
SENATE BILL 5798

State of Washington **53rd Legislature** **1993 Regular Session**

By Senators Snyder, Bauer and Winsley

Read first time 02/15/93. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to the building code council; amending RCW
2 19.27.040, 19.27.042, 19.27.113, 19.27.120, 19.27.170, 19.27.180,
3 19.27.190, 19.27.192, 19.27.470, 19.27.480, 19.27A.020, 19.27A.025,
4 19.27A.045, 29.57.030, 35.68.076, 43.22.480, 70.92.130, 70.92.140,
5 70.92.150, 70.94.455, 70.94.457, and 90.76.020; reenacting and amending
6 RCW 19.27.031 and 19.27.060; and repealing RCW 19.27.035, 19.27.070,
7 19.27.074, 19.27.078, 19.27.085, 19.27.160, 19.27.175, 19.27A.050, and
8 70.162.030.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 **Sec. 1.** RCW 19.27.031 and 1989 c 348 s 9 and 1989 c 266 s 1 are
11 each reenacted and amended to read as follows:

12 Except as otherwise provided in this chapter, there shall be in
13 effect in all counties and cities the state building code which shall
14 consist of the following codes which are hereby adopted by reference:

15 (1) Uniform Building Code and Uniform Building Code Standards,
16 published by the International Conference of Building Officials;

17 (2) Uniform Mechanical Code, including Chapter 22, Fuel Gas Piping,
18 Appendix B, published by the International Conference of Building
19 Officials;

1 (3) The Uniform Fire Code and Uniform Fire Code Standards,
2 published by the International Conference of Building Officials and the
3 Western Fire Chiefs Association: PROVIDED, That, notwithstanding any
4 wording in this code, participants in religious ceremonies shall not be
5 precluded from carrying hand-held candles;

6 (4) Except as provided in RCW 19.27.150, the Uniform Plumbing Code
7 and Uniform Plumbing Code Standards, published by the International
8 Association of Plumbing and Mechanical Officials: PROVIDED, That
9 chapters 11 and 12 of such code are not adopted; and

10 (5) The rules and regulations (~~adopted by the council~~)
11 establishing standards for making buildings and facilities accessible
12 to and usable by the physically handicapped or elderly persons as
13 provided in RCW 70.92.100 through 70.92.160.

14 In case of conflict among the codes enumerated in subsections (1),
15 (2), (3), and (4) of this section, the first named code shall govern
16 over those following.

17 (~~The codes enumerated in this section shall be adopted by the~~
18 ~~council as provided in RCW 19.27.074.~~

19 ~~The council may issue opinions relating to the codes at the request~~
20 ~~of a local building official.))~~

21 **Sec. 2.** RCW 19.27.040 and 1990 c 2 s 11 are each amended to read
22 as follows:

23 The governing body of each county or city is authorized to amend
24 the state building code as it applies within the jurisdiction of the
25 county or city. The (~~minimum~~) maximum performance standards of the
26 codes and the objectives enumerated in RCW 19.27.020 shall not be
27 (~~diminished~~) increased by any county or city amendments.

28 Nothing in this chapter shall authorize any modifications of the
29 requirements of chapter 70.92 RCW.

30 **Sec. 3.** RCW 19.27.042 and 1991 c 139 s 1 are each amended to read
31 as follows:

32 (1) Effective January 1, 1992, the legislative authorities of
33 cities and counties may adopt an ordinance or resolution to exempt from
34 state building code requirements buildings whose character of use or
35 occupancy has been changed in order to provide housing for indigent
36 persons. The ordinance or resolution allowing the exemption shall
37 include the following conditions:

1 (a) The exemption is limited to existing buildings located in this
2 state;

3 (b) Any code deficiencies to be exempted pose no threat to human
4 life, health, or safety;

5 (c) The building or buildings exempted under this section are owned
6 or administered by a public agency or nonprofit corporation; and

7 (d) The exemption is authorized for no more than five years on any
8 given building. An exemption for a building may be renewed if the
9 requirements of this section are met for each renewal.

10 (2) By January 1, 1992, the ~~((state building code council))~~
11 department of community development shall adopt by rule, guidelines for
12 cities and counties exempting buildings under subsection (1) of this
13 section.

14 **Sec. 4.** RCW 19.27.060 and 1989 c 266 s 2 and 1989 c 246 s 1 are
15 each reenacted and amended to read as follows:

16 (1) The governing bodies of counties and cities may amend the codes
17 enumerated in RCW 19.27.031 ~~((as amended and adopted by the state
18 building code council))~~ as they apply within their respective
19 jurisdictions, but the amendments shall not result in a code that is
20 ~~((less))~~ more than the minimum performance standards and objectives
21 contained in the state building code.

22 ~~((a) No amendment to a code enumerated in RCW 19.27.031 as amended
23 and adopted by the state building code council that affects single
24 family or multifamily residential buildings shall be effective unless
25 the amendment is approved by the building code council under RCW
26 19.27.074(1)(b).~~

27 ~~(b) Any county or city amendment to a code enumerated in RCW
28 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to
29 be effective after any action is taken under RCW 19.27.074(1)(a)
30 without necessity of reapproval under RCW 19.27.074(1)(b) unless the
31 amendment is declared null and void by the council at the time any
32 action is taken under RCW 19.27.074(1)(a) because such action in any
33 way altered the impact of the amendment.)~~

34 (2) Except as permitted or provided otherwise under this section,
35 the state building code shall be applicable to all buildings and
36 structures including those owned by the state or by any governmental
37 subdivision or unit of local government.

1 (3) The governing body of each county or city may limit the
2 application of any portion of the state building code to exclude
3 specified classes or types of buildings or structures according to use
4 other than single family or multifamily residential buildings:
5 PROVIDED, That in no event shall fruits or vegetables of the tree or
6 vine stored in buildings or warehouses constitute combustible stock for
7 the purposes of application of the uniform fire code.

