

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

Board of County Commissioners
Mark McCauley, County Administrator
Carolyn Gallaway, Clerk of the Board

FROM: Phil Cecere, Building Official/Fire Marshal
Josh D. Peters, AICP, Community Development Director

DATE: October 23, 2023

SUBJECT: Continued Deliberations re: 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 Fire Marshal and inspection programs

STATEMENT OF ISSUE:

Jefferson County Code (JCC) 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 Commissioners held a public hearing on these proposed amendments on October 9, 2023, extending the comment period and continuing deliberation on October 16. The Board requested clarification to the exemptions in the building code for agricultural buildings and for minor construction and alteration activities.

ANALYSIS:

The State Building Code Council has adopted new code cycles for several existing building codes contained in JCC Title 15. The proposed language changes are designed to 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 Community Development Director.

Staff amended the version that Board discussed on October 16 to include clarification and additional detail to the exemptions in the building code for agricultural buildings and for minor construction and alteration activities. Among other modifications, the section on agricultural buildings now expressly includes greenhouses. The definitions in that section are verbatim from state law and the adopted building code; additional clauses are included to aid the Building Official in determining whether a particular structure qualifies for the agricultural building exemption.

Staff amended the minor construction section to clarify that some types of permits are required for life/safety purposes irrespective of the dollar amount threshold. Staff recommends a \$3,000 threshold in order to ensure that projects receive appropriate review to protect life/safety and manage risk. As the exemption for minor construction is an optional provision under the adopted building codes, the dollar threshold is within the Board's discretion to choose.

FISCAL IMPACT:

No fiscal impact to the county. However, new construction projects will encounter more restrictive energy code requirements that may increase upfront costs. The 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 project 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 action on the proposed ordinance.

REVIEWED BY:

Mark McCauley, County Administrator

10/18/23
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. Deliberations were continued on October 16, 2023 and October 23, 2023.

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;

Deleted: hereby

Deleted: /or

Deleted: herein

Deleted: 2009 Edition of the

Deleted: Conference of Building Officials

Deleted: hereby

Deleted: 2

Deleted: 2009 Edition of the

Deleted: Conference of Building Officials

Deleted: hereby

(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;

Deleted: 3

Deleted: 2009 Edition of the

Deleted: Fire Code Institute

Deleted: hereby

(7) Chapter 51-55 WAC – Wildland Urban Interface Code. The Wildland Urban Interface Code as published by the International Code Council is 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;

Deleted: and Uniform Plumbing Code Standards

Deleted: 2009 Edition of the

Deleted: hereby

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:

Deleted: (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.¶

Deleted: (1)

(1) #14. Minor construction and alteration activities to Group R3 and Group U Occupancies, as determined by the building official, for 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. This exemption does not include:

Deleted: one

Deleted: five hundred

Deleted: 1,500

(a) Water heater permit;

(b) Re-roof permit;

(c) Mechanical permit;

(d) Life safety upgrades such as fire alarm modification or fire sprinkler modifications; and

(e) Other permits determined necessary by the building official.

(2) #15. Buildings or structures (including greenhouses) that meet the following criteria:

(a) The building meets the definition of an "agricultural structure" or a "temporary growing structure" at RCW 19.27.015, or "greenhouse" as defined in subsection (c), below:

Deleted: 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.

(i) "Agricultural structure" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure may not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor may it be a place used by the public.

(ii) "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

(b) For purposes of implementing the definitions in subsection (a) above in Jefferson county, the building must meet the following additional requirements:

(i) the building is free-standing and located at least 10 feet from the nearest structure, unless attached to another agricultural building

(ii) the building may contain plumbing for a watering system necessary for livestock or horticulture watering that does not require a septic system. An exempt agricultural structure shall not contain plumbing related to human use and occupation, such as for sinks, bathrooms, or kitchens;

(iii) the building may contain a heat source for agricultural purposes, but must obtain a wood stove permit or an electrical permit as appropriate;

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

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

(c) A greenhouse is defined in the 2021 International Building Code as "[a] structure or thermally isolated area of building that maintains a special sunlit environment used for and essential to the cultivation, protection or maintenance of plants."

A structure determined to be in violation of this exemption 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.

Deleted: ¶

(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 Dykes Ehrlichman Date
Civil Deputy Prosecuting Attorney

**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 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. Deliberations were continued on October 16, 2023 and October 23, 2023.

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 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, for 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. This exemption does not include:

- (a) Water heater permit;
- (b) Re-roof permit;
- (c) Mechanical permit;
- (d) Life safety upgrades such as fire alarm modification or fire sprinkler modifications; and
- (e) Other permits determined necessary by the building official.

(2) #15. Buildings or structures (including greenhouses) that meet the following criteria:

(a) The building meets the definition of an “agricultural structure” or a “temporary growing structure” at RCW 19.27.015, or “greenhouse” as defined in subsection (c), below:

(i) "Agricultural structure" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure may not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor may it be a place used by the public.

(ii) "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

(b) For purposes of implementing the definitions in subsection (a) above in Jefferson county, the building must meet the following additional requirements:

(i) the building is free-standing and located at least 10 feet from the nearest structure, unless attached to another agricultural building

(ii) the building may contain plumbing for a watering system necessary for livestock or horticulture watering that does not require a septic system. An exempt agricultural structure shall not contain plumbing related to human use and occupation, such as for sinks, bathrooms, or kitchens;

(iii) the building may contain a heat source for agricultural purposes, but must obtain a wood stove permit or an electrical permit as appropriate;

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

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

(c) A greenhouse is defined in the 2021 International Building Code as "[a] structure or thermally isolated area of building that maintains a special sunlit environment used for and essential to the cultivation, protection or maintenance of plants."

A structure determined to be in violation of this exemption 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 Dykes Ehrlichman Date
Civil Deputy Prosecuting Attorney