

TITLE 3

Fire

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FIRE

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Chapter 3.02

FIRE PREVENTION CODE¹

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- 3.02.250 Amendment to IFC Subsection 903.3 – Installation Requirements, by addition of two new Subsections, 903.3.9 – Sprinkler System Control Valves and 903.3.10 – Sprinkler System Control Valve Room Signage and Access.
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- 3.02.290 Amendment to IFC Section 907 – Fire Alarm and Detection Systems, by addition of a new Subsection 907.10 – Signage.
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- 3.02.330 Amendment of IFC Subsection 1103.7.6 – Group R-2.
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- 3.02.400 Amendment of IFC Subsection 5706.5.4.5 – Commercial, industrial, governmental or manufacturing, by deletion and addition of a new Subsection 5706.5.4.5.
- 3.02.405 Amendment of IFC Subsection 5806.2 – Limitations.
- 3.02.410 Amendment of IFC Subsection 6101.3 – Construction Documents.
- 3.02.415 Amendment of IFC Subsection 6104.2 – Maximum capacity within established limits.

¹ Codifier's note – prior history: Chapter 3.02 was repealed and reenacted by Ord. 28156 Ex. A; passed Jun. 11, 2013; amended by Ord. 27891 Ex. A; Jun. 15, 2010; repealed and reenacted by Ord. 27625 § 1; Jun. 19, 2007.

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3.02.010 Adoption of the International Fire Code, as Amended.

The 2015 edition of the International Fire Code (“IFC”), together with Appendices B, C, F, and H published by the International Code Council (“ICC”), including all amendments and revisions in the Washington State Fire Code, Washington Administrative Code (“WAC”) Title 51, Chapter 54A, effective July 1, 2016, are hereby adopted by reference, pursuant to the provisions of RCW 35.21.180, as the official Fire Code of the City of Tacoma, such adoption by reference, however, to be subject to the modifications set forth in this chapter. The definitions set forth in Chapter 2 of the IFC, as amended by WAC 51-54A, shall be the definitions which apply in Tacoma Municipal Code (“TMC”) Chapter 3.02. In Section 108 of the IFC, the “Board of Appeals” shall mean the Board of Building Appeals, as created in TMC Chapter 2.17.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.020 General Amendments.

The following numbered sections and numbered tables of the IFC and WAC 51-54A, adopted by reference in this chapter, are amended to read as hereinafter set forth and as so amended shall supersede that section, subsection, or table so numbered in the IFC and WAC 51-54A, and shall be part of the official Fire Code of the City of Tacoma. The sections, subsections, and tables amended, added, or deleted are as follows:

101.1	110	901.6.2	3504.2.6
101.2	110.1	903.3	3601.1
102.7	110.2	903.4.3	5704.2.9.6.1
102.13	113.2	907.6.3.2	5704.3.4.5
105.6.24	404.4	907.10	5706.2.4.4
105.6.44	503.1	1103.5	5706.5.4.5
105.6.49	503.2	1103.6.1	5806.2
108	503.3	1103.7.6	6101.3
109	503.4	1104.16.5	6104.2

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.025 Amendment of IFC Subsection 101.1 – Title.

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

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.030 Amendment of IFC Subsection 101.2 – Scope.

101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises, motor vehicles, and marine vessels and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling, or use of structures, materials, or devices;
2. Conditions hazardous to life, property, or public welfare in the occupancy, structures, motor vehicle, marine vessel, or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration, or removal of fire suppression or fire alarm systems; and
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.040 Amendment of IFC Subsection 102.7 – Referenced Codes and Standards.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2. The edition of each referenced code and standard shall either be the edition listed in Chapter 80 or the most current published edition.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.050 Amendment to IFC Section 102 – Applicability, by addition of a new Subsection 102.13 – Delayed Enforcement.

102.13 Delayed Enforcement. If in the opinion of the fire code official, a requirement of this code is deemed inapplicable, inappropriate, or textually incorrect, the fire code official may propose to the Board of Building Appeals, a change or deletion of said requirement(s). The fire code official may postpone enforcement of such a requirement pending review and consideration by the Board of Building Appeals.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.100 Amendment to IFC Subsection 105.6.24 – Hot work operations by addition of paragraphs 7 and 8.

7. Conduct hot work on storage tanks, piping, and associated systems containing or previously containing flammable or combustible liquids or other hazardous materials that could present a fire or explosion hazard.

8. Conduct hot work on marine vessels.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.110 Amendment of IFC Subsection 105.6.44 – Storage of Tires, Scrap Tires and Tire Byproducts.

105.6.44 Storage of Tires, Scrap Tires, and Tire Byproducts. An operational permit is required to establish, conduct, or maintain storage of tires, scrap tires, or tire byproducts that exceeds 1,000 cubic feet of total volume of scrap tires and for indoor storage of tires, scrap tires, and tire byproducts.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.120 Amendment to IFC Subsection 105.6 by addition of a new Subsection 105.6.49 – Marine terminal.

105.6.49 Marine terminal. An annual operational permit is required to handle or temporarily locate containers, tanks, or cylinders of hazardous materials at marine terminals. A special operations permit is required for any hazardous materials outside the scope of the annual operations permit.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.130 Amendment of IFC Section 108 – Board of Appeals.

108.1 The Board of Building Appeals. The Board of Building Appeals, as created by TMC Chapter 2.17, is the properly designated Board of Appeals for this code. The Board of Building Appeals, within the authority granted it by TMC Chapter 2.17, shall:

Hear and decide properly filed appeals of orders, decisions, or determinations made by the fire chief or duly authorized representatives relative to the application and interpretation of this code.

108.2. Limitations of Authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The Board of Building Appeals shall not be empowered to waive requirements of this code or to grant variances unless specifically granted in TMC Chapter 2.17.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.140 Amendment of IFC Section 109 – Violations, by replacing this section as published in the IFC in its entirety with the following.

109.1 Unlawful acts. It shall be unlawful for any person, firm, corporation, or other legal entity to erect, construct, alter, extend, repair, move, remove, demolish, utilize or occupy a building, occupancy, structure, vehicle, marine vessel, premises, equipment 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 code.

109.2 Owner/occupant responsibility/person causing the violation. Correction and abatement of violations of this code shall be the responsibility of the owner, the owner’s authorized agent, or person causing the violation. Where 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.

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109.3 Notice of violation. Where the fire code official finds a building, premises, structure, storage facility, outdoor area, vehicle or marine vessel that is in violation of this code, the fire code official may issue a written notice of violation describing the conditions deemed hazardous or 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, the owner's authorized agent, 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 at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or certificate of mailing, to the last known address of the owner, the owner's authorized agent, or occupant. The notice of violation served shall provide the information, if available, required in sections 109.3.1.1 through 109.3.1.5.

109.3.1.1 The address of the site or premises or a detailed description of the location along with the specific details of the conditions to be corrected;

109.3.1.2 A specified timeframe or deadline to correct the violations;

109.3.1.3 The violation penalties that may be imposed if the violations are not corrected within the timeframe or deadline indicated on the notice of violation;

109.3.1.4 The procedure that may be implemented if civil penalties in excess of \$1,000 are assessed in connection with the notice of violation; and

109.3.1.5 The issuance date of the notice of violation along with the name, address, and telephone number of the person issuing the notice of violation.

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 Abatement of violations. If a notice of violation is not complied with promptly or within the timeframe required, the fire code official may request the City 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 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.

109.4 Violation Penalties. An owner, occupant, or person causing the violation who does not comply with the notice of violation within the specified period of time, the fire code official may issue a second notice of violation and may issue a civil penalty of \$250. The monetary penalties for violations shall be as follows:

109.4.1 First and subsequent civil penalties \$250;

109.4.2 Each day that a property or person is not in compliance with the provisions of this code may constitute a separate violation.

109.4.3 Penalties shall be billed to the property owner or, if appropriate, to the person, firm, corporation, legal entity or permit holder issued the notice of violation. Penalties unpaid after 60 calendar days may be collected in any lawful means, including but not limited to, referral to a collection agency.

109.4.4 Abatement of violation. In addition to the imposition of 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.

109.5 Administrative Reviews by the Fire Code Official.

109.5.1 General. An owner, occupant, or person causing the violation to whom a notice of violation or a civil penalty has been issued relative to the notice of violation of this code, may request an administrative review of the violations cited in the issued notice of violation or for the civil penalties assessed pursuant to enforcement.

109.5.2 Request of Administrative Review. An owner, or occupant, or person causing the violation may request an administrative review of the violations cited in the notice of violation or of a civil penalty assessed by filing a written request with the fire code official, sent to the attention of the contact listed within the notice of violation within seven (7) calendar days of the notification date of violations or the date a civil penalty is assessed. The request shall state, in writing, the reasons the fire code official should consider the violations cited in the notice of violation as not being violations of this code or TMC

Title 3, or why the fire code official should negate or reduce the civil penalty. Upon receipt of the request for administrative review, the fire code official shall review the information provided.

109.5.3 Decision of Fire Code Official. After considering all of the information provided, the fire code official shall determine whether a violation has occurred, and shall affirm, vacate, suspend, or modify the notice of violation or the amount of any monetary penalty assessed. The decision of the fire code official shall be delivered in writing to the appellant by first class mail. If the administrative review is for the violation, the decision of the fire code official shall include an official interpretation of the relevant code sections for which the notice of violation was issued.

109.5.4 Appeals of the Administrative Review by the Fire Code Official. The official interpretation of the code provisions, cited as being the basis for the notice of violation issued, made in the administrative review decision by the fire code official may be appealed directly to the Board of Building Appeals, in accordance with the provisions this code. Said appeal shall be filed with the City Clerk within seven (7) calendar days of receipt of the decision of fire code official.

109.6 Alternate Criminal Penalty. Any person, firm, corporation or other legal entity who violates or fails to comply with any of the provisions referenced in this code and TMC Title 3 may be guilty of a misdemeanor and, upon conviction thereof, may be subject to a fine in an amount not exceeding \$1,000.00, or subject to imprisonment in jail of not more than 180 days, or both a fine and imprisonment. Each day a person, firm, corporation or other legal entity violates or fails to comply with a provision of this code and TMC Title 3 may be considered a separate violation.

3.02.150 Amendment of IFC Section 110 by revision of the title to Unsafe Buildings, Premises, Motor Vehicles, and Marine Vessels.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.160 Amendment of IFC Subsection 110.1 – General.

110.1 General. If a premises, a building or structure, or any building system, motor vehicle, or marine vessel, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall be authorized to issue such notices or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall be authorized to refer any unsafe building to the building department for any repairs, alterations, remodeling, removing or demolition as required.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.170 Amendment of IFC Subsection 110.2 – Evacuation.

110.2 Evacuation. The fire code official or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied premises, building, motor vehicle, or marine vessel deemed unsafe when the hazardous conditions of such premises, building, motor vehicle, or marine vessel present imminent danger to occupants. Persons so notified shall immediately leave the building, structure, premises, motor vehicle, or marine vessel and shall not enter or re-enter until authorized to do so by the fire code official or the fire department official in charge of the incident.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.180 Amendment of IFC Subsection 113.2 – Schedule of permit fees.

113.2 Schedule of permit fees. A fee for each permit shall be paid in accordance with requirements established in TMC Chapter 3.09.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.200 Amendment to IFC Section 404 – Fire Safety and Evacuation Plans, by changing title to Fire and Emergency Plans, and addition of a new Subsection 404.4. Remaining sections in the State Amendment are to be renumbered sequentially.

404.4 Earthquake Emergency Plans. An earthquake safety plan shall include the following:

1. A method of instructing employees and occupants in the meaning execution of “Drop, Cover and Hold,” which is the correct action to take during an earthquake to avoid injury, shall be identified.
2. A person or team shall be designated to assess the condition of the building after an earthquake, to determine if an evacuation is necessary or recommended. This decision shall be based upon structural integrity of the building, the condition of evacuation routes and assessment of hazards that occupants might encounter as they leave the building.
3. A method of instructing employees and occupants as to the hazards they may encounter on the building exterior as a result of an earthquake shall be identified.

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4. The preferred and any alternative means of evacuation and of the communication of this decision to the employees and occupants of the building shall be identified.
5. Primary and secondary evacuation routes shall be identified from all areas of the building.
6. A location a safe distance from any buildings shall be designated as the meeting area for building employees and occupants.
7. A method of accounting for all persons shall be established in the plan.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.210 Amendment of IFC Subsection 503.1 – Fire Apparatus Access Roads.

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

Exception: The fire code official is authorized to approve roads conforming to locally adopted street, road, and access standards

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.215 Adoption of IFC Subsections 503.1.1, 503.1.2, 503.1.3, 503.2, 503.3, 503.4, and 503.4.1 – Fire Apparatus Access Roads.

Sections 503.1.1 Buildings and facilities, 503.1.2 Additional access, 503.1.3 High-piled storage, 503.2 Specifications, 503.3 Marking, 503.4 Obstruction of fire apparatus access roads, and 503.4.1 Traffic calming devices are adopted as published in the IFC.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.240 Amendment of IFC Subsection 901.6.2 – Records.

