



## ORDINANCE NO. 28549

1 AN ORDINANCE relating to alarm systems, fire code permits and fees; amending  
2 Chapter 3.06 of the Tacoma Municipal Code by the addition of a new  
3 section thereof, to be known and designated as Section 3.06.005, "Fire false  
4 alarms"; and amending Chapter 3.09, Fire Code Permits and Fees, to revise  
5 fees for commercial fire protection systems compliance and building  
6 inspections.

7 WHEREAS the Tacoma Fire Department ("TFD") has experienced a yearly  
8 increase in call volume, and

9 WHEREAS the cost of providing vital emergency response is increasing,  
10 and unintentional or preventable activations and system malfunctions create costly  
11 emergency response for non-emergent conditions, and

12 WHEREAS, in order to increase community and firefighter safety and to  
13 enable TFD to operate more efficiently by addressing issues that take valuable  
14 emergency resources out of availability for non-emergent purposes, TFD is  
15 proposing a new section to be added to the Tacoma Municipal Code ("TMC"), and

16 WHEREAS TFD is proposing to amend the TMC by adding language that  
17 would authorize TFD to contract with private contractors to assist in enforcing  
18 provisions in the fire code for timely testing and repair of commercial fire protection  
19 systems, which TFD expects would increase system compliance and greatly  
20 improve the safety of the citizens and businesses within the City, and

21 WHEREAS the City is currently at 50 percent compliance on all commercial  
22 fire protection systems, which means only one-half of systems have complied with  
23 the testing requirement and have submitted confidence test reports, and  
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WHEREAS other municipalities, such as Seattle, Bellevue, Redmond, and Los Angeles, have improved compliance ratings with confidence testing by contracting with a third-party compliance vendor, and

WHEREAS TFD is proposing a one-time 15-20 percent fee increase or building inspections in 2019, after which the fee schedule will revert back to CPI-based annual increases, and

WHEREAS the current allowable increase has not been sufficient to keep up with the increasing cost of TFD to run the inspection program; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 3.06 of the Tacoma Municipal Code (“TMC”) is hereby amended by the addition of a new section thereof, to be known and designated as Section 3.06.005, “Fire false alarms,” as set forth in the attached Exhibit “A.”

Section 2. That Chapter 3.09 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit “B.”

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## EXHIBIT "A"

### 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.

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#### **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.

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

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

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

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**EXHBIT “B”**

**Chapter 3.09  
FIRE CODE PERMITS AND FEES**

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**3.09.015 Adjustments.**

Beginning January 1, 2010, the fees and charges specified in this chapter shall be adjusted periodically by legislative action of the Tacoma City Council or annually 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.

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**3.09.040 Miscellaneous services and fees.**

The Fire Department shall collect the following additional fees:

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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 \$25 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.

**3.09.050 Building Inspection Program fees.**

The Fire Chief or his or her 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.

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 fee schedule listed in Section 3.09.050.B.1 TMC.

B. Inspection Fees Assessed. Beginning January 1, 2019, bBuilding 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 3.09.015 TMC. The current fee schedule, with all adjustments to BIP Base Inspection Fee table below, are available upon request from the Fire Prevention and Preparedness Bureau.



1. BIP Base Inspection Fee Schedule.

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<u>Building Area Sq. Ft.</u>		<u>Occupancy Group</u>			
<u>Min</u>	<u>Max</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>0</u>	<u>1,500</u>	<u>\$43</u>	<u>\$98</u>	<u>\$146</u>	<u>\$43</u>
<u>1,501</u>	<u>3,000</u>	<u>\$72</u>	<u>\$129</u>	<u>\$178</u>	
<u>3,001</u>	<u>5,000</u>	<u>\$104</u>	<u>\$159</u>	<u>\$210</u>	
<u>5,001</u>	<u>7,500</u>	<u>\$135</u>	<u>\$190</u>	<u>\$242</u>	
<u>7,501</u>	<u>10,000</u>	<u>\$164</u>	<u>\$220</u>	<u>\$274</u>	
<u>10,001</u>	<u>12,500</u>	<u>\$197</u>	<u>\$250</u>	<u>\$305</u>	<u>\$197</u>
<u>12,501</u>	<u>15,000</u>	<u>\$227</u>	<u>\$279</u>	<u>\$335</u>	
<u>15,001</u>	<u>17,500</u>	<u>\$256</u>	<u>\$312</u>	<u>\$372</u>	
<u>17,501</u>	<u>20,000</u>	<u>\$285</u>	<u>\$342</u>	<u>\$403</u>	
<u>20,001</u>	<u>30,000</u>	<u>\$315</u>	<u>\$373</u>	<u>\$434</u>	
<u>30,001</u>	<u>40,000</u>	<u>\$347</u>	<u>\$405</u>	<u>\$466</u>	<u>\$347</u>
<u>40,001</u>	<u>50,000</u>	<u>\$381</u>	<u>\$435</u>	<u>\$497</u>	
<u>50,001</u>	<u>60,000</u>	<u>\$411</u>	<u>\$465</u>	<u>\$528</u>	
<u>60,001</u>	<u>70,000</u>	<u>\$440</u>	<u>\$495</u>	<u>\$565</u>	
<u>70,001</u>	<u>100,000</u>	<u>\$470</u>	<u>\$523</u>	<u>\$596</u>	
<u>100,001</u>	<u>150,000</u>	<u>\$500</u>	<u>\$553</u>	<u>\$625</u>	<u>\$500</u>
<u>150,001</u>	<u>200,000</u>	<u>\$535</u>	<u>\$589</u>	<u>\$659</u>	
<u>200,001</u>	<u>200,001+</u>	<u>\$566</u>	<u>\$619</u>	<u>\$689</u>	

**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.

**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).

**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.

**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.

**a. 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.

**b. 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 at a minimum of \$177 per hour (one-hour minimum charge with additional time computed in quarter-hour increments) until full compliance is achieved.



c. The Fire Chief, or designee, is authorized to waive or partially reduce inspection fees in accordance with Section 3.09.060 TMC.

*BIP Base Inspection Fees<sup>1, 2, 3</sup>*

	<b>Building Area (sq. ft.)</b>	<b>1. Occupancy Group 1 Fee (\$) (B, M &amp; R<sup>4</sup> &amp; U)</b>	<b>2. Occupancy Group 2 Fee (\$) (A &amp; E)</b>	<b>3. Occupancy Group 3 Fee (\$) (F, H, I &amp; S)</b>
A	0—1,500	35	80	115
B	1,501—3,000	60	105	140
C	3,001—5,000	85	130	165
D	5,001—7,500	110	155	190
E	7,501—10,000	135	180	215
F	10,001—12,500	160	205	240
G	12,501—15,000	185	230	265
H	15,001—17,500	210	255	290
I	17,501—20,000	235	280	315
J	20,001—30,000	260	305	340
K	30,001—40,000	285	330	365
L	40,001—50,000	310	355	390
M	50,001—60,000	335	380	415
N	60,001—70,000	360	405	440
O	70,001—100,000	385	430	465
P	100,001—150,000	410	455	490
Q	150,001—200,000	435	480	515
R	Over 200,000	460	505	540

<sup>1</sup>—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.

<sup>2</sup>—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 at a minimum of \$177 per hour (one-hour minimum charge with additional time computed in quarter-hour increments) until full compliance is achieved.

<sup>3</sup>—The Fire Chief or his or her designee is authorized to waive or partially reduce inspection fees in accordance with 3.09.060 TMC.

<sup>4</sup>—Single family residences and duplexes are excluded from the inspection program and therefore shall not be assessed inspection fees.

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