

Chapter 19.27 RCW
STATE BUILDING CODE

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RCW 19.27.010 Short title. This chapter shall be known as the State Building Code Act. [1974 ex.s. c 96 § 1.]

RCW 19.27.015 Definitions. As used in this chapter:

(1) "Agricultural structure" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure may not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor may it be a place used by the public.

(2) "City" means a city or town.

(3) "Commercial building permit" means a building permit issued by a city or a county to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building not covered by a residential building permit.

(4) "Multifamily residential building" means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than five thousand square feet in area, and that have a one-hour fire-resistive occupancy separation between units.

(5) "Residential building permit" means a building permit issued by a city or a county to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building containing only dwelling units used for independent living of one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and structures accessory to dwelling units, such as detached garages and storage buildings.

(6) "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. [2018 c 207 § 1; 2009 c 362 § 2; 1996 c 157 § 1; 1985 c 360 § 1.]

Effective date—2018 c 207 §§ 1-8: See note following RCW 19.27.070.

Finding—Performance audit—2009 c 362: See notes following RCW 19.27.087.

Effective date—1996 c 157: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 25, 1996]." [1996 c 157 § 3.]

RCW 19.27.020 Purposes—Objectives—Standards. The purpose of this chapter is to promote the health, safety and welfare of the occupants or users of buildings and structures and the general public by the provision of building codes throughout the state. Accordingly, this chapter is designed to effectuate the following purposes, objectives, and standards:

(1) To require minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire and life safety.

(2) To require standards and requirements in terms of performance and nationally accepted standards.

(3) To permit the use of modern technical methods, devices and improvements.

(4) To eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations and requirements which could unnecessarily increase construction costs or retard the use of new materials and methods of installation or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction.

(5) To provide for standards and specifications for making buildings and facilities accessible to and usable by physically disabled persons.

(6) To consolidate within each authorized enforcement jurisdiction, the administration and enforcement of building codes. [1985 c 360 § 6; 1974 ex.s. c 96 § 2.]

RCW 19.27.031 State building code—Adoption—Conflicts—Opinions.

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

(1)(a) The International Building Code, published by the International Code Council, Inc.;

(b) The International Residential Code, published by the International Code Council, Inc.;

(2) The International Mechanical Code, published by the International Code Council, Inc., 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);

(3) The International Fire Code, published by the International Code Council, Inc., including those standards of the National Fire Protection Association specifically referenced in the International Fire Code: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying handheld candles;

(4) Portions of the International Wildland Urban Interface Code, published by the International Code Council Inc., as set forth in RCW 19.27.560;

(5) Except as provided in *RCW 19.27.170, the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That any provisions of such code affecting sewers or fuel gas piping are not adopted;

(6) The rules adopted by the council establishing standards for making buildings and facilities accessible to and usable by individuals with disabilities or elderly persons as provided in RCW 70.92.100 through 70.92.160; and

(7) The state's climate zones for building purposes are designated in RCW 19.27A.020(3) and may not be changed through the adoption of a model code or rule.

In case of conflict among the codes enumerated in subsections (1), (2), (3), (4), and (5) of this section, the first named code shall govern over those following.

The codes enumerated in this section shall be adopted by the council as provided in RCW 19.27.074. The council shall solicit input from first responders to ensure that firefighter safety issues are addressed during the code adoption process.

The council may issue opinions relating to the codes at the request of a local official charged with the duty to enforce the enumerated codes. [2018 c 189 § 1; 2015 c 11 § 2; 2003 c 291 § 2; 1995 c 343 § 1. Prior: 1989 c 348 § 9; 1989 c 266 § 1; 1985 c 360 § 5.]

***Reviser's note:** RCW 19.27.170 was repealed by 2019 c 286 § 9.

Finding—Intent—2015 c 11: "The legislature finds that the state building code council adopted by rule changes to the climate zones used in the building codes due to modifications in the 2012 international energy conservation code (IECC). The legislature intends to update the statutes to be more reflective of the national standards." [2015 c 11 § 1.]

Intent—Finding—2003 c 291: "(1) The intent of the adoption of the International Building Code by the legislature is to remain consistent with state laws regulating construction, including electrical, plumbing, and energy codes established in chapters 19.27, 19.27A, and 19.28 RCW. The International Building Code references the International Residential Code for provisions related to the construction of single and multiple-family dwellings. No portion of the International Residential Code shall supersede or take precedent over provisions in chapter 19.28 RCW, regulating the electrical code; nor provisions in RCW 19.27.031(4), regulating the plumbing code; nor provisions in chapter 19.27A RCW, regulating the energy code.

(2) It is in the state's interest and consistent with the state building code act to have in effect provisions regulating the construction of single and multiple-family residences. It is the legislative intent that the state building code council adopt the International Residential Code through rule making granted in RCW 19.27.074, consistent with state law regulating construction for electrical, plumbing, and energy codes, and other state and federal laws regulating single and multiple-family construction.

(3) In accordance with RCW 19.27.020, the state building code council shall promote fire and life safety in buildings consistent with accepted standards. In adopting the codes for the state of Washington, the state building code council shall consider provisions related to firefighter safety published by nationally recognized organizations. The state building code council shall review all nationally recognized codes as set forth in RCW 19.27.074.

(4) The legislature finds that building codes are an integral component of affordable housing. In accordance with this finding, the state building code council shall consider and review building code provisions related to improving affordable housing." [2003 c 291 § 1.]

Severability—1989 c 348: See note following RCW 90.54.020.

Rights not impaired—1989 c 348: See RCW 90.54.920.

RCW 19.27.035 Process for review. The building code council shall:

(1)(a) By July 1, 2019, adopt a revised process for the review of proposed statewide amendments to the codes enumerated in RCW 19.27.031; and

(b) Adopt a process for the review of proposed or enacted local amendments to the codes enumerated in RCW 19.27.031 as amended and adopted by the state building code council.

(2) By December 31, 2019, adopt building code standards specific for tiny houses. [2019 c 352 § 6; 2018 c 207 § 2; 1989 c 266 § 6.]

Finding—2019 c 352: See note following RCW 58.17.040.

Effective date—2018 c 207 §§ 1-8: See note following RCW 19.27.070.

RCW 19.27.040 Cities and counties authorized to amend state building code—Limitations. The governing body of each county or city is authorized to amend the state building code as it applies within

the jurisdiction of the county or city. The minimum performance standards of the codes and the objectives enumerated in RCW 19.27.020 shall not be diminished by any county or city amendments.

Nothing in this chapter shall authorize any modifications of the requirements of chapter 70.92 RCW. [1990 c 2 § 11; 1985 c 360 § 8; 1977 ex.s. c 14 § 12; 1974 ex.s. c 96 § 4.]

Effective dates—1990 c 2: "Sections 1 through 4, 6, 7, 9, and 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect March 1, 1990. Sections 11 and 12 of this act shall take effect January 1, 1991. Section 8 of this act shall take effect July 1, 1991." [1990 c 2 § 14.]

