

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

PUBLIC HEARING AGENDA REQUEST

TO: Board of County Commissioners
Mark McCauley, County Administrator

FROM: Phil Cecere, Building Official/Fire Marshal

DATE: October 16, 2023

SUBJECT: Continued Deliberations re: Public Hearing regarding the potential adoption of an ordinance amending Jefferson County Code (JCC) Title 15 to adopt current building codes and amending JCC Title 2 as it pertains to the Fire Marshal and inspection programs.

STATEMENT OF ISSUE: The Jefferson County Code Title 15 and Chapter 2.4 require amendment to reflect current state and local amended codes. Language definitions are also needed to provide for clear, transparent public understanding. Chapter 2.40.010 requires clarification to recognize the position of fire marshal, refine inspection programs and authorize interlocal agreements. The Board of County Commissioner held a workshop on this subject on May 8, 2023, and a public hearing on October 9, 2023.

ANALYSIS: The State Building Code Council has adopted new code cycles for many existing building codes contained in JCC Title 15. The proposed language changes are designed to more clearly communicate the meanings of some terms for enhanced public understanding. JCC Chapter 2.40.010 requires a language change to recognize the position of fire marshal the incumbent of which is to be designated by the department of community development director or by a designee.

FISCAL IMPACT: No fiscal impact to the county. However, new construction projects will encounter more restrictive energy code requirements which may increase upfront costs. Washington State is determined to reduce the use of fossil fuels and increase the use of clean and efficient electrical energy. Increased upfront costs can be recouped through utility savings over the lifetime of projects. The Wildland Urban Interface could also result in 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 of fire during a fire event.

RECOMMENDATION: Staff recommends that the Board continue deliberations and take possible action on the proposed ordinance.

REVIEWED BY:

Mark McCauley, County Administrator

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. XX-XXXX-XX
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 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 that building codes are clear and consistently enforced; and

WHEREAS, the Jefferson County Board of County Commissioners (“BoCC”) and the Jefferson County 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 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 adopted by reference in their current form, or as hereafter may be amended, subject to the modifications and amendments set forth below and in other sections of this chapter:

- (1) Chapter [51-50](#) WAC – International Building Code. The International Building Code as published by the International Code Council is 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;
- (5) Chapter [51-52](#) WAC – International Mechanical Code. The International Mechanical Code as published by the International Code Council is adopted by reference with the additions, deletions, and exceptions noted in the Washington Administrative Code;

(6) Chapter [51-54A](#) WAC – International Fire Code. The International Fire Code as published by the International Code Council is 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.. The Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, is adopted by reference with the additions, deletions, and exceptions noted in the Washington Administrative Code;

Section 4. JCC 15.05.040 is amended as follows:

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. 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 15.05.046 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. Section 3 of this ordinance becomes effective on the date of adoption of the 2021 International Building Codes by the Washington State Building Council. The remainder of the ordinance is effective upon the date of adoption of this ordinance.

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 Date
Clerk of the Board

Approved as to form only:

Barbara D. Ehrlichman 09/29/2023
Barbara Dykes Ehrlichman Date
Civil Deputy Prosecuting Attorney

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Deleted: herein

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Deleted: hereby

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Deleted: (1)

(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. 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:

Deleted: 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.

(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

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(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 Date
Clerk of the Board

Approved as to form only:

Barbara Dykes Ehrlichman Date
Civil Deputy Prosecuting Attorney