



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

**AB 6452  
April 16, 2024  
Regular Business**

**AGENDA BILL INFORMATION**

<b>TITLE:</b>	AB 6452: 2023 Washington Cities Electrical Code (Ordinance No. 24C-05, First Reading and Adoption)	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
<b>RECOMMENDED ACTION:</b>	Adopt Ordinance No. 24C-05 amending Chapter 17 MICC with the updated editions of the Construction Codes.	

<b>DEPARTMENT:</b>	Community Planning and Development
<b>STAFF:</b>	Jeff Thomas, Community Planning and Development Director Don Cole, Building Official
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. Ordinance No. 24C-05 and Exhibit A 2. Summary of Significant Electrical 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 Ordinance No. 24C-05 (Exhibit 1) and the State-mandated updates to the City’s electrical code – Mercer Island City Code, Title 17.13 Washington Cities Electrical Code.

- MICC Title 17.13 was last updated January 19, 2021 ([AB 5799](#)). The State mandates updating to the 2023 edition of the National Electrical Code (NEC).
- Staff recommends the adoption of the 2023 NEC as referenced, adopted, and amended by the 2023 Washington Cities Electrical Code (WCEC). The 2023 Washington Cities Electrical Code is available for review at [2023 WCEC](#).
- On February 21, 2024, the Washington State Building Code Council mandated adoption of the 2023 NEC on April 1, 2024. However, it did not complete and publish its adoption language and amendments until March 2024. After which, the WCEC jurisdictional committees worked diligently to finalize the 2023 WCEC on April 1, 2024.
- Staff are bringing the 2023 WCEC to the first available City Council meeting for review.

## BACKGROUND

### WCEC HISTORY

RCW 19.28.010(3) requires cities that enforce the electrical code to adopt a code that is equivalent or better than the WA State Electrical Code. The WCEC was established to be equivalent or better than the State Electrical Code by maintaining the minimum technical requirements of the NEC, while addressing jurisdictional concerns such as local administrative provisions that differ from State administrative regulations.

The WCEC was developed by the Washington Association of Building Officials and MyBuildingPermit.com, and included participation from King County, Seattle, Bellevue, Renton, Kirkland, Redmond, Bellingham, Vancouver, Burien, Des Moines, Lacey, Longview, Marysville, Olympia, SeaTac, Mercer Island, and many other cities. This code provides these cities with a document that complies with RCW 19.28.010(3), and which is specifically written for local jurisdictions. Additionally, it offers user-friendly improvements including:

- Provides permit applicants a consistent experience when doing work in different Cities.
- Unlike the State Electrical Code, the WCEC is written in the same format as the NEC, clearly indicating which article of the NEC is amended and eliminating conflicts between State rules and the NEC.
- The formatting allows for the creation of amended pages that can be inserted within NEC code books, allowing the reader to easily find and have a clear understanding of the code amendments.

## ISSUE/DISCUSSION

### 2023 STATE ELECTRICAL CODE MANDATE

Effective April 1, 2024, Washington statutes required all jurisdictions in the state to adopt and enforce the 2023 National Electrical Code (NEC) as adopted and amended by the State of Washington:

Proposed Ordinance No. 24C-05 (Exhibit 1) updates Mercer Island City Code Title 17 to re-adopt the updated edition of the Washington Cities Electrical Code. 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 updates to the NEC include hundreds of changes with various levels of impact on safety, energy efficiency, construction costs, and more. For example, to improve electrical safety the updates include expanding the areas that will require ground fault and arc fault circuit protection. Both updates will result in small increases in construction costs. The analysis of such cost relationships was part of the state code adoption process.

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

### OPTIONAL CHANGES

In addition to the mandated changes, the following optional changes are proposed to align with City administrative requirements and to provide consistency with 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](https://www.mybuildingpermit.com). Examples include designating the authority for interpretations and enforcement, setting expiration criteria for permit applications and permits, and similar administrative provisions.

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

- Permit applicants will have consistent administration and enforcement when working in the region (MyBuildingPermit.com 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 – International Building Code, Unified Plumbing Code NFPA fire codes, 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 WCEC beyond the state mandated changes. 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](https://leg.wa.gov/WAC/default.aspx?cite=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 State Department of Labor & Industries, and regionally by MyBuildingPermit.com, which the City of Mercer Island is an active member.

Locally, City staff are providing information regarding the significant code changes on the City's website, sending email communications to customers, and answering specific questions regarding the updates. Staff participated in the development of low-cost 2023 Code update training seminars targeted at contractors and design professionals, along with providing informational handouts and website information.

#### **NEXT STEPS**

Following City Council's adoption of Ordinance No. 24C-05, the updated Construction Codes will take effect five days after passage and publication. City Council Rules of Procedures 6.3(C)(3) permits adoption of ordinances at first reading if the effective date of the ordinance precludes a second reading. The mandate to adopt the proposed changes in Ordinance No. 24C-05 was imposed by the WCEC, as described above, on April 1, 2024.

## **RECOMMENDED ACTION**

Adopt, at first reading under City Council Rules of Procedures 6.3(C)(3), Ordinance No. 24C-05, amending Chapter 17 MICC with the updated editions of the Construction Codes.