

ORDINANCE NO. 2004-06-040

AN ORDINANCE OF THE CITY OF BELLINGHAM ADOPTING THE 2003 EDITION OF THE INTERNATIONAL FIRE CODE AND REPEALING BELLINGHAM MUNICIPAL CODE CHAPTER 17.20 AND ORDINANCES NO. 2001-08-064, 1998-10-080, AND 1998-07-054 OF THE CITY OF BELLINGHAM.

WHEREAS, RCW Chapter 19.27 requires cities to enforce the State Fire Code; and

WHEREAS, the State Building Code Council has updated and amended the State Fire Code by adopting the International Fire Code, 2003 Edition, with modifications; and

WHEREAS, the local adoption of the referenced codes will promote and protect the health, safety and welfare of the general public and fulfill the state-mandated enforcement obligation; and

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Ordinances No. 2001-08-064, 1998-10-080, and 1998-07-054, and Chapter 17.20 of the Bellingham Municipal Code are repealed in their entirety, and a new Chapter 17.20 entitled "FIRE CODE" is added to the Bellingham Municipal Code as set forth below.

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. 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.

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The International Fire Code, 2003 Edition, including Appendix Chapters A, B, C, D, E, F, G, as published by the International Code Council, is hereby adopted by reference as the Fire Code of the City of Bellingham. A copy of the document is on file in the office of the Finance Director. It governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided and provides for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Bellingham are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes prescribed in Bellingham Municipal Code 17.20.020 through 17.20.060 of this ordinance.

17.20.020

IFC CHAPTER 1, ADMINISTRATION

The following sections of Chapter 1 of the 2003 edition of the IFC as adopted in Bellingham Municipal Code 17.20.010 are hereby amended as follows:

Section 101.1 **Title.** These regulations shall be known as the *Fire Code* of the City of Bellingham, hereinafter referred to as "this code."

Section 102.6 **Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 45, with the provision that NFPA 13R-99 and 13D-99 shall be revised to read 13R-02 and 13D-02. Such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference as determined or modified by the fire code official. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

Section 104.10.1 **Assistance from other agencies.** Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires or the enforcement of this code when requested to do so by the fire code official.

Section 104.11.2 **Obstructing operations.** No person shall obstruct the operations of the fire department in connection with extinguishment, control, or investigation of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

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Section 105.2 Permits and Fees

Section 105.2(a) **Permit Applications.** All applications for a permit required by this Code shall be made to the fire code official in such form and detail as it shall prescribe. Applications for permits shall be accompanied by such plans as required by the fire code official.

Section 105.2(b) **Permit Fees.** The City shall collect fees for permits, plan review, and inspection services in accordance with the schedule as established by the City Council by resolution.

Section 109.3 **Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1000 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 **Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$500 dollars or more than \$1000 dollars.

17.20.030

IFC CHAPTER 5, FIRE SERVICE FEATURES

The following sections of Chapter 5 of the 2003 edition of the IFC as adopted by Bellingham Municipal Code 17.20.010 are hereby amended as follows:

Section 503.1 **Where required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 or as approved by the fire code official.

Section 503.1.1 **Buildings and facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

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Exception: The fire code official is authorized to increase the dimension of 150 feet 45 720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

Section 503.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

Section 503.1.3 High-piled storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 23.

Section 503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7.

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm.), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm); or as approved by the fire code official.

Section 503.3 Marking. Where required by the fire code official, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and replaced or repaired when necessary to provide adequate visibility.

Section 503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

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Section 508.3 **Fire flow.** Fire flow requirements for buildings or portions of buildings and facilities shall be determined by use of Appendix B.

17.20.040

IFC CHAPTER 6, BUILDING SERVICES AND SYSTEMS

The following sections of Chapter 6 of the 2003 edition of the IFC as adopted by Bellingham Municipal Code 17.20.010 are hereby amended as follows:

Section 602 **Definitions. POWER TAP.** A listed device for indoor use consisting on an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has over-current protection.

17.20.050

IFC CHAPTER 9, FIRE PROTECTION SYSTEMS

The following sections of Chapter 9 of the 2003 edition of the IFC as adopted by Bellingham Municipal Code 17.20.010 are hereby amended as follows:

Section 901.4.5 **Additions, change of use, alterations and repairs to buildings.** Additions, change of use, alterations and repairs to buildings shall comply with this section.