Findings—Severability—1990 c 2: See notes following RCW 19.27A.015.

RCW 19.27.042 Cities and counties—Emergency exemptions for housing for indigent persons. (1) Effective January 1, 1992, the legislative authorities of cities and counties may adopt an ordinance or resolution to exempt from state building code requirements buildings whose character of use or occupancy has been changed in order to provide housing for indigent persons. The ordinance or resolution allowing the exemption shall include the following conditions:

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

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

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

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

(2) By January 1, 1992, the state building code council shall adopt by rule, guidelines for cities and counties exempting buildings under subsection (1) of this section. [1991 c 139 § 1.]

RCW 19.27.050 Enforcement. The state building code required by this chapter shall be enforced by the counties and cities. Any county or city not having a building department shall contract with another county, city, or inspection agency approved by the county or city for enforcement of the state building code within its jurisdictional boundaries. [1985 c 360 § 9; 1974 ex.s. c 96 § 5.]

RCW 19.27.060 Local building regulations superseded—Exceptions. (1) The governing bodies of counties and cities may amend the codes enumerated in RCW 19.27.031 as amended and adopted by the state building code council as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained

in the state building code except as provided in subsection (2) of this section.

(a) Except as provided in subsection (2) of this section, no amendment to a code enumerated in RCW 19.27.031 as amended and adopted by the state building code council that affects single-family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW 19.27.074(1)(b).

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

(2) The legislative body of a county or city, in exercising the authority provided under subsection (1) of this section to amend the code enumerated in RCW 19.27.031(1)(b), may adopt amendments that eliminate any minimum gross floor area requirement for single-family detached dwellings or that provide a minimum gross floor area requirement below the minimum performance standards and objectives contained in the state building code.

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

(4) The governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single-family or multifamily residential buildings. However, in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code. A governing body of a county or city may inspect facilities used for temporary storage and processing of agricultural commodities.

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

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

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

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

[2018 c 302 § 2; 2015 c 226 § 1; 2002 c 135 § 1. Prior: 1989 c 266 § 2; 1989 c 246 § 1; 1987 c 462 § 12; 1986 c 118 § 15; 1985 c 360 § 10; 1981 2nd ex.s. c 12 § 5; 1980 c 64 § 1; 1975 1st ex.s. c 282 § 2; 1974 ex.s. c 96 § 6.]

Effective dates—1987 c 462: See note following RCW 13.04.116.

RCW 19.27.065 Exemption—Temporary growing structures used for commercial production of horticultural plants. The provisions of this chapter do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. A temporary growing structure is not considered a building for purposes of this chapter. [1996 c 157 § 2.]

Effective date—1996 c 157: See note following RCW 19.27.015.

RCW 19.27.067 Temporary worker housing—Exemption—Standards.

(1) Temporary worker housing shall be constructed, altered, or repaired as provided in chapter 70.114A RCW and chapter 37, Laws of 1998. The construction, alteration, or repair of temporary worker housing is not subject to the codes adopted under RCW 19.27.031, except as provided by rule adopted under chapter 70.114A RCW or chapter 37, Laws of 1998.

(2) For the purpose of this section, "temporary worker housing" has the same meaning as provided in RCW 70.114A.020.

(3) This section is applicable to temporary worker housing as of the date of the final adoption of the temporary worker building code by the department of health under RCW 70.114A.081. [1998 c 37 § 1.]

RCW 19.27.070 State building code council—Established—Membership—Travel expenses. There is hereby established in the department of enterprise services a state building code council, to be appointed by the governor.

(1) The state building code council shall consist of fifteen members:

(a) Two members must be county elected legislative body members or elected executives;

(b) Two members must be city elected legislative body members or mayors;

(c) One member must be a local government building code enforcement official;

(d) One member must be a local government fire service official;

(e) One member must be a person with a physical disability and shall represent the disability community;

(f) One member, who is not eligible for membership on the council in any other capacity, and who has not previously been nominated or appointed to the council to represent any other group, must represent the general public; and

(g) Seven members must represent the private sector or professional organizations as follows:

(i) One member shall represent general construction, specializing in commercial and industrial building construction;

(ii) One member shall represent general construction, specializing in residential and multifamily building construction;

(iii) One member shall represent the architectural design profession;

(iv) One member shall represent the structural engineering profession;

(v) One member shall represent the mechanical engineering profession;

(vi) One member shall represent the construction building trades;

(vii) One member shall represent manufacturers, installers, or suppliers of building materials and components.

(2) At least six of these fifteen members shall reside east of the crest of the Cascade mountains.

(3) The council shall include: Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership.

(4) (a) Terms of office shall be for three years, or for so long as the member remains qualified for the appointment.

(b) The council shall elect a member to serve as chair of the council for one-year terms of office.

(c) Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment.

(d) Any member who is appointed to represent a specific private sector industry must maintain sufficiently similar private sector employment or circumstances throughout the term of office to remain qualified to represent the specified industry. Retirement or unemployment is not cause for termination. However, if a councilmember appointed to represent a specific private sector industry enters into employment outside of the industry, or outside of the private sector, he or she has been appointed to represent, then he or she must be removed from the council.

(e) Any member who no longer qualifies for appointment under this section may not vote on council actions, but may participate as an ex officio, nonvoting member until a replacement member is appointed. A member must notify the council staff and the governor's office within thirty days of the date the member no longer qualifies for appointment under this section. The governor shall appoint a qualified replacement for the member within sixty days of notice.

(5) Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests identified in this section. The governor shall select appointees to represent private sector industries from a list of three nominations provided by the trade associations representing the industry, unless no names are put forth by the trade associations.

(6) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) For purposes of this section, a "professional organization" includes an entity whose members are engaged in a particular lawful vocation, occupation, or field of activity of a specialized nature, including but not limited to associations, boards, educational

institutions, and nonprofit organizations. [2018 c 207 § 3; 2011 1st sp.s. c 43 § 244; 2010 c 275 § 1; (2010 c 271 § 301 repealed by 2011 1st sp.s. c 43 § 258); 1995 c 399 § 8; 1989 c 246 § 2; 1987 c 505 § 7; 1985 c 360 § 11; 1984 c 287 § 55; 1975-'76 2nd ex.s. c 34 § 59; 1974 ex.s. c 96 § 7.]

Effective date—2018 c 207 §§ 1-8: "Sections 1 through 8 of this act take effect July 1, 2018." [2018 c 207 § 11.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Purpose—Effective date—2010 c 271: See notes following RCW 43.330.005.

Legislative findings—Severability—Effective date—1984 c 287: See notes following RCW 43.03.220.

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 19.27.074 State building code council—Duties—Public meetings—Timing of code changes. (1) The state building code council shall:

(a) Adopt and maintain the codes to which reference is made in RCW 19.27.031 in a status which is consistent with the state's interest as set forth in RCW 19.27.020. In maintaining these codes, the council shall regularly review updated versions of the codes referred to in RCW 19.27.031 and other pertinent information and shall amend the codes as deemed appropriate by the council;

(b) Approve or deny all county or city amendments to any code referred to in RCW 19.27.031 to the degree the amendments apply to single-family or multifamily residential buildings;

(c) As required by the legislature, develop and adopt any codes relating to buildings; and

(d) Approve a proposed budget for the operation of the state building code council to be submitted by the department of enterprise services to the office of financial management pursuant to RCW 43.88.090.

