((All-communications with-the-council-including-but-not-limited-to-the-submission-of--materials--pertaining--to--its--operations--and/or--the--administration-or enforcement-of-chapter-42.17-RCW,-and-these-rules;-requests-for-copies of-the-council's-rules;-and-other-matters;-shall-be-addressed-as--follows:-The--State-Building-Code-Advisory-Council,-c/o-Office-of-Community-Development,-400-Capitol--Center--Building,-Olympia,-Washington 98504,)) All requests for information, documentation, etc., should be submitted to the:

Washington State Building Code Council
Ninth and Columbia Building
Mailstop: GH-51
Olympia, Washington 98504-4151
(206) 753-2222

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 51-06-030 DEFINITIONS.
WAC 51-06-040 PUBLIC RECORDS OFFICER.
WAC 51-06-050 OFFICE HOURS.
WAC 51-06-060 REQUESTS FOR PUBLIC RECORDS.
WAC 51-06-080 EXEMPTIONS.
WAC 51-06-090 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.
WAC 51-06-100 PROTECTION OF PUBLIC RECORDS.
WAC 51-06-110 RECORDS INDEX.

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-08-010 UNIFORM PROCEDURAL RULES. The state building code ((~~advisory~~)) council, hereinafter referred to as the council, adopts as its own rules of practice all those uniform procedural rules promulgated by the code reviser now codified in the Washington Administrative Code, as WAC 1-08-005 through 1-08-590, as now or hereinafter amended, subject to any additional rules the council may add from time to time. The council reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the council, said determination to be in accordance with the spirit and intent of the law.