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HOUSE BILL 2645

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State of Washington                      57th Legislature                      2002 Regular Session

By Representatives McMorris, Cairnes and Schindler

Read first time . Referred to Committee on .

1            AN ACT Relating to state building codes; amending RCW 19.27.015,  
2 19.27.031, 19.27.040, and 19.27.074; and reenacting and amending RCW  
3 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 or fewer units, that do  
11 not exceed two))~~ are less than three stories in height, as defined by  
12 the International Building Code, that are less than ~~((five))~~ ten  
13 thousand square feet in area and consist of ten units or less, and  
14 ~~((that))~~ have a one-hour fire-resistive occupancy separation between  
15 units; and

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

1       **Sec. 2.** RCW 19.27.031 and 1995 c 343 s 1 are each amended to read  
2 as follows:

3       (~~Except as otherwise provided in this chapter,~~) There shall be in  
4 effect in all counties and cities the state building code which shall  
5 consist of the following codes which are hereby adopted by reference:

6       (1) (~~Uniform~~) The International Building Code and (~~Uniform~~  
7 ~~Building Code Standards~~) the International Residential Code, published  
8 by the International (~~Conference of Building Officials~~) Code Council,  
9 Inc.;

10       (2) (~~Uniform~~) The International Mechanical Code and International  
11 Fuel Gas Code, (~~including Chapter 13, Fuel Gas Piping, Appendix B,~~)  
12 published by the International (~~Conference of Building Officials~~)  
13 Code Council, Inc.;

14       (3) The (~~Uniform~~) International Fire Code (~~and Uniform Fire Code~~  
15 ~~Standards~~), published by the International (~~Fire Code Institute~~)  
16 Code Council, Inc.: PROVIDED, That, notwithstanding any wording in  
17 this code, participants in religious ceremonies shall not be precluded  
18 from carrying hand-held candles;

19       (4) Except as provided in RCW 19.27.170, the Uniform Plumbing Code  
20 and Uniform Plumbing Code Standards, published by the International  
21 Association of Plumbing and Mechanical Officials: PROVIDED, That  
22 chapters 11 and 12 of such code are not adopted; and

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

27       In case of conflict among the codes enumerated in subsections (1),  
28 (2), (3), and (4) of this section, the first named code shall govern  
29 over those following.

30       The codes and the objectives enumerated in RCW 19.27.020 and this  
31 section affecting single-family and multifamily residences shall not be  
32 increased by any state, county, or city amendments without adoption by  
33 the International Code Council, Inc.

34       The codes enumerated in this section shall be adopted by the  
35 council as provided in RCW 19.27.074.

36       The council may issue opinions relating to the codes at the request  
37 of a local official charged with the duty to enforce the enumerated  
38 codes.

1       **Sec. 3.** RCW 19.27.040 and 1990 c 2 s 11 are each amended to read  
2 as follows:

3       The governing body of each county or city is authorized to amend  
4 the state building code as it applies within the jurisdiction of the  
5 county or city. The ~~((minimum))~~ performance standards of the codes and  
6 the objectives enumerated in RCW 19.27.020 affecting single-family and  
7 multifamily residences shall not be ~~((diminished))~~ increased by any  
8 county or city amendments without adoption by the International Code  
9 Council, Inc.

10       Nothing in this chapter shall authorize any modifications of the  
11 requirements of chapter 70.92 RCW.

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

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

20       (a) No amendment increasing performance and prescriptive codes and  
21 standards to a code enumerated in RCW 19.27.031 as amended and adopted  
22 by the state building code council that affects single-family or  
23 multifamily residential buildings shall be effective unless the  
24 amendment is ~~((approved))~~ adopted by the ~~((building))~~ International  
25 Code Council, Inc. under RCW 19.27.074(1)(b).

26       (b) ~~((Any county or city amendment to a code enumerated in RCW~~  
27 ~~19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to~~  
28 ~~be effective after any action is taken under RCW 19.27.074(1)(a)~~  
29 ~~without necessity of reapproval under RCW 19.27.074(1)(b) unless the~~  
30 ~~amendment is declared null and void by the council at the time any~~  
31 ~~action is taken under RCW 19.27.074(1)(a) because such action in any~~  
32 ~~way altered the impact of the amendment.))~~ After the effective date of  
33 this act, all local amendments of a county or city and all state  
34 amendments that increase the performance and prescriptive codes and  
35 standards for single-family or multifamily residential buildings beyond  
36 those contained in the state building code shall be adopted by the  
37 International Code Council, Inc. If the local amendment or state  
38 amendment affecting single-family and multifamily residences is not

1 adopted by the International Code Council, Inc. the proposed amendment  
2 is null and void as against public policy.

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

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

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

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

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

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

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

1       **Sec. 5.** RCW 19.27.074 and 1989 c 266 s 3 are each amended to read  
2 as follows:

3       (1) The state building code council shall:

4       (a) Adopt and maintain the codes to which reference is made in RCW  
5 19.27.031 in a status which is consistent with the state's interest as  
6 set forth in RCW 19.27.020. In maintaining these codes, the council  
7 shall regularly review updated versions of the codes referred to in RCW  
8 19.27.031 and other pertinent information and shall amend the codes  
9 ~~((as deemed appropriate by the council))~~ consistent with the provisions  
10 of RCW 19.27.060;

11       ~~(b) ((Approve or deny all county or city amendments to any code~~  
12 ~~referred to in RCW 19.27.031 to the degree the amendments apply to~~  
13 ~~single family or multifamily residential buildings;~~

14       ~~(c))~~ As required by the legislature, develop and adopt any codes  
15 relating to buildings; and

16       ~~((d))~~ (c) Propose a budget for the operation of the state  
17 building code council to be submitted to the office of financial  
18 management pursuant to RCW 43.88.090.

19       (2) The state building code council may:

20       (a) Appoint technical advisory committees which may include members  
21 of the council;

22       (b) Employ permanent and temporary staff and contract for services;  
23 and

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

26       All meetings of the state building code council shall be open to  
27 the public under the open public meetings act, chapter 42.30 RCW. All  
28 actions of the state building code council which adopt or amend any  
29 code of statewide applicability shall be pursuant to the administrative  
30 procedure act, chapter 34.05 RCW.

31       All council decisions relating to the codes enumerated in RCW  
32 19.27.031 shall require approval by at least a majority of the members  
33 of the council.

34       All decisions to adopt or amend codes of statewide application  
35 shall be made prior to December 1 of any year and shall not take effect  
36 before the end of the regular legislative session in the next year.

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