



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (10/1/89)

Agency: State Building Code Council	<input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule
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(1) Date of adoption: November 19, 1993

(2) Purpose: To adopt revisions to the Council's Policies and Procedures for Consideration of Statewide and Local Amendments to the State Building Code.

(3) Citation of existing rules affected by this order:  
 Repealed: None  
 Amended: Sections 51-04-015; 51-04-018; 51-04-020; 51-04-025; and 51-04-060 WAC  
 Suspended: None

(4) Authority for adoption:  
 Statute: RCW 19.27.035  
 Other Authority: RCW 34.05

(5.1) **PERMANENT RULE ONLY**  
 Pursuant to notice filed as WSR 93-16-110 on August 4, 1993 (date).  
 Describe any changes other than editing from proposed to adopted version:  
 1) Proposed options for revision Section 51-04-030 WAC were not adopted.  
 2) Voluntary criteria for use by the Council when determining the need for proposed state-wide code changes were adopted into Section 51-04-020 WAC. 3) Section 51-04-015 was revised

(5.2) **EMERGENCY RULE ONLY** ~~to allow statewide code changes in order to correct errors and omissions.~~

- Pursuant to RCW 34.05.350 the agency for good cause finds:
- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
  - (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

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

(6) Effective date of rule:

<b>Permanent Rules</b> <input checked="" type="checkbox"/> 31 days after filing <input type="checkbox"/> Other (specify) _____* <small>*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)</small>	<b>Emergency Rules</b> <input type="checkbox"/> Immediately <input type="checkbox"/> Later (specify) _____
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**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON

FEB 10 1994

TIME 4:05  
 WSR 94-05-058

NAME (TYPE OR PRINT)  
Gene Colin

SIGNATURE

TITLE  
Chair

DATE  
02/07/94

AMENDATORY SECTION (Amending WSR 90-02-108, filed 1/3/90, effective 2/3/90)

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

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

(3) "Emergency state-wide amendment" means any proposed state-wide amendment, the adoption of which is necessary immediately in order to protect life, safety or health of building occupants ~~((r))~~; preserve the structural integrity of buildings built to the state building code; to correct errors and omissions; or ~~((to comply with enacted state))~~ by the direction of the Washington state legislature or federal legislation. Emergency state-wide 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 Building Code and Standards; the Uniform Mechanical Code including Appendix B, Chapter 22 Fuel Gas Piping; the Uniform Fire Code and Standards; the Uniform Plumbing Code and Standards, excluding Chapters 11 and 12; the state regulations for barrier-free facilities; the state energy code; and any other codes so designated by the Washington state legislature as adopted and amended by the council.

(7) "State-wide 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. State-wide 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 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 ~~((During the code update cycle, the entire building code is updated by the council. The code update cycle commences upon availability of the publication of the current edition of the Uniform Codes by the International Conference of Building Officials, and concludes with formal adoption of the revised building code by the council and final review by the state legislature.~~

~~Within sixty days of the receipt of the new current editions of the uniform codes as published by the International Conference~~

~~of Building Officials, International Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively, the council shall enter rulemaking to update the building code.)~~ hereinafter referred to as the "adoption period" and those additional periods when code changes are received for review as proposed amendments to the uniform codes, hereinafter referred to as "submission periods."

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

AMENDATORY SECTION (Amending WSR 90-02-108, filed 1/3/90, effective 2/3/90)

**WAC 51-04-018 (~~Preproposal~~) Petition for preliminary review.** An agency, city or county, or other interested individual or organization wishing to submit state-wide or local government residential amendments to the building code for council consideration, may file with the council a (~~preproposal~~) petition for preliminary review of the state-wide or local government residential amendment, in order to solicit comments from council members and interested parties, prior to council action.

The council may refer a (~~preproposal~~) petition for preliminary review to one of the council standing committees for review and comment.

AMENDATORY SECTION (Amending WSR 90-02-108, filed 1/3/90, effective 2/3/90)

**WAC 51-04-020 Policies for the consideration of proposed state-wide amendments.** State-wide and emergency state-wide 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.

State-wide and emergency state-wide 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 state-wide 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 state-wide 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. Revisions accepted shall be submitted to the International Conference of Building Officials, the International Association of Plumbing and Mechanical Officials and the International Fire Code Institute, respectively, as proposed revisions to the uniform 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 codes by the International Conference of Building 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 codes provided that the proposed revisions shall be limited to revisions which address changes in the uniform codes since the previous edition.

The state building code which addresses existing state-wide amendments to the uniform codes.

The state building code which addresses portions of the state building code other than the uniform codes.

In addition, the state building code council shall review for adoption those proposed revisions to the uniform 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, 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 codes the council shall enter rule making to update the building code.

AMENDATORY SECTION (Amending WSR 90-02-108, filed 1/3/90, effective 2/3/90)

**WAC 51-04-025 Procedure for submittal or proposed state-wide amendments.** All proposed state-wide amendments shall be submitted in writing to the council, on the form provided by the council.

~~Petitions for state-wide amendments to the building code ((should)) shall be submitted to the council ((within thirty days of publication of the new current editions of the uniform codes as revised by the International Conference of Building Officials, International Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively)) during the submission period and the adoption period in accordance with WAC 51-04-020.~~

Petitions for emergency state-wide amendments to the building code may be submitted at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and 51-04-020.

The council may refer a proposed state-wide amendment to one of the council standing committees for review and comment prior to council action in accordance with chapter 34.05 RCW.

The council shall deal with all proposed state-wide amendments within the time frames required by chapter 19.27 RCW, RCW 34.05.330, and all other deadlines established by statute.

AMENDATORY SECTION (Amending WSR 90-02-108, filed 1/3/90, effective 2/3/90)

**WAC 51-04-060 Opinions ((and—interpretations)).** 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 ((and interpretations)) 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 codes.

~~((The Washington state energy office shall provide opinions and interpretations related to the state energy code.))~~ 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.

Energy code related opinions shall be developed in consultation with the Washington state energy office.