

ORDINANCE NO. 2016-13

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the fire code and regulation of fire hydrants; amending Sections 13.10.120, 20.04.010, 20.04.030, 20.04.040, 20.04.080, 20.04.100, 20.12.020, and 20.12.060; adding a new Section 20.04.065 and 20.04.140; and repealing Section 20.04.090 and Chapter 20.08 of the Bainbridge Island Municipal Code (BIMC).

WHEREAS, the City Council desires to amend the City’s fire code provisions in BIMC Chapter 20.04 to reflect changes made in the International Fire Code, 2015 Edition; and

WHEREAS, the Bainbridge Island Fire Department has recommended that BIMC Chapter 20.08, relating to fire safety requirements for designated multifamily residential buildings, be rescinded as the purpose of the chapter has been accomplished; and

WHEREAS, the Bainbridge Island Fire Department has further recommended a change to BIMC Chapter 13.10 relating to the regulation of fire hydrants and water mains;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 13.10.120 of BIMC Chapter 13.10, Regulation of Fire Hydrants and Water Mains, is hereby amended to read as follows:

13.10.120 Surrounding Vegetation Prohibited.

A three-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, fire sprinkler system indicator valves, and fire department connections. Access along the normal route of travel shall not be impeded except as otherwise required or approved.

Section 2. Section 20.04.010 of BIMC Chapter 20.04 is hereby amended to read as follows:

20.04.010 Code adopted by reference.

The following codes are adopted by reference subject to the amendments set forth in BIMC 20.04.010 through 20.04.130:

- A. The International Fire Code, ~~2012~~ 2015 Edition, published by the International Code Council, and as amended as set forth in Chapter 51-54A WAC, and adopted by the State Building Code Council, with the addition of the following appendices: Appendix B (Fire Flow Requirements) as amended in BIMC 20.04.110, Appendix C (Fire Hydrant Locations and Distribution) as

amended in BIMC 20.04.120, Appendix D (Fire Apparatus Access Roads) as amended in BIMC 20.04.130, Appendix E (Hazard Categories), Appendix F (Hazard Ranking), Appendix G (Cryogenic Fluids – Weight and Volume Equivalents), ~~and~~ Appendix H (Hazardous Materials Management Plan (HMMP) and Appendix N (2015 Wildland and Urban Interface Code) as amended in BIMC 20.04.140, and Hazardous Materials Inventory Statement (HMIS) Instructions) (the “International Fire Code”).

Section 3. Section 20.04.030 of BIMC Chapter 20.04 is hereby amended to read as follows:

20.04.030 Amendments to Section 108.

Section 108 of the International Fire Code is amended to read as follows:

SECTION 108

108.1 Appeals.

A. General. Except for civil infractions, misdemeanors and civil penalties imposed pursuant to BIMC 20.04.040, the fire chief of the Bainbridge Island Fire Department and city hearing examiner shall have the authority to hear and decide appeals of orders, decisions and/or determinations made by the fire code official relative to the application and interpretation of the city fire code.

B. Review by Fire Chief. A person or entity that is directly affected by an order, decision and/or determination made by the fire code official may request that the fire chief review said order, decision and/or determination. Any request for review must be submitted to the fire chief within 14 calendar days of issuance of the order, decision and/or determination. The request shall state the grounds for the review and shall be filed with the fire chief. If no such request for review is filed within the required timeline, the order, decision and/or determination of the fire code official shall be final.

C. Appeal. The decision of the fire chief regarding any request for review may be appealed to the city hearing examiner within 14 calendar days of issuance of said decision. The appeal must be filed with the city clerk and in accordance with BIMC 2.16.130. The appeal shall be considered in accordance with the process set forth in BIMC 2.16.130. If no such appeal is filed within the required timeline, the decision of the fire chief shall be final.

D. Limitations on Authority. An application for appeal shall be based on a claim that the true intent of the city fire code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the city fire code do not fully apply or an equally good or better form of construction is proposed. The fire chief and/or hearing examiner shall have no authority to waive requirements of ~~the city fire~~ this code.

E. Conflict. In the event and to the extent the language of this section conflicts with language of the codes and/or appendices adopted by reference in BIMC 20.04.010, the language of this section shall prevail over the language it conflicts with in any said code and/or appendix.

