



Memorandum

TO: County Council, Planning & Development Committee
FROM: Curtis Metz, Building Services Manager, Planning and Development Services
THROUGH: Mark Personius, Director
DATE: March 15, 2024
SUBJECT: Adoption of the International Building Codes--Background

Approximately every three years the Building Codes for Washington State are updated to the most current versions of the International Building Codes, which incorporate corrections, improvements for clarity, and new requirements or changes to the International Building Codes.

It takes considerable time to get through this process, about 18 to 24 months. First, the International Code Council creates or revises the Model International Codes. Then the State Building Code Council (SBCC) for Washington reviews those codes through numerous public hearings and committees to create amendments specific to Washington State. This is the stage where local agencies, builders, and organizations get involved to help develop, alter, or delete sections of the Model International Codes. Then those amended codes are presented to the State legislature for review and approval, at which point they become the Washington State Building Codes. Once adopted by the legislature they are codified, along with an implementation date. This year the effective date of the 2021 version of the International Building Codes with the Washington State amendments is March 15, 2024.

Council should know that they have very little latitude in amending these codes at this point, other than the administrative provisions, and that they go into effect on March 15 regardless of whether Council adopts them or not.

In the draft ordinance, adoption of these codes is via §15.04.010. The rest of the amendments shown are those staff is proposing to the administrative provisions that address local requirements or departmental operational procedures.

During the Planning & Development Committee discussion, questions were raised as to whether this ordinance should be into two separate ones so as to clarify what was being adopted as required by the State and what administrative provisions were being amended and adopted by Whatcom County. As presented in Exhibit A, §15.04.010 adopts the Washington State Building Codes. These changes consist of changing the code cycle year from 2018 to 2021 and noting the movement of the International Fuel Gas Code (IFGC) under the International Mechanical Code (IMC), re-lettering appendices, and changed verbiage for the Washington Wildland Urban Interface Code (WWUIC). The changes noted here reflect what the State has adopted as the State Building Code. As the Whatcom County Code amendments reference these codes, it is important that they are accurately depicted.

Planning and Development Services (PDS) proposed administrative amendments start on page two, beginning with §15.04.012 (Definitions), et seq. Working with the code on a regular basis we routinely identify items that can be clarified, improved, or changed to match other PDS definitions or practices. For example, a few months ago Council approved abolishing the Appeals Board and assigning building code appeals to the Hearing Examiner, and there are several sections in Title 15 where the language needs to be revised to reflect that change. Similarly, §15.04.040 (Amendments to the International Fire Code” Item G, §104.10.1, needs to be amended as the Sheriff’s Office no longer provides specialty commissioning for our Fire Investigators peace officers, which changes how our Fire Investigators do their job.

The biggest administrative change staff is proposing is under §15.04.050 (Permit expirations and violation of the above-referenced codes), wherein we propose to replace the entire §(A) with new language that extends the permit expiration timeline for up to two years (instead of 180 days). This relieves the client/builder of having to pay additional fees for permit expirations every 6 months. The two-year time period was chosen as approximately 90% or more of the permits issued through PDS are finalized within a two-year period. Of those permits, approximately 50% use up to three extensions; very few use the fourth and final extensions. The proposed change to the expiration period to two years with the one time, one-year extension, and a one-time 90-day extension to get a “Final” would reduce or alleviate any additional fees to the clients and free up a large chunk of time for the staff to work on other permits

Lastly, in Item G, IRC Appendix E (Manufactured Homes), §3.c, we’ve included a reference to a new state requirement of WAC 296-1501-0110 for manufactured homes. We included this reference and a short description of it as to how it effects home owner installations.

In total, these proposed changes are to help make the code easier to understand, reduce ambiguity, provide consistent information, streamline processes, and remove some financial barriers.

RCW Citations

I provide following RCW's and comments to help clarify how the Washington State Codes are implemented and enforced.

RCW 19.27.031 State building code—Adoption—Conflicts—Opinions.

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference (full document attached listing the International Codes and WA ST. Energy codes).

Comment: The 2021 International Codes with the Washington State Amendments (including the Washington State Energy Code) are in affect as of March 15th, 2024, per WAC 51-50 IBC; 51-51 IRC; 51-52 IMC; 51-54A IFC; 51-11C Commercial Energy Code; 51-11R Residential Energy Code; 51-55 WUIC; 51-56 UPC. (WAC documents showing implementation date are attached)

RCW19.27.040 Cities and counties authorized to amend state building code—Limitations.

