

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
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Legislation Title:

AN ORDINANCE relating to the Seattle Building Code, amending Chapter 22.100.010 of the Seattle Municipal Code, and adopting by reference Chapters 2 through 29, Chapters 31 through 33 and Chapter 35 of the 2012 International Building Code, and amending certain of those chapters; adopting a new Chapter 1 related to administration, permitting and enforcement; adopting a new Chapter 30 related to elevators and conveying systems, and repealing Sections 2-33 of Ordinance 123384.

Summary of the Legislation:

This legislation adopts the 2012 Seattle Building Code, consisting of the 2012 International Building Code and Seattle amendments.

Background:

This legislation is one of seven coordinated bills that regulate construction and use of buildings in Seattle. Six are prepared by the Department of Planning and Development (DPD): the Seattle Building, Residential, Mechanical, Fuel Gas, Energy and Existing Building codes. The seventh bill adopts the 2012 Plumbing Code, which is administered by Public Health – Seattle & King County. These codes are the current state and national standards for building construction. A related bill adopting the 2012 Seattle Fire Code is being heard by the City Council Public Safety, Civil Rights and Technology Committee.

New editions of these codes are adopted by the State every 3 years, and State law requires local jurisdictions to enforce them. Seattle adds local amendments to the State codes. A list of the most significant Seattle amendments is attached.

X This legislation has financial implications.

Appropriations:

Not applicable

Fund Name and Number	Department	Budget Control Level*	2013 Appropriation	2014 Anticipated Appropriation
TOTAL				

**See budget book to obtain the appropriate Budget Control Level for your department.*

Appropriations Notes:

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2013 Revenue	2014 Revenue
General Fund	Finance General	Sign penalty		\$74,829
TOTAL				

Revenue/Reimbursement Notes:

This legislation increases penalties for sign permit violations from \$500 per day to \$1500. Over time, the \$500 penalty has become disproportionately small compared to the income generated by signs, and is not effective as a deterrent to violations. The specific language is found in Section 2 of the legislation—Section 103.5 of the Seattle Building Code. The revenue from the penalties will be deposited in the City’s General Fund.

The actual revenue that will result from this legislation is difficult to predict. Violations do not occur in a predictable pattern, so the number of violations could be different than estimated. It is hoped, but not certain, that the increase will reduce the number of violations. The effect of the increased penalty on the size of settlements in future violation cases is also unknown. It is possible that the increase will result in more cases going to trial which could increase the relative size of settlements.

The revenue estimate is based on enforcement cases brought for similar violations over the last 5 years. DPD records show 24 cases, with total revenue of \$124,715 or an annual average of \$24,943. Because the amount of penalty per day is tripled in this legislation, we estimate that future annual revenue would be three times larger than past revenue, which is \$74,829 in revenue for 2014. No revenue is expected for 2013 because the legislation is likely to take effect too late in the year for any new cases to be concluded this year.

All revenue used in the estimate came from settlement of cases. This estimate assumes the cases were distributed evenly through the 5-year period, although the actual cases were not. Two cases were brought to judgment but those cases were later settled, so the revenue estimate includes the settlement amounts rather than the judgments.

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

No positions will be created, modified, or abrogated by this legislation.

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2013 Positions	2013 FTE	2014 Positions*	2014 FTE*

TOTAL							
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* 2014 positions and FTE are *total* 2014 position changes resulting from this legislation, not incremental changes. Therefore, under 2014, please be sure to include any continuing positions from 2013.

Position Notes:

Do positions sunset in the future?

Spending/Cash Flow:

Not applicable.

Fund Name & #	Department	Budget Control Level*	2013 Expenditures	2014 Anticipated Expenditures
TOTAL				

* See budget book to obtain the appropriate Budget Control Level for your department.

Spending/Cash Flow Notes:

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No
- b) **What is the financial cost of not implementing the legislation?**
The General Fund would lose the increased sign penalties.
- c) **Does this legislation affect any departments besides the originating department?**
Departments that will build or alter buildings or mechanical systems will be required to meet updated construction standards. However, state law requires all cities and counties to adopt the state codes. The Seattle amendments are enhancements of the state codes.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
The alternative is to adopt the state codes only, without Seattle amendments.
- e) **Is a public hearing required for this legislation?**
No.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.

g) Does this legislation affect a piece of property?
No.

h) Other Issues:

List attachments to the fiscal note below:

Attachment 1: Changes in 2012 Seattle Building Code

Attachment 1

Changes in 2012 Seattle Building Code

Highlights of changes

Most of the changes in the International Building Code and Seattle amendments are technical changes that will not have a major impact on construction. The most significant of the changes are listed here.

- Several “green code” provisions are added by amendment in the Building and other codes, including:
 - Provisions for documentation of recycling and reuse of construction waste;
 - Allowing existing buildings to be 4 inches taller and closer to property lines for the purpose of adding insulation;
 - Requiring reroofing projects to comply with Energy Code heat island mitigation provisions; and
 - Protecting construction materials from moisture during building construction. These provisions were developed as part of a collaborative effort by a group of 10-12 jurisdictions in the Puget Sound region.
- Penalties for violations of sign provisions are increased from \$500 to \$1500.
- Permits will be required for reroofing projects in order to allow DPD to better enforce Energy Code insulation requirements.
- In high-rise buildings with a floor more than 120 feet above grade, a second fire service access elevator is required. Fire service access elevators have special features that allow firefighters to use them for rescuing occupants and to reach areas to fight fire.
- Amendments adapting hazardous materials regulations to better suit research laboratories are proposed. These amendments were developed by a work group consisting of representatives of the affected industries, building owners, Office of Economic Development, Seattle Fire Department and DPD.
- The IBC accessibility chapter was revised to provide special provisions for children’s use.
- Provisions for rooftop photovoltaic systems are added that require systems to be designed for wind resistance and fire protection.
- Design requirements for structural wind loads have been updated to reflect changes in the national engineering standard. These changes will change the manner in which wind loads are calculated.
- Seattle is proposing to move all provisions for existing buildings to the Existing Building Code.

