

**Title 20**

**FIRE CODE**

**Chapters:**

**20.04 City Fire Code**

**20.08 Fire Safety Requirements for Designated Multifamily Residential Buildings**

**20.12 Burning Restrictions**



**Chapter 20.04**  
**CITY FIRE CODE**

**Sections:**

- 20.04.010 Code adopted by reference.**
- 20.04.020 Amendments to Section 101.1.**
- 20.04.030 Amendments to Section 108.**
- 20.04.040 Amendments to Section 109.**
- 20.04.050 Amendments to Section 111.4.**
- 20.04.060 Amendments to Section 307.1.**
- 20.04.070 Amendments to Section 501.1.**
- 20.04.080 Amendments to Section 503.**
- 20.04.090 Amendments to Section 508.3.**
- 20.04.100 Amendments to Section 903.**
- 20.04.110 Amendments to Appendix B Section B105.1.**
- 20.04.120 Amendments to Appendix C.**
- 20.04.130 Amendments to Appendix D.**

**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, 2009 Edition, published by the International Code Council, and as amended as set forth in Chapter 51-54 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 Hazardous Materials Inventory Statement (HMIS) Instructions) (the “International Fire Code”). (Ord. 2010-16 § 1, 2010: Ord. 2008-23 § 5, 2008: Ord. 2008-10 § 9, 2008)

**20.04.020 Amendments to Section 101.1.**

Section 101.1 of the International Fire Code is amended to read as follows:

101.1 Title. These regulations shall be known as the Bainbridge Island Fire Code, hereinafter referred to as “this code.”

(Ord. 2008-10 § 9, 2008)

**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 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.

(Ord. 2008-10 § 9, 2008)

**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.

109.2 Notice of violation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area

that is in violation of the city fire code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and specifying a time for reinspection.

109.2.1 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.

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

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

109.2.4 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.

### 109.3 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.

109.3.1 **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.

(Ord. 2008-10 § 9, 2008)

### 20.04.050 Amendments to Section 111.4.

Section 111.4 of the International Fire Code is amended to read as follows:

111.4 **Failure to comply.** It is a violation of this code for 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.

(Ord. 2008-10 § 9, 2008)

**20.04.060**

**20.04.060 Amendments to Section 307.1.**

Section 307.1 of the International Fire Code is amended to read as follows:

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section and BIMC Chapter 20.12.

(Ord. 2008-10 § 9, 2008)

**20.04.070 Amendments to Section 501.1.**

Section 501.1 of the International Fire Code is hereby amended to read as follows:

501.1. Scope. Fire service features for buildings, structures, and premises shall comply with this chapter and Appendix D as amended.

(Ord. 2008-23 § 6, 2008)

**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 (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.

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, non-negotiable 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 (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), 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 no 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 (45,720 mm) 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. 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 within the limits established in 503.2.7.1 through 503.2.7.2.

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 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. 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.

(Ord. 2010-16 § 2, 2010; Ord. 2008-23 § 9, 2008; Ord. 2008-10 § 9, 2008)

**20.04.090 Amendments to Section 508.3.**

Section 508.3 of the International Fire Code is hereby amended to read as follows:

**508.3 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.

(Ord. 2008-23 § 10, 2008)

**20.04.100 Amendments to Section 903.**

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

**903.2.143 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 or officer, 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 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, the entire structure shall be fully sprinklered as required in subsection A.1 or A.2 of this section, whichever may apply.

(Ord. 2010-16 § 3, 2010: Ord. 2008-23 § 11, 2008: Ord. 2008-10 § 9, 2008)

**20.04.110 Amendments to Appendix B  
Section B105.1.**

Section B105.1 of Appendix B to the International Fire Code is hereby amended to read as follows:

**B105.1 One- and two-family dwellings.** The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m<sup>2</sup>) shall be 1,000 gallons per minute (3785.4 L/min). Fire flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5 m<sup>2</sup>) shall not be less than that specified in Table B105.1.

**Exceptions:**

1. Areas zoned R-0.4 to R-1. If water is available for fire fighting within 1000 feet of the property line of the plat or P.U.D. and is >500 GPM then the water line must be extended with hydrants consistent with Chapters 13.10 and 13.18 of the Bainbridge Island Municipal Code; or a fire sprinkler system must be installed in new dwellings. If water is not available for

fire fighting within 1000 feet of the property line of the plat or P.U.D. and/or is <500 GPM then a sprinkler system must be installed in new dwellings.

2. Areas zoned R-2. If water is available for fire fighting within 600 feet of the property line of the plat or P.U. D. and is >1000 GPM, the water line shall be extended with hydrants consistent with Chapters 13.10 and 13.18 of the Bainbridge Island Municipal Code. If water is available for fire fighting within 1000 feet of the property line of the plat or P.U.D. and is 500 – 999 GPM then the water line must be extended with hydrants consistent with Chapters 13.10 and 13.18 of the Bainbridge Island Municipal Code; or a fire sprinkler system must be installed in new dwellings. If water is not available for fire fighting within 1000 feet of the property line of the plat or P.U.D. and/or is <500 GPM then a sprinkler system must be installed in new dwellings.

