

ORDINANCE NO. 134 -01

AN ORDINANCE RELATING TO THE ADOPTION AND ENFORCEMENT OF THE 1997 EDITION OF THE UNIFORM FIRE CODE AND THE UNIFORM FIRE CODE STANDARDS WITHIN WAHKIAKUM COUNTY; ADOPTING CERTAIN AMENDMENTS TO THE UNIFORM FIRE CODE; ESTABLISHING STANDARDS AND REGULATIONS RELATED TO FIRE APPARATUS ACCESS ROADS; AND PRESCRIBING PENALTIES FOR VIOLATIONS

WHEREAS, Section 19.27.031 of the Revised Code of Washington makes the Uniform Fire Code effective in every county of the State of Washington; and

WHEREAS, Section 19.27.074 of the Revised Code of Washington requires the State Building Code Council to regularly review updated versions of the Uniform Fire Code and to adopt those updated revisions, as appropriate; and

WHEREAS, Section 19.27.110 requires each county government to administer and enforce the Uniform Fire Code in the unincorporated areas of the County; and

WHEREAS, it is in the public interest to adopt specific regulations governing fire apparatus access roads pursuant to RCW 19.27.060(5) and to supplement the provisions of the Uniform Fire Code, as appropriate; and

WHEREAS, it is in the best interests of the health, safety, and welfare of the citizens of Wahkiakum County to formally adopt the updated versions of the Uniform Fire Code including specific provisions related to the design of fire apparatus access roads;

NOW, THEREFORE:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAHKIAKUM COUNTY, as follows:

Section 1. Wahkiakum County adopts by reference the 1997 edition of the Uniform Fire Code and the 1997 edition of the Uniform Fire Code Standards, as published by the International Fire Code Institute and as last amended on November 17, 2000, or as hereafter amended, by the Washington State Building Code Council, and with the further additions, deletions, and exceptions, contained in Sections 2, 3, 4, 5, and 6 of this Ordinance. The County will administer and enforce said Code within the unincorporated areas of Wahkiakum County.

Section 2. Only the following appendices of the 1997 edition of the Uniform Fire Code are adopted: Appendices I-A; II-F and J; III-A, B, and C; V-A; and VI-A, B, C, and F.

Section 3. Fees for fire code permits required by Section 105 of the Uniform Fire Code, 1997 Edition, and fees for plan reviews, may be set from time to time by a Resolution duly adopted by the Board of County Commissioners. Payment of the plan review fee, if any, is not contingent upon issuance of a permit, but is due upon the submittal of plans and documentation for the review process. Any plan review and inspection fees adopted pursuant to this Section of this Ordinance shall be waived if the valuation of the system, tank, or other item is included in determining a plan review fee payable under the Uniform Building Code.

Section 4. Section 902.2 of the 1997 Edition of the Uniform Fire Code, relating to Fire Department Access Roads, as amended herein, is hereby adopted. Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the unincorporated areas of Wahkiakum County when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from an improved county road or state highway. More than one fire apparatus access road shall be provided when it is determined by the County's Public Works Director that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Fire apparatus access roads shall comply with the following specifications:

(a) **Road Width:**

- (1) Access roads serving up to 6 lots/parcels shall have an unobstructed width of not less than 20 feet. The minimum surfaced width shall be 12 feet.
- (2) Access roads serving 7-20 lots/parcels shall have an unobstructed width of not less than 24 feet. The minimum surfaced width shall be 18 feet.
- (3) Access roads serving 21+ lots/parcels shall have an unobstructed width of not less than 30 feet. The minimum surfaced width shall be 24 feet.
- (4) If parking is intended or permitted along a fire apparatus access road, then overall widths and surfaced widths shall be increased by 6 feet.
- (5) The required width of a fire apparatus access road shall not be obstructed in any manner, including the parking of vehicles.

(b) **Easement Width:**

- (1) A dedicated easement shall be not less than 40 feet. If parking is intended or permitted, then easement width shall be increased by 6 feet.

(c) **Vertical Clearance:**

- (1) Access roads shall have an unobstructed vertical clearance from trees, power lines, entry gates, etc., of not less than 13 feet, 6 inches. The established clearance shall be maintained at all times.