8 (4) The provisions of this chapter shall not apply to any building
9 four or more stories high with a B occupancy as defined by the uniform
10 building code, 1982 edition, and with a city fire insurance rating of
11 1, 2, or 3 as defined by a recognized fire rating bureau or
12 organization.

13 (5) No provision of the uniform fire code concerning roadways shall
14 be part of the state building code: PROVIDED, That this subsection
15 shall not limit the authority of a county or city to adopt street,
16 road, or access standards.

17 (6) The provisions of the state building code may be preempted by
18 any city or county to the extent that the code provisions relating to
19 the installation or use of sprinklers in jail cells conflict with the
20 secure and humane operation of jails.

21 (7)((~~a~~)) Effective one year after July 23, 1989, the governing
22 bodies of counties and cities may adopt an ordinance or resolution to
23 exempt from permit requirements certain construction or alteration of
24 either group R, division 3, or group M, division 1 occupancies, or
25 both, as defined in the uniform building code, 1988 edition, for which
26 the total cost of fair market value of the construction or alteration
27 does not exceed fifteen hundred dollars. The permit exemption shall
28 not otherwise exempt the construction or alteration from the
29 substantive standards of the codes enumerated in RCW 19.27.031(~~as~~
30 ~~amended and maintained by the state building code council under RCW~~
31 ~~19.27.070.~~

32 (~~b~~) ~~Prior to July 23, 1989, the state building code council shall~~
33 ~~adopt by rule, guidelines exempting from permit requirements certain~~
34 ~~construction and alteration activities under (a) of this subsection).~~

35 **Sec. 5.** RCW 19.27.113 and 1991 c 170 s 1 are each amended to read
36 as follows:

37 The department of community development shall be responsible for
38 administration of rules adopted by the building code council ((shall

1 ~~adopt rules by December 1, 1991,))~~ requiring that all buildings classed
2 as E-1 occupancies, as defined in the state building code, except
3 portable school classrooms, constructed after July 28, 1991, be
4 provided with an automatic fire-extinguishing system. The rules
5 ~~((adopted by the council))~~ shall consider applicable nationally
6 recognized fire and building code standards and local conditions.

7 ~~((By December 15, 1991, the council shall transmit to the~~
8 ~~superintendent of public instruction, the state board of education, and~~
9 ~~the fire protection policy board copies of the rules as adopted. The~~
10 ~~superintendent of public instruction, the state board of education, and~~
11 ~~the fire protection policy board shall respond to the council by~~
12 ~~February 15, 1992, with any recommended changes to the rule. If~~
13 ~~changes are recommended the council shall immediately consider those~~
14 ~~changes to the rules through its rule-making procedures. The rules~~
15 ~~shall be effective on July 1, 1992.))~~

16 **Sec. 6.** RCW 19.27.120 and 1985 c 360 s 13 are each amended to read
17 as follows:

18 ~~((1))~~ Repairs, alterations, and additions necessary for the
19 preservation, restoration, rehabilitation, strengthening, or continued
20 use of a building or structure may be made without conformance to all
21 of the requirements of the codes adopted under RCW 19.27.031, when
22 authorized by the appropriate building official ~~((under the rules~~
23 ~~adopted under subsection (2) of this section))~~, provided:

24 ~~((a))~~ (1) The building or structure: ~~((i))~~ (a) Has been
25 designated by official action of a legislative body as having special
26 historical or architectural significance, or ~~((ii))~~ (b) is an
27 unreinforced masonry building or structure on the state or the national
28 register of historic places, or is potentially eligible for placement
29 on such registers; and

30 ~~((b))~~ (2) The restored building or structure will be less
31 hazardous, based on life and fire risk, than the existing building.

32 ~~((2) The state building code council shall adopt rules, where~~
33 ~~appropriate, to provide alternative methods to those otherwise required~~
34 ~~under this chapter for repairs, alterations, and additions necessary~~
35 ~~for preservation, restoration, rehabilitation, strengthening, or~~
36 ~~continued use of buildings and structures identified under subsection~~
37 ~~(1) of this section.))~~

1 **Sec. 7.** RCW 19.27.170 and 1991 c 347 s 16 are each amended to read
2 as follows:

3 (1) The department of community development shall be responsible
4 for administration of rules adopted by the state building code council
5 ~~((shall adopt rules under chapter 34.05 RCW))~~ that implement and
6 incorporate the water conservation performance standards in subsections
7 (4) and (5) of this section. These standards shall apply to all new
8 construction and all remodeling involving replacement of plumbing
9 fixtures in all residential, hotel, motel, school, industrial,
10 commercial use, or other occupancies determined by the ~~((council))~~
11 department to use significant quantities of water.

12 (2) The legislature recognizes that a phasing-in approach to these
13 new standards is appropriate. Therefore, standards in subsection (4)
14 of this section shall take effect on July 1, 1990. The standards in
15 subsection (5) of this section shall take effect July 1, 1993.

16 (3) No individual, public or private corporation, firm, political
17 subdivision, government agency, or other legal entity may, for purposes
18 of use in this state, distribute, sell, offer for sale, import,
19 install, or approve for installation any plumbing fixtures unless the
20 fixtures meet the standards as provided for in this section.

21 (4) Standards for water use efficiency effective July 1, 1990.

22 (a) Standards for waterclosets. The guideline for maximum water
23 use allowed in gallons per flush (gpf) for any of the following
24 waterclosets is the following:

- 25 Tank-type toilets 3.5 gpf.
- 26 Flushometer-valve toilets 3.5 gpf.
- 27 Flushometer-tank toilets 3.5 gpf.
- 28 Electromechanical hydraulic toilets 3.5 gpf.

29 (b) Standard for urinals. The guideline for maximum water use
30 allowed for any urinal is 3.0 gallons per flush.

31 (c) Standard for showerheads. The guideline for maximum water use
32 allowed for any showerhead is 3.0 gallons per minute.

