



**BUSINESS OF THE CITY COUNCIL  
CITY OF MERCER ISLAND**

**AB 6262  
May 2, 2023  
Regular Business**

**AGENDA BILL INFORMATION**

<b>TITLE:</b>	AB 6262: Construction Code Adoption (2nd Reading)	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
<b>RECOMMENDED ACTION:</b>	Adopt Ordinance No. 23C-04 amending MICC Chapter 17 with the updated editions of the Construction Codes to be effective on July 1, 2023, as mandated by the State of Washington.	

<b>DEPARTMENT:</b>	Community Planning and Development
<b>STAFF:</b>	Jeff Thomas, Director Community Planning & Development Don Cole, Building Official Jeromy Hicks, Fire Marshal
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. Proposed Ordinance No. 23C-04 with Attachment A 2. Summary of Significant Code Changes
<b>CITY COUNCIL PRIORITY:</b>	n/a

<b>AMOUNT OF EXPENDITURE</b>	\$ n/a
<b>AMOUNT BUDGETED</b>	\$ n/a
<b>APPROPRIATION REQUIRED</b>	\$ n/a

**EXECUTIVE SUMMARY**

The purpose of this agenda bill is to adopt state-mandated updates to the City’s construction codes to improve public safety and welfare by staying current with new code requirements. Typically, the model codes are updated on a three-year cycle and the state then mandates adoption by local jurisdictions.

- Mercer Island must adopt the state-mandated construction codes no later than July 1, 2023.
- Additional construction code amendments are also recommended to align with regional model codes.
- Training will be available to building professionals to aid with the transition to the new construction codes. Information regarding the significant code updates is posted on the City’s website.
- City Council completed its first reading of Ordinance No. 23C-04 (Exhibit 1) on April 25, 2023 ([AB 6250](#)) and scheduled the second reading and adoption for May 2, 2023.

**BACKGROUND**

The Washington State construction codes are amended on a three-year cycle, beginning with the release of the new editions of international model codes and ending with formal adoption of the construction codes as amended by the State Building Code Council (SBCC). The SBCC is a state agency created by the legislature to

provide independent analysis and objective advice to the legislature and the Governor's Office on state building code issues. The SBCC establishes the 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, by reviewing, developing, and adopting the state building code. The SBCC undertakes an extensive technical review and public outreach process in developing the state construction codes each cycle. The state construction code adoption process is [summarized in more detail here](#).

As indicated above, State updates to the construction codes occur every three years. Local jurisdictions are now required to adopt the state construction codes two years after adoption by the SBCC. Therefore, the city must adopt the 2021 construction codes by July 1, 2023. City Council completed its first reading of Ordinance No. 23C-04 on April 25, 2023.

## **ISSUE/DISCUSSION**

### **2021 STATE CONSTRUCTION CODE MANDATE**

Effective July 1, 2023, Washington statutes require all jurisdictions in the state to adopt and enforce the following updated Construction Code editions as adopted and amended by the State of Washington:

- 2021 International Building Code (IBC)
- 2021 International Residential Code (IRC)
- 2021 International Mechanical Code (IMC)
- 2021 International Fuel Gas Code (IFGC)
- 2021 Uniform Plumbing Code (UPC)
- 2021 International Fire Code (IFC)
- 2021 International Existing Building Code
- 2021 International Swimming Pool and Spa Code
- 2021 International Wildland-Urban Interface Code (WUIC)
- Washington State Energy Code (WSEC)
- Washington Cities Electrical Code (WCEC)

Proposed Ordinance No. 23C-04 (Exhibit 1) updates Mercer Island City Code Title 17 to adopt the updated State Construction Codes. Except for items presented in the section titled "Optional Changes," the proposed changes to the existing construction codes are limited to code changes deemed necessary to provide conformity with mandated updates or for clarification purposes.