(2) The state building code council may:

(a) Appoint technical advisory committees which may include members of the council;

(b) Approve contracts for services; and

(c) Conduct research into matters relating to any code or codes referred to in RCW 19.27.031 or any related matter.

(3) The department of enterprise services, with the advice and input from the members of the building code council, shall:

(a) Employ permanent and temporary staff and contract for services;

(b) Contract with an independent, third-party entity to perform a Washington energy code baseline economic analysis and economic analysis of code proposals; and

(c) Provide all administrative and information technology services required for the building code council.

(4) Rule-making authority as authorized in this chapter resides within the building code council.

(5) (a) All meetings of the state building code council shall be open to the public under the open public meetings act, chapter 42.30 RCW. All actions of the state building code council which adopt or amend any code of statewide applicability shall be pursuant to the administrative procedure act, chapter 34.05 RCW.

(b) All council decisions relating to the codes enumerated in RCW 19.27.031 shall require approval by at least a majority of the members of the council.

(c) All decisions to adopt or amend codes of statewide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year. [2018 c 207 § 4; 1989 c 266 § 3; 1985 c 360 § 2.]

Effective date—2018 c 207 §§ 1-8: See note following RCW 19.27.070.

RCW 19.27.076 State building code council—Open public access information technologies. The building code council in consultation with the office of the chief information officer shall assess the costs and benefits of the potential acquisition and implementation of open public access information technologies to enhance the council's code adoption process and report back to the appropriate committees of the legislature by November 15, 2018. [2018 c 207 § 6.]

Effective date—2018 c 207 §§ 1-8: See note following RCW 19.27.070.

RCW 19.27.077 State building code council—Mobile on-demand gasoline operations—Adoption of rules—Fees. (1) The Washington state building code council shall adopt and amend rules, as necessary, for the purpose of clarifying standards and administrative provisions for mobile on-demand gasoline operations, as that term is defined in the 2018 international fire code. The purpose of this chapter is to aid local authorities having jurisdiction in establishing timely and consistent permitting structures, including standard minimum conditions, while eliminating redundancies and improving upon the efficiency of the permitting process. Section 5707 of the 2018 international fire code shall be amended by the council to provide for permitting provisions. All other requirements set forth in section 5707 of the 2018 international fire code shall remain in force. The rules and associated provisions shall be finalized and available for local jurisdictions by May 2021.

(2) The Washington state building code council shall request recommendations from the Washington state association of fire marshals prior to clarifying standards and administrative provisions for mobile on-demand fueling.

(3) Rules adopted by the council shall provide provisions and administrative guidelines to accomplish the purpose stated in subsection (1) of this section, and address:

(a) The creation of a "mobile on-demand operator" certification for owners of mobile on-demand fueling businesses that will conform to the provisions in section 5707 of the 2018 international fire code. In

adopting such rules, the Washington state building code council shall establish minimum standards and requirements consistent with section 5707 of the 2018 international fire code and shall consider options including, but not limited to, standardized permitting processes, standardized operational requirements, and a reciprocal acceptance of certification by jurisdictions in Washington state;

(b) The creation of a "mobile on-demand fueling truck" permit or certification. In adopting such rules, the Washington state building code council shall establish minimum standards and requirements consistent with section 5707 of the 2018 international fire code and shall consider options including, but not limited to, standardized permitting or certification requirements, standardized vehicular requirements, and processes that do not require multiple substantially similar inspections of a particular vehicle for such vehicle to operate in multiple jurisdictions; and

(c) A site permit consistent with 2018 international fire code 105.6.16(11). The site permit shall be issued by local jurisdictions that allow mobile fueling, if the local jurisdiction requires a mobile on-demand fueling site permit. Conditions for permitting will be set forth by the local jurisdiction. Local jurisdictions shall issue the permit using the standard conditions and may include local provisions as necessitated by zoning laws, environmental laws, fire code and public safety, and characteristics of the sites being permitted.

(i) The site permit structure shall provide at least two tiers. When local jurisdictions determine that specific sites or collections of sites do not present atypical geographic, safety, or environmental concerns, they may add these sites to their tier 1 list, provide expedited permitting review that shall allow permit issuance prior to site inspection, and perform the site inspection during the period of permit validity. Tier 2 permits will be issued for sites that are not on the tier 1 list, and may require site inspection prior to issuance. Nothing in this section prevents a local fire marshal from having the authority to inspect a standard on-demand fueling location, to add additional requirements for said location, or to revoke permission to operate in a particular location for a specific safety or environmental reason.

(ii) After receiving an application complete with supporting documentation and payment, local jurisdictions that issue a tier 1 or tier 2 site permit, or both, shall make a good faith effort to reach a permit decision expeditiously.

(4) Nothing considered or adopted by the Washington state building code council shall prevent a local fire marshal from having the authority to inspect any mobile on-demand fueling site, to add additional requirements for any site, or to revoke permission to operate in a particular site for a specific safety or environmental reason.

(5) Fees may be charged to offset part or all of the inspection and issuing costs, including applicable administrative costs and overhead. [2020 c 43 § 1.]

RCW 19.27.080 Chapters of RCW not affected. Nothing in this chapter affects the provisions of chapters 19.27A, 19.28, 43.22, 70.77, 70.79, 70.87, 43.44, 18.20, 18.46, 18.51, 28A.305, 70.41, 70.62, 70.75, 70.108, 71.12, 74.15, 70A.15, 76.04, 70A.355 RCW, or RCW 28A.195.010, or grants rights to duplicate the authorities provided under chapters 70A.15 or 76.04 RCW. [2021 c 65 § 17; 2003 c 291 § 3;

1990 c 33 § 555; 1989 c 346 § 19; 1975 1st ex.s. c 282 § 1; 1974 ex.s. c 96 § 8.]

Explanatory statement—2021 c 65: See note following RCW 53.54.030.

Intent—Finding—2003 c 291: See note following RCW 19.27.031.

Purpose—Statutory references—Severability—1990 c 33: See RCW 28A.900.100 through 28A.900.102.

Captions—Severability—Effective date—1989 c 346: See RCW 70A.355.900 through 70A.355.902.

RCW 19.27.085 Building code council account—Building permit fee. (1) There is hereby created the building code council account in the state treasury. Moneys deposited into the account shall be used by the building code council, after appropriation, to perform the purposes of the council.

(2) All moneys collected under subsection (3) of this section shall be deposited into the building code council account. Every four years the state treasurer shall report to the legislature on the balances in the account so that the legislature may adjust the charges imposed under subsection (3) of this section.

