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**CITY OF BLAINE**  
**REQUEST FOR COUNCIL ACTION**  
**MEETING DATE:** October 8, 2007

**SUBJECT:** Amendments to Chapter 15.08 and 15.09 BMC to adopt the 2006 International Fire Code and improve BMC consistency.

**PROPONENT:** Fire District #21 and the City Manager

**PREPARED BY:** North Whatcom Fire and Rescue - District #21  
Public Works Department, City of Blaine  
Community Development Services Department, City of Blaine

**AGENDA LOCATION:** Comments/Communications    Consent    Committee Reports  
Unfinished Business    Council Action Items    **x Public Hearing**    Standing Committees

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**ATTACHMENTS:**

- Ordinance 07-2672
- Exhibit A

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**REQUEST:** The request is to approve amendments to Blaine Municipal Code, chapter 15.08, International Fire Code and to delete Chapter 15.09 Automatic Fire Sprinkler Systems. Exhibit A provides tracking in each chapter to clearly show what changes have been proposed. Double underlined text is new language. Text with a line through it denotes original text that has been deleted.

Staff has also provided some rationale for the changes under the proposed amendments in Exhibit A (example - **Rationale: explanation**).

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**BACKGROUND:**

The International Fire Code (IFC) was designed and intended to be adopted by reference through local jurisdiction ordinance. The City is currently using the 2003 edition of the IFC. The amendment to Chapter 15.08 provides for the adoption of the 2006 International Fire Code. Additional amendments have been proposed to better integrate this chapter with other provisions of the BMC and the IFC.

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**DISCUSSION:**

The 2006 IFC is one of many codes that the Washington State Building Code Council voted to adopt in 2006 as model codes intended for adoption by all cities and counties in Washington State. In total, they include:

- 1) 2006 International Building Code
- 2) 2006 International Residential Code
- 3) 2006 International Mechanical Code
- 4) 2006 International Fire Code
- 5) 2006 Uniform Plumbing Code

- 6) Washington State Energy Code
- 7) Washington State Ventilation and Indoor Air Quality Code
- 8) **2006 International Fire Code (IFC)**

**To date, the City of Blaine has adopted all the referenced codes (through Ordinance No. 07-2671) except the 2006 International Fire Code. The proposed amendments contained in Ordinance NO. 07-2672, include the adoption of the 2006 International Fire Code.**

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**BUDGET IMPLICATIONS:**

The City contracts with Fire District 21 to administer and enforce Chapter 15.08, BMC. The proposed changes should not result in changes to the terms of the contract and, therefore, not have a measurable impact on the City's budget. However, the City should annually review contractual fees and compare those with the revenue received from related permit and inspection fees. If these fees are not adequate, the city may need to consider fee increases as necessary.

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**RECOMMENDATION:**

Staff recommends that the Council approve the adoption of Ordinance 07-2672, effective upon signature of the Mayor.

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**REVIEWED BY:** City Manager \_\_\_\_\_ Finance Dir. \_\_\_\_\_ City Clerk \_\_\_\_\_

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**COUNCIL ACTION:**

Approved      Denied      Tabled/Deferred      Assigned to: \_\_\_\_\_

**COUNCIL ACTION:** \_\_\_\_\_

**ORDINANCE NO. 07-2672**  
**AN ORDINANCE OF THE CITY OF BLAINE, WASHINGTON, AMENDING THE**  
**BLAINE MUNICIPAL CODE, TITLE 15 BUILDING AND CONSTRUCTION;**  
**CHAPTER 15.08 INTERNATIONAL FIRE CODE AND CHAPTER 15.09 AUTOMATIC**  
**FIRE SPRINKLER SYSTEM; REPEALING ORDINANCES IN CONFLICT;**  
**ESTABLISHING PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR**  
**SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, Washington statutes require all jurisdictions in the state to adopt by reference and enforce the same International Fire Code 2006 (IFC 2006) as its model fire code, replacing the International Fire code 2003 edition; and,

**WHEREAS**, the City of Blaine (City) adopted the International Fire Code 2003 edition and desires to replace it with IFC 2006 to be consistent with the State Fire Marshal's office; and,

**WHEREAS**, the City recognizes that IFC 2006 includes certain Appendices to it that the City may adopt separately, of which the City wishes to adopt IFC 2006 Appendices A, B and C as written, but its own version of Appendix D; and,

**WHEREAS**, on October 8, 2007 the city council considered this ordinance in consultation with senior staff, Fire District 21 and, subsequently, voted to approve the proposal,

**NOW, THEREFORE**, the City Council of the City of Blaine, Washington, do ordain as follows:

**Section 1. Findings of fact:**

1. Adoption of IFC 2006 is a state mandated requirement.
2. Adoption of IFC 2006 will ensure a consistent set of standards for fire prevention in the city of Blaine.
3. Adoption of a modified Appendix D will preserve general consistency of standards with those of Whatcom County.
4. IFC 2006 includes standards and requirements in terms of performance and nationally accepted standards.
5. IFC 2006 permits the use of modern technical methods, devices and improvements.
6. The proposed amendments bring the city into compliance with state requirements.