Section 901.4.5.1 **Additions or changes of use.** Additions or changes of use to existing buildings which would result in a non conforming building shall be brought up to current code requirements for fire protection systems. Subject to the approval of the fire chief, and with approved guarantees, a phasing plan of up to five years is permitted on sprinkler systems only.

Section 901.6.1 **Standards.** Fire protections systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 901.6.1 For the sole purpose of inspecting, testing and maintenance of t water-based fire protection systems in accordance with NFPA 25; all existing water-based fire protection systems shall be considered new as of July 1st 2004.

Section 904.11 **Commercial cooking systems.** Existing fire suppression systems not in compliance with Underwriters Laboratory Standard 300 shall be replaced with a conforming system by July 1st 2005. The automatic fire-extinguishing system...(continue model code language)

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Section 905.3.7 **High rise building standpipes.** Standpipe risers shall be combination standpipe/sprinkler risers using a minimum pipe size of 6 in. Two 2 ½ in. hose connections shall be provided on every intermediate floor level landing in every required stairway. Where pressure reduction valves (prv) are required, each hose connection shall be provided with its own prv. The system shall be designed to provide a minimum flow of 300 gpm at a minimum pressure of 150 psi (maximum 200 psi) at each standpipe connection, in addition to the flow and pressure requirements contained in NFPA 14.

Section 905.8 **Dry standpipes.** Dry standpipes, when approved by the Fire Code Official, are acceptable in other than high rise buildings

Section 907.1.3 **Temporary failure.** In the event of temporary failure of a required fire alarm system, the Chief may order the building owner or occupant to provide standby personnel until the system is restored in an approved manner.

Section 907.1.4 **False alarms.** In the event of more than two false alarms in any 90-day period, the Chief may charge a fee for fire department response as specified below:

<u>False Alarms</u>	<u>Fee</u>
First and second	No fee
Third and additional	\$250 ea.

EXCEPTION: False alarms resulting from the failure of a fire alarm service technician notifying the central, proprietary or remote monitoring station shall be billed at the rate of \$250.00 for each occurrence.

Section 907.1.5 **Definition.** For the purpose of this section, a false alarm shall be defined as any unintentional activation of the fire alarm or detection system which is the result of improper installation, maintenance or use of that system.

Section 907.1.6 **Signs.** Fire alarm system control units shall be provided with an approved sign indicating such fees will be imposed.

Section 3308.12 **Prohibition.** The storage, use and handling of fireworks are prohibited.

EXCEPTIONS:

1. Storage and handling of fireworks is allowed as set forth in Article 77, RCW 70.77, and Bellingham Municipal Code Section 10.24.130.

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2. The use of fireworks for display is allowed as set forth in RCW 70.77 and Bellingham Municipal Code Section 10.24.130
3. The retail sales and consumer use of fireworks is allowed as set forth in RCW 70.77 and Bellingham Municipal Code Section 10.24.130.

17.20.060

IFC APPENDICES

The following appendices of the 2003 edition of the IFC as adopted by the Bellingham Municipal Code 17.20.010 are hereby amended as follows:

Section B104.1 **General.** The fire flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building, including basements and attached garages, except as modified in Section B104.3

Section B104.2 **Area separation.** Portions of buildings which are separated by four-hour firewalls without openings, constructed in accordance with the *International Building Code*, are allowed to be considered as separate fire-flow calculation areas.

Section D102.1 **Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg); and in areas designated as aerial set up zones, an outrigger point load of 45,000 pounds over an area of 2 feet by 2 feet square.

Section D103.1.1 **One and two-family dwellings.** Private fire apparatus access roads serving up to two single family dwellings or a single two-family dwelling may reduce the access road width to 12 feet as long as the access road does not exceed 150 feet in length.

Section D103.2 **Grade.** Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades 10 percent to 15 percent are approved if the building is protected by an approved automatic sprinkler system. Grades exceeding 15 percent but not over 18 percent only as approved by the fire code official.