(3) There is imposed a fee of six dollars and fifty cents on each residential building permit and a fee of twenty-five dollars for each commercial building permit, issued by a county or a city, plus an additional surcharge of two dollars for each residential unit, but not including the first unit, on each building containing more than one residential unit. Quarterly each county and city shall remit moneys collected under this section to the state treasury; however, no remittance is required until a minimum of fifty dollars has accumulated pursuant to this subsection. [2018 c 207 § 5; 1989 c 256 § 1; 1985 c 360 § 4.]

Effective date—2018 c 207 §§ 1-8: See note following RCW 19.27.070.

RCW 19.27.087 Building permit and plan review fees—Agricultural structures. Permitting and plan review fees under this chapter for agricultural structures may only cover the costs to counties, cities, towns, and other municipal corporations of processing applications, inspecting and reviewing plans, preparing detailed statements required by chapter 43.21C RCW, and performing necessary inspections under this chapter. [2009 c 362 § 3.]

Finding—2009 c 362: "The legislature finds that permit and inspection fees for new agricultural structures should not exceed the direct and indirect costs associated with reviewing permit applications, conducting inspections, and preparing specific environmental documents." [2009 c 362 § 1.]

RCW 19.27.090 Local jurisdictions reserved. Local land use and zoning requirements, building setbacks, side and rear-yard requirements, site development, property line requirements, requirements adopted by counties or cities pursuant to chapter 58.17 RCW, snow load requirements, wind load requirements, and local fire zones are specifically reserved to local jurisdictions notwithstanding any other provision of this chapter. [1989 c 266 § 5; 1974 ex.s. c 96 § 9.]

RCW 19.27.095 Building permit application—Consideration—Requirements. (1) A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

(2) The requirements for a fully completed application shall be defined by local ordinance but for any construction project costing more than five thousand dollars the application shall include, at a minimum:

(a) The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor;

(b) The property owner's name, address, and phone number;

(c) The prime contractor's business name, address, phone number, current state contractor registration number; and

(d) Either:

(i) The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or

(ii) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than fifty percent of the total amount of the construction project.

(3) The information required on the building permit application by subsection (2)(a) through (d) of this section shall be set forth on the building permit document which is issued to the owner, and on the inspection record card which shall be posted at the construction site.

(4) The information required by subsection (2) of this section and information supplied by the applicant after the permit is issued under subsection (5) of this section shall be kept on record in the office where building permits are issued and made available to any person on request. If a copy is requested, a reasonable charge may be made.

(5) If any of the information required by subsection (2)(d) of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting under subsection (1) of this section. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

(6) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW. [1991 c 281 § 27; 1987 c 104 § 1.]

Liberal construction—Effective date, application—1991 c 281: See RCW 60.04.900 and 60.04.902.

RCW 19.27.097 Building permit application—Evidence of adequate water supply—Authority of a county or city to impose additional requirements—Applicability—Exemption—Groundwater withdrawal authorized under RCW 90.44.050. (1)(a) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. An application for a water right shall not be sufficient proof of an adequate water supply.

(b) In a water resource inventory area with rules adopted by the department of ecology pursuant to RCW 90.94.020 or 90.94.030 and the following water resource inventory areas with instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW that explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with the specific applicable rule requirements: 5 (Stillaguamish); 17 (Quilcene-Snow); 18 (Elwha-Dungeness); 27 (Lewis); 28 (Salmon-Washougal); 32 (Walla Walla); 45 (Wenatchee); 46 (Entiat); 48 (Methow); and 57 (Middle Spokane).

(c) In the following water resource inventory areas with instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with RCW 90.94.020, unless the applicant provides other evidence of an adequate water supply that complies with chapters 90.03 and 90.44 RCW: 1 (Nooksack); 11 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

(d) In the following water resource inventory areas with instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals, evidence of an adequate water supply must be consistent with RCW 90.94.030, unless the applicant provides other evidence of an adequate water supply that complies with chapters 90.03 and 90.44 RCW: 7 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-Goldsborough); and 15 (Kitsap).

(e) In water resource inventory areas 37 (Lower Yakima), 38 (Naches), and 39 (Upper Yakima), the department of ecology may impose requirements to satisfy adjudicated water rights.

(f) Additional requirements apply in areas within water resource inventory area 3 (Lower Skagit-Samish) and 4 (Upper Skagit) regulated by chapter 173-503 WAC, as a result of *Swinomish Indian Tribal Community v. Department of Ecology*, 178 Wn.2d 571, 311 P.3d 6 (2013).

(g) In other areas of the state, physical and legal evidence of an adequate water supply may be demonstrated by the submission of a

water well report consistent with the requirements of chapter 18.104 RCW.

(h) For the purposes of this subsection (1), "water resource inventory areas" means those areas described in chapter 173-500 WAC as of January 19, 2018.

(2) In addition to other authorities, the county or city may impose additional requirements, including conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.

(3) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of enterprise services to mediate or, if necessary, make the determination.

(4) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

(5) Any permit-exempt groundwater withdrawal authorized under RCW 90.44.050 associated with a water well constructed in accordance with the provisions of chapter 18.104 RCW before January 19, 2018, is deemed to be evidence of adequate water supply under this section. [2018 c 1 § 101; 2015 c 225 § 17; 2010 c 271 § 302; 1995 c 399 § 9; 1991 sp.s. c 32 § 28; 1990 1st ex.s. c 17 § 63.]

Intent—2018 c 1: See note following RCW 90.94.010.

Effective date—2018 c 1: See RCW 90.94.900.

Purpose—Effective date—2010 c 271: See notes following RCW 43.330.005.

Section headings not law—1991 sp.s. c 32: See RCW 36.70A.902.

Severability—Part, section headings not law—1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

RCW 19.27.100 Cities, towns, counties may impose fees different from state building code. Except for permitting fees for agricultural structures under RCW 19.27.087, nothing in this chapter shall prohibit a city, town, or county of the state from imposing fees different from those set forth in the state building code. [2009 c 362 § 4; 1975 1st ex.s. c 8 § 1.]

Finding—Performance audit—2009 c 362: See notes following RCW 19.27.087.

RCW 19.27.110 International fire code—Administration and enforcement by counties, other political subdivisions and municipal corporations—Fees. Each county government shall administer and enforce the International Fire Code in the unincorporated areas of the county: PROVIDED, That any political subdivision or municipal corporation providing fire protection pursuant to RCW 14.08.120 shall, at its sole option, be responsible for administration and enforcement of the International Fire Code on its facility. Any fire protection district or political subdivision may, pursuant to chapter 39.34 RCW, the interlocal cooperation act, assume all or a portion of the administering responsibility and coordinate and cooperate with the county government in the enforcement of the International Fire Code.

It is not the intent of RCW 19.27.110 and 19.27.111 to preclude or limit the authority of any city, town, county, fire protection district, state agency, or political subdivision from engaging in those fire prevention activities with which they are charged.

It is not the intent of the legislature by adopting the state building code or RCW 19.27.110 and 19.27.111 to grant counties any more power to suppress or extinguish fires than counties currently possess under the Constitution or other statutes.