The governing body of each county or city is authorized to amend the state building code as it applies within the jurisdiction of the county or city. The minimum performance standards of the codes and the objectives enumerated in RCW [19.27.020](#) shall not be diminished by any county or city amendments. Nothing in this chapter shall authorize any modifications of the requirements of chapter [70.92](#) RCW.

Comment: This section allows each individual jurisdiction to amend the State Building Codes as it applies within their jurisdiction, with the proviso that it “shall not be diminished by any county or city amendments.” This means each jurisdiction may amend the administrative portions of the code and portions of the code that are not out-right adopted by the State (typically the appendices of each individual International code). This is the portion of the Whatcom County Code (WCC) that Council adopts to address local requirements or departmental operational procedures.

RCW 19.27.060 Local building regulations superseded—Exceptions.

- (1) The governing bodies of counties and cities may amend the codes enumerated in RCW [19.27.031](#) as amended and adopted by the state building code council as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code except as provided in subsection (2) of this section.
 - (a) Except as provided in subsection (2) of this section, no amendment to a code enumerated in RCW [19.27.031](#) as amended and adopted by the state building code council that affects single-family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW [19.27.074](#)(1)(b).
 - (b) Any county or city amendment to a code enumerated in RCW [19.27.031](#) which is approved under RCW [19.27.074](#)(1)(b) shall continue to be effective after any action is taken under RCW [19.27.074](#)(1)(a) without necessity of reapproval under RCW [19.27.074](#)(1)(b) unless the amendment is declared null and void by the council at

the time any action is taken under RCW [19.27.074](#)(1)(a) because such action in any way altered the impact of the amendment.

- (2) The legislative body of a county or city, in exercising the authority provided under subsection (1) of this section to amend the code enumerated in RCW [19.27.031](#)(1)(b), may adopt amendments that eliminate any minimum gross floor area requirement for single-family detached dwellings or that provide a minimum gross floor area requirement below the minimum performance standards and objectives contained in the state building code. (full document attached)

Comment: Section (1) states that the County can propose amendments to the prescriptive sections of the codes, as long as they're not less than the minimum performance standards of the Code and are approved by the SBCC. Section (2) specifically allows jurisdictions to eliminate the minimum required floor area of single-family detached dwellings: All other proposed amendments require SBCC approval with the exception of the administrative portions.

RCW 19.27.050 Enforcement.

The state building code required by this chapter shall be enforced by the counties and cities. Any county or city not having a building department shall contract with another county, city, or inspection agency approved by the county or city for enforcement of the state building code within its jurisdictional boundaries.

Comment: This section requires the County to enforce the adopted code of the State.

RCW [19.27.031](#)

State building code—Adoption—Conflicts—Opinions.

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

- (1)(a) The International Building Code, published by the International Code Council, Inc.;
- (b) The International Residential Code, published by the International Code Council, Inc.;
- (2) The International Mechanical Code, published by the International Code Council, Inc., except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code);
- (3) The International Fire Code, published by the International Code Council, Inc., including those standards of the National Fire Protection Association specifically referenced in the International Fire Code: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying handheld candles;
- (4) Portions of the International Wildland Urban Interface Code, published by the International Code Council Inc., as set forth in RCW [19.27.560](#);
- (5) Except as provided in *RCW [19.27.170](#), the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That any provisions of such code affecting sewers or fuel gas piping are not adopted;
- (6) The rules adopted by the council establishing standards for making buildings and facilities accessible to and usable by individuals with disabilities or elderly persons as provided in RCW [70.92.100](#) through [70.92.160](#); and
- (7) The state's climate zones for building purposes are designated in RCW [19.27A.020](#)(3) and may not be changed through the adoption of a model code or rule.

In case of conflict among the codes enumerated in subsections (1), (2), (3), (4), and (5) of this section, the first named code shall govern over those following.

The codes enumerated in this section shall be adopted by the council as provided in RCW [19.27.074](#). The council shall solicit input from first responders to ensure that firefighter safety issues are addressed during the code adoption process.

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

RCW [19.27.060](#)

Local building regulations superseded—Exceptions.

(1) The governing bodies of counties and cities may amend the codes enumerated in RCW [19.27.031](#) as amended and adopted by the state building code council as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code except as provided in subsection (2) of this section.

(a) Except as provided in subsection (2) of this section, no amendment to a code enumerated in RCW [19.27.031](#) as amended and adopted by the state building code council that affects single-family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW [19.27.074](#)(1)(b).

