

# **TITLE 3**

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## **Fire and Emergency Medical Services**



# TITLE 3

## FIRE

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**CHAPTER 3.01**  
**GENERAL PROVISIONS**

## Sections:

- 3.01.010 Purpose.
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- 3.01.100 Fee Adjustments.
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- 3.01.120 Violation – Penalty.

**3.01.010 Purpose.**

This chapter provides for consistent administration of the City’s Fire & Emergency Medical Services, and related fees, fines, and permits.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)

**3.01.020 Definitions.**

For the purpose of this chapter, the following definitions shall apply:

“Chief of the Tacoma Fire Department” or “Fire Chief” means the individual responsible for the management, direction, and control of the City of Tacoma Fire Department.

“Department” means the Tacoma Fire Department unless otherwise addressed.

“Emergency Management” means the preparations for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to and recover from emergencies and disasters, and to aid victims suffering from injury or damage resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress.

“Emergency medical services (“EMS”)" means medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, not to include ambulance transportation involving patient care for which paramedics are not qualified.

“Emergency” or “Disaster” means an event or set of circumstances which: (a) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences, or (b) reaches such a dimension or degree of destructiveness as to warrant the City Council proclaiming the existence of a disaster or the Governor declaring a state of emergency in accordance with appropriate local and state statute.

“Fee Schedule” means the General Government schedule of special and miscellaneous fees passed by resolution by the Tacoma City Council.

“Vicinity” mean the area near or surrounding a particular or specific place, in this instance, the City of Tacoma or other jurisdictions the Tacoma Fire Department contracts with to provide fire and/or emergency medical services.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)

**3.01.030 Organization of the Department.**

The Chief of the Tacoma Fire Department (the Fire Chief), 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. 28702 Ex. B; passed Nov. 24, 2020)

## **Tacoma Municipal Code**

### **3.01.040 Duties of the Fire Chief.**

- A. In addition to the duties required of them by the City Charter and TMC Chapter 1.06, the Fire Chief shall:
1. At all times supervise and keep in repair and ready for instant use all the property of the City connected with the Fire Department;
  2. Certify to all bills against the City chargeable to said Fire Department;
  3. Keep a record of the organization of all companies, membership, vacancies, appointments and dismissals, and all notices issued;
  4. Issue orders to any other officer or member of the Department, which shall be promptly obeyed;
  5. Investigate the cause of all fires that may occur in the City as soon as possible and maintain the appropriate record of such investigation;
  6. Maintain a full and complete record of all transactions in said Department, of complaints against members, and the judgment of the Fire Chief thereupon, of time lost by them, and of all property placed in their 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;
  7. 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; and
  8. At all times be subject to the control and direction of the City Manager in matters pertaining to the Fire Department.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)

### **3.01.050 Oath of Member.**

It shall be the duty of the Fire Chief and each member thereof to be qualified by the Fire Chief, by oath or affirmation, that they 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 their ability all the duties of their office.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)

### **3.01.060 Commanding Assistance.**

The Fire Chief, or person in command, shall have power to command such assistance from the inhabitants of the City (not just members of the Fire Department), for the extinguishment of fire and for the preservation of life and property, as may in their 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, they shall be deemed guilty of a misdemeanor.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)

### **3.01.070 Vicinity of Fire – Authority to Keep Area Clear.**

The Fire Chief, or 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. 28702 Ex. B; passed Nov. 24, 2020)

### **3.01.080 Removal of Property.**

The Fire Chief, or 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. 28702 Ex. B; passed Nov. 24, 2020)

**3.01.090 Enforcement of Fire Code.**

The Tacoma Fire Department has the authority to uphold and enforce the City's Fire Code as stated in 3.02. As part of enforcing the Fire Code, the Department also has the right to charge fees, fines, and penalties to violators as stated throughout this Title. All fee amounts are outlined in the City of Tacoma's Fee Schedule.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)

**3.01.100 Fee Adjustments.**

Beginning January 1, 2021, the fees and charges specified in this title can be adjusted by legislative action of the Tacoma City Council or biennially 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. The price of all fees, fines, and permits will be displayed in the City's Fee Schedule.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)

**3.01.110 Waiver to Fees.**

The Fire Chief or 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.

B. Construction permit fees for multi-family residential housing 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. If the Fire Chief or designee determine 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. 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. 28702 Ex. B; passed Nov. 24, 2020)