Section 4. Section 20.04.040 of BIMC Chapter 20.04 is hereby amended to read as follows:

20.04.040 Amendments to Section 109.

Section 109 of the International Fire Code is amended to read as follows:

SECTION 109

VIOLATIONS

109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this

code, or cause same to be done, in conflict with or in violation of any of the provisions of the ~~city fire code~~ this code.

109.2 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the owner or the owner's authorized agent. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

109.3 Notice of violation. When the fire code official (or designee) finds a building, premises, vehicle, storage facility or outdoor area that is in violation of ~~the city fire~~ this code, the fire code official or (designee) is authorized to prepare a written notice of violation describing the conditions deemed unsafe and where compliance is not immediate, specifying a time for reinspection.

109.3.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

109.3.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.3.3 Prosecution of violations. If the notice of violation is not complied with promptly, the fire code official is authorized to request

the city code enforcement official or prosecutor to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of the city fire code or of the order or direction made pursuant hereto.

109.3.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with or removed without authorization from the fire code official. Any mutilation, destruction, tampering or removal of said signs, tags, and/or seals is unlawful and a violation of the city fire code.

109.4 Violation penalties.

A. Civil Infraction. Except as provided in subsection B of this section, conduct made unlawful by the city fire code shall constitute a civil infraction and is subject to enforcement and fines as provided in BIMC 1.26.035, including payment of a fine of not more than five hundred dollars (\$500.00) per violation for each day of noncompliance and payment of court costs. A civil infraction under this section shall be processed in the manner set forth in BIMC Chapter 1.26.

Enforcement of this code and the imposition of penalties for violations of this code shall be by the Fire Code Official as provided for in BIMC Chapter 1.26.

B. Misdemeanor. Any person who again violates this section within twelve (12) months after receiving a notice of infraction pursuant to subsection A of this section, commits a misdemeanor and any person who is convicted thereof shall be punished as provided in BIMC 1.24.010.A.

C. Civil penalty. In addition to any civil infraction fine, criminal penalty, and or other available sanction or remedial procedure, any person engaging in conduct made unlawful by the city fire code shall be subject to a cumulative civil penalty in the amount of \$1,000 per

day for each violation from the date set for compliance until the date of compliance. Any such civil penalty shall be collected in accordance with BIMC 1.26.090.

D. Additional Remedies. In addition to any other remedy provided by this chapter or under the Bainbridge Island Municipal Code, the city may initiate injunction or abatement proceedings or any other appropriate action in courts against any person who violates or fails to comply with any provision of this chapter to prevent, enjoin, abate, and/or terminate violations of this chapter and/or to restore a condition which existed prior to the violation. In any such proceeding, the person violating and/or failing to comply with any provisions of the city building code shall be liable for the costs and reasonable attorney's fees incurred by the city in bringing, maintaining and/or prosecuting such action.

E. In the event and to the extent the language of this section conflicts with language of the codes and/or appendices adopted by reference in BIMC 20.04.010, the language of this section shall prevail over the language it conflicts with in any said code and/or appendix.

109.4.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

Section 5. A new section is hereby added to BIMC Chapter 20.04 to read as follows:

20.04.065 Amendment to Section 308.1.6.3

Section 308.1.6.3 of the International Fire Code is amended to read as follows:

308.1.6.3 Sky Lanterns. A person shall not release or cause to be released ~~an untethered~~ a sky lantern.

Section 6. Section 20.04.080 of BIMC Chapter 20.04 is hereby amended to read as follows:

20.04.080 Amendments to Section 503.

Section 503 of the International Fire Code is hereby amended to read as follows:

SECTION 503

FIRE APPARATUS ACCESS ROADS

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

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 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.

Exception: The fire code official is authorized to increase the dimension of 150 feet 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.

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.

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.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches, unless otherwise approved by the fire marshal of the Bainbridge Island Fire Department.

Exceptions:

1. The width may be reduced in residential areas consisting of only single-family homes, providing the width is consistent with public works street standards and not less than a 12 foot wide drivable surface.
2. Public streets shall be in accordance with Public Works Department street standards.

503.2.2 Authority. The fire code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall

be surfaced so as to provide all-weather driving capabilities. (See also Appendix D Section D102.1.)

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the fire code official.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

503.2.6 Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

503.2.7 Grade. The grade of the fire apparatus access road shall be based on the fire department apparatus and be within the limits established by the fire code official.