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

(2) The legislative body of a county or city, in exercising the authority provided under subsection (1) of this section to amend the code enumerated in RCW [19.27.031](#)(1)(b), may adopt amendments that eliminate any minimum gross floor area requirement for single-family detached dwellings or that provide a minimum gross floor area requirement below the minimum performance standards and objectives contained in the state building code.

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

(4) The governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single-family or multifamily residential buildings. However, in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code. A governing body of a county or city may inspect facilities used for temporary storage and processing of agricultural commodities.

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

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

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

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

Implementation dates for the 2021 codes

Effective March 15, 2024)

[PDFWAC 51-50-003](#)

International Building Code.

The 2021 edition of the *International Building Code*, including Appendix E, published by the International Code Council is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code.

(Effective March 15, 2024)

[PDFWAC 51-51-003](#)

International Residential Code.

The 2021 edition of the *International Residential Code* as published by the International Code Council is hereby adopted by reference with the following additions, deletions, and exceptions: Provided that chapters 11 and 25 through 43 of this code are not adopted. Energy Code is regulated by chapter 51-11R WAC; Plumbing Code is regulated by chapter 51-56 WAC; Electrical Code is regulated by chapter 296-46B WAC or Electrical Code as adopted by the local jurisdiction. Appendix F, Radon Control Methods, Appendix Q, Tiny Homes, and Appendix U, Dwelling Unit Fire Sprinkler Systems, are included in adoption of the International Residential Code.

(Effective March 15, 2024)

[PDFWAC 51-52-003](#)

International Mechanical Code.

The 2021 edition of the *International Mechanical Code* published by the International Code Conference is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code (WAC).

(Effective March 15, 2024)

[PDFWAC 51-54A-003](#)

International Fire Code.

The 2021 edition of the International Fire Code, published by the International Code Council is hereby adopted by reference with the following additions, deletions, and exceptions.

(Effective March 15, 2024)

[PDFWAC 51-11C-10100](#)

Section C101—Scope and general requirements.

C101.1 Title. This code shall be known as the *Washington State Energy Code*, and shall be cited as such. It is referred to herein as "this code."

The 2021 edition of the Washington State Energy Code is hereby adopted. The Washington State Energy Code adopted under chapter 51-11C WAC shall become effective in all counties and cities of this state on March 15, 2024.

C101.2 Scope. This code applies to *commercial buildings* and the buildings sites and associated systems and equipment. References in this code to Group R shall include Group I-1, Condition 2 assisted living facilities licensed by Washington state under chapter 388-78A WAC and Group I-1, Condition 2 residential treatment facilities licensed by Washington state under chapter 246-337 WAC. Building areas that contain Group R sleeping units, regardless of the number of stories in height, are required to comply with the commercial sections of the energy code.

(Effective March 15, 2024)

[PDFWAC 51-11R-10100](#)

Section R101—Scope and general requirements.

R101.1 Title. This code shall be known as the *Washington State Energy Code-Residential*, and shall be cited as such. It is referred to herein as "this code."

The 2021 edition of the *Washington State Energy Code* is hereby adopted. The *Washington State Energy Code* adopted under chapter 51-11R WAC shall become effective in all counties and cities of this state on March 15, 2024.

R101.2 Scope. This code applies to *residential buildings* and the buildings sites and associated systems and equipment. This code shall be the maximum and minimum energy code for residential construction in each town, city and county. Residential *sleeping units*, Group I-1, Condition 2 assisted living facilities licensed by Washington state under chapter 388-78A WAC and Group I-1, Condition 2 residential treatment facilities licensed by Washington state under chapter 246-337 WAC shall utilize the commercial building sections of the energy code regardless of the number of stories of height above grade plane.

(Effective March 15, 2024)

[PDFWAC 51-55-003](#)

International Wildland-Urban Interface Code.

The 2021 edition of the *International Urban-Interface Code*, published by the International Code Council, is hereby adopted by reference with the following additions, deletions, and exceptions.

(Effective March 15, 2024)

[PDFWAC 51-56-003](#)

Uniform Plumbing Code.

The 2021 edition of the Uniform Plumbing Code, including Appendices A, B, I, and M, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference with the following additions, deletions and exceptions: Provided that chapters 12 and 14 of this code are not adopted. Provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in chapter 5 and those portions of the code addressing building sewers are not adopted.