

NON-CODE

**CITY OF REDMOND
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING THE EFFECTIVE DATES OF ORDINANCES NO. 3007 AND 3008 IN ORDER TO COINCIDE WITH THE EFFECTIVE DATE OF THE 2018 STATE BUILDING CODE ADOPTED BY THE WASHINGTON STATE BUILDING CODE COUNCIL; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE FOR THIS ORDINANCE

WHEREAS, pursuant to RCW 19.27.031, the Washington State Building Code Council has adopted the 2018 State Building Code and has mandated that the same be enforced by all cities and counties in the state; and

WHEREAS, the 2018 State Building Code was originally scheduled to be effective July 1, 2020, but the effective date was subsequently extended to February 1, 2021; and

WHEREAS, in reliance on the February 1, 2021 effective date, the Redmond City Council adopted Ordinance No. 3007 on September 15, 2020, adopting the 2018 versions of the International Building Code, International Residential Code, International Mechanical Code, Uniform Plumbing Code, and Washington State Energy Code, as well as the 2020 version of the National Electrical Code, all effective February 1, 2021; and

WHEREAS, also in reliance on the February 1, 2021 effective date, the Redmond City Council adopted Ordinance No. 3008 on

September 15, 2020, adopting the 2018 version of the International Fire Code effective February 1, 2021; and

WHEREAS, on January 11, 2021, the Washington State Building Code Council delayed the effective date of the 2018 State Building Code until July 1, 2021; and

WHEREAS, the effect of the State Building Code Council's action will be to render the City of Redmond out of compliance with state law on February 1, 2021 unless the effective date of Ordinances No. 3007 and 3008 is changed because the State Building Code will continue to mandate that the City enforce the 2015 State Building Code while the City's ordinances will require that the City enforce the 2018 State Building Code; and

WHEREAS, the Washington Association of Building Officials (WABO) has opposed the Building Code Council's extension in order to avoid such conflicts between local codes and state law, and WABO has called upon the Governor to order repeal of the extension under RCW 34.05.350(3) and allow the 2018 State Building Code to go into effect on February 1, 2021; and

WHEREAS, action by the Governor is uncertain and the ultimate effective date of the 2018 State Building Code is thus unclear; and

WHEREAS, the Redmond Building Official and Redmond Fire Marshal have therefore recommended that the effective date of Ordinances No. 3007 and 3008 be revised to make the ordinances

effective upon the date the 2018 State Building Code becomes effective; and

WHEREAS, unless the effective date of Ordinances 3007 and 3008 is changed the conflict noted above will exist as of February 1, 2021 and it will be unclear which codes permit applicants must comply with and are vested to, thus creating confusion and the potential for legal challenges; and

WHEREAS, it is not certain that this Ordinance can be passed, signed, published, and effective prior to February 1, 2021 without a declaration of an emergency and in order to avoid conflicts, legal challenges and confusion that could significantly affect the ability of Redmond's residents and businesses to plan for construction under the most up-to-date construction codes, the Council has determined to declare an emergency and to make this ordinance effective immediately.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Building Codes Adopted by Ordinance No. 3007.
Section 8 of Ordinance No. 3007, passed by the Redmond City Council on September 15, 2020, is hereby amended to read as follows:

Section 8. Effective Date. A summary of this ordinance ~~shall~~ has been published in the city's official newspaper, ~~or as otherwise provided by law, and.~~ This ordinance shall

take effect ~~on February 1, 2021~~ and be in full force on that date on which the adoption of the 2018 State Building Code by the Washington State Building Code Council becomes effective.

Section 2. Fire Code Adopted by Ordinance No. 3008. Section 4 of Ordinance No. 3008, passed by the Redmond City Council on September 15, 2020, is hereby amended to read as follows:

Section 4. Effective Date. A summary of this ordinance ~~shall~~ has been published in the city's official newspaper, ~~or as otherwise provided by law, and~~ This ordinance shall take effect ~~on February 1, 2021~~ and be in full force on that date on which the adoption of the 2018 State Building Code by the Washington State Building Code Council becomes effective, with the exception of RMC 15.06.013(13) which shall take effect on January 1, 2021.

Section 3. Declaration of Emergency - Immediate Effective Date. For the reasons set forth in the recitals above, the Redmond City Council hereby finds and declares that an emergency exists that makes this ordinance necessary for the immediate protection of the public health, public safety, public property, or public peace. Failure of the City to have this ordinance in effect prior

to February 1, 2021 will result in a conflict between the City building and fire codes adopted by Ordinances No. 3007 and 3008 and those which the state mandates that the City enforce. The conflict will result in the City being out of compliance with state law and could result in confusion and legal challenges regarding the applicability of the codes and the vesting of projects. This ordinance, having been passed by a majority plus one of the whole membership of the Redmond City Council, shall therefore become effective immediately upon passage pursuant to RCW 35A.12.130 The City Clerk shall cause this ordinance or a summary thereof consisting of the title, to be published at the earliest practicable date..

ADOPTED by the Redmond City Council this ____ day of January,
2021.

CITY OF REDMOND

ANGELA BIRNEY, MAYOR

ATTEST:

CHERYL XANTHOS, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.