Each county is authorized to impose fees sufficient to pay the cost of inspections, administration, and enforcement pursuant to RCW 19.27.110 and 19.27.111. [2003 c 291 § 4; 1975-'76 2nd ex.s. c 37 § 1.]

Intent—Finding—2003 c 291: See note following RCW 19.27.031.

RCW 19.27.111 RCW 19.27.080 not affected. Nothing in RCW 19.27.110 shall affect the provisions of RCW 19.27.080. [1975-'76 2nd ex.s. c 37 § 2.]

RCW 19.27.113 Automatic fire-extinguishing systems for certain school buildings. The building code council shall adopt rules by December 1, 1991, requiring that all buildings classed as E-1 occupancies, as defined in the state building code, except portable school classrooms, constructed after July 28, 1991, be provided with an automatic fire-extinguishing system. Rules adopted by the council shall consider applicable nationally recognized fire and building code standards and local conditions.

By December 15, 1991, the council shall transmit to the superintendent of public instruction, the state board of education, and the fire protection policy board copies of the rules as adopted. The superintendent of public instruction, the state board of education, and the fire protection policy board shall respond to the council by February 15, 1992, with any recommended changes to the rule. If changes are recommended the council shall immediately consider those changes to the rules through its rule-making procedures. The rules shall be effective on July 1, 1992. [1991 c 170 § 1.]

Schools—Standards for fire prevention and safety: RCW 43.44.030.

RCW 19.27.120 Buildings or structures having special historical or architectural significance—Exception. (1) Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, strengthening, or continued use of a building or structure may be made without conformance to all of the requirements of the codes adopted under RCW 19.27.031, when authorized by the appropriate building official under the rules adopted under subsection (2) of this section, provided:

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

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

(2) The state building code council shall adopt rules, where appropriate, to provide alternative methods to those otherwise required under this chapter for repairs, alterations, and additions necessary for preservation, restoration, rehabilitation, strengthening, or continued use of buildings and structures identified under subsection (1) of this section. [1985 c 360 § 13; 1975-'76 2nd ex.s. c 11 § 1.]

RCW 19.27.140 Copy of permit to county assessor. A copy of any permit obtained under the state building code for construction or alteration work of a total cost or fair market value in excess of five hundred dollars, shall be transmitted by the issuing authority to the county assessor of the county where the property on which the construction or alteration work is located. The building permit shall contain the county assessor's parcel number. [1989 c 246 § 5.]

RCW 19.27.150 Report to department of enterprise services. Every month a copy of the United States department of commerce, bureau of the census' "report of building or zoning permits issued and local public construction" or equivalent report shall be transmitted by the governing bodies of counties and cities to the department of enterprise services. [2015 c 225 § 18; 2010 c 271 § 303; 1995 c 399 § 10; 1989 c 246 § 6.]

Purpose—Effective date—2010 c 271: See notes following RCW 43.330.005.

RCW 19.27.160 Counties with populations of from five thousand to less than ten thousand—Ordinance reenactment. Any county with a population of from five thousand to less than ten thousand that had in effect on July 1, 1985, an ordinance or resolution authorizing and regulating the construction of owner-built residences may reenact such an ordinance or resolution if the ordinance or resolution is reenacted before September 30, 1989. After reenactment, the county shall transmit a copy of the ordinance or resolution to the state building code council. [1991 c 363 § 16; 1989 c 246 § 7.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 19.27.175 Recycled materials—Study code and adopt changes. The state building code council, in consultation with the department of ecology and local governments, shall conduct a study of the state building code, and adopt changes as necessary to encourage greater use of recycled building materials from construction and building demolition debris, mixed waste paper, waste paint, waste plastics, and other waste materials. [1991 c 297 § 15.]

RCW 19.27.180 Residential buildings moved into a city or county—Applicability of building codes and electrical installation requirements. (1) Residential buildings or structures moved into or within a county or city are not required to comply with all of the requirements of the codes enumerated in chapters 19.27 and 19.27A RCW, as amended and maintained by the state building code council and chapter 19.28 RCW, if the original occupancy classification of the building or structure is not changed as a result of the move. (2) This section shall not apply to residential structures or buildings that are substantially remodeled or rehabilitated, nor to any work performed on a new or existing foundation. (3) For the purposes of determining whether a moved building or structure has been substantially remodeled or rebuilt, any cost relating to preparation, construction, or renovation of the foundation shall not be considered. [1992 c 79 § 1; 1989 c 313 § 2.]

Finding—1989 c 313: "The legislature finds that moved buildings or structures can provide affordable housing for many persons of lower income; that many of the moved structures or buildings were legally built to the construction standards of their day; and that requiring the moved building or structure to meet all new construction codes may limit their use as an affordable housing option for persons of lower income.

The legislature further finds that application of the new construction code standards to moved structures and buildings present unique difficulties and that it is the intent of the legislature that any moved structure or building that meets the codes at the time it was constructed does not need to comply with any updated state building code unless the structure is substantially remodeled or rebuilt." [1989 c 313 § 1.]

RCW 19.27.190 Indoor air quality—Interim and final requirements for maintenance. (1) (a) Not later than January 1, 1991, the state building code council, in consultation with the *department of community, trade, and economic development, shall establish interim requirements for the maintenance of indoor air quality in newly constructed residential buildings. In establishing the interim requirements, the council shall take into consideration differences in heating fuels and heating system types. These requirements shall be in effect July 1, 1991, through June 30, 1993.

(b) The interim requirements for new electrically space heated residential buildings shall include ventilation standards which

provide for mechanical ventilation in areas of the residence where water vapor or cooking odors are produced. The ventilation shall be exhausted to the outside of the structure. The ventilation standards shall further provide for the capacity to supply outside air to each bedroom and the main living area through dedicated supply air inlet locations in walls, or in an equivalent manner. At least one exhaust fan in the home shall be controlled by a dehumidistat or clock timer to ensure that sufficient whole house ventilation is regularly provided as needed.

(c) (i) For new single-family residences with electric space heating systems, zero lot line homes, each unit in a duplex, and each attached housing unit in a planned unit development, the ventilation standards shall include fifty cubic feet per minute of effective installed ventilation capacity in each bathroom and one hundred cubic feet per minute of effective installed ventilation capacity in each kitchen.

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

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

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

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

(2) No later than January 1, 1993, the state building code council, in consultation with the *department of community, trade, and economic development, shall establish final requirements for the maintenance of indoor air quality in newly constructed residences to be in effect beginning July 1, 1993. For new electrically space heated residential buildings, these requirements shall maintain indoor air quality equivalent to that provided by the mechanical ventilation and indoor air pollutant source control requirements included in the February 7, 1989, Bonneville power administration record of decision for the environmental impact statement on new energy efficient homes programs (DOE/EIS-0127F) built with electric space heating. In residential units other than single-family, zero lot line, duplexes, and attached housing units in planned unit developments, ventilation requirements may be satisfied by the installation of two exhaust fans with a combined effective installed ventilation capacity of two

hundred cubic feet per minute. For new residential buildings that are space heated with other than electric space heating systems, the standards shall be designed to result in indoor air quality equivalent to that achieved with the ventilation and source control standards for electric space heated homes. In establishing the final requirements, the council shall take into consideration differences in heating fuels and heating system types. [1996 c 186 § 501; 1990 c 2 § 7.]