33 (d) Standard for faucets. The guideline for maximum water use
34 allowed in gallons per minute (gpm) for any of the following faucets
35 and replacement aerators is the following:

- 36 Bathroom faucets 3.0 gpm.
- 37 Lavatory faucets 3.0 gpm.
- 38 Kitchen faucets 3.0 gpm.
- 39 Replacement aerators 3.0 gpm.

1 (e) Except where designed and installed for use by the physically
2 handicapped, lavatory faucets located in restrooms intended for use by
3 the general public must be equipped with a metering valve designed to
4 close by spring or water pressure when left unattended (self-closing).

5 (f) No urinal or watercloset that operates on a continuous flow or
6 continuous flush basis shall be permitted.

7 (5) Standards for water use efficiency effective July 1, 1993.

8 (a) Standards for waterclosets. The guideline for maximum water
9 use allowed in gallons per flush (gpf) for any of the following
10 waterclosets is the following:

11 Tank-type toilets 1.6 gpf.

12 Flushometer-tank toilets 1.6 gpf.

13 Electromechanical hydraulic toilets 1.6 gpf.

14 (b) Standards for urinals. The guideline for maximum water use
15 allowed for any urinal is 1.0 gallons per flush.

16 (c) Standards for showerheads. The guideline for maximum water use
17 allowed for any showerhead is 2.5 gallons per minute.

18 (d) Standards for faucets. The guideline for maximum water use
19 allowed in gallons per minute for any of the following faucets and
20 replacement aerators is the following:

21 Bathroom faucets 2.5 gpm.

22 Lavatory faucets 2.5 gpm.

23 Kitchen faucets 2.5 gpm.

24 Replacement aerators 2.5 gpm.

25 (e) Except where designed and installed for use by the physically
26 handicapped, lavatory faucets located in restrooms intended for use by
27 the general public must be equipped with a metering valve designed to
28 close by water pressure when unattended (self-closing).

29 (f) No urinal or watercloset that operates on a continuous flow or
30 continuous basis shall be permitted.

31 (6) The (~~building code council~~) department shall establish
32 methods and procedures for testing and identifying fixtures that meet
33 the standards established in subsection (5) of this section. The
34 (~~council~~) department shall use the testing standards designated as
35 American national standards, written under American national standards
36 institute procedures or other widely recognized national testing
37 standards. The (~~council~~) department shall either review test results
38 from independent testing laboratories that are submitted by
39 manufacturers of plumbing fixtures or accept data submitted to and

1 evaluated by the international association of plumbing and mechanical
2 officials. The ~~((council))~~ department shall publish and widely
3 distribute a current list of fixtures that meet the standards
4 established in subsection (5) of this section.

5 (7) The ~~((building code council))~~ department shall adopt rules for
6 marking and labeling fixtures meeting the standards established in
7 subsection (5) of this section.

8 (8) This section shall not apply to fixtures installed before July
9 28, 1991, that are removed and relocated to another room or area of the
10 same building after July 28, 1991, nor shall it apply to fixtures, as
11 determined by the ~~((council))~~ department, that in order to perform a
12 specialized function, cannot meet the standards specified in this
13 section.

14 (9) The water conservation performance standards shall supersede
15 all local government codes. After July 1, 1990, cities, towns, and
16 counties shall not amend the code revisions and standards established
17 under subsection (4) or (5) of this section.

18 **Sec. 8.** RCW 19.27.180 and 1992 c 79 s 1 are each amended to read
19 as follows:

20 (1) Residential buildings or structures moved into or within a
21 county or city are not required to comply with all of the requirements
22 of the codes enumerated in chapters 19.27 ~~((and))~~ 19.27A ~~((RCW, as
23 amended and maintained by the state building code council))~~ and
24 ~~((chapter))~~ 19.28 RCW, if the original occupancy classification of the
25 building or structure is not changed as a result of the move.

26 (2) This section shall not apply to residential structures or
27 buildings that are substantially remodeled or rehabilitated, nor to any
28 work performed on a new or existing foundation.

29 (3) For the purposes of determining whether a moved building or
30 structure has been substantially remodeled or rebuilt, any cost
31 relating to preparation, construction, or renovation of the foundation
32 shall not be considered.

33 **Sec. 9.** RCW 19.27.190 and 1990 c 2 s 7 are each amended to read as
34 follows:

35 ~~((1)(a) Not later than January 1, 1991, the state building code
36 council, in consultation with the state energy office, shall establish
37 interim requirements for the maintenance of indoor air quality in newly~~

1 constructed residential buildings. In establishing the interim
2 requirements, the council shall take into consideration differences in
3 heating fuels and heating system types. These requirements shall be in
4 effect July 1, 1991, through June 30, 1993.

5 (b) The interim requirements for new electrically space heated
6 residential buildings shall include ventilation standards which provide
7 for mechanical ventilation in areas of the residence where water vapor
8 or cooking odors are produced. The ventilation shall be exhausted to
9 the outside of the structure. The ventilation standards shall further
10 provide for the capacity to supply outside air to each bedroom and the
11 main living area through dedicated supply air inlet locations in walls,
12 or in an equivalent manner. At least one exhaust fan in the home shall
13 be controlled by a dehumidistat or clock timer to ensure that
14 sufficient whole house ventilation is regularly provided as needed.

15 (c)(i) For new single family residences with electric space heating
16 systems, zero lot line homes, each unit in a duplex, and each attached
17 housing unit in a planned unit development, the ventilation standards
18 shall include fifty cubic feet per minute of effective installed
19 ventilation capacity in each bathroom and one hundred cubic feet per
20 minute of effective installed ventilation capacity in each kitchen.

21 (ii) For other new residential units with electric space heating
22 systems the ventilation standards may be satisfied by the installation
23 of two exhaust fans with a combined effective installed ventilation
24 capacity of two hundred cubic feet per minute.

25 (iii) Effective installed ventilation capacity means the capability
26 to deliver the specified ventilation rates for the actual design of the
27 ventilation system. Natural ventilation and infiltration shall not be
28 considered acceptable substitutes for mechanical ventilation.

