

CITY OF GRANITE FALLS

ORDINANCE NO. 888-2015

AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON RELATING TO FIRE CODE AUTHORITY, INSPECTION AND ENFORCEMENT AMENDING GRANITE FALLS MUNICIPAL CODE SECTION 15.02.120 “INTERNATIONAL FIRE CODE (CHAPTER 51-54A WAC)”; AMENDING SECTION 15.02.170 ENTITLED “ENFORCEMENT AND PENALTIES”; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, with increased commercial and multifamily development in the City of Granite Falls, the general welfare of the City requires that a system be established for inspection of business and multifamily premises to insure compliance with appropriate life and safety standards as established by the International Fire Code;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. GFMC Section 15.02.120 entitled “International Fire Code (Chapter 51-54A WAC)” is hereby amended to read as follows:

15.02.120 International Fire Code (Chapter 51-54A WAC).

(A) The International Fire Code, 2012 Edition, together with Appendices A, B, C, E, F, and G, and together with all Washington State amendments as contained in Chapter 51-54A WAC, is hereby adopted, except that International Fire Code Section 903.2.6 is hereby amended to include B occupancies.

(B) The International Fire Code, 2012 Edition, is hereby amended to define certain terms used in the International Fire Code as follows:

- (1) “Municipality” or “jurisdiction” shall mean the city of Granite Falls.
- (2) “Fire chief” or “administrator” shall mean the mayor or his designee.
- (3) “Corporation counsel” shall mean the city attorney.
- (4) “Fire Marshal” and “fire inspector” shall refer to the Snohomish County Fire Marshal and inspectors in the employ of Snohomish County and acting under authority of contract/ Interlocal Agreement between the city of Granite Falls and Snohomish County.

(C) The Fire Marshal and the fire inspector are hereby designated and have authority to enforce the administrative, operational and maintenance provisions of the fire code on

conditions and operations arising after the adoption of this ordinance, and on existing conditions and operations.

(D) Annual Fire Inspection and Associated Fees or Costs.

(1) The following businesses and Occupancies are subject to annual inspection for compliance and shall comply with the International Fire Code as adopted by the City:

(a) All businesses requiring a business license under the City Code (GFMC Chapter 5) in the following zones:

The Downtown residential (DT – 2,500) zone GFMC 19.03.070,
The Multiple residential (MR) zone GFMC 19.03.080,
The Central business district (CBD) zone GFMC 19.03.090,
The General commercial (GC) zone GFMC 19.03.100
The Industrial (I) zone GFMC 19.03.110,
The Light Industrial (LI) zone GFMC 19.03.120,
And the Industrial/retail (IR) zone GFMC 19.03.130, and

(b) Any “multiple family dwelling” as defined in GFMC 19.02.130, regardless whether a business license is required, and regardless of zone, but so long as it consists of at least three dwelling units. As to such a multiple family dwelling, the inspection will be as to the common areas, but not as to the individual dwelling unit(s).

(2) Such businesses and Occupancies shall be assessed a fee as established by resolution of the City Council to defray the cost of such inspection and any re-inspections.

(3) Annual inspection program.

(a) The initial annual inspection program will be implemented in 2015 and continue yearly thereafter.

(b) All designated businesses and Occupancies are intended to be inspected initially before the end of calendar year 2015. In 2015 only, a letter advising all businesses and Occupancies of the commencement of this inspection program will be mailed by the City to each business by *March 31, 2015.*

(E) Right of Inspection and Warrant.

(1) Whenever it is necessary to make an inspection to enforce the provisions of the International Fire Code (the “fire code”), or whenever the Fire Marshal or fire inspector has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of the fire code which make the building or premises unsafe, dangerous or hazardous, the Fire Marshal or fire

inspector shall have the authority to enter the building or premises at all reasonable times to inspect and perform the duties imposed upon the Fire Marshal or fire inspector by the fire code. If such building or premises is occupied, the Fire Marshal or fire inspector shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire marshal or fire inspector shall make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Fire Marshal or fire inspector has recourse to every remedy provided by law to secure entry.

(2) When the Fire Marshal or fire inspector has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care, or control of the building or premises shall not fail or neglect, after proper request is made, to permit entry therein for the purpose of inspection and examination pursuant to the fire code.

(F) Enforcement Authority

The Fire Marshal or fire inspector may issue warning notices, citations, notices of violation as provided by this chapter and as a city designated official under Chapter 19.04 GFMC. The Fire Marshal or fire inspector shall maintain a record of each inspection made, all notices, citations, notices of violation and enforcement actions. The Fire Marshal shall annually report to the city council concerning the fire inspection system of the City.

Section 2. GFMC Section 15.02.170 entitled “Enforcement and Penalties” is hereby amended to read as follows:

15.02.170 Enforcement and Penalties.

(A) Any person who shall violate any of the provisions of this chapter or the codes or standards adopted herein or fail to comply therewith, or who shall violate or fail to comply with any order made hereunder, or who shall build in violation of any statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of appeals/adjustment or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, unless otherwise designated by State Law, be guilty of a misdemeanor, punishable by a fine of not more than \$15,000 or by imprisonment for not more than 90 days ~~one year~~ or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or allow it to continue. Each day that a prohibited condition, violation or noncompliance is maintained shall constitute a separate offense subject to a separate fine.

~~(B) At the discretion of the building official, a penalty arising under subsection (A) of this section may be treated and enforced as a civil penalty in accordance with GFMC 15.02.180.~~

(B) At the discretion of the building official, or the fire marshal or the fire inspector a violation under subsection (A) of this subsection may be treated and enforced as a misdemeanor under subsection (A), a civil fine under GFMC 15.02.180, or as a general penalty under GFMC 19.04.120 in accordance with the process and procedures set out in the referenced sections.

(C) The application of any monetary penalty shall not prevent an order or injunction for removal of any prohibited condition(s) or cessation of any violation(s) or noncompliance. All persons shall be required to timely correct or remedy violations, defects or noncompliance with this chapter. [Ord. 842 § 1 (Exh. A), 2013.]

Section 3. Severability.

If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.


Section 4.

This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

Section 5. Effective Date.

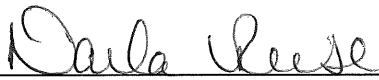
This ordinance shall take effect five days after the date of its publication by summary.

Said Ordinance was passed in open session by the City Council of the City of Granite Falls on the 4th day of Feb., 2015 and signed in authentication of its passage this 9th day of Feb. 2015.



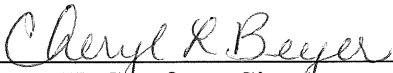
Joshua Golston Mayor

ATTEST:



Darla Reese, CMC, City Clerk

Approved as to form:



Thomas H. Graafstra, City Attorney

Date of Publication: 2/12/2015

Effective Date: 2/17/2015