***Reviser's note:** The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

Findings—Intent—Part headings not law—Effective date—1996 c 186: See notes following RCW 43.330.904.

Effective dates—1990 c 2: See note following RCW 19.27.040.

Findings—Severability—1990 c 2: See notes following RCW 19.27A.015.

RCW 19.27.195 Renewable energy systems—Study code and adopt changes. The state building code council, in consultation with the department of commerce and local governments, shall conduct a study of the state building code and adopt changes necessary to encourage greater use of renewable energy systems as defined in RCW 82.16.110. [2019 c 235 § 6.]

RCW 19.27.490 Fish habitat enhancement project. A fish habitat enhancement project meeting the criteria of RCW 77.55.181 is not subject to grading permits, inspections, or fees and shall be reviewed according to the provisions of RCW 77.55.181. [2014 c 120 § 8; 2003 c 39 § 11; 1998 c 249 § 14.]

Findings—Purpose—Report—Effective date—1998 c 249: See notes following RCW 77.55.181.

RCW 19.27.500 Nightclubs—Automatic sprinkler system—Building code council shall adopt rules. (1) The building code council shall adopt rules requiring that all nightclubs be provided with an automatic sprinkler system. Rules adopted by the council shall consider applicable nationally recognized fire and building code standards and local conditions and require that the automatic sprinkler systems be installed by December 1, 2009.

(2) The council shall transmit to the fire protection policy board copies of the rules as adopted. The fire protection policy board shall respond to the council within sixty days after receipt of the rules. If changes are recommended by the fire protection policy board the council shall immediately consider those changes to the rules through its rule-making procedures. [2007 c 434 § 1; 2005 c 148 § 1.]

RCW 19.27.510 "Nightclub" defined. As used in this chapter: "Nightclub" means an A-2 occupancy use under the 2006 international building code in which the aggregate area of

concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds three hundred fifty square feet, excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls. [2007 c 434 § 2; 2005 c 148 § 2.]

RCW 19.27.520 Building constructed, used, or converted to nightclub—In accordance with chapter. No building shall be constructed for, used for, or converted to, occupancy as a nightclub except in accordance with this chapter. [2005 c 148 § 3.]

RCW 19.27.530 Carbon monoxide alarms—Requirements—Exemptions—Adoption of rules.

(1) By July 1, 2010, the building code council shall adopt rules requiring that all buildings classified as residential occupancies, as defined in the state building code in chapter 51-54 WAC, but excluding owner-occupied single-family residences legally occupied before July 26, 2009, be equipped with carbon monoxide alarms.

(2) (a) The building code council may phase in the carbon monoxide alarm requirements on a schedule that it determines reasonable, provided that the rules require that by January 1, 2011, all newly constructed buildings classified as residential occupancies will be equipped with carbon monoxide alarms, and all other buildings classified as residential occupancies will be equipped with carbon monoxide alarms by January 1, 2013.

(b) Owner-occupied single-family residences legally occupied before July 26, 2009, are exempt from the requirements of this subsection (2). However, for any owner-occupied single-family residence that is sold on or after July 26, 2009, the seller must equip the residence with carbon monoxide alarms in accordance with the requirements of the state building code before the buyer or any other person may legally occupy the residence following such sale.

(3) The building code council may exempt categories of buildings classified as residential occupancies if it determines that requiring carbon monoxide alarms are unnecessary to protect the health and welfare of the occupants.

(4) The rules adopted by the building code council under this section must (a) consider applicable nationally accepted standards and (b) require that the maintenance of a carbon monoxide alarm in a building where a tenancy exists, including the replacement of batteries, is the responsibility of the tenant, who shall maintain the alarm as specified by the manufacturer.

(5) Real estate brokers licensed under chapter 18.85 RCW shall not be liable in any civil, administrative, or other proceeding for the failure of any seller or other property owner to comply with the requirements of this section or rules adopted by the building code council. [2012 c 132 § 4; 2009 c 313 § 2.]

Findings—2012 c 132: See note following RCW 64.06.020.

Intent—2009 c 313: "The legislature recognizes that carbon monoxide poses a serious threat. According to national statistics from the centers for disease control, carbon monoxide kills more than five hundred people and accounts for an estimated twenty thousand emergency

department visits annually. Specifically, Washington state has experienced the dire effects of carbon monoxide poisoning. In the storms that struck Washington in December 2006, it was estimated that over one thousand people in the state were seen at hospital emergency rooms with symptoms of carbon monoxide poisoning, and eight people reportedly died of carbon monoxide exposure. It is the intent of the legislature to implement policies to prevent similar tragedies from occurring in the future." [2009 c 313 § 1.]

RCW 19.27.540 Electric vehicle infrastructure requirements—

Rules. (1) The building code council shall adopt rules for electric vehicle infrastructure requirements. Rules adopted by the state building code council must consider applicable national and international standards and be consistent with rules adopted under RCW 19.28.281.

(2) (a) Except as provided in (b) of this subsection, the rules adopted under this section must require electric vehicle charging capability at all new buildings that provide on-site parking. Where parking is provided, the greater of one parking space or ten percent of parking spaces, rounded to the next whole number, must be provided with wiring or raceway sized to accommodate 208/240 V 40-amp or equivalent electric vehicle charging. Electrical rooms serving buildings with on-site parking must be sized to accommodate the potential for electrical equipment and distribution required to serve a minimum of twenty percent of the total parking spaces with 208/240 V 40-amp or equivalent electric vehicle charging. Load management infrastructure may be used to adjust the size and capacity of the required building electric service equipment and circuits on the customer facilities, as well as electric utility-owned infrastructure, as allowed by applicable local and national electrical code. For accessible parking spaces, the greater of one parking space or ten percent of accessible parking spaces, rounded to the next whole number, must be provided with electric vehicle charging infrastructure that may also serve adjacent parking spaces not designated as accessible parking.

(b) For occupancies classified as assembly, education, or mercantile, the requirements of this section apply only to employee parking spaces. The requirements of this section do not apply to occupancies classified as utility or miscellaneous.

(c) Except for rules related to residential R-3, the required rules required under this subsection must be implemented by July 1, 2021. The rules required under this subsection for occupancies classified as residential R-3 must be implemented by July 1, 2024.

(3) (a) The rules adopted under this section must exceed the specific minimum requirements established under subsection (2) of this section for all types of residential and commercial buildings to the extent necessary to support the anticipated levels of zero emissions vehicle use that result from the zero emissions vehicle program requirements in chapter 70A.30 RCW and that result in emissions reductions consistent with RCW 70A.45.020.

(b) The rules required under this subsection must be implemented by July 1, 2024, and may be periodically updated thereafter. [2021 c 300 § 4; 2019 c 285 § 18; 2009 c 459 § 16.]