29 (d) For new residential buildings that are space heated with other
30 than electric space heating systems, the interim standards shall be
31 designed to result in indoor air quality equivalent to that achieved
32 with the interim ventilation standards for electric space heated homes.

33 (e) The interim requirements for all newly constructed residential
34 buildings shall include standards for indoor air quality pollutant
35 source control, including the following requirements: All structural
36 panel components of the residence shall comply with appropriate
37 standards for the emission of formaldehyde; the back drafting of
38 combustion by products from combustion appliances shall be minimized
39 through the use of dampers, vents, outside combustion air sources, or

1 other appropriate technologies; and, in areas of the state where
2 monitored data indicate action is necessary to inhibit indoor radon gas
3 concentrations from exceeding appropriate health standards, entry of
4 radon gas into homes shall be minimized through appropriate foundation
5 construction measures.

6 ~~(2) No later than January 1, 1993,)~~ The department of community
7 development shall be responsible for administration of rules adopted by
8 the state building code council, in consultation with the state energy
9 office, ~~((shall establish final requirements))~~ for the maintenance of
10 indoor air quality in newly constructed residences ~~((to be in effect~~
11 ~~beginning July 1, 1993))~~. For new electrically space heated
12 residential buildings, these requirements shall maintain indoor air
13 quality equivalent to that provided by the mechanical ventilation and
14 indoor air pollutant source control requirements included in the
15 February 7, 1989, Bonneville power administration record of decision
16 for the environmental impact statement on new energy efficient homes
17 programs (DOE/EIS-0127F) built with electric space heating. In
18 residential units other than single family, zero lot line, duplexes,
19 and attached housing units in planned unit developments, ventilation
20 requirements may be satisfied by the installation of two exhaust fans
21 with a combined effective installed ventilation capacity of two hundred
22 cubic feet per minute. For new residential buildings that are space
23 heated with other than electric space heating systems, the standards
24 shall be designed to result in indoor air quality equivalent to that
25 achieved with the ventilation and source control standards for electric
26 space heated homes. ~~((In establishing the final requirements, the~~
27 ~~council shall take into consideration differences in heating fuels and~~
28 ~~heating system types.))~~

29 **Sec. 10.** RCW 19.27.192 and 1992 c 132 s 1 are each amended to read
30 as follows:

31 (1) Beginning July 1, 1992, at the time of final inspection of a
32 new single-family residence or each ground floor unit in a multifamily
33 residential building, the building inspector shall deliver to each
34 residence and each ground floor unit a three-month etched track radon
35 measurement device that is listed on a current federal environmental
36 protection agency radon measurement proficiency list. Postage to the
37 testing facility and the cost of testing and notification to the
38 homeowner shall be included with the device. The device, the

1 instructions included with the device, and the instructions provided by
2 the state building code council (~~((pursuant to subsection (2) of this~~
3 ~~section))~~) shall be placed in a conspicuous location. The device shall
4 be provided to the building inspector by the local government.

5 (2) (~~Not later than June 15, 1992, in consultation with the~~
6 ~~department of health and the Washington state association of building~~
7 ~~code officials, the state building code council shall:~~

8 (a) ~~Develop instructions for use by the owner or occupant on the~~
9 ~~proper means of installation, maintenance and removal of the radon~~
10 ~~measurement device provided for in subsection (1) of this section and~~
11 ~~distribute the instructions to all affected county and city building~~
12 ~~departments; and~~

13 (b) ~~Distribute to all affected county and city building departments~~
14 ~~the current federal environmental protection agency radon measurement~~
15 ~~proficiency list and known sources for the devices.~~

16 (3)) The owner of a new single-family residence or of a
17 multifamily residential building shall be responsible for returning the
18 radon measurement device left by a building inspector pursuant to this
19 section to the appropriate testing laboratory in accordance with the
20 instructions left with the device by the building inspector.

21 ((4)) (3) The building inspector's approval of the final
22 inspection on the final inspection record card shall be prima facie
23 evidence that the building inspector left the radon measurement device
24 and instructions as required by this section.

25 ((5)) (4) The building inspector responsible for the final
26 inspection, the building inspector's employer, and the county or city
27 within which a single-family residence or multifamily residential
28 building is located shall not be liable for injuries caused by:

29 (a) The failure of the occupant or owner of the residence or
30 building to properly install, monitor, or send a radon measurement
31 device to the testing laboratory; or

32 (b) Radon entering into any single-family residence or multifamily
33 residential building.

34 ((6)) (5) This section shall expire June 30, 1995.

35 **Sec. 11.** RCW 19.27.470 and 1991 c 298 s 5 are each amended to read
36 as follows:

37 ((By July 1, 1992,)) The department of community development shall
38 be responsible for administration of rules adopted by the state

1 building code council (~~shall adopt rules~~) to ensure that new
2 multifamily residences have adequate and conveniently located space to
3 store and dispose of recyclable materials and solid waste.

4 **Sec. 12.** RCW 19.27.480 and 1991 c 298 s 6 are each amended to read
5 as follows:

6 (~~By July 1, 1992,~~) The department of community development shall
7 be responsible for administration of rules adopted by the state
8 building code council (~~shall adopt rules~~) to ensure that new
9 commercial facilities have adequate and conveniently located space to
10 store and dispose of recyclable materials and solid waste.

11 **Sec. 13.** RCW 19.27A.020 and 1990 c 2 s 3 are each amended to read
12 as follows:

13 (1) (~~No later than January 1, 1991,~~) The department of community
14 development shall be responsible for administration of rules adopted by
15 the state building code council (~~shall promulgate rules to be~~) known
16 as the Washington state energy code as part of the state building code.

