Chapter 51-04 WAC

POLICIES AND PROCEDURES FOR CONSIDERATION OF STATEWIDE AND LOCAL AMENDMENTS TO THE STATE BUILDING CODE

WAC

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WAC 51-04-010 Declaration of purpose. The Washington state building code council, hereinafter called the council, is required by chapter 266, Laws of 1988, to adopt and maintain the state building code, hereinafter referred to as the building code, as provided in chapters 19.27, 19.27A, and 70.92 RCW, and the state legislature.

The primary objective of the council is to encourage consistency in the building code throughout the state of Washington and to maintain the building code consistent with the state's interest as provided in RCW 19.27.020.

The building code shall be as defined in WAC 51-04-015(8).

The council is also required by RCW 19.27.074 to approve or deny all city and county amendments to the building code that apply to single family or multifamily buildings as defined in RCW 19.27.015.

The purpose of this chapter is to establish policies and procedures for submittal and council review and consideration of proposed statewide and city and county amendments respectively, to the building code.

[Statutory Authority: RCW 19.27.035, 19.27.074 and chapters 19.27 and 34.05 RCW. 07-15-043, § 51-04-010, filed 7/13/07, effective 8/13/07. Statutory Authority: Chapters 19.27 and 34.05 RCW and 1989 c 348. 90-02-108, § 51-04-010, filed 1/3/90, effective 2/3/90; Order 76-02, § 51-04-010, filed 9/1/76.]

WAC 51-04-015 Definitions. (1) "Supplements and accumulative supplements" mean the publications between editions of the model codes and standards which include changes to the current edition of the 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) "Model codes" means the codes developed by the model code organizations and adopted by and referenced in chapter 19.27 RCW.

(7) "Model code organization(s)" means the national code-promulgating organizations that develop the model codes (as defined herein), such as the International Code Council, International Association of Plumbing and Mechanical Officials, and National Fire Protection Association.

(8) "State building code" means the codes adopted by and referenced in chapter 19.27 RCW; the state energy code; and any other codes so designated by the Washington state legislature as adopted and amended by the council.

(9) "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.

(10) "State building code update cycle" means that period during which the 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 model codes, hereinafter referred to as "submission periods."

[Statutory Authority: RCW 19.27.190, 19.27.020, and chapters 19.27 and 34.05 RCW. 05-23-104, § 51-04-015, filed 11/17/05, effective 1/1/06. Statutory Authority: RCW 19.27.031 and 19.27.074. 04-01-107, § 51-04-015, filed 12/17/03, effective 7/1/04. Statutory Authority: RCW 19.27.035 and 19.27.074. 98-24-077, § 51-04-015, filed 12/1/98, effective 7/1/99. Statutory Authority: RCW 19.27.074. 98-02-048, § 51-04-015, filed 1/5/98, effective 7/1/98. Statutory Authority: RCW 19.27.035 and chapter 34.05 RCW. 94-05-058, § 51-04-015, filed 2/10/94, effective 3/13/94. Statutory Authority:

Chapters 19.27 and 34.05 RCW and 1989 c 348. 90-02-108, § 51-04-015, filed 1/3/90, effective 2/3/90.]

WAC 51-04-018 Petition for preliminary review. An agency, city or county, or other interested individual or organization wishing to submit statewide or local government residential amendments to the building code for council consideration, may file with the council a petition for preliminary review of the statewide 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 petition for preliminary review to one of the council standing committees for review and comment.

[Statutory Authority: RCW 19.27.035 and chapter 34.05 RCW. 94-05-058, § 51-04-018, filed 2/10/94, effective 3/13/94. Statutory Authority: Chapters 19.27 and 34.05 RCW and 1989 c 348. 90-02-108, § 51-04-018, filed 1/3/90, effective 2/3/90.]

WAC 51-04-020 Policies for the consideration of proposed statewide amendments. Statewide and emergency statewide amendments to the state building code shall 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:

The state building code council shall publicize the state building code amendment process in January of each year. Proposed state amendments must be received by March 1 to be considered for adoption by December 1. The state building code council shall review all proposed statewide amendments and file for future rule making those proposals approved as submitted or as amended by the council. State amendments as approved by the council shall be submitted to the appropriate model code organization, at the direction of the council, except those adopted for consistency with state statutes or regulation and held for further review during the adoption period of those model codes by the council. The effective date of any statewide amendments shall be the same as the effective date of the new edition of the model codes, except for emergency amendments adopted in accordance with chapter 34.05 RCW and deemed appropriate by the council.

