



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington State Building Code Council

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) July 1, 2013

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Amendment of WAC 51-51 to add section 0100 to clarify that residential fire sprinklers must be installed in Lodging Houses only where required by local ordinance.

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 51-51-0100
 Suspended:

Statutory authority for adoption: RCW 19.27A

Other authority :

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding:

See Attached Emergency Declaration

Date adopted: June 28, 2013

CODE REVISER USE ONLY

NAME (TYPE OR PRINT)

C. Ray Allshouse

SIGNATURE

TITLE

Council Chair

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>1</u>	Repealed	_____
-----	-------	---------	----------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

DECLARATION OF EMERGENCY AND
FINDINGS TO SUPPORT EMERGENCY RULEMAKING

The State Building Code Council (Council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The Council further finds that immediate amendment of a certain Council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The Council adopted the 2009 edition of the International Residential Code (IRC) effective July 1, 2010 with certain amendments; the base code requires the installation of fire sprinklers in new residential construction. The Council adopted an amendment to the 2009 code providing that sprinklers were required only **where required by local ordinance** through adoption of an Appendix. This amendment was accepted by the Council and adopted through the regular rule-making process.

Subsequently, the Council adopted the 2012 edition of the IRC, effective July 1, 2013. The Council recently discovered that certain language referencing the local ordinance adoption was not included in the Scope and Administration chapter of the code, in regard to sprinkler requirements for lodging houses. This unintended error will cause uncertainty and confusion for lodging house owners regarding whether or not they are required to install automatic sprinkler systems in their dwelling units. Immediate adoption of this amendment is necessary to achieve clarity and provide economic relief.

The Council concluded that it is in the best interest of the general safety and welfare of the state of Washington to amend Section R101.2 by adding the phrase 'where required by local ordinance' to exception number 2.

NEW SECTION

WAC 51-51-0100 Section R101 -- Scope and Administration

R101.2 Scope. The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures*.

Exceptions:

1. Live/work units complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two-family *dwellings* or townhouses. Fire suppression required by Section 419.5 of the *International Building Code* when constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section P2904.
2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-family Dwellings*, ~~when~~ and shall be equipped with a fire sprinkler system in accordance with Section P2904 where required by local ordinance.