**3.01.120 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. 28702 Ex. B; passed Nov. 24, 2020)





**CHAPTER 3.02**  
**FIRE PREVENTION CODE<sup>1</sup>**

## Sections:

- 3.02.010 Adoption of the International Fire Code, as Amended.
- 3.02.020 General Amendments.
- 3.02.025 Amendment to IFC Subsection 101.1 – Title.
- 3.02.030 Amendment to IFC Subsection 101.2 – Scope.
- 3.02.040 Amendment to IFC Subsection 102.7 – Referenced codes and standards.
- 3.02.050 Amendment to IFC Section 102 – Applicability, by addition of a new Subsection 102.13 – Delayed Enforcement.
- 3.02.100 Amendment to IFC Subsection 105.6.23 by addition of paragraphs 7 and 8.
- 3.02.110 Amendment to IFC Subsection 105.6.46 – Storage of Tires, Scrap Tires and Tire Byproducts.
- 3.02.120 Amendment to IFC Subsection 105.6 by addition of a new Subsection 105.6.51 – Marine terminal.
- 3.02.130 Amendment to IFC Section 109 – Board of Appeals.
- 3.02.140 Amendment to IFC Section 110 – Violations.
- 3.02.150 Amendment to IFC Section 111 by revision of the title to Unsafe Buildings, Premises, Motor Vehicles, and Marine Vessels.
- 3.02.160 Amendment to IFC Subsection 111.1 – General.
- 3.02.170 Amendment to IFC Subsection 111.2 – Evacuation.
- 3.02.180 Amendment to IFC Subsection 106.2 – Schedule of permit fees.
- 3.02.190 Amendment to IFC Subsection 403.1 – General.
- 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 – Earthquake Emergency Plans. Remaining sections in the State Amendment are renumbered sequentially.
- 3.02.210 Amendment to IFC Subsection 503.1 – Fire Apparatus Access Roads.
- 3.02.215 Adoption of IFC Subsections 503.1.1 Buildings and Facilities through 503.4.1 Traffic Calming Devices – Fire Apparatus Access Roads.
- 3.02.220 Amendment to IFC Section 505 – Premises Identification, by addition of a new Subsection 505.3 – Room identification and directional signs.
- 3.02.240 Amendment to IFC Subsection 901.6.3 – Records.
- 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 – Signage.
- 3.02.260 *Repealed.*
- 3.02.275 Amendment to IFC Section 907 – Fire Alarm and Detection Systems, by addition of new Subsection 907.12 – Exterior Annunciation.
- 3.02.290 Amendment to IFC Section 907 – Fire Alarm and Detection Systems, by addition of a new Subsection 907.13 – Signage.
- 3.02.310 *Repealed.*
- 3.02.320 Amendment to IFC Subsection 1103.6.1 – Existing multiple-story buildings.
- 3.02.330 *Repealed.*
- 3.02.350 Amendment to IFC Subsection 1104.16.5 – Addition of Subsections 1104.16.5.2 Inspections and Testing and 1104.16.5.3 Records.
- 3.02.370 Amendment to IFC Subsection 3504.2.6 – Fire Extinguisher.
- 3.02.380 Amendment to IFC Subsection 3601.1 – Scope.
- 3.02.385 Amendment to IFC Subsection 5704.2.9.6.1 – Locations where above-ground tanks are prohibited.
- 3.02.390 Amendment to IFC Subsection 5704.3.4 by addition of new Subsection 5704.3.4.5 – Liquids for demonstration, treatment and laboratory work.
- 3.02.395 Amendment to IFC Subsection 5706.2.4.4 – Locations where above-ground tanks are prohibited.
- 3.02.400 Amendment to IFC Subsection 5706.5.4.5 – Commercial, industrial, governmental or manufacturing, by addition of item 26.
- 3.02.403 Amendment to IFC Subsection 5707.1 – General.
- 3.02.405 Amendment to IFC Subsection 5806.2 – Limitations.
- 3.02.410 Amendment to IFC Subsection 6101.3 – Construction Documents.
- 3.02.415 Amendment to IFC Subsection 6104.2 – Maximum capacity within established limits.

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<sup>1</sup> 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.

## Tacoma Municipal Code

### 3.02.010 Adoption of the International Fire Code, as Amended.

The 2018 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 February 1, 2021, 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: 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	111	903.3.9	5704.2.9.6.1
101.2	111.1	903.3.10	5704.3.4
102.7	111.2	907.12	5706.2.4.4
102.13	403.1404.4	907.13	5706.5.4.5
105.6.23	503.1	1103.6.1	5707.1
105.6.46	503.1.1	1103.7.6	5806.2
105.6.51	503.4.1	1104.16.5	6101.3
109	505.3	3504.2.6	6104.2
110	901.6.3	3601.1	

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

### 3.02.025 Amendment to 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.”

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

### 3.02.030 Amendment to IFC Subsection 101.2 – Scope.

101.2 Scope.

This code establishes regulations affecting or relating to structures, processes, premises, motor vehicles, 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 of structures, motor vehicles, marine vessels, 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.
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

### 3.02.040 Amendment to 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: 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 105.6.23 – 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.110 Amendment to IFC Subsection 105.6.46 – Storage of Tires, Scrap Tires and Tire Byproducts.**

105.6.46 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: 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 105.6.51 – Marine terminal.**

105.6.51 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.130 Amendment to IFC Section 109 – Board of Appeals.**

109.1 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.

109.2. 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.

109.3 Qualifications.

The Board of Building Appeals shall consist of members who are qualified as specified in TMC Chapter 2.17.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

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### **3.02.140 Amendment to IFC Section 110 – Violations, by replacing this section as published in the IFC in its entirety with the following.**

#### 110.1 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.

#### 110.2 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.

#### 110.3 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.

##### 110.3.1 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.

110.3.1.1 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;

110.3.1.2 A specified timeframe or deadline to correct the violations;

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

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

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

##### 110.3.2 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 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.