3. Areas zoned R2.9 to R-14 and all Commercial and Industrial Zones. If water is available for fire fighting within 1000 feet of the property line of the plat or P.U.D. and is >1000 GPM, the water main shall be extended with hydrants consistent with Chapters 13.10 and 13.18 of the Bainbridge Island Municipal Code. If water is available for fire fighting within 1000 feet of the property line of the plat or P.U.D. and is 500 – 999 GPM, the water main shall be extended with hydrants consistent with Chapters 13.10 and 13.18 of the Bainbridge Island Municipal Code and a sprinkler system shall be installed in all new dwellings. If water is not available for fire fighting within 1000 feet of the property line of the plat or P.U.D. and/or is <500 GPM, then no development may take place until the previous protection requirements are met.

(Ord. 2008-23 § 12, 2008)

**20.04.120 Amendments to Appendix C.**

Appendix C of the International Fire Code is amended to read as follows:

**SECTION C101 GENERAL**

C101.1 Scope. Fire hydrants shall be provided in accordance with this appendix and BIMC 13.10 for the protection of buildings, or portions of buildings, hereafter constructed.

**SECTION C102 LOCATION**

C102.1 Fire hydrant locations. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets.

**SECTION C103 NUMBER OF FIRE HYDRANTS**

C103.1 Fire hydrants available. The minimum number of fire hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.

**SECTION C104 CONSIDERATION OF EXISTING FIRE HYDRANTS**

C104.1 Existing fire hydrants. Existing fire hydrants on public streets are allowed to be considered as available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.

**SECTION C105 DISTRIBUTION OF FIRE HYDRANTS**

C105.1 Hydrant spacing. The average spacing between fire hydrants shall

not exceed that listed in BIMC 13.10.060.

**Chapter 20.08**

**TABLE C105.1  
NUMBER OF FIRE HYDRANTS**

FIRE FLOW REQUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS
1,750 or less	1
2,000 – 2,250	2
2,500	3
3,000	3
3,500 – 4,000	4
4,500 – 5,000	5
5,500	6
6,000	6
6,500 – 7,000	7
7,500 or more	8 or more <sup>a</sup>

For S1: 1 foot = 304.8mm, 1 gallon per minute = 3.785 L/m.

<sup>a</sup>One hydrant for each 1,000 gallons per minute or fraction thereof.

(Ord. 2008-23 § 13, 2008)

**20.04.130 Amendments to Appendix D.**

Section D103, Minimum Specifications, of Appendix D of the International Fire Code is not adopted. (Ord. 2008-23 § 14, 2008)

**FIRE SAFETY REQUIREMENTS FOR DESIGNATED MULTIFAMILY RESIDENTIAL BUILDINGS**

**Sections:**

- 20.08.010 Purpose and scope.
- 20.08.020 Definitions.
- 20.08.030 Smoke detectors.
- 20.08.040 Floor plans.
- 20.08.050 Emergency evacuation plan.
- 20.08.060 Fire safety training.
- 20.08.070 Annual fire inspection.
- 20.08.080 Fire alarm systems.
- 20.08.090 Fire sprinkler systems.
- 20.08.100 Enforcement.
- 20.08.110 Appeals.

**20.08.010 Purpose and scope.**

The provisions in this chapter are intended to enhance the fire and life safety protection of the general public. This chapter applies to designated buildings classified as R-1 occupancies with five or more dwelling units, and without automatic fire sprinkler protection. (Ord. 2008-10 § 9, 2008)

**20.08.020 Definitions.**

For the purposes of this chapter, the following definitions apply:

- A. Reserved.
- B. "Uniform Fire Code" means the current fire code adopted by the city as mandated by action of the State Legislature.
- C. "Uniform Building Code" means the current building code adopted by the city as mandated by action of the State Legislature.
- D. "Approved" means approved by the fire marshal of the Bainbridge Island fire department or designee, unless otherwise specified.
- E. "Dwelling unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the 1997 Uniform Building Code, for not more than one family, or a congregate residence which accommodates 10 or fewer persons.

F. "Targeted building" means a residential multifamily building classified as an R-1 occupancy, as defined by the Uniform Building Code, with five or more dwelling units and without automatic fire sprinkler protection.

G. "Higher risk building" means a targeted building without automatic fire sprinkler protection, three or more stories in height, with interior exit corridors or exterior exit balconies. A listing of higher risk buildings is attached to the ordinance codified in this chapter; provided, that the fire marshal may add other buildings to the list based on this definition and new information gathered in the process of implementing this chapter.