(d) **Surface:**

- (1) Access roads shall provide all-weather driving capabilities. Minimum surfaced widths are designated in Section 4(a) of this Ordinance.
- (2) Access roads shall be designed and maintained to support the "imposed loads of fire apparatus" (gross vehicular weight) as determined by the fire district having jurisdiction.

(e) **Turn-arounds:**

- (1) Access roads in excess of 150 feet in length which dead-end shall have a minimum 50 foot radius cul-de-sac.
- (2) A "hammerhead" not less than the required road width is an acceptable option if approved by the County Public Works Department.

(f) **Grade:**

- (1) Access roads shall not exceed 12% grade, **PROVIDED, HOWEVER**, the Public Works Director may allow grades up to 14% for fire apparatus access roads surfaced with an BST or ACP road surface meeting county road standards of construction.

(g) **Drainage:**

- (1) Corrugated culvert driveway pipes shall be installed as needed to assure adequate drainage. Culvert locations, sizes and lengths must be approved by the County Public Works Department prior to installation.
- (2) Drainage of surface water shall be away from access roads.

(h) **Entrance Permits**

- (1) Any person constructing a fire apparatus access road which intersects with a county road shall obtain an entrance permit from the County Public Works Department. There shall be a clear, unobstructed view on each side of the fire apparatus access road. In reviewing entrance permit applications for approval, the County Public Works Department will take into consideration the stopping sight distance calculations contained in Table III-1 of the AASHTO Handbook, 1984 edition, which Table III-1 is hereby incorporated by reference.

(i) **Signage:**

- (1) Access roads shall be designated by names or numbers on legible signs clearly visible from the intersecting county road or state highway.

(j) **Bridges:**

- (1) Bridges that are part of fire apparatus access roads shall be designed for a live load sufficient to carry the imposed loads of fire apparatus used by the fire district with jurisdiction.
- (2) When restructuring or building of a bridge becomes necessary, a Washington State civil engineer's certification is required. All bridges shall be constructed and maintained in accordance with the current edition of the Washington State Department of Transportation "Standard Specifications for Road, Bridge, and Municipal Construction."
- (3) Vehicle load limits shall be posted at both entrances to bridges.

(k) **Curves:**

- (1) No curve radius shall be less than 100 feet measured from the road centerline unless approved by the fire district having jurisdiction and the County Public Works Department.

(l) **Turn-Outs:**

- (1) Access roads in excess of 400 feet in length shall have one turn-out approximately every 400 feet constructed such that there will be a minimum all-weather surface 20 feet in total width for a length of 50 feet.

(m) **Variance:**

The Public Works Department may grant a variance to the gradient requirements of this Ordinance if all of the following criteria are met:

- (1) The road was constructed and maintained as an access road prior to the effective date of this Ordinance; and
- (2) The grade does not exceed 16%; and
- (3) The portion of the road with a gradient in excess of 14% is free of curves and switchbacks and is surfaced with an ABS or asphalt road surface; and
- (4) The fire protection district with jurisdiction has inspected the road and has submitted its written approval of the variance to the Public Works Department; and
- (5) The variance is necessary to avoid an unreasonable financial hardship to the landowner.

Section 5. The following subsection is added to Section 903 of the Uniform Fire Code, 1997 edition:

“903.2.1 The provisions of Section 5.1 of Appendix III-A notwithstanding, the fire flow for detached one-family dwellings having a fire area which does not exceed 3,600 square feet shall meet or exceed the minimum fire flow standards set forth in Table 1 of Section 246-293-640 of the Washington Administrative Code, which standards are hereby adopted by reference.”

Section 6. The following are exempt from the fire flow and hydrant requirements contained in Appendices III-A and III-B of the Uniform Fire Code, 1997 Edition, except that the Public Works Director, after consultation with the jurisdictional fire chief, may impose conditions to mitigate identified fire hazards. Such conditions may include, but are not limited to, increased setbacks, use of fire retardant materials, and/or drafting ponds:

- (a) Subdivisions and short subdivisions when all lots are over one acre in size and the Public Works Director determines that no substantial fire hazard will be created and a minimum sixty foot (60' 0") building setback is maintained to all property lines.
- (b) Single family detached dwellings and mobile homes not in a mobile home park proposed on existing lots, provided the lot is over one acre in size and the Public Works Director determines that no substantial fire hazard will be created.
- (c) Structures classified as Group U occupancies under the Uniform Building Code, and which conform to the standards for agricultural buildings in the Appendix to the Uniform Building Code, except that stables and riding arenas not restricted to the private use of the owner and owner's family are not exempt.