503.2.7.1 Public Fire Apparatus Access Roadways. The grade of public fire apparatus access roads shall be in accordance with Public Works Department Standards but shall not exceed the limits set forth in 503.2.7.2.

503.2.7.2 Private Fire Apparatus Access Roadways. The grade of existing private fire apparatus access roads shall not exceed 12%.

Exception: Private fire apparatus access roads where grades are greater than 12% but not exceeding 15% shall be paved, or in lieu of

paving, shall have an automatic fire sprinkler system installed in any new structure. Grades exceeding 15% will require the fire apparatus access road to be paved, all new structures to be equipped with automatic fire sprinkler systems, and special approval by the fire code official.

503.2.8 Angles of Approach and Departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the department's apparatus.

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE – TOW AWAY ZONE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility. The property owner(s) of the designated fire lane shall have sole responsibility to install and maintain the required signs and markings. Where required, signs shall be 12 inches by 18 inches in size with white background and red lettering, securely attached to a fixed object or post. Signs shall be placed not less than four feet nor more than six feet above grade level. Where required, curbs shall be painted red on the sides and top with white lettering not less than four inches high at 30-foot intervals and read “No Parking Fire Lane – Tow Away Zone” if signs are not provided.

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.

503.5 Required gates or barricades. The fire code official is authorized to require the installation and maintenance of gates or

other approved barricades across fire apparatus access roads, trails or other accessways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be listed in accordance with UL325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

503.5.1 Secured gates and barricades. When required, gates and barricades shall be secured in an approved manner. Roads, trails and other accessways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the owner and the fire code official.

Exception: The restriction on use shall not apply to public officers acting within the scope of duty.

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the ~~fire chief~~ fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Section 7. Section 20.04.090 of BIMC Chapter 20.04 is hereby deleted in its entirety. This section has been updated in the State amendments and identifies “approved methods” including NFPA 1142 and/or the International Wildland Urban Interface Code.

20.04.090 Amendments to Section 507.3.

~~Section 507.3 of the International Fire Code is hereby amended to read as follows:~~

~~507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method and shall be in accordance with Appendix B as amended.~~

Section 8. Section 20.04.100 of BIMC Chapter 20.04 is hereby amended to read as follows:

20.04.100 Amendments to Section 903.

Section 903 of the International Fire Code is hereby amended to read as follows:

903.2.4413 Other automatic sprinkler system requirements.

Buildings within the city used for assembly, educational, industrial, institutional, mercantile, storage, office and multifamily dwelling purposes shall be equipped with fire protection systems. The plans for all such systems must be approved in advance of construction by the fire marshal. All sprinkler systems must meet the following minimum requirements:

A. Sprinkler Systems Required.

1. A fully automatic sprinkler system designed, installed and tested pursuant to the current edition of NFPA 13, NFPA 13R, or NFPA 13D, as determined by the fire marshal, shall be installed in all new buildings in excess of 5,000 square feet total floor area.
2. A fully automatic sprinkler system meeting the standards set forth in subsection A.1 of this section may be required by the chief of the fire district for any new building in the city, when, in the judgment of the ~~chief~~ fire code official, any of the following conditions exist: hazardous operations, hazardous contents, critical exposure problems, limited accessibility to the buildings, or other items which may contribute to definite fire hazards.
3. All sprinkler systems installed after the effective date of the ordinance codified in this subsection shall be equipped with a leak detector meter which includes a double check valve assembly.

B. Conflicts. In the event that any provision of this section conflicts with any provision of the Building Code or the Fire Code as adopted

by the city, the more stringent (greatest protection) provision shall apply.

C. Exceptions. The chief of the fire district and the city building official shall have the authority to grant exceptions to the provisions of this section. All such exceptions must be in writing and shall be granted only where the required installation of a sprinkler system or hose station would create a safety hazard or cause damage to the building's contents.

D. Existing Buildings.

1. Existing fully sprinklered buildings, when remodeled or added onto, shall retain the feature of being sprinklered in the remodeled or added on portion.

2. If, by expanding an existing building, the resulting total structure falls within the coverage of subsection A of this section, the entire structure shall be fully sprinklered as required in subsection A.1 or A.2 of this section, whichever may apply.

