



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: **State Building Code Council**

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: November 21, 2003

**(2) Purpose:**

To amend Chapter 51-04 WAC to update code references and clarify procedures for state-wide amendments to the code.

**(3) Citation of existing rules affected by this order:**

Repealed:  
 Amended: Chapter 51-04 WAC sections 015, 020, ~~030~~<sup>031</sup>, and 060.  
 Suspended:

(4) Statutory authority for adoption: RCW 19.27.031 and RCW 19.27.074

Other Authority:

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

Adopted under notice filed as WSR 03-18-074 on 8-29-03 (date).

Describe any changes other than editing from proposed to adopted version: Section ~~51-04-030~~<sup>031</sup> was also amended to update code references

**EMERGENCY RULE ONLY**

Under 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) 7-1-04\*

**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)

Name (Type or Print)

**Stan Price**

Signature

*Stan Price for Stan Price*

Title

Council Chair

Date

November 21, 2003

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILE #

NOV 17 2003

TIME 04:18 AM

WSR 04-01-107

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

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

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	3248	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____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

New	_____	Amended	4348	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	1	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	4348	Repealed	_____

AMENDATORY SECTION (Amending WSR 98-24-077, filed 12/1/98, effective 7/1/99)

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

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

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

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

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

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

(7) "Statewide amendment" means any amendment to the building code, initiated through council action or by petition to the council from any agency, city or county, or interested individual or organization, that would have the effect of amending the building code for the entire state of Washington. Statewide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

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

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

AMENDATORY SECTION (Amending WSR 94-05-058, filed 2/10/94, effective 3/13/94)

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

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

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

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

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

(5) The amendment corrects errors and omissions.

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

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

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

~~((In every year excluding the year with the adoption period,))~~  
The state building code council shall identify a submission period of at least thirty days when revisions to the (~~uniform codes and the~~) state building code (~~(which addresses portions of the state building code other than uniform codes)~~) may be submitted. The state building code council shall review all submissions and accept for future rule making those revisions favorably reviewed.

Submissions must be received by March 1 to be considered for adoption by December 1 in any year. Revisions accepted shall be submitted to the International ~~((Conference of Building Officials,))~~ Code Council and the International Association of Plumbing and Mechanical Officials ~~((and the International Fire Code Institute))~~, respectively, as proposed revisions to the ~~((uniform))~~ model codes (unless recently considered as amendments) and held for further review during the adoption period.

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

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

The state building code which addresses existing statewide amendments to the ~~((uniform))~~ model codes.

The state building code which addresses portions of the state building code other than the ~~((uniform))~~ model codes.

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

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

~~AMENDATORY SECTION (Amending 98-24-077, filed 12/1/98, effective 7/1/99)~~

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

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

All local government residential amendments to the building code that require council approval shall be submitted in writing to the council, after the city or county legislative body has adopted the amendment and prior to implementation and enforcement of the amendment by the local jurisdiction.

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

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

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

Local government residential amendments to:

- (1) Chapter 1, 17, or 34 of the ((Uniform)) International Building Code;
- (2) Chapter 1 of the ((Uniform)) International Mechanical Code;
- (3) ((Article)) Chapter 1 of the ((Uniform)) International Fire Code;
- (4) Chapter 1 of the Uniform Plumbing Code;
- (5) Chapter 1 or 11 of the State Energy Code; or
- (6) Chapter 1 of the Ventilation and Indoor Air Quality 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.

AMENDATORY SECTION (Amending WSR 98-24-077, filed 12/1/98, effective 7/1/99)

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

For the purposes of this section, the term "building official" means the local or state official, or their designee, responsible for implementation and enforcement of the specific code provision on which the opinion is requested.

Council building code related opinions shall be limited to the

state regulations for barrier-free facilities, the state energy code, the state ventilation and indoor air quality code, and council amendments to the ((uniform)) model codes.

Council related opinions may be developed and approved by a standing committee of the council.

Opinions approved by a standing committee may be reviewed and modified by the council.