**Section 2.** Chapter 15.08 and 15.09 of the Blaine Municipal Code is hereby amended as set forth in **EXHIBIT A**, which is attached hereto.

**Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 4. Effective date.** This ordinance shall be in full force and effect upon the date of the Mayor's signature.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON on the  
\_\_\_\_ day of \_\_\_\_\_, 2007.**

**CITY OF BLAINE, WASHINGTON**

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**Mike Myers**  
**Mayor**

**ATTEST/AUTHENTICATE:**

**APPROVED AS TO FORM:**

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**Sheri Sanchez**  
**City Clerk**

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**Jon Sitkin**  
**City Attorney**

## Exhibit A

### Chapter 15.08

### **INTERNATIONAL FIRE CODE FIRE PREVENTION**

#### Sections:

15.08.010 Purpose.

15.08.020 Applicability/Application

15.08.030 Adoption of referenced codes.

~~15.08.020 Responsibility for enforcement.~~

~~15.08.030 Definitions.~~

**15.08.040 Limitations. Administrative responsibility.**

15.08.050 ~~Reserved.~~ Definitions.

15.08.060 ~~Reserved.~~ Limitations

15.08.070 Reserved.

15.08.080 Reserved.

15.08.090 Reserved.

15.08. ~~10070~~ Amendments and changes to IFC (2006).

15.08. ~~11080~~ Appeals.

~~15.08.120 New materials, processes or occupancies that may require permits.~~

15.08. ~~130~~ 090 Violations and Penalties.

#### **15.08.010 Purpose.**

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

**Rationale: the added language clarifies the purpose of this chapter.**

#### **15.08.020 Applicability/Application.**

All construction, alteration, demolition and related activities pursuant to Section 102 of the International Fire Code must comply with the provisions of this chapter. 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 Blaine or any officer, agent or employee thereof incur or be held as assuming 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.

**Rationale: Clarifies the what and how this chapter applies.**

**15.08.030 Adoption of referenced codes.**

A. The city of Blaine hereby establishes adopts the International Fire Code (IFC), 2006 Edition and the following IFC appendices as published by the International Code Council:

1. Appendix A BOARD OF APPEALS
2. Appendix B -FIRE-FLOW REQUIREMENTS FOR BUILDINGS
3. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION

**Rationale: This new section provides a clear section in which the IFC is formally adopted. It also adopts the first three appendices without amendment.**

B. The city of Blaine hereby adopts as Appendix D, FIRE APPARATUS ACCESS ROADS, with new language that replaces the original language. The new language contained in Appendix D shall include the following provisions:

1. Section D101.1 Scope. Fire apparatus access roads (as defined in the International Fire Code) shall be in accordance with this chapter and all other applicable requirements of the International Fire Code.

2. Section D102.1 Required Access. 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 when the facility is in excess of one hundred fifty (150) feet from fire apparatus access.

3. Section D103 Minimum Road Specifications:

a. Driveways serving one (1) or two (2) residential lots where access is less than one hundred fifty (150) feet in length. Driveways where buildings are less than one hundred fifty (150) feet from an approved access road have no specific requirements.

b. Driveways over one hundred fifty (150) feet long serving one (1) lot:

1. Width – twelve (12) foot driving surface with turnouts every six hundred feet (600) when required by Fire Marshal. To create a turnout the road shall be widened to twenty (20) feet in the direction of travel for a distance of one hundred (100) feet to allow vehicles to pull over and allow emergency vehicles to proceed. Turnout shall be located approximately midpoint for driveways over six hundred (600) feet but less than one thousand two hundred (1200) feet.