901.6.2 Records. Records of all system inspections, tests and maintenance required by this code and the referenced standards shall be maintained on the premises for a minimum of three years. Records shall be furnished in approved form as required by the fire code official.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.250 Amendment to IFC Subsection 903.3 – Installation Requirements, by addition of two new Subsections, 903.3.9 – Sprinkler system control valves and 903.3.10 – Sprinkler system control valve room signage and access.

903.3.9 Sprinkler system control valves. Sprinkler system control valve rooms shall be directly accessible from the exterior of the building, unless otherwise approved by the fire code official.

903.3.10 Sprinkler system control valve room signage and access.

903.3.10.1 Signage. The room housing the sprinkler system control valves shall be clearly marked with a sign on the outside of its door stating “SPRINKLER VALVE ROOM” or otherwise approved by the fire code official.

903.3.10.2 Access. In accordance with Section 506 of this code, a key box containing the appropriate key(s) shall be required at the main entrance to the building or other approved location.

Exception: Doors not equipped with a locking device.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.260 Amendment of IFC Subsection 903.4.3 – Floor Control Valves.

903.4.3 Floor control valves. Multistory buildings exceeding two stories in height shall be provided with a floor control valve, check valve, main drain valve, and flow switch for isolation, control, and annunciation of water flow for each individual floor level.

Exceptions:

1. Buildings three or less stories in height containing only Group R fire areas.
2. Dry sprinkler systems in parking garages.
3. Locations approved by the fire code official.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.275 Amendment to Subsection 907.6.3 by addition of new Subsection 907.6.3.2 – Exterior Annunciation.

907.6.3.2 Exterior Annunciation. The fire code official is authorized to require an exterior audible/visible notification appliance mounted in an approved location. The appliance shall activate upon alarm signal.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.290 Amendment to IFC Section 907 – Fire Alarm and Detection Systems, by addition of a new Subsection 907.10 – Signage.

907.10 Signage.

907.10.1 Fire alarm control panel. When required by the fire code official, a sign shall be placed at the alarm panel stating that the panel shall not be reset until after the Fire Code Official determines the cause of the alarm. The alarm panel may be silenced if the alarm is a false alarm and no danger is present for the occupants.

907.10.2 Room identification. When required by the fire code official, the door to the room housing the fire alarm control shall be labeled “FIRE ALARM CONTROL PANEL INSIDE.”

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.310 Amendment to IFC Subsection 1103.5 – Sprinkler systems, by addition of Subsection 1103.5.4 – Group R occupancies.

1103.5.4 Group R occupancies. Where required by Sections 1103.5.4.1, 1103.5.4.2, 1103.5.4.3, or 1103.5.4.4, automatic fire sprinkler systems shall be installed within existing buildings with Group R fire areas where any of the following conditions exist:

1. Building exceeds 5,000 square feet in area; or
2. Building exceeds two stories in height; or
3. Building contains five or more dwelling or sleeping units. Installation of an automatic fire sprinkler system, in accordance with Section 903.3.1.2 (NFPA 13R), may be approved in non-high-rise buildings exceeding four stories in height when approved by the fire code official and the building official.

Exception: Buildings regulated by the International Residential Code.

1103.5.4.1 Fire Damage. Throughout buildings that incur fire, water or smoke damage where repairs include the removal and/or replacement of more than 50 percent of the ceiling finishes in more than one dwelling or sleeping unit.

Exception: The fire code official is authorized to approve a work plan established by the building owner where damaged units are provided with fire sprinklers immediately and the remainder of the building is provided with fire sprinklers over a period not to exceed ten years.

1103.5.4.2 Level I Alterations. Throughout dwelling or sleeping units where work involves the removal and/or replacement of more than 50 percent of the ceiling finishes in more than one dwelling or sleeping unit.

1103.5.4.3 Level II Alterations. Throughout dwelling or sleeping units where work areas exceed 50 percent of the floor area of the dwelling or sleeping unit.

1103.5.4.4 Level III Alterations and Substantial Improvements. Throughout buildings undergoing level III alterations or substantial improvements as defined in TMC Chapter 2.02.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.320 Amendment of IFC Subsection 1103.6.1 – Existing multiple-story buildings.

1103.6.1 Existing multiple-story buildings. Existing buildings with occupied floors located more than 50 feet above the lowest level of fire department access or more than 50 feet below the highest level of fire department access shall be equipped with standpipes. The fire code official is authorized to approve the installation of a manual dry standpipe system to achieve compliance with this section.

Exception: Buildings four or more stories in height containing a Group R occupancy shall be equipped with standpipes.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

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3.02.330 Amendment of IFC Subsection 1103.7.6 – Group R-2.

1103.7.6 Group R-2. A fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed and monitored in existing Group R-2 occupancies three or more stories in height or with 16 or more dwelling units or sleeping units.

Exceptions:

1. Where each living unit is separated from other contiguous living units by fire barriers having a fire-resistance rating of not less than 3/4 hour, and where each living unit has either its own independent exit or its own independent stairway or ramp discharging at grade.
2. A separate fire alarm system is not required in buildings that are equipped throughout with an approved supervised automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and having a local alarm to notify all occupants.
3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Sections 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, exception 3.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.350 Amendment of IFC Subsection 1104.16.5 – Addition of Subsections 1104.16.5.2 Inspections and Testing and 1104.16.5.3 Records.

1104.16.5.2 Inspections and Testing. In addition to the examination required by Section 1104.16.5.1 fire escape stairs and balconies shall be inspected and tested every six months by the owner or owner's agent. Any deficiencies found shall be immediately corrected. Inspection and testing shall include:

1. Visual inspection of all components for signs of mechanical damage or rust.
2. Operational testing of all moving parts including ladders, stairs, windows and doors.

1104.16.5.3 Records. Examination, inspection and testing records shall be maintained on site. Copies shall be submitted to the fire code official at six-month intervals.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.370 Amendment of IFC Subsection 3504.2.6 – Fire Extinguisher.

3504.2.6 Fire Protection. A minimum of one portable fire extinguisher complying with Section 906 and with a minimum 2-A:20-B:C rating or a charged water hose (1-1/2 inch minimum) equipped with a nozzle shall be readily accessible within 30 feet of the location where hot work is performed and shall be accessible without climbing stairs or ladders. For ship-shoreside maintenance or repairs, both the fire extinguisher and the charged water hose (1-1/2 inch minimum) shall be provided.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.380 Amendment of IFC Subsection 3601.1 – Scope.

3601.1 Scope. Marina facilities shall be in accordance with this chapter and TMC Title 2.13 – Waterfront Structures and Marinas.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.385 Amendment of IFC Subsection 5704.2.9.6.1 – Locations where above-ground tanks are prohibited.

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited.

Exceptions:

1. Installations at any facility or site located within Industrial Districts defined by TMC Title 13; or
2. Installations that serve emergency and standby generators or fuel burning appliances as approved by the fire code official; or
3. Installations at any facility or site containing Class I liquid with aggregate capacity of 10 gallons or less; or

4. Installations at any facility or site containing Class II liquids with aggregate capacity of 60 gallons or less, except fuel oil used in connection with oil-burning equipment; or
5. Installations at any facility or site as approved by the fire code official.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.390 Amendment to IFC Subsection 5704.3.4 – Quantity limits for storage, by addition of a new Subsection 5704.3.4.5 – Liquids for demonstration, treatment and laboratory work.

5704.3.4.5 Liquids for demonstration, treatment and laboratory work. In Group A, B, E, F, I, M, R, and S occupancies, quantities of flammable and combustible liquids used for demonstration, treatment, and laboratory work exceeding ten gallons shall be stored in liquid storage cabinets in accordance with Section 5704.3.2. Quantities not exceeding ten gallons shall be in approved containers in approved locations.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.395 Amendment of IFC Subsection 5706.2.4.4 – Locations where above-ground tanks are prohibited.

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited.

Exceptions:

1. Installations at any facility or site located within Industrial Districts defined by TMC Title 13; or
2. Installations that serve emergency and standby generators or fuel burning appliances as approved by the fire code official; or
3. Installations at any facility or site containing Class I liquid with aggregate capacity of 10 gallons or less; or
4. Installations at any facility or site containing Class II liquids with aggregate capacity of 60 gallons or less, except fuel oil used in connection with oil-burning equipment; or
5. Installations at any facility or site as approved by the fire code official.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.400 Amendment of IFC Subsection 5706.5.4.5 – Commercial, industrial, governmental or manufacturing, by deletion and addition of a new Subsection 5706.5.4.5.

5706.5.4.5 Commercial, industrial, governmental, or manufacturing. Dispensing of Class II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments shall be conducted in accordance with WAC 51-54A Section 5706.5.4.5 and TMC Chapter 3.10.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.405 Amendment of IFC Subsection 5806.2 – Limitations.

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited.

Exceptions:

1. Installations at any facility or site located within Industrial Districts defined by TMC Title 13; or
2. Installations that serve emergency and standby generators or fuel burning appliances as approved by the fire code official; or
3. Installations at any facility or site with aggregate capacity of less than 60 gallons; or
4. Installations located at any facility or site as approved by the fire code official.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

3.02.410 Amendment of IFC Subsection 6101.3 – Construction Documents.

6101.3 Construction Documents. Where the aggregate water capacity of containers is more than 125 gallons, the installer shall submit construction documents for such installation.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

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3.02.415 Amendment of IFC Subsection 6104.2 – Maximum capacity within established limits.

6104.2. Limitations. Storage of liquefied petroleum gas in containers or tanks shall be prohibited.

Exceptions:

1. Installations at any facility or site located within Industrial Districts, defined by TMC Title 13, with aggregate water capacity of 2,000 gallons or less; or
2. Installations at any facility or site located within Industrial Districts, defined by TMC Title 13, with aggregate water capacity exceeding 2,000 gallons as approved by the fire code official; or
3. Installations that serve emergency and standby generators or fuel burning appliances as approved by the fire code official; or
4. Installations with aggregate water capacity of less than 125 gallons; or
5. Installations as approved by the fire code official after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

(Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

Chapter 3.03
PIERS AND WHARVES

Sections:

- 3.03.010 Smoking where prohibited – Exception.
- 3.03.020 Automotive equipment.
- 3.03.030 Railroad equipment.
- 3.03.040 Tractors, forklifts, truck and dock cranes – Storage area – Fire extinguisher – Refueling.
- 3.03.050 Means of notifying Fire Department in case of fire or other emergency.
- 3.03.060 Location of fire extinguishing equipment.
- 3.03.070 Accessibility to fire hydrants.
- 3.03.080 Removal of vehicle by peace officer.
- 3.03.100 Definitions.
- 3.03.110 Scope of enforcement – Violations – Penalties.
- 3.03.120 Severability.

3.03.010 Smoking where prohibited – Exception.

Smoking shall be strictly prohibited in any portion of the pier, wharf, or in any bulkhead shed. Numerous no smoking signs shall be displayed throughout prohibited areas, provided smoking may be allowed in specifically designated areas approved by the Chief of the Fire Department of the City of Tacoma.

(Ord. 19146 § 1; passed Aug. 4, 1970)

3.03.020 Automotive equipment.

Transient trucks and automobiles shall not be allowed to remain on piers and wharves provided that automobiles and trucks loading or unloading cargo shall be allowed to remain for such periods as are necessary to load or unload and, provided further, that the vehicle is headed towards an unimpeded exit and is attended by a driver at all times.

(Ord. 19146 § 1; passed Aug. 4, 1970)

3.03.030 Railroad equipment.

All locomotives operated within the area of the marine terminal within the corporate limits of the City of Tacoma shall be fitted with approved and properly maintained spark arresters as approved by the Chief of the Tacoma Fire Department.

(Repealed and reenacted by Ord. 19146 § 1; passed Aug. 4, 1970)

3.03.040 Tractors, forklifts, truck and dock cranes – Storage area – Fire extinguisher – Refueling.

Tractors, forklifts, trucks, and dock cranes operated by internal combustion engines which are part of the pier and wharf equipment, when not in operation, shall be stored on the shore end of the pier or wharf and properly segregated. The floor of the storage area shall be properly protected against saturation of oil and gasoline. Each vehicle shall be provided with an approved Class B-C rated fire extinguisher. Vehicles shall not be fueled or refueled on wharves and any vehicle whose fuel supply has been exhausted shall be towed from the pier or wharf in order to replenish the fuel supply.

(Ord. 19146 § 1; passed Aug. 4, 1970)

3.03.050 Means of notifying Fire Department in case of fire or other emergency.

Provisions approved by the Chief of the Fire Department of the City of Tacoma shall be made by some suitable means for promptly notifying the Tacoma Fire Department in case of fire or other emergency.