##### 110.3.4 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.

#### 110.4 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:

110.4.1 First and subsequent civil penalties \$250;

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

110.4.3 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.

110.4.4 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.

110.5 Administrative Reviews by the Fire Code Official.

110.5.1 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.

110.5.2 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.

110.5.3 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.

110.5.4 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.

110.6 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.150 Amendment to IFC Section 111 by revision of the title to Unsafe Buildings, Premises, Motor Vehicles, and Marine Vessels.**

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.160 Amendment to IFC Subsection 111.1 – General.**

111.1 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

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refer any unsafe building to the building department for any repairs, alterations, remodeling, removing or demolition as required.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

### **3.02.170 Amendment to IFC Subsection 111.2 – Evacuation.**

111.2 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

### **3.02.180 Amendment to IFC Subsection 106.2 – Schedule of permit fees.**

106.2 Schedule of permit fees.

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

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

### **3.02.190 Amendment to IFC Subsection 403.1 – General.**

403.1 General.

In addition to the requirements of Section 401, occupancies, uses and outdoor locations shall comply with the emergency preparedness requirements set forth in Sections 403.2 through 403.12.3.3. Where a fire safety and evacuation plan is required by Sections 403.2 through 403.11.5, evacuation drills shall be in accordance with Section 405 and employee training shall be in accordance with Section 406. Where a fire safety and evacuation plan is required by Sections 403.2 through 403.11.5 an earthquake emergency plan shall also be required in accordance with Section 404.4.

(Ord. 28730 Ex. A; passed Jan. 26, 2021)

### **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.
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 to 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

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.215 Adoption of IFC Subsections 503.1.1 Buildings and facilities through 503.4.1 Traffic calming devices – Fire Apparatus Access Roads.**

Section 503.1.1 Buildings and facilities.

Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. The fire code official is authorized to increase the dimension of 150 feet where any of the following conditions occur:

1.1. The building is equipped with an approved automatic sprinkler system installed in accordance with Sections 903.3.1.1, 903.3.1.2, 903.3.1.3.

1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

1.3. There are not more than two Group R-3 or Group U occupancies.

2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

503.1.2 Additional access.

The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.1.3 High-piled storage.

Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 32.

503.2 Specifications.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

503.2.2 Authority.

The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

503.2.3 Surface.

Fire apparatus access roads shall be designed and maintained to support the imposed loads of the fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

503.2.4 Turning radius.

The required turning radius of a fire apparatus access road shall be determined by the fire code official.

503.2.5 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

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### 503.2.6 Bridges and elevated surfaces.

Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AAHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges where required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers, approved signs or both shall be installed and maintained where required by the fire code official.

### 503.2.7 Grade.

The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire department's apparatus.

### 503.2.8 Angles of approach and departure.

The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus.

### 503.3 Marking.

Where required by the fire code official, approved signs or other approved notices or marking that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

### 503.4 Obstruction of fire apparatus access roads.

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times.

#### 503.4.1 Traffic calming devices.

Traffic calming devices shall be prohibited unless approved by the fire code official.

(Ord. 28730 Ex. A; passed Jan. 26, 2021; Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

### **3.02.220 Amendment to IFC Section 505 Premises Identification by addition of a new Subsection 505.3 – Room identification and directional signs.**

#### 505.3 Room identification and directional signs.

Where required by the fire code official, approved room identification and wayfinding signs shall be provided for new and existing Group I and Group R occupancies. Signs must comply with IBC E107.2 and E107.3.

Exception. One- and two-family dwellings regulated by the IRC.

(Ord. 28730 Ex. A; passed Jan. 26, 2021)

### **3.02.240 Amendment to IFC Subsection 901.6.3 – Records.**

#### 901.6.3 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021; 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 – Signage.**

#### 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 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.



(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.260 Repealed by Ord. 28730. Amendment of IFC Subsection 903.4.3 – Floor Control Valves.**

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.275 Amendment to IFC Section 907 – Fire Alarm and Detection Systems, by addition of new Subsection 907.12 – Exterior Annunciation.**

907.12 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: 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 907.13 – Signage.**

907.13 Signage.

907.13.1 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.

907.13.2 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.”

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.310 Repealed by Ord. 28730. Amendment to IFC Subsection 1103.5 – Sprinkler systems, by addition of Subsection 1103.5.4 – Group R occupancies.**

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.320 Amendment to 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 and buildings four or more stories in height containing a Group R occupancy shall be equipped with standpipes.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.330 Repealed by Ord. 28730. Amendment of IFC Subsection 1103.7.6 – Group R-2.**

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.350 Amendment to 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.

