

**ORDINANCE NO. 2024-07**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, relating to the fire code; amending Chapter 20.04 (Fire Code) Sections 20.04.010, 20.04.030, 20.04.040, 20.04.050, 20.04.100 and amending Chapter 20.12 (Burning Restrictions) Sections 20.12.020, 20.12.030, and 20.12.040 of the Bainbridge Island Municipal Code (BIMC).

**WHEREAS**, the City Council desires to amend the City’s fire code provisions in BIMC Chapter 20.04 to reflect changes made in the International Fire Code, 2021 Edition; and

**WHEREAS**, the Bainbridge Island Fire Department has recommended changes to BIMC Chapter 20.12, relating to burning restrictions; and

**WHEREAS**, pursuant to WAC 51-54, this updated edition becomes effective March 15, 2024;

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

Section 1. Section 20.04.010 of the BIMC Chapter 20.04 is hereby amended to read as follows:

**20.04.010 Code adopted by reference.**

The following codes are adopted by reference subject to the amendments set forth in BIMC 20.04.010 through 20.04.130+40:

- A. The International Fire Code, ~~2018~~ 2021 Edition, published by the International Code Council, and as amended as set forth in Chapter 51-54A WAC, and adopted by the State Building Code Council, with the addition of the following appendices: Appendix B (Fire Flow Requirements) as amended in BIMC 20.04.110, Appendix D (Fire Apparatus Access Roads) as amended in BIMC 20.04.130, Appendix E (Hazard Categories), Appendix F (Hazard Ranking), Appendix G (Cryogenic Fluids – Weight and Volume Equivalents), Appendix H (Hazardous Materials Management Plan (HMMP); and Hazardous Materials Inventory Statement (HMIS) Instructions), and Appendix I (Fire Protection Systems-Noncompliant Conditions) (the “International Fire Code”).
- B. The International Wildland Urban Interface Code, ~~2018~~ 2021 Edition, as published by the International Code Council, ~~and as amended as set forth in Chapter 51-54A WAC~~ RCW 19.27, and ~~adopted by the State Building Code Council,~~ as amended in BIMC 20.04.140.

Section 2. Section 20.04.030 of the BIMC Chapter 20.04 is hereby amended to read as follows:

**20.04.030 Amendments to Section ~~409~~ 111.**

Section ~~409~~ 111 of the International Fire Code is amended to read as follows:

SECTION ~~409-111~~

~~409-1~~ 111.1 Appeals.

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

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

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

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

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

Section 3. Section 20.04.040 of the BIMC Chapter 20.04 is hereby amended to read as follows:

**20.04.040 Amendments to Section ~~110~~ 112.**

Section ~~110~~ 112 of the International Fire Code is amended to read as follows:

SECTION ~~110~~ 112

VIOLATIONS

~~110.1~~ 112.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

~~110.2~~ 112.2 Owner/Occupant Responsibility. Correction and abatement of violations of this code shall be the responsibility of the owner or the owner's authorized agent. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

~~110.3~~ 112.3 Notice of Violation. When the fire code official (or designee) finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official (or designee) is authorized to prepare a written notice of violation describing the conditions deemed unsafe and where compliance is not immediate, specifying a time for reinspection.

~~110.3.1~~ 112.3.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

~~110.3.2~~ 112.3.2 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.

~~110.3.3~~ 112.3.3 Prosecution of Violations. If the notice of violation is not complied with promptly, the fire code official is authorized to request the city code

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

~~110.3.4~~ 112.3.4 Unauthorized Tampering. Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with or removed without authorization from the fire code official. Any mutilation, destruction, tampering or removal of said signs, tags, and/or seals is unlawful and a violation of the city fire code.

~~110.4~~ 112.4 Violation Penalties.

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

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

C. Civil Penalty. In addition to any civil infraction fine, criminal penalty, and or other available sanction or remedial procedure, any person engaging in conduct made unlawful by the city fire code shall be subject to a cumulative civil penalty in the amount of \$1,000 per day for each violation from the date set for compliance until the date of compliance. Any such civil penalty shall be collected in accordance with BIMC 1.26.090.

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

costs and reasonable attorney's fees incurred by the city in bringing, maintaining and/or prosecuting such action.

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

~~110.4.1~~ 112.4.1 Abatement of Violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

Section 4. Section 20.04.050 of the BIMC Chapter 20.04 is hereby amended to read as follows:

**20.04.050 Amendments to Section ~~112.4~~ 113.4.**

Section ~~112.4~~ 113.4 of the International Fire Code is amended to read as follows:

~~112.4~~ 113.4 Failure to Comply. It is a violation of this code for any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

Section 5. Section 20.04.100 of the BIMC Chapter 20.04 is hereby amended to read as follows:

**20.04.100 Amendments to Section 903.**

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

903.1 General. Automatic sprinkler systems shall comply with this section. For the purpose of this section, for determining automatic fire sprinkler system requirements, fire areas shall be defined as the total floor areas of all floor levels within the exterior walls, including mezzanines, as well as all areas under the horizontal projections of the roof of a building (such as a connecting breezeway or carports open on two sides). Fire walls shall not define separate buildings.