(Ord. 19146 § 1; passed Aug. 4, 1970)

3.03.060 Location of fire extinguishing equipment.

Approved first aid fire extinguishing equipment shall be placed at strategic points throughout the storage area. Pamphlets 10-10A, National Fire Prevention Association Code, shall be the criteria for location and type of fire extinguishers heretofore adopted in Section 3.02.010 of the Official Code of the City of Tacoma.

(Ord. 19146 § 1; passed Aug. 4, 1970)

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3.03.070 Accessibility to fire hydrants.

Fire hydrants and all fire fighting equipment shall be accessible for use at all times. No temporary storage or parking of vehicles shall be allowed to obstruct access to fire fighting equipment and hydrants.

(Ord. 19146 § 1; passed Aug. 4, 1970)

3.03.080 Removal of vehicle by peace officer.

Whenever any peace officer finds any vehicle unattended in such position that it constitutes an obstruction to traffic or provides a danger to travel upon any public highway, or is unlawfully parked in any prohibited or restricted area, the officer is hereby authorized to provide for the removal of the vehicle to the nearest place of safety or storage. Any cost incurred in the removal, keeping or storage thereof shall be paid by the owner of the vehicle so removed and the same shall be a lien upon the vehicle to the extent provided by State law.

(Ord. 19146 § 1; passed Aug. 4, 1970)

3.03.100 Definitions.

A. A marine terminal is a unit comprising one or more piers, wharves, docks, bulkheads, slips, basins, with appurtenant buildings, structures, roadways, railroad tracks, truck-trailers and containing parking areas, open storage space, and equipment used for the transfer of persons or things between vessels (ships, barges, and lighters) and land.

B. A pier is a structure, usually of greater length than width, of timber, stone, concrete, steel or other material projecting from the shore into navigable water so that vessels may be moored alongside for loading and unloading or for storage or repairs. For the purpose of this code, where the word “pier” is used, it shall be construed as including wharf.

C. A wharf is a structure of timber, stone, concrete, steel, or other material having a platform built along and parallel to navigable waters so that vessels may be moored alongside for loading and unloading or for storage or repairs.

D. Transient trucks and automobiles are those licensed by the State of Washington for operation upon the highways of the State.

(Ord. 19146 § 1; passed Aug. 4, 1970)

3.03.110 Scope of enforcement – Violations – Penalties.

The Police Department of the City of Tacoma, officials authorized by the Port Commission of the Port of Tacoma, and persons authorized by the Chief of the Fire Department of the City of Tacoma are entitled to enforce the provisions of this chapter. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, upon conviction thereof, shall be punished by a fine not exceeding \$500.00.

(Ord. 23561 § 1; passed Feb. 4, 1986; Ord. 19146 § 1; passed Aug. 4, 1970)

3.03.120 Severability.

If any provision of this chapter or its application to any person or circumstance is held to be invalid or unconstitutional, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

(Ord. 19146 § 1; passed Aug. 4, 1970)

Chapter 3.04
FIRE DEPARTMENT

Sections:

- 3.04.010 Organization of department.
- 3.04.020 *Repealed.*
- 3.04.030 Duties of Chief generally.
- 3.04.040 Deputy/Assistant Chiefs - Duties.
- 3.04.050 *Repealed.*
- 3.04.060 Oath of member.
- 3.04.070 Gambling and intoxicating liquor prohibited.
- 3.04.080 -
- 3.04.120 *Repealed.*
- 3.04.130 Commanding assistance.
- 3.04.140 Vicinity of fire - Authority to keep area clear.
- 3.04.150 Removal of property for protection.
- 3.04.160 Blowing up buildings.
- 3.04.170 *Repealed.*
- 3.04.180 Violation - Penalty.

3.04.010 Organization of department.

The Chief of the Tacoma Fire Department, with the approval of the City Manager, shall have authority to make all necessary rules and regulations for the internal government of said department, and the management and control of all fire houses and equipment thereof belonging to the City, and shall serve as the Administrator of Emergency Management for the City of Tacoma.

(Ord. 26023 § 1; passed Jan. 28, 1997; Ord. 6962; passed Feb. 26, 1919; Ord. 5196 § 2; passed Jan. 22, 1913)

3.04.020 Authority of Chief and assistants. *Repealed by Ord. 26023.*

(Ord. 26023 § 2; passed Jan. 28, 1992; Ord. 25573 § 1; passed Aug. 30, 1994)

3.04.030 Duties of Chief generally.

In addition to the duties required of him by the City Charter, the Chief of the Fire Department shall at all times supervise and keep in repair and ready for instant use all the property of the City connected with the Fire Department. He shall certify to all bills against the City chargeable to said Fire Department; shall keep a record of the organization of all companies, membership, vacancies, appointments and dismissals, and all notices issued. All orders issued by him/her to any other officer or member of the Department shall be promptly obeyed. He/she shall investigate the cause of all fires that may occur in the City as soon as possible and maintain the appropriate record of such investigation. He/she shall also maintain a full and complete record of all transactions in said Department, of complaints against members, and the judgment of the Chief of Fire Department thereupon, of time lost by them, and of all property placed in his/her charge, and such other records as shall be required by the business of the Department, which records shall always be open for the inspection of any member of the City Council. He/she shall also report at the end of the fiscal year, in writing, upon the condition of the Department, the number of fires that have occurred in the City during the year preceding, and the cause of the same so far as can be ascertained; also the number of buildings destroyed or injured, the names of the owners or occupants of the same, the value of the property destroyed, as near as can be ascertained, and the amount of insurance upon the buildings and other property, which said report shall be filed and preserved in the office of the City Clerk. He/she shall at all times be subject to the control and direction of the City Manager in matters pertaining to the Fire Department.

(Ord. 26023 § 3; passed Jan. 28, 1997; Ord. 5196 § 5; passed Jan. 22, 1913.)

3.04.040 Deputy/Assistant Chiefs - Duties.

Each Deputy/Assistant Chief shall obey the orders of the Chief and shall at all times assist him/her in his/her duties. In case of the absence or disability of the Chief the powers and duties conferred and imposed upon him by this chapter shall devolve on and be performed by the Deputy/Assistant Chiefs respectively in the order of their rank.

(Ord. 26023 § 4; passed Jan. 28, 1997; Ord. 5196 § 12; passed Jan. 22, 1913.)

3.04.050 Foremen - Duties. *Repealed by Ord. 25573.*

(Ord. 25573 § 1; passed Aug. 30, 1994; Ord. 5196 § 13; passed Jan. 22, 1913)

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3.04.060 Oath of member.

It shall be the duty of the Chief of the Fire Department and each member thereof to be qualified by the Fire Chief, by oath or affirmation, that he/she will faithfully support the Constitution of the United States, and laws of the State of Washington, the Charter and ordinances of the City of Tacoma, and perform to the best of his/her ability all the duties of his/her office.

(Ord. 26023 § 5; passed Jan. 28, 1997: Ord. 5196 § 9; passed Jan. 22, 1913)

3.04.070 Gambling and intoxicating liquor prohibited.

No gambling apparatus or intoxicating liquor shall be brought into, used or remain in any building occupied by the Department. And none but members of the Department shall occupy any such building without permission of the Chief of the Fire Department.

(Ord. 26023 § 6; passed Jan. 28, 1997: Ord. 5196 § 10; passed Jan. 22, 1913)

3.04.080 Strangers prohibited in fire house. *Repealed by Ord. 25573.*

(Ord. 25573 § 1; passed Aug. 30, 1994: Ord. 5196 § 11; passed Jan. 22, 1913)

3.04.090 Rules - Members to have copy. *Repealed by Ord. 25573.*

(Ord. 25573 § 1; passed Aug. 30, 1994: Ord. 5196 § 16; passed Jan. 22, 1913)

3.04.100 Badges. *Repealed by Ord. 25573.*

(Ord. 25573 § 1; passed Aug. 30, 1994: Ord. 5196 § 17; passed Jan. 22, 1913)

3.04.110 Rewards. *Repealed by Ord. 25573.*

(Ord. 25573 § 1; passed Aug. 30, 1994: Ord. 5196 § 18; passed Jan. 22, 1913)

3.04.120 Resignation. *Repealed by Ord. 25573.*

(Ord. 25573 § 1; passed Aug. 30, 1994: Ord. 5196 § 19; passed Jan. 22, 1913)

3.04.130 Commanding assistance.

The Chief of the Fire Department, or person in command, shall have power to command such assistance from the inhabitants of the City not members of the Fire Department, for the extinguishment of fire and for the preservation of life and property, as may in his/her judgment be required. In case any person shall neglect or refuse to render assistance as above required, or shall refuse to obey any other lawful order of the officer in command, or shall insult, menace or interfere with any officer or person connected with the Fire Department on duty, or shall without authority give any order to any member of the Fire Department while on duty, he/she shall be deemed guilty of a misdemeanor.

(Ord. 26023 § 7; passed Jan. 28, 1997: Ord. 5196 § 4; passed Jan. 22, 1913)

3.04.140 Vicinity of fire - Authority to keep area clear.

The Chief of the Fire Department, or his/her representative, may prescribe limits in the vicinity of an emergency incident within which no person excepting those who reside therein, firefighters and police officers, and those admitted by order of any officer of the Fire Department shall be permitted to come.

(Ord. 26023 § 8; passed Jan. 28, 1997: Ord. 5196 § 6; passed Jan. 22, 1913)

3.04.150 Removal of property for protection.

The Chief of the Fire Department, or his/her representative, shall have power to cause the removal of any property whenever it shall become necessary for the preservation of such property to prevent the spreading of fire, or to protect adjoining property at an emergency incident scene.

(Ord. 26023 § 9; passed Jan. 28, 1997: Ord. 5196 § 7; passed Jan. 22, 1913)

3.04.160 Blowing up buildings.

No building or structure of any kind shall be blown up or otherwise destroyed for the purpose of checking the progress of any fire, except in case of absolute necessity, and then only on the order of the Chief of the Fire Department, or in his/her absence upon the order of a Deputy/Assistant Chief of the Fire Department, or in the absence of both, upon the order of the person in command.

(Ord. 26023 § 10; passed Jan. 28, 1997: Ord. 5196 § 8; passed Jan. 22, 1913)

3.04.170 Intoxicating liquor at fire prohibited. *Repealed by Ord. 25573.*

(Ord. 25573 § 1; passed Aug. 30, 1994; Ord. 5196 § 15; passed Jan. 22, 1913)

3.04.180 Violation - Penalty.

Every person convicted of a violation of any part of this chapter shall be punished by a fine not exceeding \$1,000.00, or his/her imprisonment in the jail for a period not exceeding 90 days, or both, in the discretion of the court.

(Ord. 26023 § 11; passed Jan. 28, 1997; Ord. 5196 § 27; passed Jan. 22, 1913)

Chapter 3.05

SUPPLEMENTARY LIFE SAFETY CODE

Repealed by Ord. 27308

(Ord. 27308 § 3; passed Jan. 11, 2005: Ord. 25561 § 2; passed Aug. 23, 1994: Ord. 25117 § 1; passed Jun. 2, 1992:
Ord. 24581 § 2; passed Mar. 20, 1990: Ord. 23218 § 2; passed Jul. 17, 1984)

Chapter 3.06
ALARM SYSTEM

Sections:

- 3.06.010 Signal box keys – Custody.
- 3.06.020 False keys – Misdemeanor.
- 3.06.030 Meddling with alarm system.
- 3.06.040 Permit to remove wire or pole.
- 3.06.050 Expense of removals and changes.
- 3.06.060 Impersonation of employee.
- 3.06.070 Use of poles.
- 3.06.080 Trees – Trimming.
- 3.06.090 Failure to trim trees.
- 3.06.100 Violation – Penalty.

3.06.010 Signal box keys – Custody.

The Chief of the Fire Department shall have the custody and control of all keys belonging to the various signal boxes, and shall keep a record of all keys distributed by him, and shall take receipts for the same.

(Ord. 5196 § 24; passed Jan. 22, 1913)

3.06.020 False keys – Misdemeanor.

If any person shall make or cause to be made, or have in his possession an impression or duplicate of any signal key, without the permission of the Chief of the Fire Department, he shall be deemed guilty of a misdemeanor.

(Ord. 5196 § 25; passed Jan. 22, 1913)

3.06.030 Meddling with alarm system.

It shall be unlawful for any person to tamper, meddle or interfere in any way with signal boxes or any part thereof; or cut, break, injure, deface or remove any of said boxes or any of the wires or supports thereof, connected with any part of said system; or to make any connection or communication therewith, so as to interfere with the proper working of said system; or with evil intent to injure, break or destroy any machinery or fixture connected with said system; and any person guilty of a violation of any of the provisions of this section shall be deemed guilty of a misdemeanor.

(Ord. 5196 § 26; passed Jan. 22, 1913)

3.06.040 Permit to remove wire or pole.

No person shall remove, temporarily or otherwise, any part of the fire alarm telegraph wire, or any pole, without the written permission of the Chief of the Fire Department, which permit shall specify fully the change required; provided, that any person feeling himself aggrieved by the decision of the Chief of the Fire Department may appeal to the City Council.

