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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 No. 3745, as Amended.

WHEREAS, in Resolution No. 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WHEREAS, in Resolution No. 3527, as amended, the Port Commission adopted, amended, and repealed certain sections of Chapter 13.06 City of SeaTac Municipal Code that it previously adopted in Resolution No. 3454 to be part of the Airport Building Code;

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during the 2019 Regular Session, the Washington State Legislature adopted Substitute House Bill (SHB) 1734 that repealed the Uniform Building Code Standards, amended Chapter 19.27 RCW, and adopted certain International Codes identified in RCW 19.27.031; and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

32 to comprise the Airport Building Code along with certain other additions and
33 amendments to harmonize the code with the requirements for construction at Seattle-
34 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
39 of 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 No. 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43 repealed.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
47 Accessible and Usable Buildings and Facilities, 2018 International Fire Code as modified
48 by the 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,
57 Appendix 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~~
60 ~~matters 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
64 (ABD) is hereby created and the official in charge thereof shall be known
65 as the building official or code 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~~
68 ~~authorized by such permit is commenced within 540 days after its~~
69 ~~issuance, or if the work authorized on the site by such permit is suspended~~
70 ~~or abandoned for a period of 540 days after the time the work is~~
71 ~~commenced. The building official is authorized to grant, in writing, one~~
72 ~~or more extensions of time, for periods not more than 180 days each. The~~
73 ~~extension shall be requested in writing and justifiable cause demonstrated.~~

74 Section 7. Amend section 109.2 of the IBC, “Schedule of Permit Fees” to read as
75 follows:

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

81 Section 8. Amend Section 109.4 of the IBC “Work Commencing before Permit
82 Issuance” to read as follows:

83 Any person who commences any work on a building, structure, electrical,
84 gas, mechanical or plumbing system before obtaining the necessary
85 permits shall be subject to a fee established by the building official that
86 shall be in addition to the required permit fees. A special investigation
87 shall be made before a permit may be issued for such work. An
88 investigation fee shall be collected whether or not a permit is then or
89 subsequently issued. The investigation fee shall be equal to the amount of
90 the permit fee required by this Code. The minimum investigation fee shall
91 be the same as the minimum fee set forth above. Payment of the
92 investigation fee does not authorize the illegal work in any manner, nor
93 does it exempt any person from compliance with all other provisions of
94 this Code, nor does it establish any right to an Airport permit for continued
95 development of that project. If work done remains illegal for ninety (90)
96 days after service of the Stop Work Order, it shall be considered
97 hazardous and abated per IBC section 116.

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

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

114 If the work is abandoned or suspended, before the work can be
115 recommenced, a new permit shall be first obtained to do so, and the fee
116 therefore shall be one half (50%) the amount required for a new permit for
117 such work, unless changes have been made or will be made in the original
118 plans and specifications for such work, or the applicable codes have been
119 updated. In no event shall a refund be provided if suspension or
120 abandonment has exceeded one year. Otherwise, in order to renew action

121 on a permit after expiration, the permittee shall pay a new full permit fee
122 with the latest adopted Airport fee schedule.

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

125 It shall be the duty of the holder of the building permit or their duly
126 authorized agent to notify the building official when work is ready for
127 inspection. It shall be the duty of the permit holder to provide access to
128 and means for inspections of such work that are required by this code.
129 Reinspection fees may be assessed when the inspection record card is not
130 posted or otherwise available on the work site, the approved plans are not
131 readily available to the inspector, for failure to provide access on the date
132 for which the inspection is requested, or for deviating from the approved
133 plans requiring the further approval of the building official. This section
134 is not to be interpreted as requiring reinspection fees the first time a job is
135 rejected for failure to comply with the requirements of this code, rather it
136 is intended to control the practice of calling for inspections before the job
137 is ready for such inspection or reinspection. A reinspection fee may be
138 assessed for each inspection or reinspection when such portion of work for
139 which inspection is called is not complete or when corrections called for
140 are not made. To obtain a reinspection, the applicant shall pay the
141 reinspection fee in accordance with Table 109.2. In instances where
142 reinspection fees have been assessed, no additional inspection of the work
143 will be performed until the required fees have been paid.

144 Section 11. Amend Section 113.3 of the IBC “Qualifications” to read as follows:

145 The board of appeals shall consist of members who are qualified by
146 experience and training to pass on matters pertaining to building
147 construction and are not employees of the jurisdiction. As an alternate, at
148 the discretion of the Port’s Executive Director, an independent 3rd party
149 Hearing Examiner may be utilized. The Hearing Examiner shall have no
150 authority relative to interpretation of the administrative provisions of the
151 building code nor shall the Hearing Examiner be empowered to waive
152 requirements of the building codes.