Intent—2021 c 300: See note following RCW 47.01.520.

Finding—Purpose—2009 c 459: See note following RCW 47.80.090.

Regional transportation planning organizations—Electric vehicle infrastructure: RCW 47.80.090.

RCW 19.27.550 Accessible parking space access aisles. (1) In addition to the requirements under RCW 46.61.581, each accessible parking space reserved for a person with a physical disability and designated as "van accessible" under the Americans with disabilities act must have a ninety-six inch or greater adjacent access aisle. The adjacent access aisle space must be in addition to the adjacent van parking space. Two van accessible parking spaces may share a common adjacent access aisle.

(2) A sign must be erected at the head of each access aisle that prohibits parking in any access aisle located adjacent to an accessible parking space reserved for a person with a physical disability. The sign may include additional language such as, but not limited to, an indication of any penalty for parking in an access aisle.

(3) By January 1, 2018, the building code council shall adopt rules to implement in the building code the access aisle width and access aisle marking requirements of this section. [2017 c 132 § 1.]

Effective date—2017 c 132: "This act takes effect January 1, 2018." [2017 c 132 § 2.]

RCW 19.27.560 International Wildland Urban Interface Code. (1) In addition to the provisions of RCW 19.27.031, the state building code shall, upon the completion of statewide mapping of wildland urban interface areas consist of the following parts of the 2018 International Wildland Urban Interface Code, published by the International Code Council, Inc., which are hereby adopted by reference:

(a) The following parts of section 504 class 1 ignition-resistant construction:

(i) (A) 504.2 Roof covering - Roofs shall have a roof assembly that complies with class A rating when testing in accordance with American society for testing materials E 108 or underwriters laboratories 790. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers, or have one layer of seventy-two pound mineral-surfaced, nonperforated camp sheet complying with American society for testing materials D 3909 installed over the combustible decking.

(B) The roof covering on buildings or structures in existence prior to the adoption of the wildland urban interface code under this section that are replaced or have fifty percent or more replaced in a twelve month period shall be replaced with a roof covering required for new construction based on the type of ignition-resistant construction specified in accordance with section 503 of the International Wildland Urban Interface Code.

(C) The roof covering on any addition to a building or structure shall be replaced with a roof covering required for new construction based on the type of ignition-resistant construction specified in

accordance with section 503 of the International Wildland Urban Interface Code.

(ii) 504.5 Exterior walls - Exterior walls of buildings or structures shall be constructed with one of the following methods:

(A) Materials approved for not less than one hour fire-resistance rated construction on the exterior side;

(B) Approved noncombustible materials;

(C) Heavy timber or log wall construction;

(D) Fire retardant-treated wood on the exterior side. The fire retardant-treated wood shall be labeled for exterior use and meet the requirements of section 2303.2 of the International Building Code; or

(E) Ignition-resistant materials on the exterior side.

Such materials shall extend from the top of the foundation to the underside of the roof sheathing.

(iii) (A) 504.7 Appendages and projections - Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall not be less than one hour fire-resistance rated construction, heavy timber construction, or constructed of one of the following:

(I) Approved noncombustible materials;

(II) Fire retardant-treated wood identified for exterior use and meeting the requirements of section 2303.2 of the International Building Code; or

(III) Ignition-resistant building materials in accordance with section 503.2 of the International Wildland Urban Interface Code.

(B) Subsection (1) (a) (iii) (A) of this section does not apply to an unenclosed accessory structure attached to buildings with habitable spaces and projections, such as decks, attached to the first floor of a building if the structure is built with building materials at least two inches nominal depth and the area below the unenclosed accessory structure is screened with wire mesh screening to prevent embers from coming in from underneath.

(b) Section 403.2 Driveways - Driveways shall be provided where any portion of an exterior wall of the first story of the building is located more than one hundred fifty feet from a fire apparatus access road. Driveways in excess of three hundred feet in length shall be provided with turnarounds and driveways in excess of five hundred feet in length and less than twenty feet in width shall be provided with turnouts and turnarounds. The county, city, or town will define the requirements for a turnout or turnaround as required in this subsection.

(2) All counties, cities, and towns may adopt the International Wildland Urban Interface Code, published by the International Code Council, Inc., or any portion thereof.

(3) In adopting and maintaining the code enumerated in subsections (1) and (2) of this section, any amendment to the code as adopted under subsections (1) and (2) of this section may not result in an International Wildland Urban Interface Code that is more than the minimum performance standards and requirements contained in the published model code. [2018 c 189 § 2.]

RCW 19.27.570 Mass timber products—Building construction. (1)

As used in this section, "mass timber products" means a type of building component or system that uses large panelized wood construction, including:

- (a) Cross-laminated timber;
- (b) Nail laminated timber;
- (c) Glue laminated timber;
- (d) Laminated strand timber;
- (e) Dowel laminated timber;
- (f) Laminated veneer lumber;
- (g) Structural composite lumber; and
- (h) Wood concrete composites.

(2) The building code council shall adopt rules for the use of mass timber products for residential and commercial building construction. Rules adopted for the use of mass timber products by the state building code council must consider applicable national and international standards. [2018 c 29 § 1.]

RCW 19.27.580 Use of substitutes—Adoption of rules. (1) The building code council shall adopt rules, including by amending existing rules as necessary, that permit the use of substitutes approved under RCW 70A.60.060 and that do not require the use of substitutes that are restricted under RCW 70A.60.060. The building code council may not prohibit the use of a substitute refrigerant allowed pursuant to the United States environmental protection agency's significant new alternatives policy to implement 42 U.S.C. Sec. 7671k.

(2) The building code council shall adopt rules that allow the use of substitutes, as defined in RCW 70A.60.010, with a lower global warming potential than alternative substances, in accordance with nationally recognized, published standards that protect building occupant safety and reduce fire risks.

(3) The building code council may adopt rules that allow the use of substitutes, as defined in RCW 70A.60.010, that are under review but have not yet been approved by the United States environmental protection agency's significant new alternatives policy to implement 42 U.S.C. Sec. 7671k, if the substitutes have a lower global warming potential than alternative substances and meet nationally recognized, published standards that protect building occupant safety and reduce fire risks.

(4) Any rules adopted by the building code council that affect the design or installation of refrigeration or air conditioning systems must be consistent with a goal of minimizing system leakage of refrigerants.

(5) Prior to the adoption of any rules by the building code council that affect the design or installation of refrigeration or air conditioning systems that facilitate the use of substitutes with a low global warming potential in air conditioning systems or equipment, the building code council must solicit input from organizations representing affected parties and parties with expertise in the substitutes or affected types of systems or equipment including, but not limited to:

(a) Manufacturers, distributors, and installers of refrigeration and air conditioning systems; and

(b) Refrigeration and air conditioning system contractors that are small businesses or that primarily serve rural areas. [2021 c 315 § 10; 2021 c 65 § 18; 2019 c 284 § 7.]

Reviser's note: This section was amended by 2021 c 65 § 18 and by 2021 c 315 § 10, each without reference to the other. Both amendments

are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Explanatory statement—2021 c 65: See note following RCW 53.54.030.