(Ord. 302 § 2; passed Jan. 25, 1890)

3.06.050 Expense of removals and changes.

All removals or changes made shall be at the expense of the party desiring such removal or change, and all work done shall be under the supervision of, and completed to the satisfaction of the Chief of the Fire Department, and whenever it shall be necessary for any person, in the pursuit of a lawful object, to remove, interfere with or disturb any portion of the fire alarm telegraph he shall give or cause to be given to the Chief of the Fire Department, at the office thereof, a notice, which shall be given at least four hours before it shall be necessary to interfere with, or disturb any portion of the fire alarm telegraph, stating the locality at which, and in the manner in which it shall be necessary to remove, interfere with or disturb the same; provided, no such notice shall be given between the hours of 4:00 p.m. and 6:00 a.m.

(Ord. 302 § 3; passed Jan. 25, 1890)

3.06.060 Impersonation of employee.

It shall be unlawful for any person with intent to deceive, falsely to represent himself to be an employee of the fire alarm telegraph of the City of Tacoma.

(Ord. 302 § 4; passed Jan. 25, 1890)

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3.06.070 Use of poles.

No person or corporation shall hereafter place or cause to be placed any telegraph, or telephone, or electric light wires, on any of the poles belonging to the fire alarm telegraph system, or place or cause to be placed any telegraph, telephone or electric light wires, or poles or fixtures to suspend the same, within the distance of three feet from any of the wires of the fire alarm telegraph; provided, that the Chief of the Fire Department may authorize any telegraph, telephone or electric light company engaged in carrying on business in the said City to place or cause to be placed on the poles of the fire alarm system and only at location designated by the Chief of the Fire Department, their telegraph, telephone or electric light wires, in consideration of like privileges to be extended to said Chief of the Fire Department, when necessary or convenient for him to use the poles of any such telegraph, telephone or electric light company in maintaining the fire alarm telegraph system of said City.

(Ord. 302 § 5; passed Jan. 25, 1890)

3.06.080 Trees – Trimming.

All persons owning or maintaining shade or ornamental trees upon or in front of the premises owned or occupied by them, shall keep the same trimmed, and in such condition so as not to interfere with the fire alarm telegraph wires or fixtures of the Fire Department, or come in contact therewith. Whenever any such shade or ornamental trees shall interfere with, or come in contact with the wires or fixtures of said fire alarm system, the Chief of the Fire Department shall notify the owner or occupant of the premises to which the same shall appertain in writing, to trim the same and prevent their interfering with or coming in contact with such wires or fixtures, and such owner or occupant so notified, shall, within 10 days after the receipt of such notice, trim and prune the said trees as required and in such manner that neither said tree nor any of the limbs or branches thereof will come in contact or interfere with the said wires or fixtures.

(Ord. 302 § 6; passed Jan. 25, 1890)

3.06.090 Failure to trim trees.

If the owners or occupants aforesaid shall fail, neglect, or refuse to trim any such shade or ornamental trees within 10 days after the receipt of such notice, as provided in Section 3.06.080 of this chapter, the Chief of the Fire Department is hereby authorized and empowered to trim and prune such portions of any such shade tree or ornamental trees as may interfere in any way with the wires or fixtures of the said fire alarm telegraph system so as to prevent such interference doing damage to any such shade or ornamental tree.

(Ord. 302 § 7; passed Jan. 25, 1890)

3.06.100 Violation – Penalty.

Any person who shall violate any of the provisions of this chapter shall, on conviction, be fined not more than \$300.00.

(Ord. 23561 § 2; passed Feb. 4, 1986; Ord. 302 § 8; passed Jan. 25, 1890)

Chapter 3.07

FIRST-AID AND LIFE-SAVING REQUIREMENTS AT RETIREMENT APARTMENT COMPLEXES

Sections:

- 3.07.010 Title and purpose.
- 3.07.020 Definitions.
- 3.07.030 Requirements.
- 3.07.040 Violation – Penalty.

3.07.010 Title and purpose.

This chapter shall be entitled “First-Aid and Life-Saving Requirements at Retirement Apartment Complexes.” The purpose of this chapter is to require persons operating retirement apartment complexes to maintain at all times on the premises of such establishments at least one person holding a valid certificate of first-aid and life-saving techniques (a valid certificate is one which is less than three years old). It shall be the responsibility of the Tacoma Fire Department to administer the provisions of this chapter.

(Ord. 24119 § 1; passed Jun. 21, 1988)

3.07.020 Definitions.

The terms used in this chapter are defined as follows:

- A. “Retirement apartment complex” means any establishment, however named, which is advertised, announced, or maintained for the express or implied purpose of providing a place of residence for senior citizens not related by blood or marriage to the operator of such residence, and which provides some measure of security, including a centralized communications system, as well as providing meals. It shall not include any home, institution, apartment complex or section thereof, which is licensed and regulated under the provisions of State law or regulated under authority of the United States Government.
- B. “Senior citizen” means a person of the age of 55 years or more.
- C. “Person” means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.
- D. “Staff member” means any person paid to provide services at a given location.

(Ord. 24119 § 1; passed Jun. 21, 1988)

3.07.030 Requirements.

After June 1, 1988, no person may operate or maintain a retirement apartment complex, as defined in this chapter, within this City without maintaining on the premises at all times a staff member currently certified by the Red Cross or Pierce County Emergency Medical Service to perform first-aid and life-saving techniques. In order to allow for easy visual inspection by Fire Department inspectors, it shall be the responsibility of management of the retirement apartment complex to post on the premises, in a conspicuous location, the certificates of those staff members certified to perform such techniques.

(Ord. 24119 § 1; passed Jun. 21, 1988)

3.07.040 Violation – Penalty.

Any person violating or failing to comply with any provision of this chapter shall be subject to a civil penalty not exceeding \$1,000.00, enforceable in the Municipal Court of the City of Tacoma.

(Ord. 24119 § 1; passed Jun. 21, 1988)

Chapter 3.08

ASSESSMENT OF FEES ON HAZARDOUS CHEMICALS REPORTED UNDER EPCRA

Sections:

- 3.08.010 Purpose, applicability, and intent.
- 3.08.020 Enforcement.
- 3.08.030 Definitions.
- 3.08.040 *Repealed.*
- 3.08.050 Annual fee schedule.
- 3.08.060 Specific uses for revenue.
- 3.08.070 Form provided.
- 3.08.080 *Repealed.*

3.08.010 Purpose, applicability, and intent.

The risk to the public from the presence in the community of hazardous chemicals has increased greatly during this century. In order to inform and educate the public about this serious problem, the United States Congress, in 1986, enacted Title III of the Superfund Amendments and Re-Authorization Act, also known as the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). This law requires a number of safety and preparedness measures to be done at the local level, including the appointment of a local emergency planning committee (LEPC), preparation of comprehensive emergency response plans and emergency notification procedures, training and drills, provision of community right-to-know emergency information to the public, and annual reporting by each facility of the name and quantity of hazardous chemicals located on its premises.

The Federal government also was primarily responsible for the establishment in Tacoma of a siren warning system to protect against attacks by foreign powers. However, in light of recent world events, the federal government no longer financially supports said system. There is now a need to convert this siren system so that it might be utilized to warn Tacoma's citizens of the release into the environment of hazardous chemicals.

The purpose of this chapter is to promote the health, safety, and general welfare of Tacoma's citizens, pursuant to the Washington State Constitution, Article 11, § 11, by providing the funding necessary to support the safety and preparedness programs required by EPCRA and to transform and maintain the siren warning system originally utilized for civil defense purposes into a system to warn of releases of hazardous chemicals. This chapter provides a schedule of fees to be paid for the purpose of funding the said program, which fees are based on the level of hazard and quantity of chemicals located at sites in the City of Tacoma as to which EPCRA reporting is required.

(Ord. 25362 § 1; passed Sept. 14, 1993)

3.08.020 Enforcement.

The Director of Emergency Management for the City of Tacoma is hereby authorized to enforce this chapter.

(Ord. 25362 § 1; passed Sept. 14, 1993)

3.08.030 Definitions.

A. "Emergency Planning and Community Right to Know Act" or "EPCRA" means Title III of the Superfund Amendments and Re-Authorization Act of 1986, Sec. 300 et. seq.

B. "MSDS" or "material safety data sheet" means the document developed by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) under Section 1901.1200(g) of Title 29 of the Code of Federal Regulations, as that section may be amended from time to time.

C. "Tier One Form" means the Emergency and Hazardous Chemical Inventory Form required by EPCRA § 312 and OSHA under Section 1901.1200(g) of Title 29 of the Code of Federal Regulations, as that section may be amended from time to time (Federal Register Vol., 52 No. 199/Thursday October 15, 1987/Rules and Regulations, page 38367) to provide certain information in aggregate terms for hazardous chemicals in categories of health and physical hazards.

D. "Tier Two Form" means the Emergency and Hazardous Chemical Inventory Form required by EPCRA § 312 and OSHA under Section 1901.1200(g) of Title 29 of the Code of Federal Regulations, as that section may be amended from time to time (Federal Register Vol. 52 No. 199/ Thursday, October 15, 1987/ Rules and Regulations, page 38372) to provide certain information for each hazardous chemical present at the facility.

E. "Local emergency planning committee" or "LEPC" is the committee approved by the State Emergency Response Commission pursuant to EPCRA § 301(c) and is made up of representatives of elected state and local officials, law enforcement, civil defense, fire fighting, first aid, health, local environmental, hospital and transportation personnel, broadcast

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and print media, community groups, and certain owners and operators of facilities for the purpose of assisting in the development of comprehensive hazardous materials planning in the community, and shall mean and refer to the Pierce County Local Emergency Planning Committee.

F. "Facility" shall have the meaning set out in EPCRA § 329(4), as that section may be amended from time to time.

G. "Threshold planning quality" or "TPQ" means the quantity of a chemical at which level a facility must report if said amount or more is on site.

H. "State Emergency Response Commission" or "SERC" means the commission appointed by the Governor as required by EPCRA to manage the state responsibilities under EPCRA. In Washington, the SERC consists of the Director of the Department of Ecology, the Director of the Department of Community Development, and the Chief of the Washington State Patrol.

(Ord. 25362 § 1; passed Sept. 14, 1993)

3.08.040 Annual fees for chemicals. *Repealed by Ord. 25878.*

(Ord. 25878 § 1; passed Sept. 14, 1993; Ord. 25362 § 1; passed Sept. 14, 1993)

3.08.050 Annual fee schedule.

		EHS List	Other Hazardous
Weight	Category	Chemicals	Chemicals
0-99 lbs.	0	\$ 25	\$ 0
100-999 lbs.	1	50	0
1,000-9,999 lbs.	2	75	0
10,000-99,999 lbs.	3	100	30
100,000-999,999 lbs.	4	150	35
1,000,000-9,999,999 lbs.	5	200	40
10,000,000-49,999,999 lbs.	6	250	45
50,000,000-99,999,999 lbs.	7	300	55
100,000,000-499,999,999 lbs.	8	350	55
500,000,000-999,999,999 lbs.	9	400	60
1,000,000,000 lbs. or greater	10	500	65

(Ord. 25362 § 1; passed Sept. 14, 1993)

3.08.060 Specific uses for revenue.

Payment of fees shall be made to the Treasurer of the City of Tacoma. The revenue generated from fees assessed by reason of the presence of hazardous chemicals shall be deposited into the Local Emergency Planning Account of the Miscellaneous Special Revenue Fund of the City of Tacoma, and shall be expended by the City of Tacoma for the following purposes:

A. Purchase, operation, movement, upgrade, replacement, expansion, repair, and maintenance of a siren warning system to provide notification to the public of a chemical release.

B. Development and distribution of public education programs and materials relating to chemical hazards.

C. Dissemination of information to the public about the operation of the siren warning system.

D. Administrative support to pay for the administrative expenses of the LEPC and Community Right-to-Know Program.

E. Training and other programs for the purpose of assisting facilities in their efforts to comply with the requirements of EPCRA.

(Ord. 25362 § 1; passed Sept. 14, 1993)

3.08.070 Form provided.

The LEPC shall prepare and distribute a work sheet form to each facility reporting under EPCRA so that said facility may enumerate each on-site chemical required to be reported and calculate the amount of fees due. The form shall include spaces to provide the following information:

- A. The facility name, mailing address, and 24-hour telephone number.
- B. The name and telephone number of the person completing the form.
- C. The name and weight category (from the Tier One Form) of each reported chemical.
- D. The amount owed for each chemical and the total amount owed to the City.
- E. The name and address of the City department to which the fee should be mailed.