H. "Lower risk building" means a targeted building without automatic fire sprinkler protection, less than three stories in height, including some three- or four-story buildings with existing fire alarm systems, partial sprinkler systems, or other building construction feature that enhances life safety in the event of a fire such as noncombustible construction or rated wall separations. A listing of the lower risk buildings is attached to the ordinance codified in this chapter; provided, that the fire marshal may add other buildings to the list based on this definition and new information gathered in the process of implementing this chapter.

I. "Fire department" means the Bainbridge Island fire department.

J. "Fire safety committee" means a group of community representatives appointed by the mayor to review the fire and life safety risks in older multifamily residential buildings.

K. "Stories" means floor levels in a building, not including basements, providing this level does not qualify as a first story as defined by Section 220 of the Uniform Building Code.

L. "R-1 building" means a building with an occupancy classification of Group R, Division 1 as defined in the Uniform Building Code which is a hotel, apartment building or congregate residence, including condominiums.

M. "Owner" means the owner of record of an R-1 building, which includes homeowner associations.

N. "Approved monitored fire alarm system" means approved by the fire marshal with a U.L. listed central station monitoring company. (Ord. 2008-10 § 9, 2008)

#### **20.08.030 Smoke detectors.**

Smoke detectors shall be installed in all targeted buildings not later than one year from the effective date of the ordinance codified in this chapter. The owner shall be responsible for the installation of listed smoke detectors in each dwelling unit. The detectors shall be located in accordance with Section 310.9.1.4 of the 1997 Edition of the Uniform Building Code. Such devices shall be the photoelectric type detectors and may be battery-powered. Existing smoke detectors are approved, providing they are correctly located and operating properly. Existing detectors over 10 years old shall be replaced by the owner. The owner shall certify to the fire marshal, using approved forms, that the devices have been installed, as required, and are operating properly. (Ord. 2008-10 § 9, 2008)

#### **20.08.040 Floor plans.**

The owner shall provide building floor plans to the fire marshal to assist with the fire department's pre-fire planning. The floor plans shall be in a format approved by the fire department. (Ord. 2008-10 § 9, 2008)

#### **20.08.050 Emergency evacuation plan.**

A. An emergency evacuation plan must be posted in all targeted buildings with interior common corridors and stairways.

B. The fire department will work with the owners by providing guidelines for developing approved emergency evacuation plans. All plans shall be submitted and approved by the fire department prior to posting.

C. Building owners shall be responsible for posting the approved emergency evacuation plans in common areas of the buildings.

D. Emergency evacuation plans shall be reviewed and updated annually by owners. Revised plans shall be submitted to the fire department for review and approval. (Ord. 2008-10 § 9, 2008)

**20.08.060 Fire safety training.**

The fire department will develop and offer training and/or information for building owners and tenants regarding fire and life safety protection. Emphasis will be placed on prevention and safe evacuation. (Ord. 2008-10 § 9, 2008)

**20.08.070 Annual fire inspection.**

A. All targeted buildings shall be inspected annually for compliance with provisions of the Uniform Fire Code. The inspections will include all common corridors, stairways, public areas and emergency access areas. The inspections will not include individual dwelling units. The fire department, acting as the city's agent, shall be responsible for completing the inspections.

B. The fire marshal has the authority to redesignate a targeted building from a higher risk building to a lower risk building based on relevant information collected during an inspection. (Ord. 2008-10 § 9, 2008)

**20.08.080 Fire alarm systems.**

A. The owner(s) shall install an approved monitored fire alarm system in all higher risk buildings with common interior corridors and stairways. The fire alarm system shall consist of smoke detectors in the corridors, a heat detector and audible devices in dwelling units and manual pull stations at each exit on all levels. The alarm systems shall be installed and operational not later than three years from the effective date of the ordinance codified in this chapter. If an alarm system has not been installed within 30 months from the effective date, a letter from the owner shall be sent to the fire department indicating a specific date the system will be installed and operating. Plans and specifications shall be submitted through the building department for fire department approval prior to installation. The city shall waive permit fees for alarm systems installed in compliance with this chapter.

B. The owner(s) shall install an approved monitored fire alarm system in all higher risk buildings with direct exiting to exterior balconies or stairways. The fire alarm system shall consist of audible devices in dwelling units

and manual pull stations at each exit on all levels (heat detectors are optional). The alarm system shall be installed and operational not later than three years from the effective date of the ordinance codified in this chapter. If an alarm system has not been installed within 30 months from the effective date, a letter from the owner shall be sent to the fire department indicating a specific date when the system will be installed.

