



# 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:** October 15, 2004 *MR* February 28, 2005

(2) **Purpose:** To extend the current emergency rule affecting amendments to the 2003 International Fire Code, as amended by WSR 04-13-095. Amend Section 804, Decorative Vegetation, to limit restrictions on placement of cut trees. Amend Chapter 4 requirements for fire evacuation plan review, to allow jurisdictions to determine when a full review is necessary. Amend Chapter 3 to allow BBQ grills on R-2 decks and balconies.

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

- Repealed:
- Amended: WAC 51-54, Sections 0300, 0400 and 0800
- 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 \_\_\_\_\_ on \_\_\_\_\_ (date).  
Describe any changes other than editing from proposed to adopted version:

**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: See Attached

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

(6) **Effective date of rule:**

- Permanent Rules
- 31 days after filing
- Other (specify) \_\_\_\_\_\*

- Emergency Rules
- Immediately
- Later (specify) \_\_\_\_\_

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

John Neff

Signature

*[Handwritten Signature]* for John Neff

Title

Council Chair

Date

February 28, 2005

CODE REVISER USE ONLY

COORDINATING OFFICE  
STATE OF WASHINGTON  
FEB 28 2005

TIME 10:58 P.M.

WSR 05-06-044

(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:**

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	New	_____	Amended	_____	Repealed	_____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	New	_____	Amended	_____	Repealed	_____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	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	<u>2</u>	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:**

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	New	_____	Amended	_____	Repealed	_____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	New	_____	Amended	_____	Repealed	_____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	New	_____	Amended	_____	Repealed	_____

## **DECLARATION OF EMERGENCY AND FINDINGS TO SUPPORT EMERGENCY RULEMAKING**

The State Building Code Council (Council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The Council further finds that immediate amendment of a certain Council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The 2003 International Fire Code, adopted by the Council in November 2003 and effective July 1, 2004, contains provisions that restrict the placement of seasonal cut trees in certain building types. These restrictions were not found in the previous code. The intent behind the model code provision is that these trees are shipped into an area after cutting and are therefore already dried out once they reach the marketplace. Since most trees originate in the Northwest, it is felt that some of these restrictions can be safely removed. Immediate amendment allows continued use of local trees, benefiting the public, the industry, and the enforcement community.

Another provision found in the 2003 International Fire Code concerns jurisdictional review of fire safety and evacuation plans. The technical advisory group and the Council feel that the requirements found in Chapter 4 of this code are onerous and create undue expense for both building managers and review personnel. The amendments to this chapter would allow the local fire code official to determine when a full review of plans is necessary.

The final provision, found in Section 308.3, restricts the use of charcoal and propane grills in all occupancies except one- and two-family dwellings. The Council feels this restriction is onerous and unenforceable.

It is felt that these amendments should be effective on the same date as the model code and state amendments go into effect on July 1, 2004.

The Council has also taken the necessary steps to adopt permanent rules on these matters. However, the permanent rules will not be effective until the end of the 2005 legislative session as per RCW 19.27.074.

AMENDATORY SECTION (Amending WSR 04-01-105, filed 12/17/03, effective 7/1/04)

**WAC 51-54-0300 Chapter 3--General precautions against fire.**

**307.2.1 Authorization.** Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. See also chapter 173-425 WAC.

**307.3.2 Recreational fires.** Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. See also chapter 173-425 WAC.

**308.3.1 Open-flame cooking devices.** This section is not adopted.

**308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices.** This section is not adopted.

**308.3.4 Aisles and exits.** Candles shall be prohibited in areas where occupants stand, or in an aisle or exit.

EXCEPTION: Candles used in religious ceremonies. See RCW 19.27.031(3).

**308.3.5 Religious ceremonies.** Participants in religious ceremonies shall not be precluded from carrying hand-held candles.

**308.3.7 Group A Occupancies.** Open-flame devices shall not be used in a Group A Occupancy.

EXCEPTIONS:

1. Open-flame devices are allowed to be used in the following situations:
  - 1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.5.
  - 1.2 On stages and platforms as a necessary part of a performance in accordance with Section 308.6, provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.
  - 1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants.
2. Heat-producing equipment complying with Chapter 6 and the International Mechanical Code.
3. Gas lights are allowed to be used provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of combustible materials.

NEW SECTION

**WAC 51-54-0400 Chapter 4--Emergency planning and preparedness.**

**401.2 Approval.** Where required by the fire code official, fire safety plans, emergency procedures, and employee training programs shall be approved.

**404.2 Where required.** A fire safety and evacuation plan shall be prepared and maintained in accordance with this chapter for the following occupancies and buildings when required by the fire code official.

1. Group A having an occupant load of 100 or more.
2. Group E.
3. Group H.
4. Group I.
5. Group R-1.
6. Group R-4.
7. High-rise buildings.
8. Group M buildings having an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.
9. Covered malls exceeding 50,000 sf in aggregate floor area.
10. Underground buildings.
11. Buildings with an atrium and having an occupancy in Group A, E, or M.

**404.4 Maintenance.** Fire safety and evacuation plans shall be reviewed by the owner or occupant annually or as necessitated by changes in staff assignments, occupancy, or the physical arrangement of the building.

**408.11.1.1 Approval.** The lease plan shall be submitted to the fire code official, and shall be maintained on-site for immediate reference by responding fire service personnel.

**408.11.1.2 Revisions.** The lease plan shall be reviewed by the owner or occupant and revised annually or as often as necessary to keep them current.

NEW SECTION

**WAC 51-54-0800 Chapter 8--Interior finish, decorative materials and furnishings.**

**804.1.1 Restricted occupancies.** Natural cut trees shall be prohibited in Group I-1, I-2, I-3, I-4, LC and R-4 occupancies.

**804.1.2 Support devices.** The support device that holds the tree in an upright position shall be of a type that is stable and that meets all of the following criteria:

1. The device shall hold the tree securely and be of adequate size to avoid tipping over of the tree.
2. The device shall be capable of containing a minimum supply of water in accordance with Table 804.1.2.

3. The water level, when full, shall cover the tree stem at least 2 inches (51 mm). The water level shall be maintained above the fresh cut and checked at least once daily.

**804.1.3 Dryness.** The tree shall be removed from the building whenever the tree is determined to be dry by needle pliability, discoloration or other approved means as approved by the fire code official. The tree shall be checked daily for dryness.

**Table 804.1.2--Support Stand Water Capacity**

Tree Stem Diameter (inches)	Minimum Support Stand Water Capacity (gallons)	Typical Daily Water Transpiration Amount (gallons)
Up to 4	1	1/4 to 1
4 to 6	1 1/2	1 1/4 to 1 1/2
7 to 8	2	1 3/4 to 2
9 to 12	3	2 1/4 to 3
13 and over	4	Over 3