(Ord. 25362 § 1; passed Sept. 14, 1993)

3.08.080 Civil penalty. *Repealed by Ord. 25878.*

(Ord. 25878 § 2; passed Apr. 2, 1996; Ord. 25362 § 1; passed Sept. 14, 1993)

Chapter 3.09

FIRE CODE PERMITS AND FEES

Sections:

- 3.09.010 Purpose.
- 3.09.015 Adjustments
- 3.09.020 Definitions.
- 3.09.030 Permits and fees – General Provisions.
- 3.09.032 Construction permits.
- 3.09.035 Construction permits administered by the Prevention and Preparedness Bureau.
- 3.09.038 Operational permits and fees.
- 3.09.040 Miscellaneous services and fees.
- 3.09.050 Building Inspection Program fees.
- 3.09.060 Waivers to fees.

3.09.010 Purpose.

The purpose of this chapter is to establish fees for specific fire code permits as defined in the International Fire Code (“IFC”), adopted by Chapter 3.02 of this code, and for the establishment of fees for specific services performed by Fire Department personnel.

(Ord. 27308 § 4; passed Jan. 11, 2005; Ord. 25412 § 4; passed Dec. 14, 1993)

3.09.015 Adjustments.

Beginning January 1, 2010, the fees and charges specified in this chapter shall be adjusted using the “Seattle-Tacoma-Bremerton, WA Consumer Price Index (CPI) for All Urban Consumers.” In January of each year, the CPI for the year end of 2008 shall be compared with the most recent June-to-June index comparison, and the fees and charges shall be adjusted accordingly. Permit fees adjusted by the CPI will be rounded to the nearest \$0.50 for fees under \$10, to the nearest \$1 for fees between \$10 and \$100, and to the nearest \$10 for fees greater than \$100. Total permit fees due at issuance will be rounded to the nearest dollar.

(Ord. 28502 Ex. C; passed Apr. 18, 2018; Ord. 27794 Ex. A; passed Apr. 14, 2009)

3.09.020 Definitions.

All terminology not defined in this chapter shall be defined as stated in the IFC, as adopted by Chapter 3.02 of this code.

A. Assembly Occupancy. For the purposes of this chapter, a facility designed under the fire and building codes meeting the definition of an “A” Occupancy Classification, including a building not classified as an “A” Occupancy operating under a Temporary Special Events permit, and fairs, large carnivals, outdoor concerts and festivals, and other outdoor events where groups of more than 100 people may gather.

B. Fire Protection License. The license required by the Tacoma Fire Department for persons to engage in the installation, maintenance, sale, and performance of confidence testing for all fire protection systems, including fire extinguisher certification and testing and commercial kitchen hood cleaning.

C. Flammable Finishes. Material coatings in which the material being applied is a flammable liquid, combustible liquid, combustible powder, or flammable or combustible gel coating.

D. Hazard Class. The nine general United Nations hazard classes, which are explosives and blasting agents, gases, flammable liquids, flammable solids and reactive liquids and solids, oxidizers and organic peroxides, toxic or poisonous materials and infectious substances, radioactive materials, corrosive materials, and miscellaneous hazardous materials, as defined by the United Nations hazard class.

E. Hazardous Waste Facility. A business engaged in the receiving, handling, or storing of hazardous waste material.

F. Hazardous Waste Material. As defined by RCW 70.105, Hazardous Waste Management, subsection 70.105.010.

G. Hot Work. Operations conducting brazing, torch cutting, grinding, gas or electric welding in a hazardous or Factory occupancy, as defined in the Fire Code. Any location engaged in marine ship repair or construction, any manufacturing operation, or any location systematically using tools for the purpose of conducting hot work. Roofing operations involving the use of open flame, torch down roofing process, and the use of hot tar kettles and tank trucks.

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H. Hourly Rate. The current total hourly cost to the jurisdiction, including supervision, overhead, equipment, hourly wages, and fringe benefits of the employee involved.

I. Marine Terminal. Any business that furnishes a wharf, dock, or pier to connect with a highway, rail carrier or pipeline, and/or a water carrier.

J. Marine Fuel Transfer. The transfer of flammable or combustible liquid or gas to or from a vessel or watercraft.

K. Mobile Fueling Company. A company delivering and fueling Class II motor vehicle fuel on an approved site for on-road vehicles.

L. Mobile Fueling Site. The site approved to have on-road vehicles fueled by a Mobile Fueling Company.

M. Nightclub. Facilities meeting the definition established by the state of Washington, as stated in the Washington Building Code, Chapter 51-50 WAC.

N. Person. Any entity, including any person, firm, association, agency, private corporations, or public corporation including any county or municipal corporation, including Tacoma city departments, facilities, and agencies. A responsible person is the person who is legally responsible for obtaining a permit or paying a fee. If more than one person may be legally responsible, the Fire Department may require any of them to obtain the permit or pay the fee.

O. Preengineered Fire Protection System. A system having predetermined flow rates, nozzle pressures, and quantities of agent. These systems have the specific pipe size, maximum and minimum pipe lengths, flexible hose specifications, number of fittings, and number and types of nozzles prescribed by a testing laboratory. The hazards protected by these systems are specifically limited as to type and size by a testing laboratory base upon actual fire tests. Limitations on hazards that can be protected by these systems are contained in the manufacturer's installation manual, which is referenced as part of the listing. These systems typically protect locations such as paint booths and computer server rooms.

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 27308 § 4; passed Jan. 11, 2005; Ord. 25412 § 4; passed Dec. 14, 1993)

3.09.030 Permits and fees – General provisions.

Fees for IFC construction and operational permits shall be paid prior to issuance of the permit and completion of inspection. The fees specified in this chapter shall be doubled in any instance where a person starts or continues work for which a permit fee is required prior to obtaining said permit, provided that in no case shall such fee be less than \$200. This section shall be subject to the provisions of Section 3.09.060 TMC. The payment of such double fee shall not relieve any person from full compliance with applicable codes in the execution of the work, nor from any other penalties prescribed by law.

(Ord. 28266 Ex. A; passed Dec. 9, 2014; Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 27308 § 4; passed Jan. 11, 2005; Ord. 26389 § 3; passed May 25, 1999; Ord. 25412 § 4; passed Dec. 14, 1993)

3.09.032 Construction permits.

The following are Fire Protection System Permits and Inspection Fees that shall be collected by the Planning and Development Services Department.

A. Fire Alarm System Permit. A fee shall be charged for the permitting, plan reviewing, and site inspection of a fire alarm system. The fee shall be \$200 for 50 or fewer devices; \$400 for 51-100 devices; \$600 for 101-200 devices; \$800 for 201-300 devices; \$1,000 for 301-400 devices; and \$1,200 for 401-600 devices. For systems of more than 600 devices, the fee shall be \$2 multiplied by the total number of devices. Each initiating and signaling device shall be counted as a separate device.

B. Commercial Cooking Systems Plan Review and Testing. Any person installing a fire-extinguishing system for a commercial-cooking system shall pay a fee of \$300 for plan review and acceptance testing prior to issuance of a permit.

C. Pre-Engineered Systems Plan Review and Testing. Any person installing a pre-engineered fire suppression system consisting of one or more alarm devices and fire-extinguishing system shall pay a fee of \$700 for plan review and acceptance testing prior to issuance of a permit, provided that when the number of alarm devices is more than 50, the fee shall be the total of \$700 plus \$2 for each fire alarm device after the first 50.

D. Fire Sprinkler Systems Plan Review and Testing. Any person installing a fire sprinkler-extinguishing system shall pay a fee for plan review and acceptance testing prior to issuance of a permit. The fee shall be calculated as follows: \$620 per riser for the first two risers, plus \$30 for each additional riser/control valve, plus \$3 per sprinkler head for more than 20 sprinkler heads. The following shall not be subject to this subsection D: 13D systems for detached single-family dwelling when not required by code or under alternate method and tenant improvements modifying 20 or fewer sprinkler heads.

E. Standpipes Plan Review and Testing. Any person installing a standpipe system shall pay a fee of \$300 for plan review and acceptance testing prior to issuance of a permit.

F. Fire Pump Plan Review and Testing. Any person installing a fire pump shall pay a fee of \$500 for plan review and acceptance testing prior to issuance of a permit.

G. Sprinkler System Water Supply Plan Review and Testing. Any person installing a sprinkler system water supply shall pay a fee of \$250 for plan review and acceptance testing prior to issuance of a permit. 13D systems and 13R systems that are not required by code or under alternate method shall not be subject to this subsection.

H. Tenant Improvement With 20 or Fewer Sprinkler Heads Plan Review and Testing. When making modifications for tenant improvement, any person modifying 6 or fewer sprinkler heads on an existing fire sprinkler system shall pay a fee of \$200 for plan review and acceptance testing prior to issuance of a permit. When making modifications for tenant improvement, any person modifying 7-20 sprinkler heads on an existing fire sprinkler system shall be charged and pay a fee of \$400 for plan review and acceptance testing prior to issuance of a permit.

I. Requests for Temporary Certificate of Occupancy Inspection and Approval. Any person requesting a temporary Certificate of Occupancy shall pay a fee of \$200 for a Fire Department site inspection prior to approval of temporary occupancy.

J. Smoke Control Systems Plan Review and Testing. Any person installing a smoke control system shall pay a plan review fee prior to issuance of a permit. The fee shall be \$200 plus an hourly rate for more than two hours of work and a fee for acceptance testing of \$200 plus an hourly rate for more than two hours of work.

K. Additional Fund Fees. In addition to the stated permit fee, additional fees for dedicated funds as outlined in TMC 2.09.040 and the PDS Fee Schedule shall be collected.

(Ord. 28502 Ex. C; passed Apr. 18, 2018; Ord. 28109 Ex. M; passed Dec. 4, 2012; Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 27308 § 4; passed Jan. 11, 2005)

3.09.035 Construction permits administered by the Prevention and Preparedness Bureau.

The following fees shall be required for each IFC construction permit and for completion of inspection for each permit.

A. Above-ground Tank Permit. A permit is required to install any above-ground tank designed to contain flammable or combustible liquids. The fee shall be \$265 per tank.

B. Underground Tank Installation Permit. One permit per site is required to install or alter any underground flammable or combustible liquid tank. The fee shall be \$265 per tank.

C. Underground Tank Removal or Decommissioning. A permit is required to remove or decommission any underground flammable or combustible liquid tank. The fee shall be \$225 per site. For a residential fuel tank with a capacity of less than 1,100 gallons, the fee shall be \$135.

D. Liquid Petroleum Gas (“LPG”) Tank Permit. A permit is required to install any LPG tank. The fees shall be \$100 for tank of 125-gallon capacity or less. For all other permanent and temporary installations, the fee shall be \$225.

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 27308 § 4; passed Jan. 11, 2005)

3.09.038 Operational permits and fees.

The following fees shall be required for IFC operational permits. Any person with overdue fees may be denied issuance of additional permits until past due fees are paid. Permit applications must be complete to include all required submittals as stated in permit conditions for the subject permit. Permit will be issued when approved. Applicants not approved will be notified of the denial and reasons for denial. These fees are not refundable.

Assembly Permits

A. Assembly Permit-Annual. A permit is required to operate an Assembly Occupancy, as defined in the Building and Fire Code, including, but not limited to, motion picture theaters, symphony and concert halls, theaters, exhibition halls, arenas, and stadiums. The fee is \$200.

B. Assembly Temporary Special Event Permit. A permit is required for Assembly events meeting any of the following:

1. The use of a building or part of a building that is not classified as an Assembly Occupancy.
2. An event in an Assembly Occupancy where alterations to the existing exiting configuration, character, or use of the facility are changed in any manner.
3. Operating a fair, large carnival, outdoor concert, festival, or other event where groups of more than 100 people may gather. The fee is \$200.

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C. Bonfire Permit. A permit is required to have an outdoor fire with a fuel diameter greater than three feet and a height greater than two feet. The fee is \$100.

D. Indoor and Outdoor Booth-Assembly Permit. A permit is required to operate a booth in Indoor and Outdoor Assembly events. For seasonal events that occur on a weekly basis, the season shall be considered an event. The fee scale for the number of booths is as follows:

1-10=	\$50
11-20=	\$100
21-30=	\$200
31-50=	\$300
51 or more=	\$400

E. LPG or Natural Gas Use in Assembly Occupancy-Temporary Use. A permit is required for the use of LPG or Natural Gas for cooking or demonstration and other purposes in an Assembly Occupancy. The fee is \$125.

F. LPG Outdoor Assembly-Temporary Use. A permit is required for the use of LPG in Outdoor Assembly events. For seasonal events that reoccur on a weekly basis, the season shall be considered one event. The fee scale for the number of users is as follows:

1-10=	\$50
11-20=	\$100
21-30=	\$200
31-50=	\$300
51 or more=	\$400

G. Open Flame in Assembly Permit. A permit is required for the use of open flame entertainment, such as Fire Acts, the use of candles, and Open flame devices in a place of Assembly. The fee is \$200.

H. Tents, Canopies, and Membrane Structures Permit. A permit is required for enclosed tents and membrane structures over 200 sq. ft. and canopies over 400 sq. ft. The fee is \$200.

