

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONSENT AGENDA REQUEST

TO: Board of County Commissioners

FROM: Phil Cecere, Building Official, Fire Marshal

DATE: September 25, 2023

RE: **HEARING NOTICE re:** An Ordinance Adopting the 2021 Versions of the International Building Codes and Adopting New Exceptions; Amending the Definition of Agricultural Building in Title 15; Adopting a Commercial Fire Inspection Program; Amending the Enabling Code of the Fire Marshal; and Amending Titles 2 and 15 of the Jefferson County Code

STATEMENT OF ISSUE:

The Jefferson County Code Title 15 and Chapter 2.4 need amendment to reflect current state and local amended codes. Language definitions are needed to be added for clear, transparent public understanding. Chapter 2.40.010 requires a clarification to recognize the position of Fire Marshal and refines inspection programs and establish ability to enter interlocal agreements. A Board of County Commissioners (BoCC) workshop was previously held on May 8, 2023 for this subject.

ANALYSIS:

The State Building Code Council has adopted new code cycles for many existing building codes contained in JCC Title 15. Language proposed being added to JCC is to more clearly communicate in plain language the meanings of some terms for public understanding. JCC Chapter 2.40.010 requires a language change to recognize the position of Fire Marshal to be designated from the Department of Community Development Director to a designee.

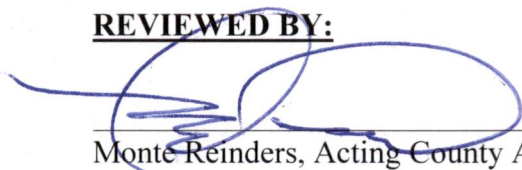
FISCAL IMPACT:

New construction projects will encounter more restrictive energy code requirements and may have more upfront costs. Washington State has a mission of reducing fossil fuels and utilizing efficient electrical energy, upfront costs will be realized in utility savings over the lifetime of projects. The Wildland Urban Interface could have additional projects costs due to newly mandated fire-resistant material requirements. These and other mitigation requirements have been identified by the state as necessary for fire prevention and to reduce the spread in a fire event.

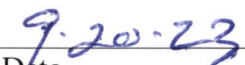
RECOMMENDATION:

Staff recommends that the Board approve a public hearing and take possible action.

REVIEWED BY:



Monte Reinders, Acting County Administrator



Date

NOTICE OF PUBLIC HEARING

An Ordinance Adopting the 2021 Versions of the International Building Codes and Adopting New Exceptions; Amending the Definition of Agricultural Building in Title 15; Adopting a Commercial Fire Inspection Program; Amending the Enabling Code of the Fire Marshal; and Amending Titles 2 and 15 of the Jefferson County Code

NOTICE IS HEREBY GIVEN that a public hearing is scheduled by the Jefferson County Board of Commissioners for **MONDAY, October 9, 2023 at 3:30 p.m.** in the Commissioners' Chambers, County Courthouse, 1820 Jefferson Street, Port Townsend, WA 98368 (HYBRID). Notice of said hearing is to be published in the official newspaper of Jefferson County.

This hearing is to inform citizens of An Ordinance Adopting the 2021 Versions of the International Building Codes and Adopting New Exceptions; Amending the Definition of Agricultural Building in Title 15; Adopting a Commercial Fire Inspection Program; Amending the Enabling Code of the Fire Marshal; and Amending Titles 2 and 15 of the Jefferson County Code

The information is available for viewing on the County website by clicking on:
www.co.jefferson.wa.us – Services – Laserfiche Web Portal – Board of Commissioners – BOCC Agenda Packet – 2023 Weekly Agenda Items – 10 October 2023 - 100923 – Hearing re: DCD Ordinance Adopting New Building Code

You are welcome to participate in this hearing. You will need to join the meeting by 3:30 p.m. using the following methods: **VIRTUALLY:** Via the following Zoom, link:
<https://zoom.us/j/93777841705>, **PHONE:** Dial 1-253-215-8782 and enter access code: 937-7784-1705# and press *9 to “raise your hand” to be called upon. Access for the hearing impaired can be accommodated using Washington Relay Service at 1-800-833-6384, or **IN-PERSON**

To view documents or watch this meeting live with no participation, go to www.co.jefferson.wa.us Follow the links under “*Quick Links: Videos of Meetings: Today.*” If you experience difficulties joining the meeting or viewing documents please call 360-385-9100 to report any issues.

In addition, written testimony is also invited beginning on September 27 and October 9, 2023 at the end of the Public Hearing, unless extended by the Board of County Commissioners. Written public testimony may be submitted by **Email to:** jeffbocc@co.jefferson.wa.us You may view testimony received by clicking here: www.co.jefferson.wa.us – Services – Laserfiche Web Portal – Board of County Commissioners – BOCC Agenda Packets – 2023 Weekly Agenda Items – 10 October 2023 – 100923

You can also **Mail** your testimony to: Jefferson County Commissioners' Office; P.O. Box 1220, Port Townsend, WA 98368. Written testimony must be received by the Board of County Commissioners by the end of the hearing testimony period.

