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**RESOLUTION NO. 3783**

**A RESOLUTION**

of the Port Commission of the Port of Seattle adopting the 2018 editions of the International Code Council, Building, Mechanical, Fire Codes and Fuel Gas Code, the 2018 Edition of the Uniform Plumbing Code, and 2018 Washington State\_Energy Code\_and the editorial changes made to the State Building Code by the Washington State Legislature; repealing certain sections of the Airport Building Code; adopting new sections of the Airport Building Code and repealing Resolution 3745, as Amended.

**WHEREAS**, in Resolution 3745, as amended, the Port Commission adopted and amended Chapter 19.27 RCW, adopted Chapter 13.01, .06, .07, .08, and .09 of the City of SeaTac Municipal Code, adopted Chapter 19.28 RCW, and adopted certain 2015 International Codes identified in RCW 19.27.031 to comprise the Airport Building Code; and

**WHEREAS**, in Resolution 3527, as amended, the Port Commission adopted, amended, and repealed certain sections of Chapter 13.06 City of SeaTac Municipal Code that it previously adopted in Resolution 3454 to be part of the Airport Building Code; and

**WHEREAS**, during the 2019 Regular Session, the Washington State Legislature adopted Substitute House Bill (SHB) 1734 that repealed the Uniform Building Code Standards, amended Chapter 19.27 RCW, and adopted certain International Codes identified in RCW 19.27.031; and

**WHEREAS**, the Port Commission wishes to the Airport Building Code to comply with the current provisions of Washington State law by adopting the 2018 International Codes as set forth in RCW 19.27.031 by the Washington State Legislature to comprise the Airport Building Code along with certain other additions and amendments to harmonize the code with the requirements for construction at Seattle-Tacoma International Airport; and

35           **WHEREAS**, the Port Commission wishes to repeal, amend and adopt certain  
36 other sections of the IBC and related codes so that the Airport Building Code will better  
37 protect the public health, welfare and safety.

38           **NOW, THEREFORE, BE IT RESOLVED** by the Port Commission of the Port of  
39 Seattle that:

40           Section 1. The Uniform Building Codes, as adopted and defined by Chap. 19.27  
41 RCW and adopted in Chapters 13.01, .06, .07, .08, and .09 of the City of SeaTac Code,  
42 and the Airport Building Code adopted by Resolution 3745, as amended, are hereby  
43 repealed.

44           Section 2. The 2018 amendments to Chap. 19.27 RCW, which adopted the  
45 International Codes are hereby adopted as the Airport Building Code, including the 2018  
46 International Existing Building Code found in the IBC, the ICC/ANSI A117.1-09 Accessible  
47 and Usable Buildings and Facilities, 2018 International Fire Code as modified by the  
48 latest Rules for Airport Construction standard, the 2018 International Fuel and Gas  
49 Code, the 2017 NFPA 58 Liquefied Petroleum Gas Code, and the 2018 International  
50 Code Council Performance Code.

51           Section 3. The 2018 International Codes adopted and defined by RCW 19.27.031  
52 including the 2018 International Mechanical Code, 2018 International Residential Code,  
53 2018 Washington State Energy Code, 2018 NFPA 54 National Fuel Gas Code, 2018  
54 Swimming Pool and Spa Code, and the 2018 Uniform Plumbing Code (UPC) are hereby  
55 adopted as part of the Airport Building Code.

56           Section 4. The 2018 International Building Code (IBC) and Appendix B, Appendix  
57 E and Appendix J are hereby adopted as part of the Airport Building Code.

58           Section 5. Delete section 101.4.6 of the IBC "Energy" as follows:  
59 ~~The provisions of the International Energy Conservation Code shall apply to all matters~~  
60 governing the design and construction of buildings for energy efficiency.

61           Section 6. Amend section 103.1 of the IBC "Creation of Enforcement Agency" to  
62 read as follows:

63 The Department of Building Safety or the Airport Building Department (ABD) is hereby  
64 created and the official in charge thereof shall be known as the building official or code  
65 official or the ABD Senior Manager.

66 ~~Section 8. Amend Section 105.5 of the IBC "Expiration" to read as follows:~~

67 ~~Every permit issued shall become invalid unless the work on the site authorized by such~~  
68 ~~permit is commenced within 540 days after its issuance, or if the work authorized on~~  
69 ~~the site by such permit is suspended or abandoned for a period of 540 days after the~~  
70 ~~time the work is commenced. The building official is authorized to grant, in writing, one~~  
71 ~~or more extensions of time, for periods not more than 180 days each. The extension~~  
72 ~~shall be requested in writing and justifiable cause demonstrated.~~

73 Section 7. Amend section 109.2 of the IBC, "Schedule of Permit Fees" to read as  
74 follows:

75 On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations  
76 requiring a permit, a fee for each permit shall be paid as required, in accordance with  
77 the schedule as established by the applicable governing authority. See attached Permit  
78 Fee Table 109.2. See attached Grade and Fill Permit Fee Table 109.3.