- (d) Single family detached dwelling served by an existing state department of health approved municipal water system.

Section 7. In the event of a conflict between the provisions of Section 1102 of the Uniform Fire Code, 1997 Edition, and the provisions of Chapter 70.94 of the Wahkiakum County Code relating to Outdoor Burning, the provisions of Chapter 70.94 of the Wahkiakum County Code shall control.

Section 8. The Public Works Director of Wahkiakum County, or his designee, is hereby appointed and designated as the official responsible for the enforcement and administration of this Ordinance.

Section 9. Notwithstanding the definitions contained in the Uniform Fire Code adopted by reference in this Ordinance and except as otherwise provided in this Ordinance, all references in the provisions of such code to the "jurisdiction" shall be construed as Wahkiakum County, references to the "administrator" shall be construed as the Board of Wahkiakum County Commissioners, references to the "fire department" shall mean the Wahkiakum County Department of Public Works, references to the "chief" shall be construed as the director of the Wahkiakum County Department of Public Works, or his/her authorized representative, and references to the "bureau of fire prevention" shall be construed as the Wahkiakum County Department of Public Works. For purposes of the enforcement by the County and its personnel of Sections 103.3.1.2, 103.4.1.2, 103.4.1.3, and 103.4.3.3 of the Uniform Fire Code, 1997 Edition, the term "fire department" shall also mean the fire protection district with jurisdiction, and the word "chief" shall also mean the chief officer of such fire protection district.

Section 10. Section 19.27.110 of the Revised Code of Washington provides that the adoption of any uniform fire code is not intended to grant counties any more authority to suppress or extinguish fires than that which is currently possessed. The suppression, extinguishment, and investigation of hazardous or dangerous fires within the unincorporated areas of Wahkiakum County has traditionally been, and currently is, performed by local fire protection districts. It is, therefore, the declared intent of Wahkiakum County that its functions and duties in administering and enforcing the provisions of the uniform fire code do not include responsibility for the suppression and extinguishment of dangerous or hazardous fires. Consistent with this intent, the County does not adopt Section 103.2.1.1 (item 2) of the 1997 Edition of the Uniform Fire Code and its personnel are not responsible for performance of the functions and duties specified under the following sections of the Uniform Fire Code, 1997 edition: Section 104.1.1, Section 104.1.3, and Section 104.3.1. By past practice, the County and the fire protection district with jurisdiction have cooperatively investigated fires. It is the intent of Wahkiakum County to continue this cooperative approach to the investigation of fires in the unincorporated areas of Wahkiakum County. For purposes of Sections 103.2.1.1 (item 8) and 104.2 of the Uniform Fire Code, 1997 Edition, the term "chief" shall include both the County Public Works Director and the chief of the fire protection district having jurisdiction. For purposes of Sections 103.2.1.1 (item 8) and 104.2 of the Uniform Fire Code, 1997 Edition, the term "fire department" shall include both the County Public Works Department and the fire protection district with jurisdiction. Therefore, the following sections pertaining to the investigation of fires are permissive and not mandatory as to the County and its personnel: Section 103.2.1.1 (item 8) and Section 104.2 of the Uniform Fire Code, 1997 Edition.

Section 11. Sections 104.1.1, 104.1.2, and 104.1.3 of the Uniform Fire Code, 1997 Edition, pertaining to authority at the scene of any fire or other emergency involving the protection of life or property are hereby ratified and adopted as general fire safety provisions to safeguard the general public health, safety and welfare. For purposes of the application and enforcement of the above referenced provisions, the term "fire department" shall refer to the fire protection district with jurisdiction, the terms "chief" or "officer of the fire department" shall be construed as referring to the appropriate official of such fire protection district.

Section 12. Enforcement of this Ordinance shall not be construed for the particular benefit of any individual person or group of persons, other than the general public. Nothing in this Ordinance or the codes adopted by reference herein shall be construed to impose any legal duty, directly or indirectly, upon the County of Wahkiakum or any of its officials, employees, or contractors, to protect individual persons or property in individual circumstances. In the event of a conflict between the intent of this section and any other section or sub-section of this Ordinance, this section shall govern insofar as applicable.