903.2.13 Other automatic fire sprinkler system requirements.

A. Sprinkler Systems Required.

1. A fully automatic fire sprinkler system designed, installed and tested pursuant to the current edition of NFPA 13, NFPA 13R, or NFPA 13D, as determined by the fire

marshal, shall be installed in all new buildings in excess of 3,600 square feet total floor area.

2. A fully automatic fire sprinkler system meeting the standards set forth in subsection A.1 of this section may be required by the chief of the fire district for any new building in the city, when, in the judgment of the fire code official, any of the following conditions exist: hazardous operations, hazardous contents, critical exposure problems, limited accessibility to the buildings, or other items which may contribute to definite fire hazards.

3. All fire sprinkler systems installed after the effective date of the ordinance codified in this subsection shall be equipped with a leak detector meter which includes a double check valve assembly.

B. Conflicts. In the event that any provision of this section conflicts with any provision of the Building Code or the Fire Code as adopted by the city, the more stringent (greatest protection) provision shall apply.

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

D. Existing Buildings.

1. Existing buildings equipped with an automatic fire sprinkler system, when remodeled or added onto, shall retain the feature of being equipped with an automatic fire sprinkler system in the remodeled or added on portion.

2. If, by expanding an existing building of 3,600 or more square feet of total floor area, the resulting total structure falls within the coverage of subsection A of this section, the entire structure shall be equipped with an automatic fire sprinkler system as required in subsection A.1 or A.2 of this section, whichever may apply.

EXCEPTION: One- and two-family dwellings less than 5,000 square feet within 1,000 feet of a fire hydrant as measured along an approved access roadway from the structure that supplies not less than 500 gpm for a minimum of 30 minutes.

3. If a building permit is required in the remodeling, without expanding, of an existing structure of 3,600 square feet or more of total floor area as described in 903.2.14, the entire structure shall be equipped with an automatic fire sprinkler system as required in subsection A.1 or A.2 of this section, whichever may apply.

EXCEPTION:

- 1.) When the work area is less than 25 percent of the total floor area.
- 2.) One- and two-family dwellings.

Section 6. Section 20.12.020 of the BIMC Chapter 20.12 is hereby amended to read as follows:

**20.12.020 Definitions.**

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

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

C. “Firefighting instructional fires” means fires for instruction in the methods of firefighting.

D. “Fire protection agency” means the Bainbridge Island fire department.

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

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

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

H. “Outdoor burning” means any type of burning as specified in Chapter 173-425 WAC, including the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of the emissions from the combustion.

I. “Prescribed fire” means the controlled application of fire by members of the fire department under specified weather conditions to restore health to ecosystems.

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

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

KL. “Silvicultural burning” means outdoor burning associated with forest management activities under Chapter 70.94 RCW.

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

Section 7. Section 20.12.030 of the BIMC Chapter 20.12 is hereby amended to read as follows:

**20.12.030 Outdoor burning – Prohibited types.**

The following types of outdoor burning are prohibited:

- A. Any outdoor fire during any stage of an air pollution episode or period of impaired air quality;
- B. Any outdoor fire during any period of time that a burning ban has been established by the fire protection agency due to high fire hazard conditions.

Exceptions:

- 1. Fire extinguisher training conducted by the fire department where a firefighting instructional fire permit has been issued, and
  - 2. Prescribed fire conducted by the fire department where a prescribed fire permit has been issued, and
  - 3. Recreational fires in an approved fire pit or fire table located on a non-combustible surface and fueled by LPG (Liquified Petroleum Gas).
- C. Any outdoor fire containing garbage, dead animals, asphalt, petroleum products, paints, tires, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal, or any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned;
  - D. Any outdoor fire in a metal container such as a burning barrel;
  - E. Any outdoor fire for the purpose of demolition, salvage or reclamation of materials;
  - F. Any outdoor fire for which a permit or approval has not been issued by a state agency and/or the local permitting agency, as appropriate, when such permits or approvals are required by law;
  - G. Any land clearing burning;
  - H. Any residential burning. (Ord. 2008-10 § 9, 2008)

Section 8. Section 20.12.040 of the BIMC Chapter 20.12 is hereby amended to read as follows:

**20.12.040 Outdoor burning – Permitted types.**

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


- A. Firefighting instructional fires that comply with all applicable state laws and regulations;

- B. Agricultural burning that complies with all applicable state laws and regulations;
- C. Silvicultural burning that complies with all applicable state laws and regulations;
- D. Storm or flood debris burning, with time limitations for burning established by the city;
- E. Recreational fires with a total fuel area that is greater than three feet in diameter and/or two feet in height. Exception: Recreational fires under this size are allowed and do not require a permit; (Ord. 2008-10 § 9, 2008)
- F. Prescribed fire conducted by the fire department.


Section 9. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

**PASSED** by the City Council this 12th day of March, 2024.

**APPROVED** by the Mayor this 12th day of March, 2024.

  
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Joe Deets, Mayor

**ATTEST/AUTHENTICATE:**

  
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Christine Brown, MMC, City Clerk

FILED WITH THE CITY CLERK: February 12, 2024  
PASSED BY CITY COUNCIL: March 12, 2024  
PUBLICATION DATE: March 22, 2024  
EFFECTIVE DATE: March 27, 2024  
ORDINANCE NO. 2024-07