17 (2) The (~~council~~) department shall follow the legislature's
18 standards set forth in this section (~~to promulgate rules to be known~~
19 ~~as the Washington state energy code~~). The Washington state energy
20 code shall be designed to require new buildings to meet a certain level
21 of energy efficiency, but allow flexibility in building design,
22 construction, and heating equipment efficiencies within that framework.
23 The Washington state energy code shall be designed to allow space
24 heating equipment efficiency to offset or substitute for building
25 envelope thermal performance.

26 (3) The Washington state energy code shall take into account
27 regional climatic conditions. Climate zone 1 shall include all
28 counties not included in climate zone 2. Climate zone 2 includes:
29 Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend
30 Oreille, Spokane, Stevens, and Whitman counties.

31 (4) The Washington state energy code for residential buildings
32 shall require:

33 (a) New residential buildings that are space heated with electric
34 resistance heating systems to achieve energy use equivalent to that
35 used in typical buildings constructed with:

1 (i) Ceilings insulated to a level of R-38. The code shall contain
2 an exception which permits single rafter or joist vaulted ceilings
3 insulated to a level of R-30 (R value includes insulation only);

4 (ii) In zone 1, walls insulated to a level of R-19 (R value
5 includes insulation only), or constructed with two by four members,
6 R-13 insulation batts, R-3.2 insulated sheathing, and other normal
7 assembly components; in zone 2 walls insulated to a level of R-24 (R
8 value includes insulation only), or constructed with two by six
9 members, R-22 insulation batts, R-3.2 insulated sheathing, and other
10 normal construction assembly components; for the purpose of determining
11 equivalent thermal performance, the wall U-value shall be 0.058 in zone
12 1 and 0.044 in zone 2;

13 (iii) Below grade walls, insulated on the interior side, to a level
14 of R-19 or, if insulated on the exterior side, to a level of R-10 in
15 zone 1 and R-12 in zone 2 (R value includes insulation only);

16 (iv) Floors over unheated spaces insulated to a level of R-30 (R
17 value includes insulation only);

18 (v) Slab on grade floors insulated to a level of R-10 at the
19 perimeter;

20 (vi) Double glazed windows with values not more than U-0.4;

21 (vii) In zone 1 the glazing area may be up to twenty-one percent of
22 floor area and in zone 2 the glazing area may be up to seventeen
23 percent of floor area where consideration of the thermal resistance
24 values for other building components and solar heat gains through the
25 glazing result in thermal performance equivalent to that achieved with
26 thermal resistance values for other components determined in accordance
27 with the equivalent thermal performance criteria of (a) of this
28 subsection and glazing area equal to fifteen percent of the floor area.
29 Throughout the state for the purposes of determining equivalent thermal
30 performance, the maximum glazing area shall be fifteen percent of the
31 floor area; and

32 (viii) Exterior doors insulated to a level of R-5; or an exterior
33 wood door with a thermal resistance value of less than R-5 and values
34 for other components determined in accordance with the equivalent
35 thermal performance criteria of (a) of this subsection.

36 (b) New residential buildings which are space-heated with all other
37 forms of space heating to achieve energy use equivalent to that used in
38 typical buildings constructed with:

1 (i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in
2 zone 2 the code shall contain an exception which permits single rafter
3 or joist vaulted ceilings insulated to a level of R-30 (R value
4 includes insulation only);

5 (ii) Walls insulated to a level of R-19 (R value includes
6 insulation only), or constructed with two by four members, R-13
7 insulation batts, R-3.2 insulated sheathing, and other normal assembly
8 components;

9 (iii) Below grade walls, insulated on the interior side, to a level
10 of R-19 or, if insulated on the exterior side, to a level of R-10 in
11 zone 1 and R-12 in zone 2 (R value includes insulation only);

12 (iv) Floors over unheated spaces insulated to a level of R-19 in
13 zone 1 and R-30 in zone 2 (R value includes insulation only);

14 (v) Slab on grade floors insulated to a level of R-10 at the
15 perimeter;

16 (vi) Heat pumps with a minimum heating season performance factor
17 (HSPF) of 6.8 or with all other energy sources with a minimum annual
18 fuel utilization efficiency (AFUE) of seventy-eight percent;

19 (vii) Double glazed windows with values not more than U-0.65 in
20 zone 1 and U-0.60 in zone 2. The ((~~state building code council~~))
21 department of community development, in consultation with the state
22 energy office, shall review these U-values, and, if economically
23 justified for consumers, shall amend the Washington state energy code
24 to improve the U-values by December 1, 1993. The amendment shall not
25 take effect until July 1, 1994; and

26 (viii) In zone 1, the maximum glazing area shall be twenty-one
27 percent of the floor area. In zone 2 the maximum glazing area shall be
28 seventeen percent of the floor area. Throughout the state for the
29 purposes of determining equivalent thermal performance, the maximum
30 glazing area shall be fifteen percent of the floor area.

31 (c) For log built homes with space heat other than electric
32 resistance, the ((~~building code council~~)) department of community
33 development shall establish equivalent thermal performance standards
34 consistent with the standards and maximum glazing areas of (b) of this
35 subsection.

36 (d) The ((~~state building code council~~)) department of community
37 development may approve an energy code for pilot projects of
38 residential construction that use innovative energy efficiency

1 technologies intended to result in savings that are greater than those
2 realized in the levels specified in this section.

3 (5) U-values for glazing shall be determined using the area
4 weighted average of all glazing in the building. U-values for glazing
5 are the tested values for thermal transmittance due to conduction
6 resulting from either the American architectural manufacturers'
7 association (AAMA) 1503.1 test procedure or the American society for
8 testing materials (ASTM) C236 or C976 test procedures. Testing shall
9 be conducted under established winter horizontal heat flow test
10 conditions using the fifteen miles per hour wind speed perpendicular to
11 the exterior surface of the glazing as specified under AAMA 1503.1 and
12 product sample sizes specified under AAMA 1503.1. The AAMA 1503.1
13 testing must be conducted by an AAMA certified testing laboratory. The
14 ASTM C236 or C976 testing U-values include any tested values resulting
15 from a future revised AAMA 1503.1 test procedure. Sealed insulation
16 glass, where used, shall conform to ASTM E-774-81 level A or better.
17 The (~~state building code council~~) department of community development
18 shall maintain a list of the tested U-values for glazing products
19 available in the state.