C. Fire alarm systems are not required in lower risk buildings but may be installed on a voluntary basis. The city shall waive the permit fees for alarm systems installed in compliance with this chapter. (Ord. 2008-10 § 9, 2008)

**20.08.090 Fire sprinkler systems.**

Automatic fire sprinkler systems are not required in any targeted building but may be installed on a voluntary basis. The city shall waive the permit fees for fire sprinkler systems installed in compliance with this chapter. (Ord. 2008-10 § 9, 2008)

**20.08.100 Enforcement.**

A. 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 this chapter.

B. Notice of Violation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this chapter, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and specifying a time for reinspection.

C. 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.

D. Compliance with Orders and Notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

E. Prosecution of Violations. If the notice of violation is not complied with promptly, the fire code official is authorized to request the city 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 this chapter or of the order or direction made pursuant hereto.

F. 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 fire code.

G. Violation Penalties.

1. Civil Infraction. Except as provided in subsection (G)(2) of this section, conduct made unlawful by this chapter 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 \$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 Chapter 1.26 BIMC. 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 Chapter 1.26 BIMC.

2. Misdemeanor. Any person who again violates this section within 12 months after receiving a notice of infraction pursuant to subsection (G)(1) of this section commits a misdemeanor and any person who is convicted thereof shall be punished as provided in BIMC 1.24.010.A.

3. 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 this chapter 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.

4. 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 this chapter shall be liable for the costs and reasonable attorney's fees incurred by the city in bringing, maintaining and/or prosecuting such action.

5. In the event and to the extent the language of this section conflicts with language of this chapter, the language of this section shall prevail over the language it conflicts with in any said code and/or appendix.

H. 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. (Ord. 2008-10 § 9, 2008)

**20.08.110 Appeals.**

A. General. Except for civil infractions, misdemeanors and civil penalties imposed pursuant to BIMC 20.08.100, the fire chief and 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 of the Bainbridge Island fire department 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 code.

E. Conflicts. 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. (Ord. 2008-10 § 9, 2008)

## Chapter 20.12

### BURNING RESTRICTIONS

#### Sections:

- 20.12.010 Purpose.
- 20.12.020 Definitions.
- 20.12.030 Outdoor burning – Prohibited types.
- 20.12.040 Outdoor burning – Permitted types.
- 20.12.050 Permitting agency.
- 20.12.060 Field response to complaints and enforcement.

#### 20.12.010 Purpose.

The purpose of these regulations is to restrict outdoor burning within the city consistent with state law and regulations. (Ord. 2008-10 § 9, 2008)

#### 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 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, clip-

pings, 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.

L. "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. (Ord. 2008-10 § 9, 2008)

**20.12.030 Outdoor burning – Prohibited types.**

The following types of outdoor burning are prohibited:

A. Any outdoor fire during any stage of an air pollution episode or period of impaired air quality;

B. Any outdoor fire during any period of time that a burning ban has been established by the fire protection agency due to high fire hazard conditions;

C. Any outdoor fire containing garbage, dead animals, asphalt, petroleum products, paints, tires, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demoli-

tion debris, metal, or any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned;

D. Any outdoor fire in a metal container such as a burning barrel;

E. Any outdoor fire for the purpose of demolition, salvage or reclamation of materials;

F. Any outdoor fire for which a permit or approval has not been issued by a state agency and/or the local permitting agency, as appropriate, when such permits or approvals are required by law;

G. Any land clearing burning;

H. Any residential burning. (Ord. 2008-10 § 9, 2008)

**20.12.040 Outdoor burning – Permitted types.**

A permit is required for the following types of outdoor burning:

A. Fire fighting instructional fires that comply with all applicable state laws and regulations;

B. Agricultural burning that complies with all applicable state laws and regulations;

C. Silvicultural burning that complies with all applicable state laws and regulations;

D. Storm or flood debris burning, with time limitations for burning established by the city;

E. Recreational fires with a total fuel area that is greater than three feet in diameter and/or two feet in height. Exception: Recreational fires under this size are allowed and do not require a permit. (Ord. 2008-10 § 9, 2008)

**20.12.050 Permitting agency.**

A. The city is the designated permitting agency for outdoor burning.

B. The city (or its designated agent) must approve with conditions or deny outdoor burning permits as needed to achieve compliance with this chapter and Section 307 of the fire code as adopted in BIMC 20.04.060. The city may enter into an interlocal agreement with the fire protection agency and appoint the fire protection agency as its agent for permit administration.

C. Fees. As the designated permitting agency for outdoor burning, the city may charge a fee for any permit; provided, that the fee amount must not exceed the costs of administering and enforcing the permit program. The city shall establish the fee by resolution. (Ord. 2008-10 § 9, 2008)

**20.12.060 Field response to complaints and enforcement.**

A. The city and the fire protection agency 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 responds to, controls or extinguishes an illegal or out of control fire, the fire protection agency may charge and recover from the person responsible for the fire the costs of its response and control action. (Ord. 2008-10 § 9, 2008)