Finding—Intent—2019 c 284: See note following RCW 70A.60.060.

FIRE AND SMOKE CONTROL SYSTEMS TESTING

RCW 19.27.700 Definitions. The definitions in this section apply throughout RCW 19.27.710 through 19.27.740.

(1) "Combination fire and smoke damper" has the same meaning as provided in the International Fire Code as of January 1, 2020.

(2) "Fire damper" means a device installed in ducts and air transfer openings designed to close automatically upon detection of heat and resist the passage of flame.

(3) "Hospital" has the same meaning as provided in RCW 70.41.020.

(4) "Local authority" means a fire department or code official with the authority to conduct inspections and issue infractions in a jurisdiction.

(5) "Smoke control system" means an engineered system that includes all methods that can be used singly or in combination to modify smoke movement, including engineered systems that use mechanical fans to produce pressure differences across smoke barriers to inhibit smoke movement.

(6) "Smoke damper" means a device installed in ducts and air transfer openings designed to resist the passage of smoke. [2020 c 88 § 1.]

Effective date—2020 c 88: "This act takes effect July 1, 2021." [2020 c 88 § 8.]

RCW 19.27.710 Owners of buildings equipped with fire dampers, smoke dampers, combination fire and smoke dampers, or smoke control systems—Duties—Penalty. (1) At a minimum, owners of buildings equipped with fire dampers, smoke dampers, combination fire and smoke dampers, or smoke control systems must:

(a) Have all newly installed fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems tested and inspected within twelve months of installation;

(b) Have all fire dampers, smoke dampers, and combination fire and smoke dampers tested and inspected at least once every four years, or every six years for hospitals, regardless of the date of initial installation; and

(c) Have all smoke control systems tested and inspected at least once every six to twelve months, as required by the applicable national fire protection association standard.

(2) All owners of buildings subject to chapter 88, Laws of 2020 must maintain full inspection and testing reports on the property and make such reports available for inspection upon request by the local authority.

(3) Fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems must be installed, inspected, tested, and maintained in accordance with chapter 88, Laws of 2020, manufacturers' guidelines, and the applicable industry standards.

(4) A building owner who fails to comply with the requirements of this section may be issued a civil infraction by the local authority in accordance with RCW 19.27.740. [2020 c 88 § 2.]

Effective date—2020 c 88: See note following RCW 19.27.700.

RCW 19.27.720 Inspections and tests—Qualifications—Report—Penalty. (1) Inspections and tests under this section must be performed by a contractor or engineer with the following qualifications:

(a) For inspection and testing of fire dampers, smoke dampers, and combination fire and smoke dampers, such inspector must have a current and valid certification to inspect and test fire dampers, smoke dampers, and combination fire and smoke dampers and hold certification from the international certification board as a fire life safety 1 or fire and smoke damper technician through a program accredited by the American national standards institute under the ISO/IEC 17024 standard.

(b) For inspection and testing of smoke control systems, such inspector must have a current and valid certification from the international certification board as a fire life safety 2 or smoke control system technician through a program accredited by the American national standards institute under the ISO/IEC 17024 standard.

(2) A building engineer or other person knowledgeable with the building system must be available in person or by phone to the inspector during the inspection and testing in order to provide building and systems access and information.

(3) If an inspection reveals compliance with the requirements of this section, the inspector shall issue a certificate of compliance, which includes the name of the inspector and the inspector's employer; the name of the building owner and address of the property; the location of all smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems inspected or tested; and the date of the inspection or test.

(4) In the event an inspection or test reveals deficiencies in smoke dampers, fire dampers, combination fire and smoke dampers, or smoke control systems, the inspector shall prepare a deficiency report for the building owner identifying the nature of the deficiency and the reasons for noncompliance. The building owner shall, within one hundred twenty days of the date of the inspection, take necessary steps to ensure the defective equipment is replaced or repaired and reinspected to ensure that the deficiency is corrected and is in compliance with the requirements of all applicable standards pursuant to chapter 88, Laws of 2020. The authority having jurisdiction shall have the authorization to extend the compliance period. The building owner shall provide documentation of when and how the deficiencies were corrected. If the building owner does not correct the deficiency within one hundred twenty days of the date of the inspection, the local authority may issue a citation as described in RCW 19.27.740.

(5) In addition to identifying the location and nature of a deficiency, the report shall contain the name of the inspector and the

inspector's employer; the name of the building owner; address of the property; the location of all fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems inspected or tested; and the date of the inspection or test.

(6) Tests and inspections of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems shall be conducted in accordance with the technical specifications and required time periods specified by national fire protection association standards 80, 90a, 90b, 92, and 105, as applicable. [2020 c 88 § 3.]

Effective date—2020 c 88: See note following RCW 19.27.700.

RCW 19.27.730 State building code council and director of fire protection—Implementation and enforcement. The state building code council shall work in conjunction with the director of fire protection to coordinate the implementation and enforcement of RCW 19.27.710 and 19.27.720. [2020 c 88 § 4.]

Effective date—2020 c 88: See note following RCW 19.27.700.

RCW 19.27.740 Building owner—Violations—Penalties. (1) If a building owner has not complied with the testing schedule under RCW 19.27.710, or has not received a certificate of compliance within one hundred twenty days of an inspection under *RCW 19.27.730 that revealed a deficiency, then the building owner has committed a violation and may be issued a citation by the local authority. A violation of this section is a civil infraction, subject to all applicable local fees and other remedies for noncompliance. The monetary penalties in subsection (3) of this section apply when other penalties are not required by the local authority having jurisdiction.

(2) The authority having jurisdiction may require the building owner to conspicuously post the citation at all pedestrian entrances and exits until a certificate of compliance has been issued pursuant to RCW 19.27.720 or the citation has been dismissed.

(3) After the issuance of an initial citation, additional citations may be issued if the violations are not corrected:

(a) If the violations are not corrected within one hundred twenty days of the initial citation, a second citation may be issued with a monetary penalty of five cents per square foot of occupied space;

(b) If the violations are not corrected within two hundred forty days of the initial citation, a third citation may be issued with an additional monetary penalty of ten cents per square foot of occupied space and shall require mandatory in-person attendance by the building's head facilities manager at a four-hour fire life safety course given by the international certification board or equivalent provider of fire life safety programs accredited by the American national standards institute; and

(c) After the issuance of a citation pursuant to (b) of this subsection, additional citations may be issued every sixty days until any and all prior violations are resolved and all penalties imposed are satisfied. Each citation issued under this subsection (3)(c) shall assess a penalty of ten cents per square foot of occupied space.

(4) Revenue from the penalties in subsection (2) [(3)] of this section shall be forwarded to the state treasurer for deposit in the fire service training account under RCW 43.43.944. [2020 c 88 § 5.]

***Reviser's note:** The reference to RCW 19.27.730 appears to be erroneous. RCW 19.27.720 was apparently intended.

Effective date—2020 c 88: See note following RCW 19.27.700.