

ORDINANCE NO. 1998-10-080

AN ORDINANCE AMENDING THE UNIFORM FIRE CODE AND BMC CHAPTER 17.20, CORRECTING OMISSIONS AND DECLARING AN EMERGENCY.

WHEREAS, the City adopted the 1997 Edition of the Uniform Fire Code on July 21, 1998, and

WHEREAS, two provisions which were intended to be included in the adoption of the 1997 Edition were inadvertently omitted, and

WHEREAS, this ordinance will correct those omissions restoring an exemption from open burning prohibitions for Fire Department training activities and adding Appendix 1C, which refers to stairway identification.

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Section 17.20.010 is hereby amended to read as follows:

17.20.010 Purpose/Adoption by Reference.

This chapter is enacted as an exercise of the police power of the city for the benefit of the public at large. It is not intended to create a special relationship with any individual, or individuals, nor to identify and protect any particular class of persons. The purpose of this chapter is to provide minimum standards to safeguard life or limb, health or property, and public welfare, by regulating and controlling building construction and related work thereto. It is not the intent of this chapter to impose liability on the City for failure to perform any discretionary act. Rather, it is the intent of this chapter to place the obligation of complying with its requirements upon the owner and/or contractor.

Nothing contained in this chapter shall be construed to relieve from or to lessen the responsibility or liability of any person or persons for injury or damage to persons or property caused by or resulting from any defect of any nature in any construction work performed by said person or any construction equipment owned, controlled, operated or used by the contractor; nor shall the City of Bellingham or any officer, agent, or employee thereof incur or be held as assuming any liability by reason or in consequence of any permission, certificate of inspection, inspection or approval authorized herein, or issued or given as herein provided or by reasons or consequence of any things done or acts performed pursuant to the provisions of this chapter.

The Uniform Fire Code, 1997 Edition, as modified by WAC Chapter 51-34 and 51-35, with Appendices I-A, I-B, I-C, II-C, II-D, II-E, II-F, II-I, II-J, III-A, IV-B, V-A, VI-A, VI-D, VI-E and VI-F thereto, published by the International Fire Code Institute, is hereby adopted by reference including each and all the rules and regulations printed therein and shall be in full force and effect in the City of Bellingham except as herein modified.

Section 2: Section 17.20.085 is hereby amended to read as follows:

17.20.085 - Open Burning Permits - U F C Section 105.8(O.1) Amended

Section 105.8 (o.1) Open Burning, is hereby amended to read:

Section 105.8(o.1) Open Burning. To conduct open burning. Where burning is conducted on public property or the property of someone other than the permit applicant, the permit applicant shall demonstrate that permission has been obtained by the appropriate government agency, the owner, or the

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owner's authorized agent. When limits for atmospheric conditions or hours restrict burning, such limits shall be designated in the permit restrictions. See Article 11. No permit shall be issued for any fire where the material to be burned is piled, stacked or arranged larger than four feet in diameter, or is for any material other than leaves, clippings, prunings and other yard and garden refuse.

The provisions of this section and the restrictions in sections 17.20.155 and 17.20.156 shall not apply to controlled structure fires used by the Bellingham Fire Department for training purposes, provided that a permit is duly obtained from the Northwest Air Pollution Authority and that the Fire Department otherwise complies with all applicable laws and regulations.

Section 3: This is an emergency ordinance which will be effective immediately upon passage, in order to provide for the immediate safety of the community and to allow adequate training opportunities for the Fire Department.

PASSED BY COUNCIL this 12th day of OCTOBER, 1998.

Bob Ryan
Council President

APPROVED BY ME this 19th day of October, 1998.

Mark Asunt
Mayor

Attest:

Juan Capente
Finance Director

Approved as to Form:

[Signature]
Office of the City Attorney

Published: 10-22-98

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CITY OF BELLINGHAM WASHINGTON

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COUNCIL BILL NUMBER: 12429

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3RD/FINAL READING: 10-12-98

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CC: LEGISLATIVE COORDINATOR
LEGAL SECRETARY
ITSD (TO SCAN)
OTHER: Linda Storck - JSS
M.R.S.C.