

**ORDINANCE NO. 2011-04-021**

**AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING BELLINGHAM MUNICIPAL CODE SECTIONS 17.20.010 AND 17.20.030 TO CLARIFY THAT THE CITY HAS ADOPTED THE 2009 INTERNATIONAL FIRE CODE AS AMENDED BY THE STATE OF WASHINGTON AND TO ESTABLISH A NEW GRADE STANDARD FOR FIRE APPARATUS ACCESS ROADS.**

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

**WHEREAS**, over time, the State Building Code Council has updated and amended the State Fire Code by adopting versions of the International Fire Code with modifications; and

**WHEREAS**, in June 2004, the City adopted the State amended version of the 2003 International Fire Code, including a provision that fire apparatus access roads not exceed a 10% grade and that fire apparatus access roads that exceeded 10% grade but were less than 15% grade required the building to be protected by an automatic sprinkler system; and

**WHEREAS**, since then the City has adopted the State amended versions of the 2006 and 2009 International Fire Codes; however, the City's fire apparatus access road grade requirement has remained in place; and

**WHEREAS**, when the City adopted the 2009 International Fire Code, the ordinance did not clearly state that the City was adopting the 2009 International Fire Code as amended by the State of Washington; and

**WHEREAS**, in 2010, the City modified its project review procedures to ensure that new development projects complied with the City's fire apparatus access road grade requirement; and

**WHEREAS**, as a result of the City's enforcement of its road grade requirement, the City has received feedback from the public regarding the cost and fairness of complying with the City's fire apparatus access road grade standard; and

**WHEREAS**, the City desires to amend BMC 17.20.010 and 17.20.030 to clarify that the City has adopted the 2009 International Fire Code as amended by the State of Washington and to establish a new grade standard for fire apparatus access roads.

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1.** Bellingham Municipal Code Section 17.20.010 is amended as follows:

**17.20.010- PURPOSE/ADOPTION BY REFERENCE**

**City of Bellingham**

CITY ATTORNEY

210 Lottie Street

Bellingham, Washington 98225

Telephone (360) 676-6903

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.

The International Fire Code, 2009 Edition, including Appendix Chapters B, E, F, G, H, I, and J, as amended by the State of Washington (Chapter 51-54 WAC), 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 therefore. 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 17.20.100 of this ordinance.

**Section 2.** Bellingham Municipal Code Section 17.20.030, Section 503.2.7 is amended as follows:

**Section 503.2.7 Grade.** Fire apparatus access roads shall not exceed 12% in grade.

**Exception 1:** Grades in excess of 12% up to and including grades of 15% are approved if the building is protected by an approved automatic fire sprinkler system.

**Exception 2:** Roads constructed before January 1, 2011 with road segments that are; (1) less than 200 feet in length, (2) average grade is less than or equal to 15%, (3) straight, and (4) road segments are separated by at least 100 feet of road with a grade not exceeding 12%.

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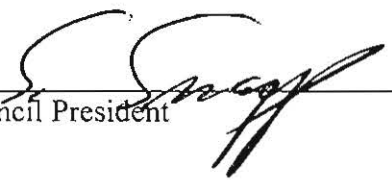
**Exception 3:** The following arterials are exempt from the grade calculations of this section: Alabama St., Yew St., and Barkley Blvd.

**Exception 4:** Existing structures regulated by the International Residential Code are exempt from this section.

**Exception 5:** Building permit applications received by the city no later than December 31, 2016, for single-family dwellings located in subdivisions that received preliminary plat approval prior to the effective date of this Ordinance are exempt from this section.

**Section 503.2.7.1 Prohibited Grade.** Grades exceeding 15% are prohibited unless approved by the fire code official.

PASSED BY COUNCIL this 29<sup>th</sup> day of April, 2011.

  
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Council President

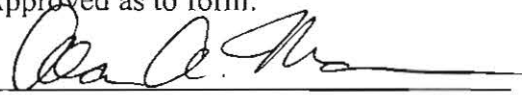
APPROVED BY ME this 29<sup>th</sup> day of April, 2011.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Finance Director

Approved as to form:

  
\_\_\_\_\_  
Office of the City Attorney

Published: April 29, 2011