Section 13. Any person, firm, or corporation violating any of the provisions of this Ordinance, including the provisions of any code adopted by reference herein, or failing to comply therewith or violating or failing to comply with any order issued or made pursuant to its provisions, shall severally and for each and every violation and non-compliance respectively, be guilty of a misdemeanor. Any person so convicted shall be punished for each offense by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Section 14. The imposition of one penalty for a violation of this Ordinance shall not excuse the violation or permit it to continue. Any person, firm, or corporation shall be required to correct such violations or defects. Each week after notice of violation to such person, firm, or corporation shall constitute a separate offense unless time for correction is otherwise expressly extended in writing by the official enforcing this Ordinance. **PROVIDED**, that where such official has ordered any work, occupancy, or condition, stopped or corrected immediately, or, has revoked or suspended any permit or certificate, each and every day that such work, occupancy, or condition continues or is permitted to continue shall constitute a separate offense.

Section 15. The owner, lessee, or tenant of any building, structure, premises, or part thereof, or any employee, agent or other person, who commits, authorizes, participates in, assists in, or who maintains, after notice, a violation of this Ordinance may be found guilty of a separate offense and be punished as provided in Section 13 of this Ordinance.

Section 16. In addition to any criminal proceedings brought to enforce this Ordinance, and in addition to any fine or imprisonment provided for herein, continuing violations of this Ordinance may be enjoined or ordered abated in a civil proceeding for injunction or for abatement commenced in the Superior Court for Wahkiakum County. For purposes of abatement actions, such violations are hereby declared to be public nuisances. Any person, firm, or corporation violating the provisions of this Ordinance shall be liable for all costs of such proceedings, including reasonable attorneys fees and expenses of abatement. The provisions of this Section are in addition to any other remedies available at law or equity.

Section 17. The invalidity of any Section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 18. Sections 1 (C), 5, 6, and 7 of Ordinance No. 106-87 and Sections 30.04.010(c), 30.04.090, 30.04.100, and 30.04.110 of the Revised Code of Wahkiakum County are each hereby repealed.

Section 19. The Ordinance provisions repealed by this Ordinance are repealed except with respect to rights and duties which matured, penalties which were incurred, and proceedings which were begun prior to the effective date of this Ordinance.

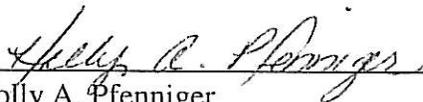
Section 20. This Ordinance shall be in full force and effect from and after its adoption by the Board of County Commissioners.

Section 21. This Ordinance shall be codified in the Revised Code of Wahkiakum County as part of Chapter 30.04.

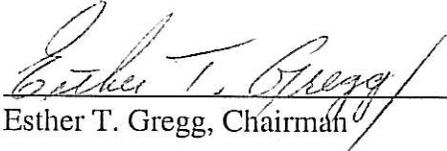
DULY PASSED AND ADOPTED FOLLOWING PUBLIC HEARINGS THEREON
this 16th day of October, 2001.

**BOARD OF COUNTY COMMISSIONERS
OF WAHKIAKUM COUNTY, WASHINGTON**

ATTEST:



Holly A. Pfenniger
Clerk of the Board

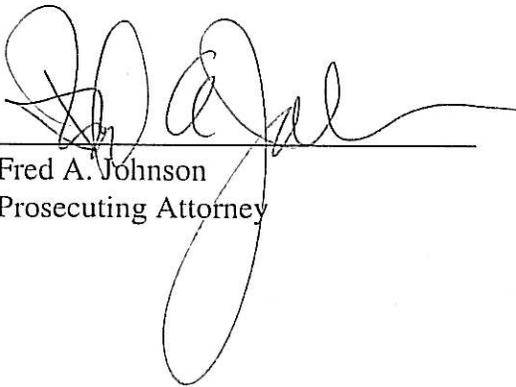


Esther T. Gregg, Chairman

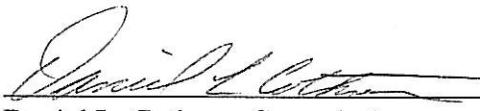
APPROVED AS TO FORM this
16th day of October, 2001:



George A. Trott, Commissioner



Fred A. Johnson
Prosecuting Attorney



Daniel L. Cothren, Commissioner