79 Section 8. Amend Section 109.4 of the IBC "Work Commencing before Permit  
80 Issuance" to read as follows:

81 Any person who commences any work on a building, structure, electrical, gas,  
82 mechanical or plumbing system before obtaining the necessary permits shall be subject  
83 to a fee established by the building official that shall be in addition to the required  
84 permit fees. A special investigation shall be made before a permit may be issued for  
85 such work. An investigation fee shall be collected whether or not a permit is then or  
86 subsequently issued. The investigation fee shall be equal to the amount of the permit  
87 fee required by this Code. The minimum investigation fee shall be the same as the  
88 minimum fee set forth above. Payment of the investigation fee does not authorize the  
89 illegal work in any manner, nor does it exempt any person from compliance with all  
90 other provisions of this Code, nor does it establish any right to an Airport permit for  
91 continued development of that project. If work done remains illegal for ninety (90) days

92 after service of the Stop Work Order, it shall be considered hazardous and abated per  
93 IBC section 116.

94 Section 9. Amend Section 109.6 of the IBC “Refunds” to read as follows:

95 The building official is authorized to establish a refund policy. The building official may  
96 authorize the refunding of: one hundred percent (100%) of any fee erroneously paid or  
97 collected; up to eighty percent (80%) of the permit fee paid when no work has been  
98 done under a permit issued in accordance with this Code; and/or up to eighty percent  
99 (80%) of the plan review fee paid when an application for a permit for which a plan  
100 review fee has been paid is withdrawn or canceled before plan review is complete. If a  
101 plan review has been performed, there shall be no refund of the plan review fee. If the  
102 permit work has been performed and corresponding inspections completed, then a  
103 refund shall be on a partially pro- rated basis. The building official shall not authorize  
104 refunding of any fee paid except on written application/request filed by the original  
105 permittee not later than one hundred and eighty (180) days after the date of fee  
106 payment.

107 If the work is abandoned or suspended, before the work can be recommenced, a new  
108 permit shall be first obtained to do so, and the fee therefore shall be one half (50%) the  
109 amount required for a new permit for such work, unless changes have been made or  
110 will be made in the original plans and specifications for such work, or the applicable  
111 codes have been updated. In no event shall a refund be provided if suspension or  
112 abandonment has exceeded one year. Otherwise, in order to renew action on a permit  
113 after expiration, the permittee shall pay a new full permit fee with the latest adopted  
114 Airport fee schedule.

115 Section 10. Amend Section 110.5 of the IBC “Inspection Requests” to read as  
116 follows:

117 It shall be the duty of the holder of the building permit or their duly authorized agent to  
118 notify the building official when work is ready for inspection. It shall be the duty of the  
119 permit holder to provide access to and means for inspections of such work that are  
120 required by this code. Reinspection fees may be assessed when the inspection record

121 card is not posted or otherwise available on the work site, the approved plans are not  
122 readily available to the inspector, for failure to provide access on the date for which the  
123 inspection is requested, or for deviating from the approved plans requiring the further  
124 approval of the building official. This section is not to be interpreted as requiring  
125 reinspection fees the first time a job is rejected for failure to comply with the  
126 requirements of this code, rather it is intended to control the practice of calling for  
127 inspections before the job is ready for such inspection or reinspection. A reinspection  
128 fee may be assessed for each inspection or reinspection when such portion of work for  
129 which inspection is called is not complete or when corrections called for are not made.  
130 To obtain a reinspection, the applicant shall pay the reinspection fee in accordance with  
131 Table 109.2. In instances where reinspection fees have been assessed, no additional  
132 inspection of the work will be performed until the required fees have been paid.

133 Section 11. Amend Section 113.3 of the IBC “Qualifications” to read as follows:  
134 The board of appeals shall consist of members who are qualified by experience and  
135 training to pass on matters pertaining to building construction and are not employees of  
136 the jurisdiction. As an alternate, at the discretion of the Port’s Executive Director, an  
137 independent 3rd party Hearing Examiner may be utilized. The Hearing Examiner shall  
138 have no authority relative to interpretation of the administrative provisions of the  
139 building code nor shall the Hearing Examiner be empowered to waive requirements of  
140 the building codes.

141 Section 12. Amend Appendix Section B101.2 Membership of board to read as  
142 follows:

143 The board of appeals shall consist of persons appointed by the Executive Director ~~chief~~  
144 ~~appointing authority.~~

145 ~~1. Each member shall hold office for a term of 1-5 years or until a successor is~~  
146 ~~appointed.~~

147 ~~2. Port of Seattle employees shall not be voting members of the board.~~

148 1. The board may request advisory assistance from people with special expertise if  
149 it deems helpful.