20 (6) The minimum state energy code for new nonresidential buildings
21 shall be the Washington state energy code, 1986 edition, as amended.

22 (7)(a) Except as provided in (b) of this subsection, the Washington
23 state energy code for residential structures shall preempt the
24 residential energy code of each city, town, and county in the state of
25 Washington.

26 (b) The state energy code for residential structures does not
27 preempt a city, town, or county's energy code for residential
28 structures which exceeds the requirements of the state energy code and
29 which was adopted by the city, town, or county prior to March 1, 1990.
30 Such cities, towns, or counties may not subsequently amend their energy
31 code for residential structures to exceed the requirements adopted
32 prior to March 1, 1990.

33 (8) The (~~state building code council~~) department of community
34 development shall consult with the state energy office as provided in
35 RCW 34.05.310 prior to publication of proposed rules. The state energy
36 office shall review the proposed rules for consistency with the
37 guidelines adopted in subsection (4) of this section. The director of
38 the state energy office shall recommend to the (~~state building code~~

1 council)) department any changes necessary to conform the proposed
2 rules to the requirements of this section.

3 (~~(The state building code council shall conduct a study of~~
4 ~~county and city enforcement of energy codes in the state. In~~
5 ~~conducting the study, the council shall conduct public hearings at~~
6 ~~designated council meetings to seek input from interested individuals~~
7 ~~and organizations, and to the extent possible, hold these meetings in~~
8 ~~conjunction with adopting rules under this section. The study shall~~
9 ~~include recommendations as to how code enforcement may be improved.~~
10 ~~The findings of the study shall be submitted in a report to the~~
11 ~~legislature no later than January 1, 1991.~~

12 (~~10~~)) If any electric utility providing electric service to
13 customers in the state of Washington purchases at least one percent of
14 its firm energy load from a federal agency, pursuant to section
15 5.(b)(1) of the Pacific Northwest electric power planning and
16 conservation act (P.L. 96-501), and such utility is unable to obtain
17 from that agency at least fifty percent of the funds for payments
18 required by RCW 19.27A.035, the amendments to this section by chapter
19 2, Laws of 1990 shall be null and void, and the 1986 state energy code
20 shall be in effect, except that a city, town, or county may enforce a
21 local energy code with more stringent energy requirements adopted prior
22 to March 1, 1990. This subsection shall expire June 30, 1995.

23 **Sec. 14.** RCW 19.27A.025 and 1991 c 122 s 3 are each amended to
24 read as follows:

25 (1) The minimum state energy code for new nonresidential buildings
26 shall be the Washington state energy code, 1986 edition, as amended.
27 The (~~state building code council~~) department of community development
28 may, by rule adopted pursuant to chapter 34.05 RCW, amend that code's
29 requirements for new nonresidential buildings provided that:

30 (a) Such amendments increase the energy efficiency of typical newly
31 constructed nonresidential buildings; and

32 (b) Any new measures, standards, or requirements adopted must be
33 technically feasible, commercially available, and cost-effective to
34 building owners and tenants.

35 (2) In considering amendments to the state energy code for
36 nonresidential buildings, the (~~state building code council~~)
37 department of community development shall establish and consult with a
38 technical advisory committee including representatives of appropriate

1 state agencies, local governments, general contractors, building owners
2 and managers, design professionals, utilities, and other interested and
3 affected parties.

4 (3) Decisions to amend the Washington state energy code for new
5 nonresidential buildings shall be made prior to December 15th of any
6 year and shall not take effect before the end of the regular
7 legislative session in the next year. Any disputed provisions within
8 an amendment presented to the legislature shall be approved by the
9 legislature before going into effect. A disputed provision is one
10 which was adopted by the (~~state building code council~~) department of
11 community development with less than a two-thirds majority vote.
12 Substantial amendments to the code shall be adopted no more frequently
13 than every three years.

14 **Sec. 15.** RCW 19.27A.045 and 1990 c 2 s 5 are each amended to read
15 as follows:

16 The (~~state building code council~~) department of community
17 development shall maintain the state energy code for residential
18 structures in a status which is consistent with the state's interest as
19 set forth in section 1, chapter 2, Laws of 1990. In maintaining the
20 Washington state energy code for residential structures, beginning in
21 1996 the (~~council~~) department shall review the Washington state
22 energy code every three years. After January 1, 1996, by rule adopted
23 pursuant to chapter 34.05 RCW, the (~~council~~) department may amend any
24 provisions of the Washington state energy code to increase the energy
25 efficiency of newly constructed residential buildings. Decisions to
26 amend the Washington state energy code for residential structures shall
27 be made prior to December 1 of any year and shall not take effect
28 before the end of the regular legislative session in the next year.

29 **Sec. 16.** RCW 29.57.030 and 1985 c 205 s 2 are each amended to read
30 as follows:

31 The secretary of state, in consultation with (~~the state building~~
32 ~~code advisory council and~~) local election officials, shall determine
33 standards for accessible polling places as required by this chapter and
34 provide county auditors with these standards by July 1, 1985. These
35 standards shall be revised whenever there are significant amendments to
36 the applicable rules of the (~~state building code advisory council~~)
37 department of community development.

1 **Sec. 17.** RCW 35.68.076 and 1989 c 175 s 84 are each amended to
2 read as follows:

3 The department of general administration shall, pursuant to chapter
4 34.05 RCW, the Administrative Procedure Act, adopt several suggested
5 model design, construction, or location standards to aid counties,
6 cities, and towns in constructing curb ramps to allow reasonable access
7 to the crosswalk for physically handicapped persons without uniquely
8 endangering blind persons. The department of general administration
9 shall consult with handicapped persons, blind persons, counties, and
10 cities(~~(, and the state building code council)~~) in adopting the
11 suggested standards.

