



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Department of Community Development
Administrative Order No. 90-01

Permanent Rule
 Emergency Rule

(1) Date of adoption: February 28, 1990

(2) Purpose: To repeal sections of WAC 365-110 that are inconsistent with the State Building Code Act, RCW 19.27 as amended, and to repeal sections of WAC 365-110 that are duplications of RCW 19.27A.

(3) Citation of existing rules affected by this order:
Repealed: WAC 365-110-030, 040, 050, 060, 080
Amended: WAC 365-110-020
Suspended:

(4) Authority for adoption:
Statute: RCW 19.27 and 19.27A
Other Authority:

(5.1) **PERMANENT RULE ONLY**
Pursuant to notice filed as WSR 90-03-017 on January 9, 1990 (date).
Describe any changes other than editing from proposed to adopted version:
None.

(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) _____ *
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)
Emergency Rules
 Immediately
 Later (specify) _____

CODE REVISER USE ONLY
STATE REVISOR'S OFFICE
STATE OF WASHINGTON
FILED
APR 06 1990
TIME 8:23
WSR 90-09-008

NAME (TYPE OR PRINT)
Chuck Clarke
SIGNATURE
Chuck Clarke
TITLE
Director
DATE
4/5/90

AMENDATORY SECTION (Amending Order 87-19, filed 9/18/87)

WAC 365-110-020 PURPOSE. The purpose of these rules is to ((implement chapter 19.27 RCW as amended by chapter 360, laws of 1985, and chapter 19.27A RCW, created by chapter 360, laws of 1985 and by section 217(14), chapter 7, laws of 1987 1st ex. sess., and by RCW 19.27.085.

Chapter 19.27A RCW, provides for the amendment of the State Energy Code by the State Building Code Council and for certain energy studies to be conducted by the University of Washington college of architecture and department of mechanical engineering. The code amendment and energy studies are to be funded by a surcharge on building permit fees issued by local governments for new building construction.

Chapter 19.27 RCW provides that the activities of the State Building Code Council necessary to implement the purposes of the chapter shall be funded by a fee of one dollar and fifty cents to be imposed on each building permit issued by a city or county. The monies collected under this fee will be deposited in the building code council account in the state treasury and must be used by the building code council, after appropriation, to perform the purposes of the council. Every four years the state treasurer must report to the legislature on the balances in the account so that the legislature may adjust the charges imposed. Section 217(14), chapter 7, laws of 1987 1st ex. sess. provides that an additional fee of two dollars shall be added to the fee imposed under RCW 19.27.085 through June 30, 1989) provide definitions to assist the collection of building permit fees as mandated by chapter 19.27 RCW.

AMENDATORY SECTION (Amending Order 87-19, filed 9/18/87)

WAC 365-110-035 DEFINITIONS. 1. DEPARTMENT shall mean the department of community development.

2. ((ENERGY CODE STUDIES SURCHARGE shall mean a surcharge which is required to be collected by cities and counties pursuant to chapter 19.27A RCW, and subject to appropriations as provided in chapter 6, laws of 1985 1st ex. sess. Funds collected shall be used exclusively to implement the provisions of chapter 19.27A RCW.

3)) STATE BUILDING CODE FEE shall mean a fee which is required to be collected by cities and counties pursuant to chapter 19.27 RCW. Funds collected shall be used exclusively to implement the provisions of chapters 19.27 and 19.27A RCW.

((4)) 3. BUILDING PERMIT shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the Uniform Building Code as set forth in the Uniform Building Code, section 301. This definition shall be subject to the exemptions contained in section 301 of the Uniform Building Code. Building permit shall include an installation permit or other permit issued by a city or county for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC. Building permits shall not include plumbing, electrical, mechanical permits, or permits issued pursuant to the Uniform Fire Code.

((5. NEW BUILDING CONSTRUCTION PERMIT shall mean a permit which is issued by a city or a county for the construction of a new building and shall not include remodeling, renovation, demolition, or addition to an existing building. A new building construction permit shall include a permit to relocate an existing building but shall not include a permit for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC.))

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 365-110-030 SUFFICIENT FEDERAL FUNDS NOT AVAILABLE.
WAC 365-110-040 COLLECTION OF ENERGY STUDIES SURCHARGE.
WAC 365-110-050 COLLECTION OF STATE BUILDING CODE FEE.
WAC 365-110-060 TRANSMITTAL OF FUNDS.
WAC 365-110-080 TERMINATION.