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### 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

### **3.02.370 Amendment to 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

### **3.02.380 Amendment to 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

### **3.02.385 Amendment to 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: 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 to 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.400 Amendment to IFC Subsection 5706.5.4.5 – Commercial, industrial, governmental or manufacturing, by addition of a new item 26.**

26. TMC Chapter 3.10.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.403 Amendment to IFC Subsection 5707.1 – General.**

5707.1 General.

On-demand mobile fueling operations that dispense Class I, II and III liquids into the fuel tanks of motor vehicles shall comply with Sections 5707.1 through 5707.6.3 and TMC 3.10.

(Ord. 28730 Ex. A; passed Jan. 26, 2021)

**3.02.405 Amendment to 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.410 Amendment to 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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: Repealed and reenacted by Ord. 28364 Ex. A; passed Jun. 14, 2016)

**3.02.415 Amendment to 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

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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.

(Ord. 28730 Ex. A; passed Jan. 26, 2021: 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**

***REPEALED***

**FIRE DEPARTMENT**

Repealed by Ord. 28702 Ex. B; passed Nov. 24, 2020

(Prior Legislation: Ord. 26023 § 1; passed Jan. 28, 1997; Ord. 25573 § 1; passed Aug. 30, 1994;  
Ord. 6962; passed Feb. 26, 1919; Ord. 5196 § 2; passed Jan. 22, 1913)

**CHAPTER 3.05**

***REPEALED***

**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:

- 3.06.005 Fire false alarms
- 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.

**3.06.005 Fire false alarms.**

## A. Purpose.

It shall be the intent of this section to reduce the number of fire false alarms occurring within the City and reduce the resulting dependency on City resources by assessing financial penalties for each occurrence.

## B. Definitions.

For the purposes of this section:

“Fire false alarm” is the activation of a fire alarm by any means or for any purpose other than an actual fire. A fire alarm is properly activated when evidence of fire, smoke, or emergency conditions are found to exist upon arrival of the Fire Department. All other activations, including non-fire heat-related activation, construction, or maintenance-related incidents and accidental or malicious activation, shall be considered false.

“Fire alarm activation” is the giving, signaling, or transmission of a fire alarm to any public fire station, fire company, fire officer or any employee of the jurisdiction with normal responsibilities for public safety or to any central alarm monitoring agency whose purpose is to monitor fire alarms, whether by telephone, spoken word, electronic conveyance or otherwise, any information to the effect that there is a fire at or near the place indicated by such signal or transmission.

“Person” shall include any natural person, partnership, joint stock company, unincorporated association or society, club or corporation of any type whatsoever.

“Residential” shall mean for buildings approved for single-family or duplex occupancies.

“Commercial” shall mean for buildings approved for all occupancies other than residential occupancies.

## C. Penalty Assessed.

It shall be unlawful for any person to give, signal or transmit or for any person to cause or permit to be given, signaled or transmitted in any manner any fire false alarm. For a fire department dispatch or response to any fire false alarm, the City shall charge and collect from the person(s) having or maintaining such fire alarm on the premises owned or occupied by them the following penalty:

1. A charge of \$150 for each residential fire false alarm billed to the building owner, as indicated on the County’s Assessor-Treasurer record for the parcel, at the residential address of the false alarm.
2. A charge of \$250 for each commercial fire false alarm. If the commercial fire false alarm is generated by an accidental or unintentional activation of an alarm by the owner or employees of a business, the charge shall be billed to the business. If the activation occurs due to fire alarm system malfunction, repair or maintenance work performed on the system the charge shall be billed to the building owner unless a contractor maintaining the system accepts the charge for the owner.

## D. Notice of violation.

The Fire Chief or their designee shall be responsible for the issuance of written notices of violation and assessment of penalties for all fire false alarms.

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### **E. Administrative Decision.**

Notice of the imposition of penalty charges under the provisions of this section shall be given to the person having or maintaining a fire alarm on premises owned or occupied by them; provided that with respect to business premises the owner, manager or chief administrative agent regularly assigned and employed on the premises at the time of the occurrence shall be presumed to be the person having or maintaining said alarm on said business premises.

### **F. Waiver of Penalty.**

In the event the Fire Chief or their designee determines that fire false alarms occurred as a direct result of an interruption of power provided by an electrical utility, natural hazard, telephone system malfunction, alarm equipment malfunction of properly installed and maintained equipment, or for other causes beyond the control of the persons otherwise responsible for the false alarm, such as an emergency situation or a malicious activation in a public building, the Fire Chief or their designee may waive imposition of the applicable penalties.

### **G. Appeal of Administrative Decision.**

Any party subject to a penalty under the provisions of this section shall have a right of appeal to the Fire Chief or the Fire Chief's designee. A notice of appeal must be submitted in writing no later than ten days after issuance of the notice of the penalty and must be directed to the Fire Chief at the address listed on the notice of penalty. The written appeal should include the penalty fee reference number and the party's reasoning why the determination of a fire false alarm should be reconsidered. Within 30 days of receipt of a written appeal, an impartial review of the appeal shall be completed and a recommendation shall be presented to the Fire Chief or their designee for final decision to the appellant in writing. Unless notice of appeal is properly filed in accordance with this section within ten days of issuance of notice of penalty said penalty is deemed final.