### **MANDATED CHANGES**

The mandated code updates include hundreds of changes with various levels of impact on safety, energy efficiency, construction costs, and more. For example, the updates include fire-resistive construction changes to improve fire and life safety and more stringent energy code requirements to improve energy efficiency. Both updates will result in small increases in construction costs. The analysis of such cost relationships was part of the state code adoption process.

Impactful and higher profile changes include:

- Restrictions on fossil fuel heating equipment,
- Requirements for heat pump space heaters and service water heaters,
- Provisions for electric vehicle (EV) charging infrastructure,
- Accessibility changes to accommodate larger wheelchairs, and

- Enforcement of the Wildland-Urban Interface Code.

A more detailed listing of significant code changes is provided in Exhibit 2.

## OPTIONAL CHANGES

In addition to moving all mandated changes forward to second reading, the City Council also moved the following optional changes forward to align City requirements with those of other regional jurisdictions:

**1. Update the Administrative Provisions to remain consistent with the Regional Model Code (MyBuildingPermit.com).**

This proposed update includes minor alterations to the administrative provisions within the existing MICC Title 17, Construction Codes, enabling the Mercer Island Administrative Code to remain consistent with the regional model administrative code for cities participating within [MyBuildingPermit.com](http://MyBuildingPermit.com). Examples include designating the authority for interpretations and enforcement, setting expiration criteria for permit applications and permits, and similar administrative provisions.

**2. Update the Fire Code as recommended by Zone 1 Fire Marshals.** Updates to the Fire Code are aimed at providing clarity to the adopted code as related to jurisdictional specific requirements. Furthermore, the recommended changes were modified to closely align with the City's regional partners to provide consistency for residents, business owners, and contractors.

Participation in the regional model codes for code administration and fire code requirements helps provide the following:

- Permit applicants will have consistent administration and enforcement when working in the region (MyBuildingPermit.com and Zone 1 Fire Marshal jurisdictions).
- A single reference to one administrative provision for all construction codes rather than eleven different codes created by multiple organizations.
- Resolves conflicts between administrative provisions within various adopted codes – IBC, UPC, NFPA, NEC, etc.
- Resolves conflicts, aligns, and provides administrative provisions consistent with other MICC provisions (fees, violations, appeals, etc.)
- Simplifies the addition of administrative provisions that are not addressed within the differing construction codes (such as fees, violations, penalties, appeals, etc.).
- Creates less work when adopting and amending administrative provisions. Specifically, only one code is amended instead of eleven codes.

There are no other changes proposed to the construction codes beyond the state mandated changes and the two aforementioned items. It should be noted that local jurisdictions have little authority to adopt construction codes that differ from the state mandated codes. State law ([WAC 51-04-030](http://WAC 51-04-030)) requires review and approval of local amendments to certain construction codes by the Washington State Building Code Council (SBCC). Locally adopted construction codes shall not become effective without approval from the SBCC.

## OUTREACH AND TRAINING FOR STAFF AND BUILDING PROFESSIONALS

Extensive public outreach and training has occurred at various levels, statewide through the Washington Association of Building Officials (WABO) and regionally by MyBuildingPermit.com, to which the Mercer Island

is a member. WABO just completed its “2023 WABO Annual Education Institute” from March 20-24 in Lynnwood. MyBuildingPermit.com has its annual “I-Code Update Week” scheduled for May 15-19 in Kirkland.

Locally, City staff are providing information regarding the significant code updates on the City’s website, sending email communications to customers as well as answering specific questions regarding the updates. Staff participates in the development of low-cost 2021 Code update training seminars targeted at contractors and design professionals, along with providing informational handouts and website information.

## **NEXT STEPS**

Adopting the ordinance on May 2, 2023, will provide for the updated Construction Codes to take effect on July 1, 2023, as mandated by the State of Washington.

## **RECOMMENDED ACTION**

Adopt Ordinance No. 23C-04 amending MICC Chapter 17 with the updated editions of the Construction Codes to be effective on July 1, 2023, as mandated by the State of Washington.