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HOUSE BILL 1279

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State of Washington

56th Legislature

1999 Regular Session

By Representative Cairnes

Read first time 01/20/1999. Referred to Committee on Economic Development, Housing & Trade.

1 AN ACT Relating to the state building code; amending RCW 19.27.015,  
2 19.27.020, 19.27.035, 19.27.040, and 19.27.074; and reenacting and  
3 amending RCW 19.27.060.

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

5 **Sec. 1.** RCW 19.27.015 and 1996 c 157 s 1 are each amended to read  
6 as follows:

7 As used in this chapter:

8 (1) "City" means a city or town;

9 (2) "Multifamily residential building" means common wall  
10 residential buildings that consist of (~~four~~) fifteen or fewer units,  
11 that do not exceed (~~two~~) three stories in height, that are less than  
12 (~~five~~) twelve thousand square feet in area, and that have a one-hour  
13 fire-resistive occupancy separation between units; and

14 (3) "Temporary growing structure" means a structure that has the  
15 sides and roof covered with polyethylene, polyvinyl, or similar  
16 flexible synthetic material and is used to provide plants with either  
17 frost protection or increased heat retention.

1       **Sec. 2.** RCW 19.27.020 and 1985 c 360 s 6 are each amended to read  
2 as follows:

3       The purpose of this chapter is to promote the health, safety, and  
4 welfare of the occupants or users of buildings and structures and the  
5 general public by the provision of building codes throughout the state.  
6 Accordingly, this chapter is designed to effectuate the following  
7 purposes, objectives, and standards:

8       (1) To require ((minimum)) performance standards and requirements  
9 for construction and construction materials, consistent with accepted  
10 standards of engineering, fire, and life safety.

11       (2) To require standards and requirements in terms of performance  
12 and nationally accepted standards.

13       (3) To permit the use of modern technical methods, devices, and  
14 improvements.

15       (4) To eliminate restrictive, obsolete, conflicting, duplicating,  
16 and unnecessary regulations and requirements which could unnecessarily  
17 increase construction costs or retard the use of new materials and  
18 methods of installation or provide unwarranted preferential treatment  
19 to types or classes of materials or products or methods of  
20 construction.

21       (5) To provide for standards and specifications for making  
22 buildings and facilities accessible to and usable by physically  
23 disabled persons.

24       (6) To consolidate within each authorized enforcement jurisdiction,  
25 the administration and enforcement of building codes.

26       **Sec. 3.** RCW 19.27.035 and 1989 c 266 s 6 are each amended to read  
27 as follows:

28       The building code council shall, within one year of July 23, 1989,  
29 adopt a process for the review of proposed state-wide amendments to the  
30 codes enumerated in RCW 19.27.031, and proposed or enacted less  
31 restrictive local amendments to the codes enumerated in RCW 19.27.031  
32 as amended and adopted by the state building code council.

33       **Sec. 4.** RCW 19.27.040 and 1990 c 2 s 11 are each amended to read  
34 as follows:

35       The governing body of each county or city is authorized to amend  
36 the state building code as it applies within the jurisdiction of the  
37 county or city. The ((minimum)) performance standards of the codes and

1 the objectives enumerated in RCW 19.27.020 and 19.27.031 shall not be  
2 (~~diminished~~) increased by any county or city amendments.

3 Nothing in this chapter shall authorize any modifications of the  
4 requirements of chapter 70.92 RCW.

5 **Sec. 5.** RCW 19.27.060 and 1989 c 266 s 2 and 1989 c 246 s 1 are  
6 each reenacted and amended to read as follows:

7 (1) The governing bodies of counties and cities may amend the codes  
8 enumerated in RCW 19.27.031 as amended and adopted by the state  
9 building code council as they apply within their respective  
10 jurisdictions, but the amendments shall not result in a code that is  
11 (~~less~~) more restrictive than the (~~minimum~~) performance standards  
12 and objectives contained in the state building code.

13 (a) No amendment to a code enumerated in RCW 19.27.031 as amended  
14 and adopted by the state building code council that affects single  
15 family or multifamily residential buildings shall be effective unless  
16 the amendment is approved by the building code council under RCW  
17 19.27.074(1)(b).

18 (b) Any county or city amendment to a code enumerated in RCW  
19 19.27.031 (~~which is approved under RCW 19.27.074(1)(b) shall continue~~  
20 ~~to be effective after any action is taken under RCW 19.27.074(1)(a)~~  
21 ~~without necessity of reapproval under RCW 19.27.074(1)(b) unless the~~  
22 ~~amendment~~) is declared null and void (~~by the council at the time any~~  
23 ~~action is taken under RCW 19.27.074(1)(a) because such action in any~~  
24 ~~way altered the impact of the amendment~~). A county or city amendment  
25 to a code enumerated in RCW 19.27.031 may be approved by the council if  
26 it is less restrictive than the code in RCW 19.27.031, and takes effect  
27 after the effective date of this act.

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

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

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

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

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

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

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

27 **Sec. 6.** RCW 19.27.074 and 1989 c 266 s 3 are each amended to read  
28 as follows:

29 (1) The state building code council shall:

30 (a) Adopt and maintain the codes to which reference is made in RCW  
31 19.27.031 in a status which is consistent with the state's interest as  
32 set forth in RCW 19.27.020. In maintaining these codes, the council  
33 shall regularly review updated versions of the codes referred to in RCW  
34 19.27.031 and other pertinent information and shall amend the codes as  
35 deemed appropriate but not more restrictive by the council;

36 (b) Approve or deny all county or city amendments to any code  
37 referred to in RCW 19.27.031 to the degree the amendments apply to  
38 single family or multifamily residential buildings;

1 (c) As required by the legislature, develop and adopt any codes  
2 relating to buildings; and

3 (d) Propose a budget for the operation of the state building code  
4 council to be submitted to the office of financial management pursuant  
5 to RCW 43.88.090.

6 (2) The state building code council may:

7 (a) Appoint technical advisory committees which may include members  
8 of the council;

9 (b) Employ permanent and temporary staff and contract for services;  
10 and

11 (c) Conduct research into matters relating to any code or codes  
12 referred to in RCW 19.27.031 or any related matter.

13 All meetings of the state building code council shall be open to  
14 the public under the open public meetings act, chapter 42.30 RCW. All  
15 actions of the state building code council which adopt or amend any  
16 code of state-wide applicability shall be pursuant to the  
17 administrative procedure act, chapter 34.05 RCW.

18 All council decisions relating to the codes enumerated in RCW  
19 19.27.031 shall require approval by at least a majority of the members  
20 of the council.

21 All decisions to adopt or amend codes of state-wide application  
22 shall be made prior to December 1 of any year and shall not take effect  
23 before the end of the regular legislative session in the next year.

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