(Ord. 28549 Ex. A; passed Nov. 20, 2018)

### **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)

**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**

***REPEALED***

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

Repealed by Ord. 28702 Ex. B; passed Nov. 24, 2020

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

**CHAPTER 3.08**

***REPEALED***

**ASSESSMENT OF FEES ON HAZARDOUS CHEMICALS REPORTED UNDER EPCRA**

Repealed by Ord. 28702 Ex. B; passed Nov. 24, 2020

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

**CHAPTER 3.09**  
**FIRE CODE PERMITS AND FEES**

## Sections:

- 3.09.010 Purpose.
- 3.09.015 *Repealed.*
- 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 Division.
- 3.09.038 Operational permits and fees.
- 3.09.040 Miscellaneous services and fees.
- 3.09.050 Building Inspection Program fees.
- 3.09.060 *Repealed.*

**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. All fees outlined in this Chapter, along with their price, are outlined in the City of Tacoma Fee Schedule.

(Ord. 28702 Ex. B; passed Nov. 24, 2020; Ord. 27308 § 4; passed Jan. 11, 2005; Ord. 25412 § 4; passed Dec. 14, 1993)

**3.09.015 *Repealed by Ord. 28702.* Adjustments.**

(Repealed by Ord. 28702 Ex. B; passed Nov. 24, 2020; Ord. 28549 Ex. B; passed Nov. 20, 2018; 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 Substances or Hazardous Waste. As defined by RCW 70A.300, Hazardous Waste Management, subsection 70A.300.010.

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.

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.

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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. 28702 Ex. B; passed Nov. 24, 2020; 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 chapter shall be subject to the provisions of Section 3.01.110 TMC unless otherwise stated. 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. 28702 Ex. B; passed Nov. 24, 2020; 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. These permits and inspection fees may be updated by City Council Action at any time or by Planning and Development Services Department on an annual basis by using the "Seattle-Tacoma-Bremerton, WA Consumer Price Index (CPI) for All Urban Consumers," following the process as explained in 3.01.100.

#### **A. Fire Alarm System Permit.**

A fee shall be charged for the permitting, plan reviewing, and site inspection of a fire alarm system. 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 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 for plan review and acceptance testing prior to issuance of a permit.

#### **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 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 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 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 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 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 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.

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 Fee Schedule shall be collected.

(Ord. 28702 Ex. B; passed Nov. 24, 2020: 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 Division.**

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 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 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 per site. For a residential fuel tank with a capacity of less than 1,100 gallons, the fee shall be less.

D. Liquid Petroleum Gas (“LPG”) Tank Permit.

A permit is required to install any LPG tank. There shall be a fee for tanks of 125-gallon capacity or less. There shall be a fee for all other permanent and temporary installations.

(Ord. 28702 Ex. B; passed Nov. 24, 2020: 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.

A. Assembly Permits.

1. 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.

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

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- a. The use of a building or part of a building that is not classified as an Assembly Occupancy.
- b. An event in an Assembly Occupancy where alterations to the existing exiting configuration, character, or use of the facility are changed in any manner.
- c. Operating a fair, large carnival, outdoor concert, festival, or other event where groups of more than 100 people may gather.
3. 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.
4. 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 in the Fee Schedule.
5. 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.
6. 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 in the Fee Schedule.
7. 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.
8. 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.

### B. Hazardous Materials or Processes.

1. 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.
  - a. 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.
  - b. A permit fee shall be paid per one hazardous material if said material falls into more than one UN Hazard Class.
  - c. A marine terminal with an Annual Marine Terminal Permit shall not pay this fee.
  - d. Chapter 3.12 TMC shall apply to the storage of fireworks in lieu of this subsection.
2. 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.
  - a. Financial Resources. All private hazardous Waste Facilities shall annually and periodically, as requested by the Fire Chief, demonstrate to their 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.
  - b. Company Plan. No permit shall be issued until the Hazardous Waste Facility provides a written company plan to demonstrate its preparation to:
    - (1) respond to a spill and carry out appropriate mitigation measures, and
    - (2) 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: notification, operator mitigation actions, immediate response available for mitigation assistance, company contracted to clean up or equipment and supplies available by the company to respond and clean up, process for safeguarding contaminated materials on the tanker, and final hazardous waste disposal process.

3. 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 per event.

4. 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 administered annually.

5. 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.

6. Plant Extraction Systems - Annual. An operational permit is required to use a plant extraction system for commercial use. The fee would be charged annually.

C. Hot Work.

1. 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.

2. 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.

D. Marine Facilities.

1. 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.

2. 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.

3. 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.

E. Mobile Fueling.

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

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

(Ord. 28702 Ex. B; passed Nov. 24, 2020: 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.

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.

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.

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 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.

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

The Fire Chief, or designee, may require this fee to be paid prior to additional inspections. The fee shall be a set amount 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 Division, the person shall pay a fee per participating staff person for an inspection completed within two hours and, thereafter, a set amount per half hour per staff person for each additional half hour or fraction thereof.