Signed this 25th day of September, 2023.

JEFFERSON COUNTY BOARD OF COMMISSIONERS

Greg Brotherton, Chair

Date

**COUNTY OF JEFFERSON
STATE OF WASHINGTON**

An Ordinance Adopting the 2021	)	
Versions of the International Building	)	
Codes and Adopting New Exceptions;	)	
Amending the Definition of	)	ORDINANCE NO.
Agricultural Building in Title 15;	)	
Adopting a Commercial Fire Inspection	)	
Program; Amending the Enabling	)	
Code of the Fire Marshal; and	)	
Amending Titles 2 and 15 of the	)	
Jefferson County Code		

WHEREAS, the State of Washington establishes the State Building Codes as set forth in RCW [19.27.031](#); and

WHEREAS, the Washington State Building Code Council (“SBCC”) is a state agency created by the Legislature to establish minimum building, mechanical, fire, plumbing, and energy code requirements necessary to promote the health, safety, and welfare of the people of the State of Washington; and

WHEREAS, the SBCC through rulemaking adopted new minimum international building code requirements in 2022 (“2021 codes”), and the new minimum requirements are codified at Chapter [51-50](#) WAC et seq.; and

WHEREAS, the SBCC voted on May 24, 2023 to delay the effective date for the 2021 codes to October 29, 2023; and

WHEREAS, it is necessary to amend Jefferson County Code to adopt the 2021 codes and to protect the health, safety, and welfare of the citizens of Jefferson County pursuant to the general police power granted to Jefferson County by the Washington State Constitution; and

WHEREAS, RCW [19.27.040](#) authorizes counties to amend state building codes, with certain limitations (“local option”); and

WHEREAS, it is necessary to amend the local option portion of the building codes to match the 2021 codes and to update the local option to meet the needs of Jefferson County residents; and

WHEREAS, the definition of agricultural building needs clarification in Title 15 JCC, to ensure building codes are clear and consistently enforced; and

WHEREAS, the BoCC and the fire marshal wish to adopt a commercial fire safety inspection program to ensure that commercial buildings and other premises meet fire safety standards necessary to protect employees, occupants, and the public, and to provide legally

mandated fire code enforcement, as required by the Washington State Fire Marshal's Office and chapter [51-54A](#) of the Washington Administrative Code; and

WHEREAS, the Jefferson County Board of County Commissioners ("BoCC") provided notice and held a public hearing on October 9, 2023 to consider this ordinance.

NOW THEREFORE, BE IT ORDAINED:

Section 1. The BoCC hereby adopts the above "Whereas" clauses as Findings of Fact.

Section 2. JCC [2.40.010](#) is amended to read:

The Jefferson County director of the department of community development [or their designee](#) is designated the fire marshal for Jefferson County.

Section 3. JCC 15.05.030 is amended as follows:

15.05.030 Adoption of national and state codes by reference.

The following codes, regulations, and statutes are [hereby](#) adopted by reference in their current form, or as hereafter may be amended, subject to the modifications and ~~or~~ amendments set forth [herein](#) below [and in other sections of this chapter](#):

(1) Chapter [51-50](#) WAC – International Building Code. The ~~2009 Edition of the~~ International Building Code as published by the International ~~Conference of Building Officials- Code Council~~ is [hereby](#) adopted by reference with the additions, deletions, and exceptions noted in the Washington Administrative Code;

[\(2\) Chapter 51-51 WAC – International Residential Code. The International Residential Code as published by the International Code Council is adopted by reference with the additions, deletions, and exceptions noted in the Washington Administrative Code;](#)

[\(3\) Chapter 51-11R WAC- Washington State Energy Code and amendments. The Washington State Residential Energy Code and amendments adopted by the Washington State Building Code Council, are adopted by reference with the additions, deletions, and exceptions noted in this chapter of the Washington State Administrative Code;](#)

[\(4\) Chapter 51-11C WAC- Washington State Energy Code and amendments. The Washington State Commercial Energy Code and amendments adopted by the Washington State Building Code Council, are adopted by reference with the additions, deletions, and exceptions noted in this chapter of the Washington State Administrative Code;](#)

~~(25)~~ Chapter [51-52](#) WAC – International Mechanical Code. The ~~2009 Edition of the~~ International Mechanical Code as published by the International ~~Conference of Building Officials- Code Council~~ is [hereby](#) adopted by reference with the [additions, deletions, and exceptions noted in the Washington Administrative Code;](#)

~~(36)~~ Chapter 51-54A WAC – International Fire Code. The ~~2009 Edition of the~~ International Fire Code as published by the International ~~Fire Code Institute~~ Code Council is ~~hereby~~ adopted by reference with the additions, deletions, and exceptions noted in the Washington Administrative Code;