Hazardous Materials or Processes

A. Hazardous Materials Permit-Annual. No hazardous material may be stored, used, or handled in quantities greater than the maximum allowable quantities per control area as set forth in the IFC by any occupancy unless and until the occupancy receives an Annual Hazard Permit for the specific hazardous material.

1. No occupancy shall store, use, or handle any permitted hazardous material except under the terms and conditions of the permit. Any occupancy storing, using, or handling any hazardous material under terms or conditions not conforming to its permit shall reapply for an amended permit prior to accepting the hazardous material.

2. A permit fee of \$200 shall be paid per one hazardous material if said material falls into more than one UN Hazard Class.

3. A marine terminal with an Annual Marine Terminal Permit shall not pay this fee.

4. Chapter 3.12 TMC shall apply to the storage of fireworks in lieu of this subsection.

B. Hazardous Waste Facility Permit-Annual. Any person in the business of storing, using, or handling hazardous waste material shall obtain a hazardous Waste Facility Permit. The fee is \$680.

1. Financial Resources. All private hazardous Waste Facilities shall annually and periodically, as requested by the Fire Chief, demonstrate to his or her satisfaction the financial resources necessary to successfully mitigate a hazardous waste spill and the resulting contamination to complete disposal of all hazardous materials and containers and to clean up the spill at the facility. Proof of adequate insurance or an adequate surety bond shall constitute sufficient demonstration of financial resources. Insurance in the amount of \$1 million per incident, which covers the following risks, shall constitute sufficient resources: property and casualty, loading, unloading, transportation, remedial environmental mitigation, abandonment, and malicious actions. The insurance policy shall identify the City of Tacoma as an additionally named insured thereunder and stipulate that said policy shall provide primary coverage, regardless of other insurance the City may carry on its own behalf. The City, through the Risk Management Office, shall be given not less than 60 days advance written notice of any termination or material change to the policy. No permit shall be deemed valid if the permit holder's insurance policy changes in such a way as to fail to comply with this chapter.

2. Company Plan. No permit shall be issued until the Hazardous Waste Facility provides a written company plan to demonstrate its preparation to:

- a. respond to a spill and carry out appropriate mitigation measures, and
- b. completely dispose of all hazardous materials and containers and clean up the facility prior to closure of the facility or when ordered closed by any agency. At a minimum, this plan shall include details on:
 - (1) notification,
 - (2) operator mitigation actions,
 - (3) immediate response available for mitigation assistance,
 - (4) company contracted to clean up or equipment and supplies available by the company to respond and clean up,
 - (5) process for safeguarding contaminated materials on the tanker, and
 - (6) final hazardous waste disposal process.

C. Special Hazardous Material Permit. A permit is required to store, transport on site, dispense, use, or handle hazardous materials in quantities greater than the maximum allowable quantities per control area, as set forth in the IFC when conducted without an Annual Permit. The fee is \$300 per event.

D. Application of Flammable Finishes Permit. Any person engaged in the application of flammable finishes shall obtain approval and a permit from the Fire Department. The fee is \$200 annually.

E. Pyrotechnic Display Permit. No person shall conduct a pyrotechnic display without an approved permit from the Tacoma Fire Department. Additional fees will be incurred if the need for a fire watch inspector exceeds two hours. The initial fee is \$300.

Hot Work

A. Hot Work Permit. A permit is required to conduct operations, including, but not limited to, brazing, torch cutting, grinding, gas or electric welding in a Hazardous or Factory occupancy or location, as defined in the Fire Code. The fee is \$200.

B. Roofing Operations Permit. A permit is required to conduct roofing operations with the use of open flame for torch down roofing operations and hot tar tank trucks and tar kettles. The fee is \$200.

Marine Facilities

A. Marine Terminal Permit-Annual. Any marine terminal that stores or handles one or more hazard classes of hazardous materials shall obtain an Annual Marine Terminal Permit. The fee is \$2,000.

B. Marine Fuel Transfer Permit-Annual. Any person conducting a business in Marine Fuel Transfer from a fixed site shall obtain an Annual Marine Fueling Station permit. The fee is \$200.

C. Shore to Ship Refueling Permit-Annual. Any person conducting a Marine Fuel Transfer from a vehicle to a vessel shall first obtain approval and a permit from the Fire Department. The fee is \$250.

Mobile Fueling

A. Mobile Fueling Site Permit. A permit is required to fuel on-road vehicles with the delivery of Class II fuel from a mobile vendor. The fee is \$200.

B. Mobile Fueling Company Permit. A permit is required to engage in the delivery to approved sites for the delivery of Class II fuel oil. The fee is \$200. For companies requiring vehicle inspections outside the City of Tacoma, an additional fee of \$100 shall be charged.

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 27308 § 4; passed Jan. 11, 2005)

3.09.040 Miscellaneous services and fees.

The Fire Department shall collect the following additional fees:

A. Advisory Inspection With Written Report. When a person requests a written report for any Fire Department inspection for the purpose of determining possible future needs of a building, or a site inspection for evaluating potential outdoor burns, a written report shall be produced and the fee shall be \$200.

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B. Advisory Inspection With No Written Report. When a person does not request a written report for any Fire Department inspection for the purpose of determining possible future needs of a building or a site inspection for evaluating potential outdoor burns, no written report shall be required and the inspection fee shall be \$100.

C. Federal- or State-mandated Inspection. For any Fire Code inspection requested to fulfill a federal or state mandate, a written report shall be produced and the fee shall be \$100.

D. Alternate Method Review Fee. Whenever a building owner or other responsible party proposes to use an alternate material or method to meet the intent or requirement of the Fire Code, the responsible party shall pay a fee for field inspection, research, and analysis performed by Fire Department personnel to evaluate the proposal. An initial fee of \$250 shall be paid at the time of submittal for consideration. The applicant shall pay an additional fee when more than four hours of work is performed for field inspection, research, and analysis. The additional fee will be calculated based upon the applicable hourly rate multiplied by the number of staff hours worked multiplied by the number of staff hours worked.

E. Re-test Fee for Fire Protection System Acceptance Testing. A person shall pay a re-test fee for subsequent acceptance inspections under the following circumstances:

1. Whenever a Prevention and Preparedness Bureau inspector determines that a fire protection system is not ready for a requested inspection or the applicant fails to appear;
2. Whenever a Prevention and Preparedness Bureau inspector determines that the inspection reveals a significantly unacceptable or incomplete system.

The Fire Chief, or his or her designee, may require this fee to be paid prior to additional inspections. The fee shall be \$170 per participating staff personnel, or the hourly rate for participating personnel multiplied by the number of hours worked, whichever is the greater.

F. Off Duty Hours Inspection Fee. When any person requests acceptance testing or Certificate of Occupancy inspection at a time outside the normal business hours of 7 a.m. to 5 p.m. PST of the Prevention and Preparedness Bureau, the person shall pay a fee of \$200 per participating staff person for an inspection completed within two hours and, thereafter, \$100 per half hour per staff person for each additional half hour or fraction thereof.

G. Fire Watch. The Fire Chief, or his or her designee, shall determine when Fire Department personnel must conduct a fire watch due to code requirements, excessive occupant load, the unusual nature of the event, the use of pyrotechnics or fireworks, the existence of hazardous condition, the inoperability of the fire protection system, or other conditions affecting safety at the event or at the property. The person responsible for the facility shall pay a fee of \$200 for the first two hours and \$100 for each subsequent half hour or a fraction thereof. If more than one person is required for the fire watch, the person responsible for the facility shall pay an additional \$100 per half hour, per additional person. The Fire Chief or designee may notify the responsible person of the period of the fire watch and the resulting fee prior to the event.

H. Re-Inspection Fee. Whenever Prevention and Preparedness Bureau personnel are required to perform an inspection after three inspections by any Fire Department personnel due to noncompliance with Fire Code requirements, the responsible person shall pay a fee in the amount of \$150. This fee shall be charged for each inspection performed by Prevention and Preparedness Bureau personnel until compliance with the Fire code requirements has been accomplished. This fee shall be charged each and every time Prevention and Preparedness Bureau personnel reinspect a facility for noncompliance with Fire Protection System-monitoring code requirements.

I. Late Fee for Annual Fire Protection System ("FPS") Confidence Test Reports. Any person responsible for the maintenance of an FPS shall be subject to an FPS Tracking Maintenance fee when found by the Fire Department to be in violation of Chapter 901.6 or 901.7 of the IFC, as adopted by Chapter 3.02 TMC. When a person fails to forward results of a valid test to the Prevention and Preparedness Bureau within 60 days of the date the testing results are due at the Prevention and Preparedness Bureau, the person shall pay an initial fee of \$100 and an additional fee of \$100 each additional month or portion thereof that the violation continues.

J. Failure to Monitor an FPS. The responsible person shall pay a fee of \$240 whenever the person fails to maintain FPS monitoring as required by Chapter 3.02 TMC for a fire alarm system, fire sprinkler system, or other fire protection system.

K. Fire Department Application Review Inspection Fee. A fee of \$100 shall be charged for any special application review conducted by the Fire Department when a site inspection is necessary that is not addressed elsewhere in this chapter. This fee shall include but not be limited to site inspections for land use applications and off site improvement requests.

L. Public Records of the Fire Department. A maximum fee of \$0.15 per page may be collected for reproduction of any Fire Department record subject to public disclosure in addition to the cost of postage where applicable. For digital information on compact disc, the fees established in Chapter 2.09 TMC shall be charged.

M. Nonpublic Records of the Fire Department. A fee for researching, reproducing, and the releasing of nonpublic records of the Fire Department to insurance companies and their agents under the Arson Fraud Immunity Act shall be assessed at a fee of \$185 per incident report.

N. Employee Fire Emergency Procedures Training. The Fire Department is authorized to charge up to \$10 per person for employee fire emergency procedures training required by Chapter 3.02 TMC.

O. Fire Safety and Evacuation Planning Training. The Fire Department is authorized to charge up to \$25 per person for the fire safety planning classes, evacuation plan development classes, and other fire safety, emergency management, injury prevention, and related classes.

P. Civil Interview, Trial and Deposition, and Declaration/Affidavit/Statement Fee Schedule. A civil interview shall include any conversation with a Fire Department employee regarding his or her knowledge regarding a referenced incident or generalized knowledge relating to expert testimony and written exchange, including, but not limited to, informal interviews, depositions, court testimony, arbitrations and similar hearings, and requests to review and/or sign documents. Any person interviewing a Fire Department employee or asking that an employee review a written statement regarding information obtained in the course of his or her employment shall pay a fee as calculated below. The methodology that shall be used to calculate the appropriate hourly rate to be charged shall be as follows:

1. The City shall select the top step hourly wage rate without longevity for each employee class code at regular time for all appointive and unrepresented employees and at the overtime rate for all classified employees plus 50 percent of that hourly rate as an estimate of the additional charge for employee benefits to determine the base hourly charge. However, for consistency and standardization purposes, interview fees for Prevention and Preparedness Bureau employees conducting fire investigations shall be calculated by dividing the sum of all individual hourly rates of all employees of all ranks assigned to conduct fire investigations by the total number of employees so assigned.
2. The City shall add to the first hour an additional overhead charge of 15 percent for that hour only to pay the cost to the Fire Department to send notice of any subpoenas or requested appointments to Fire personnel and to make scheduling changes made necessary by the request. A flat fee of \$25 shall also be charged for the first hour only to recover the cost to the Finance Department to prepare the billing invoice; receive, deposit, and receipt the money; and notify the Fire Department to proceed with the request.
3. To the first hour charge rounded to the nearest whole dollar amount shall be added a second hour at the base hourly rate rounded to the nearest whole dollar amount which shall constitute the two-hour minimum charge for service. Any additional hours shall be charged at the base hourly rate rounded to the nearest whole dollar amount.
4. Interviews with Prevention and Preparedness Bureau staff shall be scheduled by contacting the Prevention and Preparedness Bureau. All other interviews shall be scheduled by contacting Fire Department headquarters.
5. All persons seeking interviews under this subsection shall pre-pay the two-hour minimum charge. This fee is nonrefundable in the event the requester cancels.
6. Persons desiring preliminary interviews may be given one 15-minute interview without charge.
7. Fees for this service shall be amended annually or as necessary to reflect actual increases in the cost of hourly wage rates for employees, actual increases in the cost of employee benefits reflected as an average percentage of hourly wage rates or the actual cost for overhead as calculated and documented by the Finance Department.

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 27308 § 4; passed Jan. 11, 2005; Ord. 25913 § 1; passed Jun. 4, 1996; Ord. 25412 § 4; passed Dec. 14, 1993)

3.09.050 Building Inspection Program fees.

The Fire Chief or his or her designee has the authority to impose a fee for and administer a Building Inspection Program (“BIP”). The BIP shall focus on commercial, industrial, and multi-family buildings for fire and life safety code enforcement purposes.

A. The owners and occupants of any commercial, industrial, or multi-family building that contains any occupancy type, as defined within the adopted Fire Prevention Code, Chapter 3.02 TMC, shall pay the fee(s) for periodic building inspections conducted under the BIP in accordance with the fee schedule listed in Section 3.09.050.B TMC.