153 Section 12. Amend Appendix Section B101.2 Membership of board to read as
154 follows:

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

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

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

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

163 Section 13. Amend Appendix Section B101.2.1 Alternate members to read as
164 follows:

165 The chief appointing authority shall appoint two or more alternate members who
166 shall be called by the board chairperson to hear appeals during the absence or

167 disqualification of a member. Alternate members shall possess the qualifications
168 required for board membership and shall be appointed for 5 years, or until a
169 successor has been appointed.

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

171 The ~~chief administrative officer~~ building official shall designate a
172 qualified clerk to serve as secretary to the board. The secretary shall file a
173 detailed record of all proceedings in the office of the ~~chief administrative~~
174 ~~officer~~ building official.

175 Section 15. Amend Appendix Section B101.2.7 Compensation of members to
176 read as follows:

177 Compensation of members may include an honorarium.

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

- 180 1. Grading in an isolated, self-contained area of 50 cubic yards or less,
181 provided there is no danger to the public and that such grading will not
182 adversely affect adjoining properties.
- 183 2. Excavation for construction of a structure permitted under this code.
- 184 3. Cemetery graves.
- 185 4. Refuse disposal sites controlled by other regulations.
- 186 5. Excavations for wells, or trenches for utilities.
- 187 6. Mining, quarrying, excavating, processing or stockpiling rock, sand
188 gravel, aggregate or clay controlled by other regulations, provided such
189 operations do not affect the lateral support of, or significantly increase

190 stresses in, soil on adjoining properties except for specific application to
191 Airport construction. The building official shall have the authority to
192 issue permits for quarrying and mining operations for specific application
193 to airport construction, and removal of sand, gravel, rock and other natural
194 deposits, together with the necessary buildings, apparatus or
195 appurtenances incident thereto. This permit may authorize rock crushers,
196 concrete batching plants and asphalt batching plants and similar
197 equipment in conjunction with such operations or allied uses. The
198 building official shall also have the authority to issue permits for the
199 removal of existing stockpiles of previously mined material for the
200 reclamation of land. The building official shall consider the effect of the
201 proposed operation on the city road system and any effect it may have on
202 surface or groundwater drainage and flood control, and shall make such
203 recommendations as necessary to protect the public interest in this regard.
204 The building official shall also consider the effect of the proposed
205 operation on the current and future land use in the area affected by the
206 proposed operation and shall condition permits as necessary to protect the
207 public interest in this regard. Quarrying and mining permits are good for
208 the life of any specific job but shall be reviewed annually. Each permit
209 site affected by the proposed operation shall be restored to the current or
210 future proposed land use in accordance with a Land Restoration Study
211 plan prepared per section J104.3. Such restoration shall be completed
212 within the term of the last permit issued before permanent abandonment of

213 the mining or quarrying operation. Prior to the exhaustion of materials or
214 the permanent abandonment of the quarrying or mining operation under a
215 permit as administered above, a Land Restoration Study plan shall be
216 submitted by a professional civil engineer licensed in the State of
217 Washington that shows how the property will be restored to a useful
218 condition. The Land Restoration Study plan may contain final grades,
219 final cut and fill slopes, tree plans, soil amendment plans, topsoil plans,
220 drainage plans, landscape plans, demolition of incidental buildings or
221 some combination of the previous scoping items. The building official
222 may require bonds in such form and amounts as may be deemed necessary
223 to ensure that the work, if not completed in accordance with the approved
224 plans and specifications, will be corrected to eliminate hazardous
225 conditions. In lieu of a surety bond, the applicant may file a cash bond or
226 instrument of credit with the building official in an amount equal to that
227 which would be required in the surety bond.

228 7. Exploratory excavations performed under the direction of a registered
229 design professional.

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

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236 Section 17. Adopt a new subsection 117 of the IBC to read as follows:
237 RCW 19.28 Electricians and Electrical Installations shall be adopted with
238 the latest edition of NFPA 70 commonly known as the National Electric
239 Code administered by the Department of Labor & Industries from the
240 State of Washington.

241 Section 18. Amend the schedule for building permit fees to read as depicted in
242 Exhibit “A” to this Resolution and is labeled “Table 109.2 Building Permit Fees.”

243 Section 19. Amend the schedule for clearing and grading permit fees to read as
244 depicted in Exhibit “B” to this Resolution and is labeled “Clearing & Grading Permit
245 Fees.”

246 ADOPTED by the Port Commission of the Port of Seattle, at a duly noticed
247 meeting held this 26th day of January, 2021, and duly authenticated in open session by
248 the signatures of the Commissioners voting in favor thereof and the seal of the
249 Commission.

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260 Port Commissioners
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