### **G. Fire Watch.**

The Fire Chief, or 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. If more than one person is required for the fire watch, the person responsible for the facility shall pay an additional fee. 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 Division 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. This fee shall be charged for each inspection performed by Prevention Division personnel until compliance with the Fire code requirements has been accomplished. This fee shall be charged each and every time Prevention Division 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 Division within 60 days of the date the testing results are due at the Prevention Division, the person shall pay an initial fee and an additional fee each additional month or portion thereof that the violation continues.

### **J. Failure to Monitor an FPS.**

The responsible person shall pay a fee 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 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 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 per incident report.

N. Employee Fire Emergency Procedures Training.

The Fire Department is authorized to charge 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 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 their 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 their 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 Division 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 Division staff shall be scheduled by contacting the Prevention Division. 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.

Q. The City shall be authorized to contract with private parties to assist the City to enforce provisions of the fire code requiring timely inspection, testing, and maintenance of fire protection or other required systems. The City's contractors shall be allowed to charge a fee for their service intended to compensate the contractor and assist the City to fund the enforcement of the fire code.

1. The City's contractor's charge to third-party inspection, testing, and maintenance contractors shall be per occurrence.
2. The City's contractor's charge and fees may be amended annually by written consent of both the contractor and the City.

(Ord. 28702 Ex. B; passed Nov. 24, 2020; Ord. 28549 Ex. B; passed Nov. 20, 2018; 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 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.

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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 City of Tacoma Fee Schedule.

### B. Inspection Fees Assessed.

Beginning January 1, 2019, building inspection fees for periodic fire and life safety code enforcement inspections shall be assessed in accordance with the following base inspection 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. The base inspection fees will be increased annually in accordance with the methodology in Section 3.01.100 TMC. The current fee schedule, with all adjustments to BIP Base Inspection Fee table below, are available upon request from the Fire Prevention Division.

1. BIP Base Inspection Fee Schedule can be found in the City's Fee Schedule or by contacting the Prevention Division.

a. Occupancy Groups. The below occupancy types are grouped as follows:

(1) Group 1.

**B** – (Business) The use of a building or structure for office, professional or service type transactions.

**M** – (Mercantile) Building or structures used for the display and sale of merchandise accessible to the public.

**U** – (Miscellaneous) Building or structures of an accessory character and miscellaneous structures not classified in any specific occupancy.

(2) Group 2.

**A** – (Assembly) The use of a building or structure for the gathering together of persons for the purposes such as civic, social or religious functions, recreation, food or drink consumption or awaiting transportation.

**E** – (Educational) The use of a building or structure by 6 or more persons for educational purposes through the 12th grade. (Day Cares: More than 5 children older than 2.5 years of age).

(3) Group 3.

**F** – (Factory) The use of a building or structure for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations.

**H** – (Hazardous) The use of a building or structure that involves the manufacturing, processing, generation or storage of materials that constitutes a physical or health hazard.

**I** – (Institutional) The use of a building or structure in which people are cared for or are living in a supervised environment. This includes people having physical limitations because of health or age, are harbored for medical treatment or other care and where people are detained for correctional purposes.

**S** – (Storage) The use of a building or structure for storage that is not classified as an "H" Occupancy.

(4) Group 4.

**R** – (Residential) The use of a building or structure for sleeping purposes.

Single-family and duplex residential buildings are excluded from the inspection program and therefore shall not be assessed inspection fees.

b. 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.

c. 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 a minimum fee per hour (one-hour minimum charge with additional time computed in quarter-hour increments) until full compliance is achieved.

d. The Fire Chief, or designee, is authorized to waive or partially reduce inspection fees in accordance with Section 3.01.110 TMC.

### 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 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.

(Ord. 28702 Ex. B; passed Nov. 24, 2020; Ord. 28549 Ex. B; passed Nov. 20, 2018; 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 Repealed by Ord. 28702. Waivers to fees.**

(Repealed by Ord. 28702 Ex. B; passed Nov. 24, 2020; 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	<i>Repealed.</i>
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)

**3.10.015 *Repealed by Ord. 27794.* Evaluation.**

(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 liquid fuels from a tank vehicle to the fuel tank of an on-road motor vehicle.

(Ord. 28730 Ex. B; passed Jan. 26, 2021; Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 26389 § 4; passed May 25, 1999)

**3.10.030 *Repealed by Ord. 28730.* Prohibitions.**

(Repealed by Ord. 28730 Ex. B; passed Jan. 26, 2021; 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 dispensing liquid fuels from tank vehicles into the fuel tanks of motor vehicles. Mobile fueling may also be known by the terms mobile fleet fueling, wet fueling, and wet hosing.

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

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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. 28730 Ex. B; passed Jan. 26, 2021; 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 Office 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. 28730 Ex. B; passed Jan. 26, 2021; Ord. 27794 Ex. A; passed Apr. 14, 2009; Ord. 26389 § 4; passed May 25, 1999)

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### **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. 28730 Ex. B; passed Jan. 26, 2021; Ord. 26389 § 4; passed May 25, 1999)

**CHAPTER 3.11**  
**EMERGENCY MEDICAL TRANSPORTATION**

## Sections:

- 3.11.010 Definitions.
- 3.11.020 State ambulance license required.
- 3.11.030 Health Department certification required.
- 3.11.040 The City of Tacoma Fire Department is the lead emergency medical services agency.
- 3.11.050 Emergency Medical Transportation services by contract.
- 3.11.060 Patient transportation service rates.
- 3.11.070 Penalty for non-emergent lift assistance at licensed care facilities.