B. Inspection Fees Assessed. Building inspection fees for periodic fire and life safety code enforcement inspections shall be assessed in accordance with the following fee schedule based on total building area(s) of each individual occupancy and the relevant occupancy group as defined by the adopted Fire Prevention Code.

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BIP Base Inspection Fees^{1, 2, 3}

	Building Area (sq. ft.)	1. Occupancy Group 1 Fee (\$) (B, M & R⁴ & U)	2. Occupancy Group 2 Fee (\$) (A & E)	3. Occupancy Group 3 Fee (\$) (F, H, I & S)
A	0 – 1,500	35	80	115
B	1,501 – 3,000	60	105	140
C	3,001 – 5,000	85	130	165
D	5,001 – 7,500	110	155	190
E	7,501 – 10,000	135	180	215
F	10,001 – 12,500	160	205	240
G	12,501 – 15,000	185	230	265
H	15,001 – 17,500	210	255	290
I	17,501 – 20,000	235	280	315
J	20,001 – 30,000	260	305	340
K	30,001 – 40,000	285	330	365
L	40,001 – 50,000	310	355	390
M	50,001 – 60,000	335	380	415
N	60,001 – 70,000	360	405	440
O	70,001 – 100,000	385	430	465
P	100,001 – 150,000	410	455	490
Q	150,001 – 200,000	435	480	515
R	Over 200,000	460	505	540

¹ Base Inspection Fees: The base inspection fee shall cover the initial inspection and one follow-up inspection for the purpose of ensuring the correction of any deficiencies or defects noted during the initial inspection.

² Additional Follow-Up Inspection Fees: Any additional follow-up inspections beyond the first follow-up inspection necessary to ensure correction of any identified deficiencies or defects shall be billed at a minimum of \$177 per hour (one-hour minimum charge with additional time computed in quarter-hour increments) until full compliance is achieved.

³ The Fire Chief or his or her designee is authorized to waive or partially reduce inspection fees in accordance with 3.09.060 TMC.

⁴ Single-family residences and duplexes are excluded from the inspection program and therefore shall not be assessed inspection fees.

C. Inspection Fee Payment Obligation. The obligation to pay the fees assessed shall fall to the building owners or occupants of the building as determined pursuant to an inspection accounts process established by the BIP. The occupants or building owners identified during the inspection as being responsible for code compliance of the building or space shall be deemed the responsible party for paying the fees.

D. Inspection Fee Collection Procedure. The fees established shall be billed directly to the responsible party. For accounts delinquent for more than 30 days, a monthly fee of one percent per month on the unpaid balance with a minimum of \$3.00 charge shall be assessed to the responsible party. In addition, the Fire Chief or his or her designee may use any other lawful means to collect the obligation, including the use of collection agencies.

E. Inspection Fee Applicability. The BIP fees shall apply equally to all buildings under the jurisdictional authority of the adopted Fire Prevention Code, Chapter 3.02 TMC, unless otherwise determined.

(Repealed and reenacted by Ord. 28266 Ex. A; passed Dec. 9, 2014: Ord. 27794 Ex. A; passed Apr. 14, 2009: Ord. 27308 § 4; passed Jan. 11, 2005)

3.09.060 Waivers to fees.

The Fire Chief or his or her designee may waive fees under the following situations:

A. Construction permit fees by departments and divisions of the City and other public agencies receiving funding for said construction from the City’s General Fund shall be waived.

B. Construction permit fees for multi-family residential housing shall be waived when all of the following conditions apply:

1. The multi-family residential structure is intended for low-income individuals.
2. The alteration and repair involves some volunteer labor.
3. The alteration and repairs are being constructed by an organization classified as a 501(c)(3) non-profit organization by the Internal Revenue Service.
4. The multi-family residential structure is primarily owned and operated by a 501(c)(3) non-profit organization.

C. The Fire Chief or his or her designee shall have the authority to waive re-inspection fees required by Section 3.09.060 TMC if he or she determines that the original order or notice of non-compliance was invalid or when mitigating circumstances beyond the responsible party's control exist including, but not limited to conflicting enforcement requirements by other agencies or conditions caused by third parties.

D. Prepayment of civil interview fees may be waived under subsection 3.09.040.P TMC for any person who has previously pre-paid interview fees and established a business account in good standing with the Fire Department.

E. Permit fees may be waived for good cause.

F. Applicants Classified as 501(c)(3). Nonprofit organizations may apply for a waiver of Assembly event permit fees by submitting the Waiver of Fees Request Form.

(Ord. 28266 Ex. A; passed Dec. 9, 2014)

Chapter 3.10

MOBILE FUELING OPERATING AND PERMITTING REQUIREMENTS

Sections:

3.10.010	Title and purpose.
3.10.015	<i>Repealed.</i>
3.10.020	Scope.
3.10.030	Prohibitions.
3.10.040	Permits.
3.10.041	Revocation of permits.
3.10.050	Definitions.
3.10.060	Mobile Fueling company requirements.
3.10.070	Mobile Fueling tanker requirements.
3.10.080	Mobile Fueling operation requirements.
3.10.090	Mobile Fueling site requirements.
3.10.100	Penalties.

3.10.010 Title and Purpose.

The purpose of this chapter is to delineate the operating and permitting requirements to conduct mobile fueling operations throughout the City and to specify limitations for mobile fueling within the South Tacoma Groundwater Protection District and Aquifer. The International Fire Code (“Fire Code”), adopted as Chapter 3.02 TMC, addresses the conditions and regulations governing the dispensing of motor vehicle fuel from tank vehicles into the fuel tanks of on-road motor vehicles.

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 26389 § 4; passed May 25, 1999)

Evaluation. *Repealed by Ord. 27794.*

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 26389 § 4; passed May 25, 1999)

3.10.020 Scope.

These requirements pertain to the dispensing of Class II Combustible Liquids, diesel fuel from a cargo tanker to the fuel tank of an on-road motor vehicle.

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 26389 § 4; passed May 25, 1999)

3.10.030 Prohibitions.

No permit shall be issued and no transfer of gasoline or other class I flammable liquid from a cargo tanker to fuel tanks of vehicles shall be allowed.

(Ord. 26389 § 4; passed May 25, 1999)

3.10.040 Permits.

An annual permit shall be obtained for each business engaged in mobile fueling. An annual permit shall be obtained for each site where mobile fueling is to be performed. Each cargo tanker engaged in mobile fueling activities shall also be licensed by the City of Tacoma under Chapter 6B.150 TMC as an Oil and Gas delivery vehicle. Each cargo tanker engaged in mobile fueling activities shall meet the requirements listed below. The Tacoma Fire Department shall be responsible for the issuance of the required permits. All sites and tankers shall be inspected prior to issuance of an initial or annual permit.

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 26389 § 4; passed May 25, 1999)

3.10.041 Revocation of permits.

The Fire Chief shall be authorized to suspend or revoke a permit per the criteria established in TMC 3.02 and commonly known as the Fire Code. The Fire Chief shall also be authorized to revoke site permits when site management fails to notify the Fire Department of a spill.

(Ord. 26389 § 4; passed May 25, 1999)

3.10.050 Definitions.

A. Mobile fueling: The operation of filling fuel tanks of on-road vehicles with a Class II Combustible Liquid, diesel fuel from cargo tankers. Mobile fueling is also known as fleet fueling, wet fueling, and wet hosing.

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B. Auto start and stop nozzle: An approved dispensing nozzle which is not capable of dispensing fuel unless the nozzle is in contact with the fuel opening of the motor vehicle. The nozzle is unable to dispense fuel until it has entered the fuel opening of the motor vehicle fuel tank. The nozzle will automatically stop dispensing immediately after extracting the nozzle from the fuel tank opening.

C. Storm drain cover: An approved drain cover meeting the requirements of Tacoma's Utility Services Engineering Division of Public Works.

D. Fuel limit switch: A mechanism located on the cargo tanker which limits the quantity of fuel dispensed at one time. A "count-back-switch" provides this dispensing limitation.

E. Remote emergency shut-off device: An approved device capable of halting the pumping of fuel from a distance. This device shall not be affixed to the cargo tanker.

F. Cargo Tanker. A cargo tank motor vehicle, as defined by the Department of Transportation ("DOT"), with one or more cargo tanks permanently attached to or forming an integral part of the motor vehicle and, for the purpose of this chapter, intended to carry liquid fuel.

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 26389 § 4; passed May 25, 1999)

3.10.060 Mobile Fueling Company Requirements.

A. Financial Resources. Prior to engaging mobile fueling, a fueling company shall demonstrate to the satisfaction of the Fire Chief the financial resources necessary to successfully mitigate a spill and the resulting contamination subsequent to a release during a mobile fueling operation (i.e., proof of insurance or surety bond). Insurance in the amount of \$2 million dollars per incident, which covers the following risks, shall constitute sufficient proof: property and casualty, loading, unloading, transportation, remedial environmental mitigation, and malicious actions. The insurance policy shall identify the City of Tacoma as an additionally named insured thereunder, and stipulate that said policy shall provide primary coverage, regardless of what other insurance the City may carry on its own behalf. The City shall be given not less than 15 days advance written notice of any termination or material change to the policy. No permit shall be deemed valid if the permit holder's insurance policy changes in such a way as to fail to comply with TMC 3.10. The permit holder must cease and desist all operations permitted under TMC 3.10 from the date such change to the policy occurs.

B. Company Response Plan. The fueling company shall provide a written company response plan to demonstrate its preparation to respond to a fuel spill and carry out appropriate mitigation measures, and to indicate its process to dispose of contaminated materials. This plan must include details on (1) notification; (2) operator mitigation actions; (3) immediate response available for mitigation assistance; (4) company contracted to clean up or equipment and supplies available by the company to respond and clean up; (5) process for safeguarding contaminated materials on the tanker; and (6) final hazardous waste disposal process.

C. Annual Company Permit. Each company shall obtain an annual permit that shall verify the company's proof of financial requirements, update its company response plan, provide a list of licensed and trained operators, and verify all DOT inspection requirements for cargo tankers performing mobile fueling. Permits are not transferable between persons or companies.

(Ord. 26389 § 4; passed May 25, 1999)

3.10.070 Mobile Fueling Tanker Requirements.

A. Cargo Tanker Licenses. Each cargo tanker shall be licensed by the City of Tacoma under Chapter 6B.150 TMC as an Oil and Gas delivery vehicle. All required equipment, safety features, and devices shall be in full working order at all times.

B. Emergency Shut-Off Valve. The cargo tanker shall have an approved emergency shut-off valve.

C. Permit Papers. Each cargo tanker shall carry proof of the mobile fueling company permit.

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 26389 § 4; passed May 25, 1999)

3.10.080 Mobile Fueling Operation Requirements.

Driver's License. Operators must possess the appropriate Washington State Commercial Driver's License to operate vehicles carrying hazardous materials (i.e., CDL with tank vehicle endorsement and hazardous materials endorsement).

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 26389 § 4; passed May 25, 1999)

3.10.090 Mobile Fueling Site Requirements.

A. Site Permits. Site permits shall include language directing the permittee to notify all persons and parties who have an interest in the property wherein mobile fueling will be occurring. The permittee shall inform all persons and parties with an

identifiable property interest regarding the existence of risk in the activity and the extent of insurance coverage provided by the fueling company.

B. Permit Renewal. Each site shall be permitted annually. The permittee shall notify the Fire Prevention Bureau (591-5740) whenever site alterations are made which affect locations of fueling, or prior to any change in fueling companies. Permits are not transferable between parties or companies.

C. Marking of Fueling Sites. Each site shall have marked locations where fueling is permitted to occur. This marking shall be made either by signage (above gravel or dirt) and/or blue lines (on pavement). A fire official will indicate the specific markings during the permit inspection. Exception: Marking may be omitted when a site map has been approved and is posted at the facility and with the cargo tanker's operator.

D. Locations of Fueling. Each location permitted for fueling shall be:

- (i) at least 15 feet from all buildings, combustible storage, compressed gas tanks and Class I, II, or III storage tanks. Exception: The distance to storage tanks can be eliminated if the tanks are tested and labeled as two-hour protected tank assemblies. Exception: Structures constructed of non-combustible materials, open on all four sides and used solely for covered vehicle parking, are exempt from this separation distance. Fueling may be permitted to occur inside such structures; and
- (ii) protected by continuous pavement (cement or asphalt) which is in good repair. Exception: Protection by continuous pavement is not required for sites outside the South Tacoma Groundwater Protection District if tanker vehicles are fitted with an approved automatic start and stop nozzle, and a remote auto shut-off is carried on operator.

E. Unusual Hazards. Mobile fueling shall not be permitted where unusual exposures to life or property exist.

F. Bodies of water and designated wetlands.

(i) Locations on which mobile fueling is permitted are to be reasonably level and are not to have any preferential pathway that would tend to channel and/or expedite the flow of the spilled fuel into a body of water or designated wetland or wetland buffer.