3. If a building permit is required in the remodeling of an existing structure of 5,000 or more square feet total floor area as described in 903.2.14, the entire structure shall be fully sprinklered as required in subsection A.1 or A.2 of this section, whichever may apply.

Section 9. A new section is hereby added to BIMC Chapter 20.04 to read as follows:

20.04.140 Amendments to Appendix N

Section 503 of the Wildland Urban Interface Code is adopted and amended to read as follows:

503.1 General. Buildings and structures hereafter constructed, modified or relocated into or within wildland urban interface areas shall have an approved noncombustible roof covering. ~~meet construction requirements in accordance with Table 503.1. Class 1, Class 2, or Class 3, ignition resistant construction shall be accordance with Sections 504, 505 and 506, respectively. Materials required to be ignition resistant materials shall comply with the requirements of Section 503.2.~~

Section 507 of the Wildland Urban Interface Code is adopted:

507.1 General. The roof covering on buildings or structures in existence prior to the adoption of this code that are replaced or have 25 percent or more replaced in a 12 month period shall be replaced with an approved roof covering of noncombustible material.

Section 10. BIMC Chapter 20.08, Fire Safety Requirements for Designated Multifamily Residential Buildings, is hereby repealed in its entirety.

Section 11. Section 20.12.020 of BIMC Chapter 20.12 is hereby amended to read as follows:

20.12.020 Definitions.

A. "Air pollution episode" means a period when a forecast, alert, warning or emergency air pollution stage is declared by a state agency.

B. "Agricultural burning" means outdoor burning related to commercial agricultural activities under Chapter 173-430 WAC, including, but not limited to, any incidental agricultural burning or agricultural burning for pest or disease control.

C. "Fire fighting instructional fires" means fires for instruction in the methods of fire fighting.

D. "Fire protection agency" means the Bainbridge Island fire department.

E. "Impaired air quality" means a condition declared by an appropriate state agency in which air contaminants exceed the amount established by regulation.

F. "Land clearing burning" means outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects, including projects that clear the land surface so it can be developed or for a different purpose.

G. "Natural vegetation" means unprocessed plant material from herbs, shrubbery, and trees including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps and trunk wood.

H. "Outdoor burning" means any type of burning as specified in Chapter 173-425 WAC, including the combustion of material of any type in an open fire or in

an outdoor container without providing for the control of combustion or the control of the emissions from the combustion.

I. "Recreational fire" means cooking fires, campfires, and bonfires using charcoal or bare, untreated firewood that occur in designated areas or on private property for cooking, pleasure or ceremonial purposes. A fire used for yard waste disposal purposes is considered as residential burning, not a recreational fire.

J. "Residential burning" means the outdoor burning of natural vegetation associated with yard and gardening refuse originating on land immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his/her designee.

K. "Silvicultural burning" means outdoor burning associated with forest management activities under Chapter 70.94 RCW.

M. "Storm or flood debris burning" means fires consisting of natural vegetation deposited on lands by storms or floods that have resulted in an emergency being declared by the city, county or state government; and are burned on such lands by the property owner or his/her designee.

Section 12. Section 20.12.060 of BIMC Chapter 20.12 is hereby amended to read as follows:

20.12.060 Field response to complaints and enforcement.

A. The city and the ~~fire protection agency~~ fire department may enter into an interlocal agreement that defines the specific responsibilities of each jurisdiction for field response to outdoor burn complaints and enforcement.

B. The city (or its designated agent) will ascertain whether the outdoor burning is legal or illegal and will take any corrective actions necessary to control or extinguish an illegal or out of control fire.

C. The city (or its designated agent) may issue any infractions or penalties for illegal or out of control outdoor fires as set forth in Chapter 1.26 BIMC.

D. If the ~~fire protection agency~~ fire department responds to, controls or extinguishes an illegal or out of control fire, the fire department may charge and recover from the person responsible for the fire the costs of its response and control action.

Section 13. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

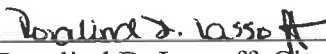
PASSED by the City Council this 12th day of July, 2016.

APPROVED by the Mayor this 12th day of July, 2016.



Val Tollefsen, Mayor

ATTEST/AUTHENTICATE:



Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	May 31, 2016
PASSED BY THE CITY COUNCIL:	July 12, 2016
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EFFECTIVE DATE:	July 20, 2016
ORDINANCE NO.	2016-13