**3.11.010 Definitions.**

For the purpose of this chapter, the following definitions shall apply:

“Ambulance” means an emergency vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transport.

“Ambulance service” or “ambulance company” means an organization that operates one or more ambulances.

“Advanced Life Support” patient care means invasive patient care requiring the advanced skills of paramedical personnel, as defined in Chapter 35.103.020 RCW, before and during transport.

“Basic Life Support” patient care means non-invasive patient care requiring the skills of emergency medical technician-level personnel, as defined in Chapter 18.73 RCW, and not those skills and procedures possessed by paramedical personnel.

“Emergency medical services (“EMS”)” means medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, not to include ambulance transportation involving patient care for which paramedics are not qualified.

“Emergency medical transportation” means the process of driving a patient in an ambulance or alternate emergency vehicle from the scene of an incident, who received Basic Life Support or Advanced Life Support, to an appropriate medical facility.

“Lead agency” means the agency which is charged with the responsibility to provide or ensure provision of emergency medical services within the City.

“Patient” means an individual receiving medical care.

“Paramedic” means an individual who has, at a minimum, successfully completed an Emergency Medical Technician (“EMT”) training course, has been trained under the supervision of an approved EMS medical program director to carry out all phases of pre-hospital advanced life support under written or oral authorization of one or more delegated supervising physicians, and has been examined and certified as a paramedic by the Washington State Health Department or the University of Washington’s school of medicine under RCW 18.71.205.

“Transport” means an ambulance or alternate emergency vehicle takes a patient from the scene of an incident to an appropriate medical facility.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)

**3.11.020 State ambulance license required.**

It shall be unlawful for any person to engage in the business of ambulance service to carry or transport any sick or injured persons from the scene of any accident, disaster, home, building, or other place within the corporate limits of the City without first obtaining all licenses required by Chapter 18.73 RCW and meeting all minimum requirements promulgated pursuant to RCW 18.73.081 and in the Washington Administrative Code.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)

**3.11.030 Health Department certification required.**

Ambulance companies routinely operating within the corporate limits of the City must obtain an annual certificate of approval from the Washington State Health Department. The issuance of this certificate is based on ambulance companies meeting all minimum state ambulance requirements and the Ambulance Rules and Regulations as enacted by the state Board of Health.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)

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### **3.11.040 The City of Tacoma Fire Department is the lead emergency medical services agency.**

The Tacoma Fire Department shall be the lead for emergency medical service in the City and those jurisdictions for which it has assumed such contractual responsibility. The Tacoma Fire Department shall be the primary provider of emergency medical services at the first response Basic Life Support and Advanced Life Support levels within the corporate limits of the City and for those jurisdictions for which the Tacoma Fire Department retains contractual responsibility. The Tacoma Fire Department shall also provide Advanced Life Support and Basic Life Support patient transport for emergency medical services within these areas if Fire Department units are available. Patient transports may be distributed through contractual agreement or other method chosen by the Tacoma Fire Department.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)

### **3.11.050 Emergency Medical Transportation services by contract.**

The City may contract with a private ambulance service provider or providers for basic life support services at rates and under conditions approved by the City Council. Such contract or contracts may provide, in addition, for such Advanced Life Support services to be provided by a private service provider or providers as the City may require as supplemental to City services.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)

### **3.11.060 Patient transportation service rates.**

The following procedures are established for patient transport service to users of the City Fire Department Advanced Life Support patient transport service and Basic Life Support patient transport service:

#### A. Charges to be made.

1. Transport. All persons who are transported by a City Fire Department ambulance shall be charged for all services at the rates as set by ordinance of the City Council, as amended from time to time, provided that the Tacoma Fire Department may adjust the charges yearly for any cost-of-living adjustment (“COLA”) increases as measured by the Consumer Price Index, Pacific Cities and U.S. City Average for the Seattle-Tacoma-Bremerton areas. Rates for services and supplies shall be set to provide for recovery of actual costs based upon an average charge, which will be reviewed biennially. Each person transported will be billed for all services provided. EMS members and nonmembers will be billed at the same rate.

2. Treatment and non-transport. All persons who receive Advanced Life Support (“ALS”) medical treatment by the Tacoma Fire Department and, who after treatment, decline transportation to a local hospital shall be charged a non-transport fee. EMS members and nonmembers will be billed at the same rate. The base rate shall be subject to biennial COLA increases in the same manner as the transport rates set forth in Subsection 1 above.

