

**CITY OF BURIEN, WASHINGTON
MEMORANDUM**

DATE: June 1, 2010
TO: Honorable Mayor and Members of the City Council
FROM: Jan Vogee, Building Official
SUBJECT: Background for Agenda Bill to Ordinance 541, Amending BMC Title 15, Buildings and Construction.

BACKGROUND (Include prior Council action & discussion):

Washington construction codes are updated every three year by the State Building Code Council and adopted by the State Legislature. In the past, the council has adopted the codes and amendments by local ordinance on a regular basis.

The Washington State Building Code Act (RCW 19.27) requires all jurisdictions in Washington State begin administering the new 2009 State Building codes effective July 1, 2010. Adoption of this proposed ordinance will update BMC Title 15, Buildings and Construction, as mandated by the State. By adoption of these codes, we are permitted to amend the codes within certain parameters. The amendments to the codes, as presented in this ordinance, fall within those parameters.

In 2004 the building officials for Cities participating in MyBuildingPermit.com formed a committee to review the changes in the 2003 construction codes and administrative provisions. This process was repeated in 2007 to review changes in the 2006 codes and again this year for review of changes in the 2009 codes. As part of the review, the committee looked at the technical provisions and the administrative provisions of each of the codes required to be adopted. In some cases they found significant differences between the various codes including some of the codes do not include any administrative provisions. For this reason, a common administrative chapter was created utilizing the most common provisions of the administrative chapters which could be used for all of the construction codes. This provides for consistent administration regardless of what type of permit is being processed and more consistency among the participating jurisdictions, which is essential in a shared on-line permitting system. MyBuildingPermit.com participants currently include the jurisdictions of Bellevue, Bothell, Burien, Duvall, Issaquah, Kenmore, Kirkland, Mercer Island, Mill Creek, Renton, Sammamish, SeaTac, Snohomish County, Snoqualmie, and Woodinville.

Section 1 of the proposed ordinance repeals the current Chapter 15.05 BMC "Administration". Section 2 replaces it with a new Chapter 15.05 BMC "Construction Administrative Code" which is included as Exhibit A. This chapter now includes all of the administrative provisions related to scope, application, administration, and enforcement of the adopted construction codes. It replaces the administrative provisions in the various construction codes for those that have administrative provisions and provides administrative provisions for those that don't. This proposed ordinance includes minor alterations to the

administrative provisions within the existing BMC, such as what is exempt from permits, enabling the Burien Construction Administrative Code to become consistent with the regional model for Cities participating within MyBuildingPermit.com.

Section 3 of the proposed ordinance repeals the current Chapter 15.05 “BMC Building Code.” Section 4 replaces it with a new Chapter 15.10 BMC “Construction Codes” which is included as Exhibit B. This chapter adopts by reference the 2009 Construction codes required to be enforced beginning July 1, 2010 together with local amendments. The amendments are consistent with State law which allows local jurisdictions to amend the codes provided the amendment is equal to or better than the state code and they are also consistent with the regional model for Cities participating within MyBuildingPermit.com.

Section 5 of the proposed ordinance amends Chapter 15.12 BMC “Aircraft Noise Reduction,” which is included as Exhibit C, to correct an error that occurred in the Adoption ordinance 250 and was carried over in ordinance 408. The language underlined in Exhibit C replaces the language that was inadvertently omitted during previous adoptions and reflects the manner in which the Aircraft Noise Reduction requirements have been consistently applied.

Section 6 of the proposed ordinance repeals Chapter 15.15 BMC “Mechanical Code.” The adoption of the Mechanical code is now located with other construction codes and amendments in proposed BMC 15.10.080 as included in Exhibit B.

Section 7 of the proposed ordinance repeals the existing BMC 15.20 “Fire Code.” Section 8 replaces it with a new Chapter 15.20 “Fire Code” which is included as Exhibit D. Previous amendments have been retained where appropriate, removed where the current Fire Code has been revised such that the amendment is no longer needed, and updated to reflect administrative provisions that are consistent with the administrative provisions of the proposed Chapter 15.05 BMC. Where applicable, amendments are also consistent with the regional model for Cities participating within MyBuildingPermit.com.

Section 9 of the proposed ordinance repeals Chapter 15.25 BMC “Plumbing Code.” The adoption of the Uniform Plumbing code is now located with other construction codes and amendments in proposed BMC 15.10.120 as included in Exhibit B.