The adoption period of new model codes commences upon availability of the publication of the new edition of the model codes and concludes with formal adoption of the building code as amended 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. The council will consider state amendments to:

The model codes provided that the proposed amendments shall be limited to address changes in the model codes since the previous edition; or, address existing statewide amendments to the model codes; or, address portions of the state building code other than the model codes.

The state building code council shall consider the action of the model code organizations in their consideration of these proposals.

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

[Statutory Authority: RCW 19.27.035, 19.27.074 and chapters 19.27 and 34.05 RCW. 07-15-043, § 51-04-020, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 19.27.190, 19.27.020, and chapters 19.27 and 34.05 RCW. 05-23-104, § 51-04-020, filed 11/17/05, effective 1/1/06. Statutory Authority: RCW 19.27.031 and 19.27.074. 04-01-107, § 51-04-020, filed 12/17/03, effective 7/1/04. Statutory Authority: RCW 19.27.035 and chapter 34.05 RCW. 94-05-058, § 51-04-020, filed 2/10/94, effective 3/13/94. Statutory Authority: Chapters 19.27 and 34.05 RCW and 1989 c 348. 90-02-108, § 51-04-020, filed 1/3/90, effective 2/3/90; Order 76-02, § 51-04-020, filed 9/1/76.]

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

Petitions for statewide amendments to the building code shall be submitted to the council during the submission period and the adoption period in accordance with WAC 51-04-020.

Petitions for emergency statewide 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 statewide 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 statewide amendments within the time frames required by chapter 19.27 RCW, RCW 34.05.330, and all other deadlines established by statute.

[Statutory Authority: RCW 19.27.035, 19.27.074 and chapters 19.27 and 34.05 RCW. 07-15-043, § 51-04-025, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 19.27.035 and chapter 34.05 RCW. 94-05-058, § 51-04-025, filed 2/10/94, effective 3/13/94. Statutory Authority: Chapters 19.27 and 34.05 RCW and 1989 c 348. 90-02-108, § 51-04-025, filed 1/3/90, effective 2/3/90.]

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 calendar 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. All local amendments submitted for review shall be accompanied by findings of fact adopted by the governing body of the local jurisdiction justifying the adoption of the local amendment in accordance with the five criteria noted below in this section.

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 shall 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.

EXCEPTION: Local government residential amendments to administrative provisions (departmental operational procedures) contained within the state building code need not be submitted to the council for review and approval provided that such amendments do not alter 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.

[Statutory Authority: RCW 19.27.035, 19.27.074 and chapters 19.27 and 34.05 RCW. 07-15-043, § 51-04-030, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 19.27.190, 19.27.020, and chapters 19.27 and 34.05 RCW. 05-23-104, § 51-04-030, filed 11/17/05, effective 1/1/06. Statutory Authority: RCW 19.27.031 and 19.27.074. 04-07-193, § 51-04-030, filed 3/24/04, effective 7/1/04. Statutory Authority: RCW 19.27.035 and 19.27.074. 98-24-077, § 51-04-030, filed 12/1/98, effective 7/1/99. Statutory Authority: Chapter 19.27 RCW. 95-01-127, § 51-04-030, filed 12/21/94, effective 6/30/95. Statutory Authority: Chapters 19.27 and 34.05 RCW and 1989 c 348. 90-02-108, § 51-04-030, filed 1/3/90, effective 2/3/90.]

WAC 51-04-035 Procedure for submittal of proposed local government residential amendments. All proposed local government residential amendments to the state building code shall be submitted in writing to the council, on a form provided by the council, along with findings of fact as required in WAC 51-04-030 for the proposed amendment. Local government residential amendments to administrative provisions (departmental operational procedures) contained within the state building code need not be submitted to the council for review and approval provided that such amendment does not affect the construction requirements of those chapters.

The council shall accept and consider all applications for review of local government residential amendments submitted to the council in a proper manner.

The council may refer a proposed local government residential amendment to one of the council standing committees for review and comment prior to council action in accordance with RCW 19.27.074.

[Statutory Authority: RCW 19.27.190, 19.27.020, and chapters 19.27 and 34.05 RCW. 05-23-104, § 51-04-035, filed 11/17/05, effective 1/1/06. Statutory Authority: Chapters 19.27 and 34.05 RCW and 1989 c 348. 90-02-108, § 51-04-035, filed 1/3/90, effective 2/3/90.]