150           Section 13. Amend Appendix Section B101.2.1 Alternate members to read as  
151 follows:

152 The chief appointing authority shall appoint two or more alternate members who shall  
153 be called by the board chairperson to hear appeals during the absence or  
154 disqualification of a member. Alternate members shall possess the qualifications  
155 required for board membership and shall be appointed for 5 years, or until a successor  
156 has been appointed.

157           Section 14. Amend Appendix Section B101.2.6 Secretary to read as follows:

158 The ~~chief administrative officer~~ building official shall designate a qualified clerk to serve  
159 as secretary to the board. The secretary shall file a detailed record of all proceedings in  
160 the office of the ~~chief administrative officer~~ building official.

161           Section 15. Amend Appendix Section B101.2.7 Compensation of members to  
162 read as follows:

163 Compensation of members may include an honorarium.

164           Section 16. Amend Appendix Section J103.2 of the ~~IBC~~ Exemptions to read as  
165 follows: A grading permit shall not be required for the following:

- 166 1. Grading in an isolated, self-contained area of 50 cubic yards or less, provided there is  
167 no danger to the public and that such grading will not adversely affect adjoining  
168 properties.
- 169 2. Excavation for construction of a structure permitted under this code.
- 170 3. Cemetery graves.
- 171 4. Refuse disposal sites controlled by other regulations.
- 172 5. Excavations for wells, or trenches for utilities.
- 173 6. Mining, quarrying, excavating, processing or stockpiling rock, sand gravel, aggregate  
174 or clay controlled by other regulations, provided such operations do not affect the  
175 lateral support of, or significantly increase stresses in, soil on adjoining properties  
176 except for specific application to Airport construction. The building official shall have  
177 the authority to issue permits for quarrying and mining operations for specific  
178 application to airport construction, and removal of sand, gravel, rock and other natural

179 deposits, together with the necessary buildings, apparatus or appurtenances incident  
180 thereto. This permit may authorize rock crushers, concrete batching plants and asphalt  
181 batching plants and similar equipment in conjunction with such operations or allied  
182 uses. The building official shall also have the authority to issue permits for the removal  
183 of existing stockpiles of previously mined material for the reclamation of land. The  
184 building official shall consider the effect of the proposed operation on the city road  
185 system and any effect it may have on surface or groundwater drainage and flood  
186 control, and shall make such recommendations as necessary to protect the public  
187 interest in this regard. The building official shall also consider the effect of the proposed  
188 operation on the current and future land use in the area affected by the proposed  
189 operation and shall condition permits as necessary to protect the public interest in this  
190 regard. Quarrying and mining permits are good for the life of any specific job but shall  
191 be reviewed annually. Each permit site affected by the proposed operation shall be  
192 restored to the current or future proposed land use in accordance with a Land  
193 Restoration Study plan prepared per section J104.3. Such restoration shall be  
194 completed within the term of the last permit issued before permanent abandonment of  
195 the mining or quarrying operation. Prior to the exhaustion of materials or the  
196 permanent abandonment of the quarrying or mining operation under a permit as  
197 administered above, a Land Restoration Study plan shall be submitted by a professional  
198 civil engineer licensed in the State of Washington that shows how the property will be  
199 restored to a useful condition. The Land Restoration Study plan may contain final  
200 grades, final cut and fill slopes, tree plans, soil amendment plans, topsoil plans, drainage  
201 plans, landscape plans, demolition of incidental buildings or some combination of the  
202 previous scoping items. The building official may require bonds in such form and  
203 amounts as may be deemed necessary to ensure that the work, if not completed in  
204 accordance with the approved plans and specifications, will be corrected to eliminate  
205 hazardous conditions. In lieu of a surety bond, the applicant may file a cash bond or  
206 instrument of credit with the building official in an amount equal to that which would be  
207 required in the surety bond.

208 7. Exploratory excavations performed under the direction of a registered design  
209 professional.

210 Exemption from the permit requirements of this appendix shall not be deemed to grant  
211 authorization for any work to be done in any manner in violation of the provisions of  
212 this code or any other laws or ordinances of this jurisdiction.

213 Section 17. Adopt a new subsection 117 of the IBC to read as follows:

214 RCW 19.28 Electricians and Electrical Installations shall be adopted with the latest  
215 edition of NFPA 70 commonly known as the National Electric Code administered by the  
216 Department of Labor & Industries from the State of Washington.

217 Section 18. Amend the schedule for building permit fees to read as depicted in  
218 Exhibit "A" to this Resolution and is labeled "Table 109.2 Building Permit Fees."

219 Section 19. Amend the schedule for clearing and grading permit fees to read as  
220 depicted in Exhibit "B" to this Resolution and is labeled "Clearing & Grading Permit  
221 Fees."

222 **ADOPTED** by the Port Commission of the Port of Seattle at a duly noticed  
223 meeting thereof, held this \_\_\_\_\_ day of \_\_\_\_\_, 2021, and duly  
224 authenticated in open session by the signatures of the Commissioners voting in favor  
225 thereof and the seal of the Commission.

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Port Commissioners