Section D103.6 **Signs.** Where required by the fire code official, fire apparatus access roads shall be marked with painted stripping as specified by the fire code official or permanently mounted NO PARKING—FIRE LANE signs complying with Figure

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D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

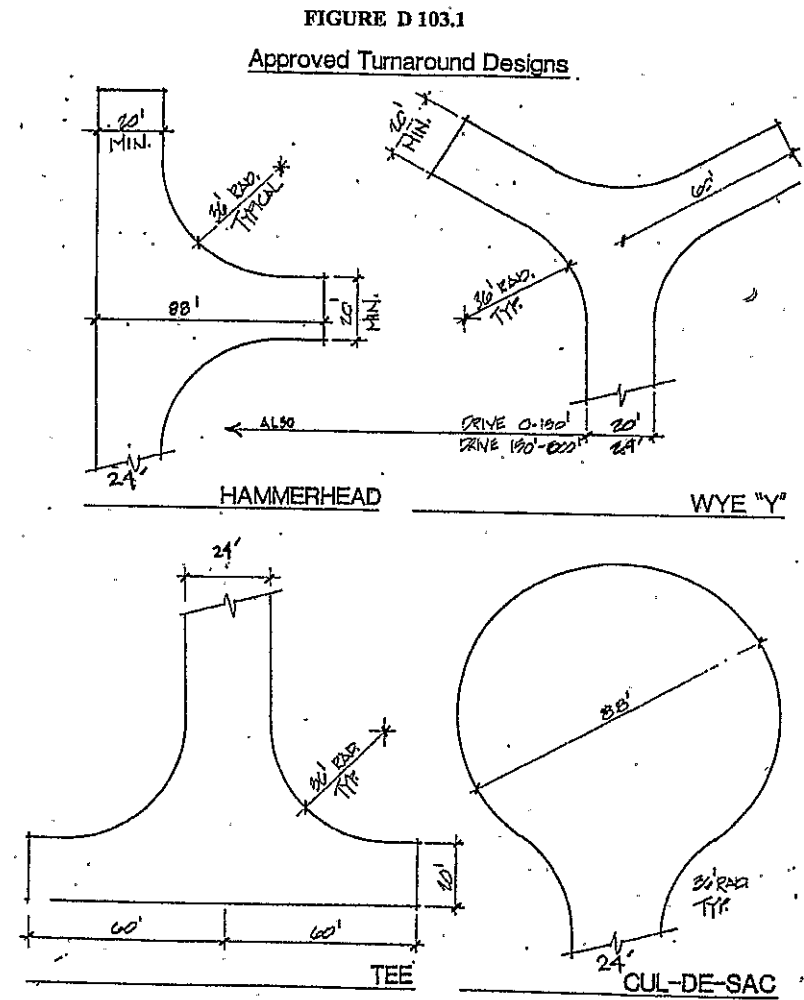
Figure D103.1, DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND
The following are approved types of turnarounds: (diagrams of each)

88 ft. diameter cul-de-sac.

88 ft. hammer head

60 ft. Tee

60 ft. Wye



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Section 2. That the geographic limits referred to in certain sections of the 2003 International Fire Code are hereby established as follows:

The limits referred to in Section 3204.3.1.1 of the International Fire Code in which the storage of flammable cryogenic liquids is prohibited are hereby established as those zones designated Residential Single, Residential Multi, Commercial, planned Residential, Planned Commercial, and Institutional by the Land Use Development Ordinance, Chapter 20 of the Bellingham Municipal Code.

The limits referred to in Section 3404.2.9.5.1 of the International Fire Code in which the storage of flammable cryogenic liquids is prohibited are hereby established as those zones designated Residential Single, Residential Multi, Commercial, Planned Residential, Planned Commercial, and Institutional by the Land Use Development Ordinance, Chapter 20 of the Bellingham Municipal Code.

The limits referred to in Section 3406.2.4.4 of the International Fire Code in which the storage of flammable cryogenic liquids is prohibited are hereby established as those zones designated Residential Single, Residential Multi, Commercial, Planned Residential, Planned Commercial, and Institutional by the Land Use Development Ordinance, Chapter 20 of the Bellingham Municipal Code.

The limits referred to in Section 3804.2 of the International Fire Code, in which storage of liquefied petroleum gas is prohibited are hereby established as those zones designated Residential Single, Residential Multi, Commercial, Planned Residential, Planned Commercial, and Institutional by the Land Use Development Ordinance, Chapter 20 of the Bellingham Municipal Code.

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Bellingham hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.


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Section 5. That this ordinance and the rules, regulations, provision, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect July 1, 2004.

PASSED BY COUNCIL this 21st day of June, 2004.


Council President

APPROVED BY ME this 28th day of June, 2004.


Mayor

Attest:


Finance Director

Approved as to form:


Office of the City Attorney

Published: June 25, 2004