~~(7)~~ Chapter 51-55 WAC – Wildland Urban Interface Code. The Wildland Urban Interface Code as published by the International Code Council is hereby adopted by reference with the additions, deletions, and exceptions noted in the Washington Administrative Code;

(4) Chapter 51-56 WAC – Uniform Plumbing Code, ~~and Uniform Plumbing Code Standards~~. The ~~2009 Edition of the~~ Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, is ~~hereby~~ adopted by reference with the additions, deletions, and exceptions noted in the Washington Administrative Code;

~~(5) Chapter 51-51 WAC – International Residential Code. The 2009 Edition of the International Residential Code as published by the International Code Council is hereby adopted by reference with the exceptions noted in the Washington Administrative Code; provided, that Appendices R and S are not adopted;~~

Section 4. JCC 15.05.040 is amended as follows:

~~(1)~~ Chapter 1, Permits and Inspections, Section 105.2 of the International Building Code, Work Exempt from Permit, is amended to include the following exemptions, which read as follows:

(1) #14. Minor construction and alteration activities to Group R3 and Group U Occupancies, as determined by the building official, which the total valuation, as determined in Section 107.2 or as documented by the applicant to the satisfaction of the building official, does not exceed three thousand (\$3,000) dollars in any twelve-month period.

(2) #15. Buildings or structures erected exclusively for the storage of livestock, feed, and/or farm implements, providing said structures are: free-standing, unless attached to another agricultural building; do not contain plumbing, except as necessary to maintain farm animals; do not contain a heat source, such as a woodstove or electric heat, unless specifically permitted. Agricultural building, which means a building or structure designed, constructed and used exclusively to store farm implements, livestock, feed, or horticultural products. Agricultural buildings shall be free-standing and located at least 10 feet from the nearest structure, unless attached to another agricultural building. An agricultural building:

(a) shall not contain plumbing, unless necessary to maintain livestock;

(b) shall not contain a woodstove or other heat source, unless specifically permitted;

(c) shall not be a place of human habitation;

(d) shall not be a place of employment where agricultural products are processed, treated, or packaged;

(e) shall not be a place used by the public or to which the public is invited, unless a building permit is obtained; and

(f) shall not be used for the storage of private automobiles, trucks, recreational vehicles, or other vehicles which are not licensed as farm equipment.

The building official has exclusive discretion to determine whether a building or structure qualifies as an agricultural building. A structure determined to be in violation will be considered a structure subject to the building code.

Section 5. A new section JCC 15.05.046 is enacted to read:

JCC 2.40.030 Commercial fire safety inspection program.

(1) Purpose. The purpose of the commercial fire safety inspection program is to ensure that commercial buildings, and other premises and occupancy classes meet fire safety standards necessary to protect employees, occupants, and the public; and to provide legally mandated fire code enforcement, as required by the Washington State Fire Marshal's Office and chapter 51-54A of the Washington Administrative Code.

(2) Inspection. The fire marshal shall develop a commercial fire safety inspection program to ensure fire safety in commercial buildings, and other premises and occupancy classes which the fire marshal determines should have periodic inspections to ensure fire safety. The fire marshal or their designee shall conduct inspections of commercial buildings, and other premises and occupancy classes in Jefferson County to ensure compliance with the International Fire Code, as now or hereafter adopted and amended pursuant to Title 15 JCC. The fire marshal shall determine the frequency of inspections based on the hazards associated with each type of occupancy and as may be mandated by chapter 51-54A of the Washington Administrative Code.

(3) Authority to enter into interlocal agreements. The fire marshal is authorized to enter into interlocal agreements and other contracts with fire districts, municipal governments, or other private or public entities as may be mutually beneficial to implement an effective commercial fire safety inspection program for Jefferson County.

(4) Fees. The fire marshal may collect reasonable fees to cover the cost of the commercial fire safety inspection program. Fees shall be adopted pursuant to chapter 3.80 JCC.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or section of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or its application to other persons or circumstances shall be fully valid and shall not be affected.

Section 7. Effective Date. The Ordinance becomes effective upon October 29, 2023.

Section 8. SEPA Categorical Exemption. This ordinance is categorically exempt from the State Environmental Policy Act under WAC 197-11-800 (19).

(SIGNATURES FOLLOW ON THE NEXT PAGE)

APPROVED and ADOPTED this _____ day of _____, 2023.

JEFFERSON COUNTY BOARD OF
COMMISSIONERS

Greg Brotherton, Chair

SEAL:

Kate Dean, Member

Heidi Eisenhour, Member

ATTEST:

Carolyn Gallaway CMC Date
Clerk of the Board

Approved as to form only:

Barbara Dykes Ehrlichman Date
Civil Deputy Prosecuting Attorney