Detailed list of changes in Seattle amendments

Note: This list includes changes proposed for the Seattle amendments to the 2012 International Building Code. Amendments that are carried forward from the 2009 Seattle Building Code are not listed, nor are differences between the 2009 and 2012 editions of the International Building Code.

1. 101.3 More complete provisions for vesting of permit applications are added to chapter 1.
2. 103.5 Penalties for violations of sign provisions are increased from \$500 to \$1500.
3. 105 The Plumbing Code is added to the list of codes for review by the Construction Codes Advisory Board, and for which the Board hears “appeals” of decisions about code application. The Housing and Building Maintenance Code is removed from the list.
4. 106.2 Permits are required for reroofing except in single-family residences, duplexes and townhouses. The change allows DPD to review for compliance with Energy Code insulation requirements.
5. 106.2 A provision is added establishing a threshold size at which permits are required for small cisterns and other water tanks.
6. 106.5 .2 The threshold at which a licensed architect or engineer is required for building design is increased from \$30,000 to \$75,000.
7. 106.5.9 Construction and demolition waste diversion information is required with permit applications to help implement a Seattle Public Utilities program.
8. Rules about expiration, renewal and reestablishment of permits are clarified.
9. 106.13; 109 Provisions for permits for temporary structures are modified for clarity and consistency with existing practice. Permits for temporary tents and similar facilities are limited to 18 months without renewal. Explicit limits are placed on the number of subsequent permits for facilities large enough for 100 or more people. Certificates of occupancy are not required for temporary permits.
10. 308, 310 Definitions of institutional and residential occupancies are coordinated with changes in state regulations for assisted living facilities and hospice care centers.
11. 403.4.9. Additional provisions are added to allow emergency power generators to be located in parking garages of high-rise buildings.
12. 414.8 Amendments adapting the hazardous materials provisions to better suit research laboratories are proposed. These amendments were developed by a work group consisting of representatives of the affected industries, building owners, Office of Economic Development, Seattle Fire Department and DPD.
13. 419.6 A minimum structural load for floors is specified for live-work units.
14. 420.7 State amendments with specific requirements for adult family homes are added.
15. 505 Requirements for protection of the structure supporting mezzanines and equipment platforms are added.
16. 510.2 In “platform” buildings with a wood structure situated on a concrete base structure, limitations on the occupancies allowed in the lower portion of the building are removed.

17. 602.4 Provisions that have been approved for the 2015 IBC regulating the use of cross-laminated timber are added.
18. 701 Certain small temporary structures are exempted from requirements for fire resistant construction.
19. Table 602, Table 705.8 Existing buildings are allowed to extend slightly closer to the property line when necessary in order to add extra wall insulation.
20. Chapter 9 Changes in amendments proposed for the 2012 Seattle Fire Code are repeated in the Building Code, including:
 - Deleted amendments: statement that residences are not required to have sprinkler systems if they comply with the International Residential and Fire codes; a requirement for sprinklers in liquor warehouses; specific provisions for monitoring of fire alarm systems. These amendments are now covered by the International Fire Code.
 - The threshold at which sprinkler systems are required in covered boat moorage is increased from 500 square feet to 5000 square feet, consistent with the national standard.
 - Requirements for carbon monoxide detection are revised for consistency with revised state amendments.
21. 1009 The IBC changed its provisions for exit stairs to clarify that exit stairs are always required to be enclosed by fire-rated walls; unenclosed stairs are not considered exits. Seattle and Washington State added amendments for further clarity.
22. 1009.16 An exception is added to exempt single family residences from the requirement that there be a stairway to the roof in buildings of 4 stories and more.
23. 1019.4, 1026.5 Provisions that have been approved for the 2015 IBC are proposed that require fire protection for exterior walls of exits that are located near other walls in the same building.
24. Chapter 11 Revisions to the Washington State Building Code are proposed for adoption in Seattle. Several amendments to the national standard for accessibility for persons with disabilities are deleted.
25. 1203 Provisions are proposed that specify how sprayed foam insulation can be used on unenclosed rafter spaces. These provisions have been approved for the 2015 IBC.
26. 1601.1 Certain small temporary structures are exempted from structural design requirements.
27. Chapter 19 Several amendments are proposed to better coordinate the Building Code with the national standard for concrete construction. These amendments have been approved for the 2015 IBC.
28. Chapter 29 The IBC chapter regulating plumbing fixtures is adopted for the first time in Washington. Amendments have been adopted in the Washington State Building Code that makes the chapter consistent with the standards currently in effect in Washington.
29. 3003 New editions of the national standards that regulate elevators, escalators and similar conveyances are adopted.

30. 3314 A new section requires construction material to be stored properly and protected from moisture on construction sites.
31. Chapter 34 Provisions for existing buildings are moved to the Existing Building Code.