



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:** March 23, 2004

(2) **Purpose:** To amend Chapter 51-04-030 WAC to update referenced codes and standards

(3) **Citation of existing rules affected by this order:** Chapter 51-04 WAC

Repealed:
 Amended: Section 030
 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 04-03-034 on 01-14-04 (date).

Describe any changes other than editing from proposed to adopted version: Added Chapter 1 of the International Residential Code to the list. This code was inadvertently left off the list.

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) 7-01-04*

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
March 23, 2004

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
 STATE OF WASHINGTON
 FILED

MAR 24 2004

TIME 11:39 AM
 WSR 04-07-193

(COMPLETE REVERSE SIDE)

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

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

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____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

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____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

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

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 International Residential Code;
- ~~((2))~~ (3) Chapter 1 of the ~~((Uniform))~~ International Mechanical Code;
- ~~((3))~~ (4) ~~((Article))~~ Chapter 1 of the ((Uniform)) International Fire Code;
- ~~((4))~~ (5) Chapter 1 of the Uniform Plumbing Code;
- ~~((5))~~ (6) Chapter 1 or 11 of the State Energy Code; or
- ~~((6))~~ (7) 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.