2. Vertical Clearance – thirteen (13) foot six (6) inch unobstructed head clearance.

3. Surface – City of Blaine Public Works Department road standards.

4. Turning Radius – thirty-five (35) foot radius.

5. Turnarounds – twenty (20) feet wide, sixty (60) feet deep or City of Blaine Public Works Department road standards.

6. Bridges – designed to HS20 load, posted at both ends.

7. Grade – per City of Blaine Public Works Department road standards.

c. Emergency Vehicle Access Roads – serving more than two (2) residential units shall meet the following:

1. City of Blaine Public Works Department road standards.

2. The Fire Marshall may make modifications to these standards if the road is not buildable due to topography, waterways, non-negotiable grades, or similar conditions. These modifications are based on:

a. The structure being protected to NFPA 13D, Automatic Sprinkler System.

b. Additional fire protections features as require by the Fire Marshal.

c. Exceptions may be made for minor additions or small accessory buildings to existing dwellings when in the opion of the Fire Marshal the addition or accessory building will not create a significantly more dangerous situation.

d. Emergency vehicle access roads or driveways shall not be obstructed in any manner, including the parking of vehicles. Width and clearance requirements of these standards shall be maintained at all times.

**Rationale:** The Public Works Director worked with Fire District 21 to develop this section. The objective was to reconcile the standards in this chapter with other Public Works standards officially adopted and required by the City.

~~C, E, F, and G as published by the International Code Council, and a~~ Any state amendments save and except such portions as are hereinafter deleted, modified or amended, are hereby adopted and incorporated as fully as if set out in this chapter, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the limits of the city of Blaine.

#### **15.08.020 040 Responsibility for enforcement. Administrative responsibility.**

A. Enforcement of The International Fire Code, as adopted under this code, shall be the responsibility of the fire code official as defined in this chapter.

B. The city may contract for fire prevention services under this chapter and delegate such responsibilities to the appointed fire code official.

C. In the event that the city contracts with a fire district, the fire chief (or his/her designee) shall be designated the fire code official.

~~The International Fire Code, 2003 Edition, as adopted by the city of Blaine shall be enforced by the city of Blaine, which may contract for fire prevention services and delegate such enforcement responsibilities to any other person, entity or organization with which the city has contracted for fire prevention services (Note: at the time of adoption of the ordinance codified in this chapter, the city has a contract with Whatcom County Fire Protection District 13 for fire prevention services).~~

~~The fire marshal is the person appointed by the city council of Blaine to enforce the provisions of the International Fire Code, unless the authority to make such assignment has been delegated to any other person, entity or organization with which the city has contracted for fire prevention services (Note: at the time of adoption of the ordinance codified in this chapter, the city has a contract with Whatcom County Fire Protection District 13 for fire prevention services that provides for the fire marshal to be appointed by the fire chief of Whatcom County Fire Protection District 13 to enforce the provisions of the International Fire Code). In the event the city contracts with another governmental entity to provide fire prevention services, the fire chief of that agency shall administer the fire prevention services within the city of Blaine.~~

**Rationale:** Clarifies authority and procedure and identifies enforcement responsibilities.

#### **15.08.030 050 Definitions.**

Unless otherwise defined below, the definition of terms shall be as defined in the International Fire Code

A. Wherever the word “fire code official” is used in the BMC or the International Fire Code, it ~~is the city fire chief, or his/her designee, as may be appointed by the City Council shall be construed as the fire code official, or~~ as may be appointed by the city manager, any other person, entity or organization with which the city has contracted for fire prevention services.

~~Wherever the term “fire area” is used in the International Fire Code, it shall be defined as the total floor area in square feet for all floor levels within the exterior walls, including the horizontal projections of the roof of the building. Each portion of a building separated by one or more four-hour area separation walls without openings, and provided with a 30-inch parapet constructed with the International Building Code, as adopted by the city of Blaine, may be considered as separate fire areas and serve as the basis for calculating required fire flow.~~

**Rationale: this definition is not consistent with the IFC and is unnecessary. The IFC provides adequate definition.**

B. Wherever the term “jurisdiction” is used in the International Fire Code, it ~~is~~ shall be construed as the city of Blaine.

#### **15.08.040 060 Limitations.**

The limits referred to in certain sections of the ~~2003- 2006~~ International Fire Code are hereby established as follows:

A. Storage of Flammable Cryogenic Fluids. The limits referred to in Section 3204.3.1.1 of the International Fire Code, in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established for in all zones except “Manufacturing.”

B. Storage of Class I and II Flammable Liquids. The limits referred to in Sections 3404.2.9.5.1 and 3406.2.4.4 of the International Fire Code, in which the storage of Class I and II in aboveground tanks is prohibited, are hereby established for in all zones except “Manufacturing.”

Exception: The ~~fire chief, or his/her authorized agent~~ fire code official, is authorized to permit the installation of outside aboveground storage and dispensing tank(s) of motor vehicle fluid in prohibited zones where the tank(s) comply with the following:

Tank design, construction and location are in accordance with nationally recognized engineering standards for the materials, construction and location, and comply with Section 3404 and Section 3406 of the International Fire Code.

Above-ground dispensing tanks shall be screened as necessary from public view, and from residential neighborhoods.