12 **Sec. 18.** RCW 43.22.480 and 1989 c 134 s 1 are each amended to read
13 as follows:

14 The department shall adopt and enforce rules that protect the
15 health, safety, and property of the people of this state by assuring
16 that all factory built housing or factory built commercial structures
17 are structurally sound and that the plumbing, heating, electrical, and
18 other components thereof are reasonably safe. The rules shall be
19 reasonably consistent with recognized and accepted principles of safety
20 and structural soundness, and in adopting the rules the department
21 shall consider, so far as practicable, the standards and specifications
22 contained in the uniform building, plumbing, and mechanical codes,
23 including the barrier free code and the Washington energy code (~~as~~
24 ~~adopted by the state building code council~~) pursuant to chapter 19.27A
25 RCW, and the national electrical code, including the state rules as
26 adopted pursuant to chapter 19.28 RCW and published by the national
27 fire protection association.

28 The department shall set a schedule of fees which will cover the
29 costs incurred by the department in the administration and enforcement
30 of RCW 43.22.450 through 43.22.490.

31 **Sec. 19.** RCW 70.92.130 and 1975 1st ex.s. c 110 s 4 are each
32 amended to read as follows:

33 As used in this chapter the following words and phrases shall have
34 the following meanings unless the context clearly requires otherwise:

35 (1) "Administrative authority" means the building department of
36 each county, city, or town of this state;

1 (2) "Substantially remodeled or substantially rehabilitated" means
2 any alteration or restoration of a building or structure within any
3 twelve-month period, the cost of which exceeds sixty percent of the
4 currently appraised value of the particular building or structure(~~(+~~
5 ~~(3) "Council" means the state building code advisory council~~)).

6 **Sec. 20.** RCW 70.92.140 and 1975 1st ex.s. c 110 s 5 are each
7 amended to read as follows:

8 The (~~state building code advisory council~~) department of
9 community development shall adopt minimum standards by rule and
10 regulation for the provision of facilities in buildings and structures
11 to accommodate the elderly, as well as physically disabled persons,
12 which shall include but not be limited to standards for:

- 13 (1) Ramps;
- 14 (2) Doors and doorways;
- 15 (3) Stairs;
- 16 (4) Floors;
- 17 (5) Entrances;
- 18 (6) Toilet rooms and paraphernalia therein;
- 19 (7) Water fountains;
- 20 (8) Public telephones;
- 21 (9) Elevators;
- 22 (10) Switches and levers for the control of light, ventilation,
23 windows, mirrors, etc.;
- 24 (11) Plaques identifying such facilities;
- 25 (12) Turnstiles and revolving doors;
- 26 (13) Kitchen facilities, where appropriate;
- 27 (14) Grading of approaches to entrances;
- 28 (15) Parking facilities;
- 29 (16) Seating facilities, where appropriate, in buildings where
30 people normally assemble.

31 **Sec. 21.** RCW 70.92.150 and 1975 1st ex.s. c 110 s 6 are each
32 amended to read as follows:

33 The (~~council~~) department of community development in adopting
34 these minimum standards shall consider minimum standards adopted by
35 both law and rule and regulation in other states(~~(: PROVIDED, That no~~
36 ~~standards adopted by the council pursuant to RCW 70.92.100 through~~
37 ~~70.92.160 shall take effect until July 1, 1976)~~). The (~~council~~)

1 department shall adopt such standards by majority vote pursuant to the
2 provisions of chapter 34.05 RCW.

3 **Sec. 22.** RCW 70.94.455 and 1991 c 199 s 503 are each amended to
4 read as follows:

5 After January 1, 1992, no used solid fuel burning device shall be
6 installed in new or existing buildings unless such device is either
7 Oregon department of environmental quality phase II or United States
8 environmental protection agency certified or a pellet stove either
9 certified or exempt from certification by the United States
10 environmental protection agency.

11 (1) (~~By July 1, 1992, the state~~) The department of community
12 development shall be responsible for administration of rules adopted by
13 the building code council (~~shall adopt rules~~) requiring an adequate
14 source of heat other than wood stoves in all new and substantially
15 remodeled residential and commercial construction. This rule shall
16 apply (a) to areas designated by a county to be an urban growth area
17 under chapter 36.70A RCW; and (b) to areas designated by the
18 environmental protection agency as being in nonattainment for
19 particulate matter.

20 (2) For purposes of this section, "substantially remodeled" means
21 any alteration or restoration of a building exceeding sixty percent of
22 the appraised value of such building within a twelve-month period.

23 **Sec. 23.** RCW 70.94.457 and 1991 c 199 s 501 are each amended to
24 read as follows:

25 The department of ecology shall establish by rule under chapter
26 34.05 RCW:

27 (1) State-wide emission performance standards for new solid fuel
28 burning devices. Notwithstanding any other provision of this chapter
29 which allows an authority to adopt more stringent emission standards,
30 no authority shall adopt any emission standard for new solid fuel
31 burning devices other than the state-wide standard adopted by the
32 department under this section.

33 (a) After January 1, 1995, no solid fuel burning device shall be
34 offered for sale that does not meet the following particulate air
35 contaminant emission standards under the test methodology of the United
36 States environmental protection agency in effect on January 1, 1991, or
37 an equivalent standard under any test methodology adopted by the United

1 States environmental protection agency subsequent to such date: (i)
2 Two and one-half grams per hour for catalytic wood stoves; and (ii)
3 four and one-half grams per hour for all other solid fuel burning
4 devices. For purposes of this subsection, "equivalent" shall mean the
5 emissions limits specified in this subsection multiplied by a
6 statistically reliable conversion factor determined by the department
7 that compares the difference between the emission test methodology
8 established by the United States environmental protection agency prior
9 to May 15, 1991, with the test methodology adopted subsequently by the
10 agency. Subsection (a) of this subsection does not apply to
11 fireplaces.