WAC 51-04-037 Preapproved local government residential amendments. Any local government residential amendment, that the council determines to be appropriate for adoption by other local governments, may be designated as a preapproved local government residential amendment.

A preapproved local government residential amendment may be adopted by any local government upon notification of the council.

[Statutory Authority: Chapters 19.27 and 34.05 RCW and 1989 c 348. 90-02-108, § 51-04-037, filed 1/3/90, effective 2/3/90.]

WAC 51-04-040 Reconsideration. (1) When the council denies a statewide or local amendment to the building code, the party proposing the amendment may file a petition for reconsideration. The petition must be received by the State Building Code Council, P.O. Box 42525, Olympia, Washington 98504-2525, within ten calendar days of the date of the denial. The petition must give specific reasons for why the council should reconsider the amendment for approval or denial.

(2) Within sixty calendar days of receipt of a timely petition for reconsideration, the council shall in writing:

(a) Grant the petition for reconsideration and approve the amendment;

(b) Deny the petition for reconsideration, giving reasons for the denial; or

(c) Request additional information and extend the time period for not more than thirty calendar days to either grant or deny the petition for reconsideration.

(3) The council's denial of a proposed statewide or local government amendment, or the council denial of a petition for reconsideration under this section, is subject to judicial review under chapter 34.05 RCW.

[Statutory Authority: RCW 19.27.035, 19.27.074 and chapters 19.27 and 34.05 RCW. 07-15-043, § 51-04-040, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 19.27.190, 19.27.020, and chapters 19.27 and 34.05 RCW. 05-23-104, § 51-04-040, filed 11/17/05, effective 1/1/06. Statutory Authority: RCW 19.27.035 and chapters 19.27 and 34.05 RCW. 02-01-113, § 51-04-040, filed 12/18/01, effective 7/1/02. Statutory Authority: Chapters 19.27 and 34.05 RCW and 1989 c 348. 90-02-108, § 51-04-040, filed 1/3/90, effective 2/3/90.]

WAC 51-04-050 Ex parte communications. All written communications received by council members during council rule-making proceedings, shall be forwarded to staff for inclusion in the public record.

[Statutory Authority: Chapters 19.27 and 34.05 RCW and 1989 c 348. 90-02-108, § 51-04-050, filed 1/3/90, effective 2/3/90.]

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 code official.

For the purposes of this section, the term "code 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.

At the request of a code official, the council will issue opinions relating to the codes adopted under chapters 19.27, 19.27A, and 70.92 RCW, including the state energy code, the state ventilation and indoor air quality code, and council amendments to the model codes. At the request of a local code official, the council may issue opinions on the applicability of WAC 51-04-030 to a local government ordinance regulating construction.

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.

[Statutory Authority: RCW 19.27.035, 19.27.074 and chapters 19.27 and 34.05 RCW. 07-15-043, § 51-04-060, filed 7/13/07, effective 8/13/07. Statutory Authority: RCW 19.27.031 and 19.27.074. 04-01-107, § 51-04-060, filed 12/17/03, effective 7/1/04. Statutory Authority: RCW 19.27.035 and 19.27.074. 98-24-077, § 51-04-060, filed 12/1/98, effective 7/1/99. Statutory Authority: RCW 19.27.035 and chapter 34.05 RCW. 94-05-058, § 51-04-060, filed 2/10/94, effective 3/13/94. Statutory Authority: Chapters 19.27 and 34.05 RCW and 1989 c 348. 90-02-108, § 51-04-060, filed 1/3/90, effective 2/3/90.]

WAC 51-04-070 Council mailing address. All requests for information, documentation, etc., should be submitted to:

Washington State Building Code Council
906 Columbia St SW
Post Office Box 42525
Olympia, Washington 98504-2525
360-725-2966

[Statutory Authority: RCW 19.27.190, 19.27.020, and chapters 19.27 and 34.05 RCW. 05-23-104, § 51-04-070, filed 11/17/05, effective 1/1/06. Statutory Authority: RCW 19.27.074. 98-02-048, § 51-04-070, filed 1/5/98, effective 7/1/98. Statutory Authority: Chapters 19.27 and 34.05 RCW and 1989 c 348. 90-02-108, § 51-04-070, filed 1/3/90, effective 2/3/90.]