C. Storage of Explosives and Blasting Agents. The storage of explosives and blasting agents, except for temporary storage and use as specifically defined in Section 3304 of the International Fire Code, shall be prohibited in all zones of the city, except in areas zoned as “Manufacturing.”

D. Storage of Liquefied Petroleum Gases. The limits referred to in Section 3804.2 of the International Fire Code restricting the storage of liquefied petroleum gases are established as follows: The aggregate capacity for liquefied petroleum gases of any one installation shall not exceed a water capacity of 2,000 gallons (7,570 L) within the limits of the city of Blaine, except in areas zoned as “Manufacturing.”

E. Storage of Compressed Natural Gas. Within the limits established by law restricting the storage of CNG for the protection of heavily populated or congested commercial



areas, the aggregate capacity of any one installation shall not exceed 183,000 cubic feet (5,181,974 L). Such installations shall be prohibited within the limits of the city of Blaine, except in areas zoned as "Manufacturing."

**Rationale: Establishes the limits for storage of hazardous materials.**

**~~15.08.050 Reserved.~~**

~~(Ord. 2579 § 9, 2004)~~

**~~15.08.060 Reserved.~~**

~~(Ord. 2579 § 9, 2004)~~

**~~15.08.070 Reserved.~~**

~~(Ord. 2579 § 9, 2004)~~

**~~15.08.080 Reserved.~~**

~~(Ord. 2579 § 9, 2004)~~

**~~15.08.090 Reserved.~~**

~~(Ord. 2579 § 9, 2004)~~

**~~15.08.100~~ 070 Amendments and changes to IFC (2006).**

A. The following sections of the International Fire Code, ~~2003~~ 2006 Edition, are hereby amended and changed as follows:

1. Section 101.1. Insert: "City of Blaine."

2. Section 105.1.1 Permits required. Add Section 105.1.1.1 Fees. Fees for permits, plan reviews, inspection services, and other related work shall be assessed pursuant to the City of Blaine Fee Schedule and collected by the City of Blaine Finance Department.

3. Section 105.2. Replace with:

Application for permits shall be made to the Building Department in such form and detail as prescribed by the City. Applications for permits shall be accompanied by such plans as required by the fire code official.

~~Add Section 105.2.1:~~

~~Fees for permits, plan review and inspections services shall be collected by the City Finance Department.~~

4. Section 109.3. Insert: "misdemeanor, punishable by a fine of not more than \$1000.00, or imprisonment for up to one year."

**~~15.08.110~~ 080 Appeals.**

Appeals of any fire code official decision, order or determination relative to the application and interpretation of this chapter shall be made pursuant to Section 17.06.080, BMC.

~~Whenever the fire code official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the fire code official to the Blaine board of appeals within 10 days from the date the decision is appealed.~~

**~~15.08.120 New materials, processes or occupancies that may require permits.~~**

~~The fire code official and the building official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the International Fire Code. The fire code official shall post such list in a~~

~~conspicuous place at City Hall and distribute copies thereof to interested persons. (Ord. 2579 § 7, 2004)~~

#### **15.08.130-090 Violations and Penalties.**

~~1.) Any person who violates any provisions of this chapter shall be subject to the provisions of Section 109 Violations, of the 2006 International Fire Code and Chapter 1.28 General Penalty of the Blaine Municipal Code, the International Fire Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Blaine board of appeals or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively be guilty of a misdemeanor, punishable by a fine of no more than \$1,000, or by imprisonment for up to one year, or by both such fine and imprisonment, at the discretion of the court. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions.~~

~~2.) Where conflicts in requirements exist between this and other codes the more stringent requirement shall be applicable.~~

### **Chapter 15.09 AUTOMATIC FIRE SPRINKLER SYSTEMS**

#### **Sections:**

~~15.09.030 Sprinkler systems required.~~

~~15.09.031 New construction.~~

#### **15.09.030 Sprinkler systems required.**

~~A. An automatic fire sprinkler system shall be installed and maintained in all new building construction as required by the Uniform Fire and Building Codes, and in all multifamily construction containing between nine and 15 units, and buildings that exceed two floors.~~

##### ~~B. Exceptions.~~

~~1. All new construction not exceeding two stories may be exempt from fire extinguishing systems when the type of construction exceeds the requirements of the UBC and UFC.~~

~~2. All single family and duplex dwellings. (Ord. 2252 § 2, 1996)~~

#### **15.09.031 New construction.**

~~This chapter shall not allow new construction to be less restrictive than state and locally adopted codes. (Ord. 2270 § 2, 1996; Ord. 2252 § 2, 1996)~~

**Rationale: Redundant language that is more clearly and better defined in the International Fire Code.**