#### B. EMS membership benefits.

By reason of special property tax levies for certain emergency medical services which are levied against property within the corporate limits of the City or are levied against property within the corporate limits of a jurisdiction for which the City has assumed contractual EMS responsibility, each resident of the City and of those contractual jurisdictions signing (by recipient or authorized representative) an EMS Membership form containing an affirmation of City residency and an assignment of benefits to the City, together with an appropriate release of medical information, shall become an EMS member and be entitled to membership benefits as herein provided. An EMS member receiving ALS transport or ALS treatment and non-transport by a City Fire Department ambulance shall be deemed to have paid (by reason of the special levy) that portion of the charges incurred which is not payable by third parties and insurers, including, but not limited to, any insurance or medical benefits of any nature available to such member. EMS membership benefits do not include BLS transport services. This EMS membership benefit of coverage of charges in excess of available insurance or medical benefits shall cease when or if:

1. A member ceases to be a resident;
2. A member refuses to provide requested information pertaining to third party coverage or to provide appropriate releases of information and assignment of benefits to the City on forms provided by the City; or
3. Such EMS membership benefit is limited or extinguished by amendment or repeal of this Chapter.

#### C. Nonmembers.

Persons receiving ALS transport or ALS treatment and non-transport by City Fire Department ambulances who are not entitled to an EMS membership shall be required to pay all charges incurred. Where practical, the City, in accordance with procedures to be approved by the Fire Chief, will, with the authorization of a nonmember receiving transport services, first seek payment of charges incurred from such nonmember’s insurance or other medical benefit provider, but such nonmember shall remain fully responsible for any amount due which is not paid by such third parties.

D. Medicare and Medicaid.

Eligible recipients of Medicare and Medicaid benefits shall be charged as the result of ALS transport or ALS treatment and non-transport by City Fire Department ambulances at only the maximum rate allowed under the Medicare and Medicaid federal programs, and the City shall accept as payment under the Medicare and Medicaid programs only such maximum amount as the City may collect pursuant to the applicable requirements and guidelines of the Medicare and Medicaid programs.

E. Compliance with Medicare and Medicaid requirements.

This chapter and charges for ambulance services hereunder shall be construed and implemented in a manner consistent with applicable requirements of the Medicare and Medicaid programs.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)

**3.11.070 Penalty for non-emergent lift assistance at licensed care facilities.**

It shall be the policy and practice of the City to discourage the use of the 911 emergency system to dispatch personnel of the Tacoma Fire Department or its contractors and partners for non-emergency patient lift assistance at licensed care facilities.

A. Definitions.

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings given:

“Lift assist” means a response by a fire department emergency response unit or the emergency response unit of a private contractor of the City or the unit of another public safety department providing automatic or mutual aid to the City to a state licensed care or nursing facility for the purpose of lifting a fallen patient to a pre-fall position.

“Non-emergent/emergency” means a determination, based upon an assessment by the commanding officer of the emergency response unit, that there is not an emergent medical condition or medical necessity justifying the presence of the emergency unit at the facility.

“Licensed care facility” means a Washington State licensed care or nursing facility, such as a skilled nursing facility, or an assisted living facility. A registered adult family home is not included in the definition of a licensed care facility.

B. Determination of Non-Emergent Lift Assist.

Based upon the assessment undertaken by the commanding officer of an emergency response unit dispatched to a licensed care facility and their determination that no emergent medical condition or emergent medical necessity exists, but the staff of the facility desires that emergency response personnel complete a lift assist of a fallen patient, the officer shall declare the incident a non-emergent lift assist in their incident report.

C. Assessment of Penalty.

The Fire Chief, or designee, shall be authorized to issue a penalty charge for each incident determined to be non-emergency lift assist at licensed care facilities.

D. Administrative Decision.

Notice of the imposition of penalty charges under the provisions of this section shall be sent to the owner or management of the facility where the incident occurred; provided that, with respect to business premises, the owner, manager, or chief administrative agent regularly assigned and employed on the premises at the time of the occurrence shall be presumed to be the appropriate person to receive the notice, unless the City is notified otherwise.

E. Waiver of Imposition.

In the event the Fire Chief, or designee, determines that City’s assessment or determination was in error or there were other mitigating facts which the commanding officer did not possess at the time of the incident, the Fire Chief, or designee, may waive imposition of the applicable penalty(ies).

F. Appeal from Administrative Decision.

Any party subject to a penalty under the provisions of this section shall have a right of appeal to the Fire Chief, or designee. A notice of appeal must be submitted in writing no later than ten days after issuance of the notice of the penalty and must be directed to the Fire Chief, at the address listed on the notice of penalty. The written appeal should include the penalty reference number and the party’s reasoning why the determination of notice of non-emergency lift assist should be reconsidered. Within 30 days of receipt of a written appeal, an impartial review of the appeal shall be completed and a recommendation shall be presented to the Fire Chief, or designee, for final decision, which will be reported to the appellant in

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writing. Unless a notice of appeal is properly filed in accordance with this section within ten days of the issuance of notice of penalty, said penalty is deemed final.

(Ord. 28702 Ex. B; passed Nov. 24, 2020)



## 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, flutter sparklers, smoke devices, helicopters, aeriels, 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 1 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 \$250 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. 28767 Ex. A; passed Jun. 8, 2021; 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)