(ii) Mobile fueling will not be permitted within 50 feet of any designated wetland buffer, or body of water, as measured from the outer edge of the buffer boundary of a designated wetland/stream buffer or from the ordinary high water mark when no buffer exists.

Exception: A permit may be issued if the Environmental Program Coordinator, or other City-designated environmental specialist, has approved additional measures to protect the body of water or designated wetland, such as appropriately sloped, drained, and curbed paving. It shall be the responsibility of the site owner to obtain approval under this exception. Any permit holder permitted under this exception shall cover all catch basins prior to commencing any fueling operations.

(iii) Sites which are adjacent to designated wetlands, wetland buffers, streams, or bodies of water shall have on site, in a marked conspicuous location a minimum of 50 feet of 4-inch diameter, non-water absorbing containment boom.

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 26389 § 4; passed May 25, 1999)

3.10.100 Penalties.

Any person, firm, or corporation which violates any provisions of this chapter, including any entity responsible for a mobile fueling site, shall be guilty of a separate misdemeanor offense for any violation of any of the provisions of this chapter for each day (or portion of the day of the citation) that the violation is committed, continued, or permitted to exist. The maximum penalty for each such misdemeanor shall be 90 days in jail and/or a \$1,000.00 fine. Upon a first conviction, there shall be imposed a fine of not less than \$100.00 and, upon a second conviction, there shall be imposed a fine of not less than \$250.00 and, upon a third or subsequent conviction, there shall be imposed a fine of not less than \$1,000.00 and/or imprisonment for not more than 90 days. Upon conviction, the court may also order immediate action by the person, firm, corporation, or other legal entity to correct the condition constituting the fire hazard. The mandated minimum fine shall be in addition to statutory costs and assessments.

(Ord. 26389 § 4; passed May 25, 1999)

Chapter 3.12
FIREWORKS

Sections:

3.12.010	Scope.
3.12.020	Definitions.
3.12.030	Permits.
3.12.040	Authority.
3.12.050	Public display of fireworks.
3.12.060	Prohibited acts.
3.12.070	Seizure of fireworks.

3.12.010 Scope.

This chapter shall apply to the manufacture, possession, storage, sale, transportation, and use of fireworks. Nothing in this chapter shall be construed to prohibit:

A. The use of fireworks:

1. By railroads or other transportation agencies for signal or illumination purposes;
2. For ceremonial purposes;
3. For signal purposes in athletics or sports;
4. By military organizations.

B. The sale and use of blank cartridges for show or theater.

(Ord. 27308 § 5; passed Jan. 11, 2005)

3.12.020 Definitions.

A. "Chief" means the Chief of the Tacoma Fire Department.

B. "Common fireworks" means any fireworks designed primarily to produce visible or audible effects by combustion. The term includes ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, smoke devices, helicopters, aerials, spinners, roman candles, mines, shells, and Class C explosives classified on January 1, 1984, as common fireworks by the United States Department of Transportation. The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

C. "Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

D. "Special fireworks" means any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

1. Fireworks commonly known as sky rockets, missile type rockets, firecrackers, salutes, and chasers; and
2. Fireworks which are not classified as common fireworks.

E. "Special effects" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen in the atmosphere, designed and intended to produce an audible, visual, mechanical, or thermal effect as a necessary part of motion picture, radio, television, theatrical, or opera productions.

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 27308 § 5; passed Jan. 11, 2005)

3.12.030 Permits.

A. Permits shall be obtained:

1. To possess, manufacture, or store fireworks of any kind;
2. To conduct an outdoor public display of fireworks;
3. To discharge special fireworks devices;

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4. To transport any fireworks; except that no permit is required for transportation by a public carrier on interstate or state routes when the carrier does not stop in Tacoma.

5. To use or discharge fireworks or pyrotechnics inside a structure.

B. All permits required by this chapter shall be issued by the Tacoma Fire Department. As a condition of any permit, the Chief may specify additional safeguards, as necessary, to provide for the public safety.

C. No person under 18 years of age may apply for or receive a permit.

D. The fee for outdoor public display of fireworks shall be \$300 per event.

E. The fee for indoor display of fireworks shall be \$300 per event.

F. The fee for manufacturing, storing, or transportation of fireworks shall be \$200 per annum. No additional fee will be charged for transportation which is in conjunction with a public display permit.

(Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 27308 § 5; passed Jan. 11, 2005)

3.12.040 Authority.

A. The Chief shall have authority to condition permits required by this chapter.

B. The Fire Department and the Police Department shall have authority to enforce the provisions of this chapter.

(Ord. 27308 § 5; passed Jan. 11, 2005)

3.12.050 Public display of fireworks.

A. Every public display of fireworks shall be handled by a competent operator approved by the Chief and be of such character, and so located, discharged, or fired, that, in the opinion of the Chief after proper investigation, it will not constitute a hazard to property or endanger any person.

B. A state pyrotechnics license is required for operators of public displays of fireworks.

C. A bond or certificate of insurance from a company or companies approved by the City must be furnished to the Department before a permit is issued. The bond shall be in the amount of \$1,000,000 and shall be conditioned upon the applicant's payment of all damages to persons and property resulting from or caused by the public display of fireworks or by any negligence in the presentation of the display on the part of the applicant or its agents, servants, employees, or subcontractors. The certificate of insurance shall evidence a Comprehensive General Liability insurance policy (including explosion and collapse hazards, automobile coverage, and Jones Act coverage where the base of operations is on water) providing \$1,000,000 combined single limit for all coverages per occurrence. The policy shall name the City as an additional insured thereunder and stipulate it is primary coverage, regardless of what other insurance the City may carry on its own behalf. The City shall be given not less than 15 days' advance written notice of any termination or material change to the policy.

D. Transportation and storage.

1. All fireworks shall be transported within the City in accordance with 49 CFR Part 177 and 397.9(b) prior to reaching the display site.

2. As soon as the fireworks have been delivered to the display site, they shall be attended and shall remain dry.

3. All shells shall be inspected by the display operator upon delivery to the display site. Any shells having tears, leaks, broken fuses, or showing signs of having been wet shall be set aside and not fired. After the display, any such shells shall be either returned to the supplier or destroyed according to the supplier's instructions.

4. All fireworks at the firing site must be stored in ready boxes (substantially constructed wood magazines). During the display, the magazines must be 25 feet upwind (relation to firing time) from the nearest mortar. Magazine lids must open in the opposite direction to the firing. All ready boxes are to be protected by a flameproof water repellent canvas cover until emptied.

5. The shell storage area shall be located at least 25 feet from the discharge site.

6. During the display, shells shall be stored upwind from the discharge site. If the wind shifts during the display, the shell storage area shall be relocated to be upwind from the discharge site.

E. Preparation of site and crowd control.

1. All dry grass, weeds, and other combustible waste matter within 50 feet of the firing site shall be removed.

2. When the display is fired from a barge, the barge shall be of noncombustible construction or have a noncombustible surface.
3. The site shall be located so that the trajectory of shells shall not come within 25 feet of any overhead object.
4. Discharged fireworks shall not come within 100 feet of any tent or canvas shelter.
5. The firing and storage site shall be located at least 200 feet from any building.
6. No boats shall be allowed within 200 feet of the firing or storage site.
7. The operator shall provide sufficient security personnel to assure that no unauthorized persons are allowed within 200 feet of the firing and storage site. This requirement shall be in effect from one-half hour prior to the arrival of fireworks until all fireworks debris, equipment, and fireworks have been removed from the site.
8. Spectators shall be restrained behind lines or barriers at least 200 feet from the firing and storage locations.

F. Installation of mortars.

1. Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any scale on the inside surface of the mortars shall be removed.
2. Mortars shall be positioned so that the shells are carried away from spectators and buildings. When fired over water, mortars shall be installed at an angle of at least 10 degrees, pointing toward the water.
3. Mortars shall be either buried securely into the ground to a depth of two-thirds to three-quarters of their length or fastened securely in mortar boxes or drums. In soft ground, heavy timber or rock slabs shall be placed beneath the mortars to prevent their sinking or being driven into the ground during firing.
4. In damp ground, a weather-resistant bag shall be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture.
5. Weather-resistant bags shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating on the inside surface of the mortar.
6. Sandbags, dirt boxes, or other suitable protection shall be placed around the mortars to protect the operator from ground bursts. This requirement does not apply to the down-range side of the discharge site.

G. Operation of the display.

1. The operator shall provide fire protection at the site as required by the Chief.
2. Only permitted fireworks are authorized for use.
3. When the display is fired from a barge or vessel, a security area shall be established around the barge to prevent boats from entering the fallout area. No boats shall be allowed within 200 feet of the firing or storage site. A boat shall be on standby to remove personnel from the barge or water in an emergency. All personnel aboard the barge shall have approved flotation devices. Additional fire extinguishers, rated 2A minimum, shall be on the barge and spaced so that an extinguisher is available within 30 feet at all times.
4. If, in the opinion of the Chief or the Chief's authorized representative, lack of crowd control should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.
5. If, at any time, high winds or unusually wet weather conditions present a definite danger, in the opinion of the Chief, the Chief's authorized representative, or the display operator, the public display shall be postponed until weather conditions allow the safe discharge of fireworks.
6. Light snow or mist need not cause cancellation of the display; however, all materials used in the display shall be protected from the weather until immediately prior to use.
7. Display operators and assistants shall use only flashlights or approved electric lighting for artificial illumination.
8. No smoking or open flames are allowed within 50 feet of the firing or storage area as long as shells are present. Signs to this effect shall be conspicuously posted.
9. The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and debris falls into, the planned landing area.
10. The mortars shall be re-angled or reset, if necessary, at any time during the display.

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11. When a shell fails to ignite in the mortar, the mortar shall not be touched for at least five minutes. After five minutes, it shall be carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.
 12. Operators shall not attempt to repair a damaged shell, nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.
 13. Operators shall not dry a wet shell, lance, or pot for reuse.
 14. The entire firing range shall be inspected immediately following the display to locate any defective shells. Any such shells found shall be immediately doused with water before handling. The shells shall be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.
 15. When fireworks are displayed in darkness, the sponsor shall ensure that the firing range is inspected early the following morning.
 16. Any fireworks remaining unfired after the display shall be immediately disposed of or removed from the City in a safe manner.
 17. Operators shall properly dispose of all debris from discharged fireworks.
- H. Denial by the Chief of a permit for the public display of fireworks may be appealed to the City Council.
(Ord. 27308 § 5; passed Jan. 11, 2005)

3.12.060 Prohibited acts.

- A. The manufacture of fireworks within the City is prohibited. Violation of this subsection is a misdemeanor, punishable by 90 days in jail, a \$1,000 fine, or both such fine and imprisonment.
- B. Except as permitted under Section 3.12.010, and except for public display of fireworks under Section 3.12.050, the sale, transportation, discharge, storage, or use of fireworks within the City is prohibited. This total ban applies each day of the year.
- C. 1. Unless specifically designated in this chapter as a gross misdemeanor or misdemeanor, any violation of this chapter is a Class 2 civil infraction and, upon a finding that a violation has been committed, the person committing the act shall be assessed an amount not to exceed \$125 plus applicable statutory assessments. Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.
2. "Civil infraction" has the meaning given that term by chapter 7.80 RCW, the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") and any local rule adopted thereto by the Tacoma Municipal Court.

(Ord. 27624 Exhibit A, passed Jun. 12, 2007; Ord. 27308 § 5; passed Jan.11, 2005)

3.12.070 Seizure of fireworks.

The Chief shall seize, remove, or cause to be removed, at the expense of the owner, all fireworks offered or exposed for sale, stored, or used in violation of this chapter.

- A. Any person whose fireworks are seized under this chapter may, within ten days after such seizure, petition the Chief in writing to return the fireworks upon the grounds that they were illegally or erroneously seized. Such petitions shall be considered by the Chief within 15 days after filing and an oral hearing granted to the petitioner, if requested. The decision of the Chief shall be provided in writing to the petitioner. The Chief may order the fireworks seized under this chapter, disposed of, or returned to the petitioner if illegally or erroneously seized, if such return is in compliance with state law or this chapter.
- B. The determination of the Chief is final unless, within 60 days, an appeal of the seizure is made to the Hearing Examiner of the City. The decision of the Hearing Examiner shall be final.
- C. If the fireworks are not returned to the petitioner or destroyed, the Chief may sell all confiscated common fireworks and special fireworks which are legal for use and possession under state law and this chapter to wholesalers licensed by the state of Washington. Sales shall be made by public auction after publishing a notice of the date, place, and time of the auction in a newspaper of general circulation within the City. The notice of public auction shall be made at least 14 days prior to the date of auction. The proceeds of any sale of seized fireworks under this chapter shall be deposited in a special fund which shall be used for the sole purpose of educating the public on firework safety.
- D. Fireworks which are illegal for use and possession in this state shall be turned over to the State Fire Marshal for destruction.

(Ord. 27308 § 5; passed Jan. 11, 2005)