12 (b) After January 1, 1997, no fireplace, except masonry fireplaces,
13 shall be offered for sale unless such fireplace meets the 1990 United
14 States environmental protection agency standards for wood stoves or
15 equivalent standard that may be established by the (~~(state building~~
16 ~~code council)~~) department of community of development by rule. Prior
17 to January 1, 1997, the (~~(state building code council)~~) department of
18 community development shall establish by rule a methodology for the
19 testing of factory-built fireplaces. The methodology shall be designed
20 to achieve a particulate air emission standard equivalent to the 1990
21 United States environmental protection agency standard for wood stoves.
22 In developing the rules, the (~~(council)~~) department shall include on
23 the technical advisory committee at least one representative from the
24 masonry fireplace builders and at least one representative of the
25 factory-built fireplace manufacturers.

26 (c) Prior to January 1, 1997, the (~~(state building code council)~~)
27 department of community development shall establish by rule design
28 standards for the construction of new masonry fireplaces in Washington
29 state. In developing the rules, the (~~(council)~~) department shall
30 include on the technical advisory committee at least one representative
31 from the masonry fireplace builders and at least one representative of
32 the factory-built fireplace manufacturers. It shall be the goal of the
33 (~~(council)~~) department to develop design standards that generally
34 achieve reductions in particulate air contaminant emissions
35 commensurate with the reductions being achieved by factory-built
36 fireplaces at the time the standard is established.

37 (d) Actions of the department and local air pollution control
38 authorities under this section shall preempt actions of other state
39 agencies and local governments for the purposes of controlling air

1 pollution from solid fuel burning devices, except where authorized by
2 this act.

3 (e) Subsection (1)(a) of this section shall not apply to
4 fireplaces.

5 (f) Notwithstanding (a) of this subsection, the department is
6 authorized to adopt, by rule, emission standards adopted by the United
7 States environmental protection agency for new wood stoves sold at
8 retail. For solid fuel burning devices for which the United States
9 environmental protection agency has not established emission standards,
10 the department may exempt or establish, by rule, state-wide standards
11 including emission levels and test procedures for such devices and such
12 emission levels and test procedures shall be equivalent to emission
13 levels per pound per hour burned for other new wood stoves and
14 fireplaces regulated under this subsection.

15 (2) A program to:

16 (a) Determine whether a new solid fuel burning device complies with
17 the state-wide emission performance standards established in subsection
18 (1) of this section; and

19 (b) Approve the sale of devices that comply with the state-wide
20 emission performance standards.

21 **Sec. 24.** RCW 90.76.020 and 1989 c 346 s 3 are each amended to read
22 as follows:

23 (1) By July 1, 1990, the department shall adopt rules establishing
24 requirements for all underground storage tanks that are regulated under
25 the federal act, taking into account the various classes or categories
26 of tanks to be regulated. The rules must be consistent with and no
27 less stringent than the federal regulations and consist of requirements
28 for the following:

29 (a) New underground storage tank system design, construction,
30 installation, and notification;

31 (b) Upgrading existing underground storage tank systems;

32 (c) General operating requirements;

33 (d) Release detection;

34 (e) Release reporting;

35 (f) Out-of-service underground storage tank systems and closure;

36 and

37 (g) Financial responsibility for underground storage tanks
38 containing regulated substances.

1 (2) By July 1, 1990, the department shall adopt rules:

2 (a) Establishing physical site criteria to be used in designating
3 local environmentally sensitive areas;

4 (b) Establishing procedures for local government application for
5 this designation; and

6 (c) Establishing procedures for local government adoption and
7 department approval of rules more stringent than the state-wide
8 standards in these designated areas.

9 (3) By July 1, 1990, the department shall establish by rule an
10 administrative and enforcement program that is consistent with and no
11 less stringent than the program required under the federal regulations
12 in the areas of:

13 (a) Compliance monitoring, including procedures for recordkeeping
14 and a program for systematic inspections;

15 (b) Enforcement;

16 (c) Public participation; and

17 (d) Information sharing.

18 (4) By July 1, 1990, the department shall establish a program that
19 provides for the tagging of underground storage tanks. Tanks are not
20 eligible for tagging unless the owner or operator is in compliance with
21 the requirements of this chapter and annual state and local tank fees
22 have been remitted. The tank tagging program shall be designed to
23 ensure that tags will be clearly identifiable to persons delivering
24 regulated substances to underground storage tanks.

25 (5) The department may establish programs to certify persons who
26 conduct inspections, testing, closure, cathodic protection, interior
27 tank lining, corrective action, or other activities required under this
28 chapter. Certification programs shall be designed to ensure that each
29 certification will be effective in all jurisdictions of the state.

30 ~~((6) When adopting rules under this chapter, the department shall
31 consult with the state building code council to ensure coordination
32 with the building and fire codes adopted under chapter 19.27 RCW.))~~

33 NEW SECTION. **Sec. 25.** The following acts or parts of acts are
34 each repealed:

35 (1) RCW 19.27.035 and 1989 c 266 s 6;

36 (2) RCW 19.27.070 and 1989 c 246 s 2, 1987 c 505 s 7, 1985 c 360 s
37 11, 1984 c 287 s 55, 1975-76 2nd ex.s. c 34 s 59, & 1974 ex.s. c 96 s
38 7;

- 1 (3) RCW 19.27.074 and 1989 c 266 s 3 & 1985 c 360 s 2;
- 2 (4) RCW 19.27.078 and 1989 c 266 s 4 & 1985 c 360 s 3;
- 3 (5) RCW 19.27.085 and 1989 c 256 s 1 & 1985 c 360 s 4;
- 4 (6) RCW 19.27.160 and 1991 c 363 s 16 & 1989 c 246 s 7;
- 5 (7) RCW 19.27.175 and 1991 c 297 s 15;
- 6 (8) RCW 19.27A.050 and 1985 c 144 s 5; and
- 7 (9) RCW 70.162.030 and 1989 c 315 s 4.

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