

ORDINANCE NO. 3

CITY OF LACEY

AN ORDINANCE ADOPTING THE UNIFORM FIRE
PREVENTION CODE

WHEREAS, there is need of a fire code in the city of Lacey for the prevention of fire, and

WHEREAS, the Thurston County Fire Protection District No. 3 known as the Lacey Fire Department, has a competent staff to supervise the enforcement and inspections necessary pursuant to the adoption of a fire prevention code, and

WHEREAS, the city of Lacey, State of Washington, has the authority to adopt a fire prevention code and invoke criminal penalties to implement the enforcement of said code, and

WHEREAS, it is for the benefit of the citizens of the city of Lacey that a fire prevention code be adopted for that portion of the Thurston County Fire Prevention District No. 3 known as the Lacey city limits, and it is in the best interests of the health, welfare and safety of the citizens of the city of Lacey that such a code be adopted, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LACEY:

Section 1. Adoption of Fire Code.

There is hereby adopted by the city of Lacey, Washington, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion within those incorporated boundaries of the city of Lacey, that certain code known as the Fire Prevention Code recommended by the National Board of Fire Underwriters, being particularly the 1965 Edition thereof, and the whole thereof, including amendments and additions thereto, save and except such portions as are hereinafter by this ordinance deleted, modified or amended, of which said code, three copies have and now are being filed in the office of the clerk of the city of Lacey, and said code is hereby adopted and incorporated as fully as if set out at length herein, and from the effective date of this ordinance the provisions thereof shall be controlling within the limits of the city of Lacey.

Sec. 2. Reference to Standards.

(a) All standards and publications representing nationally recognized good practice, which are listed in Appendix B to said Fire Prevention Code herein adopted, together with all amendments and additions thereof, are hereby adopted as part of this ordinance and incorporated herein as fully as if set out at length.

(b) The following standards recommended by the National Fire Protection Association and published by the National Board of Fire Underwriters and listed in Appendix C to said Fire Prevention Code herein adopted as part of this ordinance and incorporated herein as fully as if set out at length.

Sec. 3. Areas Governed by Fire Code.

The fire code established by this ordinance will apply to those areas in the Thurston County which are located in the corporate limits of the city of Lacey, and which are located within the boundaries of the following named fire protection district: Thurston County Fire Protection District No. 3, also known as the Lacey Fire District.

Sec. 4. Definitions.

(a) Whenever the word "Municipality" is used in the Fire Prevention Code it shall be held to mean the fire protection districts in which the Fire Prevention Code is in force.

(b) Whenever the term "Bureau of Fire Prevention", "Chief of the Bureau of Fire Prevention", or "Chief of the Fire Department" are used in the Fire Prevention Code, they shall be held to mean the Chief of the Fire Department of the Fire Protection District in which the Fire Prevention Code is in force. Said Chief, acting under the supervision of the board of Fire Commissioners of his district, shall perform the duties and functions specified in the Fire Prevention Code to the full extent required within the geographical boundaries of his particular fire protection district.

(c) Wherever reference is made in the Fire Prevention Code to "inspector of the fire department" or "bureau of fire prevention", the same shall mean personnel designated to perform the fire inspection function by the fire department chief of the fire protection district in which the Fire Prevention Code is in force.

(d) Whenever the term "corporation counsel" is used in the Fire Prevention Code, it shall be held to mean the city attorney of the city of Lacey.

(e) Wherever the term "the police department" is used in the Fire Prevention Code, it shall be held to mean the Police Department of the city of Lacey.

Sec. 5. Specific Limits Pertaining to Storage of Flammable Liquids.

(a) The limits referred to in section 16.22(a) of the Fire Prevention Code in which storage of flammable liquids in outside above ground storage tanks is prohibited shall apply to all areas in which the Fire Prevention Code is in force; provided, however, that at the discretion of the chief of the fire protection district in which such above ground storage is requested, a special permit authorizing the same may be issued.

(b) The limits referred to in Section 16.51 of the Fire Prevention Code, in which new bulk plants for flammable liquids are prohibited, shall apply to all areas in which the Fire Prevention Code is in force; provided, however, that such plants may be authorized by the City Council of the city of Lacey in its discretion after consultation with the chief of the fire protection district in which said bulk plant is requested.

Sec. 6. Limits Pertaining to Bulk Storage of
Liquified Petroleum Gases.

The limits referred to in Section 21.6(a) of the Fire Prevention Code, in which bulk storage of liquified petroleum gas is restricted, are hereby established as all areas in which the Fire Prevention Code is in force.

Sec. 7. Limits Pertaining to Storage of Explosives.

The limits referred to in section 12.6(b) of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited are hereby established as all areas in which the Fire Prevention Code is in force; provided, however, that the chief of the particular fire protection district concerned may, at his discretion, after consideration of all special features involved, issue a special permit for such storage.

Sec. 8. Amendments in Code.

The Fire Prevention Code herein adopted by reference is amended by deleting Article 13 therefrom.

Sec. 9. Modifications.

The chief of the fire protection district to which the Fire Prevention Code is made applicable by this ordinance shall have the power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided always, however, that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of any such modification when granted or allowed and the decision of the chief of the fire department shall be

entered upon the record of the district and a signed copy shall be furnished the applicant.

Section 10. Appeals.

Whenever the chief shall disapprove an application for modification, or refuse to grant a permit applied for, or when it is claimed that the provisions of the Fire Prevention Code do not apply or that the true intent or meaning of the code have been misconstrued or wrongfully interpreted, the applicant may appeal from the decision of the fire chief to the board of fire commissioners of the particular fire protection district in whose boundaries is located the particular matter in controversy, within 30 days from the decision of the chief.

Section 11. Penalties.

(a) Any person who shall violate any of these provisions of the Fire Prevention Code hereby adopted or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specification of plans submitted and approved thereunder, or any certificate or permission thereunder from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the board of fire commissioners of the fire protection district having jurisdiction thereof as provided herein, within the time fixed herein, shall severally and for each and every such violation or non-compliance respectively be guilty of a misdemeanor, punishable by a fine of not more than \$250.00 or by imprisonment in the city jail for not more than 90 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violation or defect within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense hereunder.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 12. Repeal of Former Code.

All former resolutions and ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance and the Fire Prevention Code hereby adopted, are hereby repealed.

Section 13. Validity.

Should any section, paragraph, sentence or word of this ordinance or of the Fire Prevention Code hereby adopted be declared for any reason to be invalid, it is the intent of the city council of the city of Lacey that it would have passed all other portions of this ordinance and of the Fire Prevention Code hereby adopted, independent of the elimination herefrom of any such portion as may be declared invalid, and accordingly, such declaratinn of invalidity shall not effect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 14. Date of Effect.

This ordinance shall take effect and be in force from and after its adoption as required by law.

This ordinance is necessary for the immediate preservation, health and welfare of the citizens of the city of Lacey, and shall take effect immediately following it s passage.

PASSED this 20th day of January, 1967.

Ed Homann
MAYOR

PASSED: Jan 19, 1967
POSTED: Jan 30, 1967
PUBLISHED: Jan 27, 1967

APPROVED AS TO FORM:
[Signature]
CITY ATTORNEY

ATTEST:
[Signature]
CITY CLERK