Section 10 of the proposed ordinance repeals Chapter 15.30 BMC “Electrical Code.” The adoption of the Burien Electrical code is now located with other construction codes and amendments in proposed BMC 15.10.140 as included in Exhibit B.

Section 11 of the proposed ordinance provides adopts a new Chapter 15.40 BMC, “Burien Building and Property Maintenance Code, which is included as Exhibit E. Previously, the City adopted by reference the *1997 Uniform Housing Code* and *1997 Uniform Code, for the Abatement of Dangerous Buildings* published by the International Council of Building Officials. These Codes are no longer published or updated. The *International Property Maintenance Code*, published by the International Code Council is referenced throughout the International Codes. Staff reviewed the International Property Maintenance Code and revised it by deleting items which are truly un-enforceable (like clean window, window screens, and maximum grass height), deleting other sections which are covered by other provisions of the BMC in the Nuisance Chapter 8.45 BMC, and referencing existing enforcement provisions of the BMC. Because of the large number of edits, it would be impractical and confusing for both the city

staff and the citizens to view only amendments to the International Property Maintenance Code in the city code. For this reason, the new chapter 15.40 titled "Building and Property Maintenance Code" includes a customized version of the International Property Maintenance code designed to fit the needs of Burien.

Options:

The 2009, after years of study and debate, the International Residential Code was modified to mandate the installation of residential fire sprinkler systems in all newly constructed townhouses and one and two family dwellings. The 2009 edition of the International Residential Code has an effective date of July 1, 2010 for townhouses, and January 1, 2011 for one and two family dwellings. During the code adoption process in the State of Washington, this requirement was moved from the main body of the code to the Appendix section of the International Residential code (included as exhibit F1) with the stipulation that local jurisdictions may adopt these appendix chapters without obtaining approval from the State Building Code Council. This is the first year that the State Building Code Council has made this allowance. The fire department strongly recommends adopting Appendix chapters "S" and "R" of the 2009 International Residential Code to provide the benefit of this life saving technology to our residents.

Background:

Nearly 400,000 home fires occur every year in this country. Over the last six years an average of approximately 2,800 people died in home fires¹. However, when fires break out in homes with sprinklers, residents are protected and the fire is kept under control until firefighters arrive on the scene. Home fire sprinklers are a proven technology that saves lives and protects property. Model safety codes now require the use of fire sprinklers in new one- and two-family homes. Several communities have started the process of adopting sprinkler ordinances and many jurisdictions already mandate this life-saving system in new homes. These requirements offer the highest level of safety to protect our citizens. Home fire sprinkler systems respond quickly to reduce the heat, flames, and smoke from a fire—offering residents valuable time to get to safety and protection to firefighters from major structural failures like collapsing beams and floorboards.

Cost:

Estimated cost impact is approximately \$1.50 to \$2.00 per square foot. This estimate is based upon evaluation of approximately 45 residential sprinkler installations over the last three years in the City of Burien² and research conducted by the National Fire Protection Association³.

¹ National Fire Protection Association news release dated May 25, 2010.

² City of Burien – City View permitting system \$1.44 per square foot average cost.

³ National Fire Protection Association news release dated September 11, 2008 shows an average cost per square foot of \$1.61.

Significant Changes

Included in Exhibit G is a list of some the most significant changes, which are mandated by the State. The most controversial change in this code cycle is the Washington State Energy code requirements for residential structures. News reports have indicated the Building Industry Association of Washington is suing a state agency over new energy efficiency standards, saying they exceed federal requirements and would add as much as \$15,000 to the price of a single-family home. The State Building Code Council adopted the new standards after much deliberation last fall. According to the Council's managing director they're based on similar codes already in effect in Oregon and require builders to choose from among several ways to make homes environmentally friendly, such as by using high-efficiency furnaces. The Council's research suggested the cost of compliance would add about \$4,000-\$5,000 to most new single-family homes. This additional cost was considered by the State Building Code Council during the code hearings and it was determined that the resulting energy cost savings outweighed the initial construction cost. Regardless of whether the new State Energy Code is adopted locally or not, RCW 19.27 requires it to be enforced in all jurisdictions beginning July 1, 2010 unless the courts decide otherwise.

Outreach:

A public outreach plan has been established to ease transition for our stakeholders as they move towards the implementation date of the updated codes. Staff has developed and continues to implement a public outreach plan consisting of low-cost 2009 Code update training seminars with our MyBuildingPermit.com partner jurisdictions targeted towards contractors and design professionals, along with informational handout materials and website information.