



ORDINANCE NO. 28702

1 AN ORDINANCE relating to Tacoma Municipal Code; amending Chapter 1.06 of
2 the Municipal Code, relating to Administration; repealing Chapter 6B.50,
3 relating to Ambulances, and reenacting as a new Chapter 3.11; renaming
4 Title 3 from “Fire” to “Fire and Emergency Medical Services,” and adding,
5 amending, and repealing various chapters in Title 3, to modify outdated
6 fee requirements, clarify and add language regarding emergency medical
7 transport, and other administrative updates.

8 WHEREAS an administrative review of the Tacoma Municipal Code’s
9 (“TMC”) sections on fire and emergency medical services (“EMS”) showed a
10 need to update and provide clearer information regarding services provided by
11 the department, align language with current administrative processes, and
12 move fees into the City’s General Miscellaneous Fee Schedule, and

13 WHEREAS the City is proposing to rename Title 3 from “Fire” to “Fire
14 and Emergency Medical Services” to better represent the work of the
15 department and promulgate all information regarding fire and EMS into one
16 location, and

17 WHEREAS this proposal would repeal Chapter 6B.50, relating to
18 Ambulances, and move it out of the Tax and License Code and into a new
19 Chapter 3.11 in the Fire and Emergency Services Code, and

20 WHEREAS edits would also provide additional clarity regarding the City’s
21 EMS levy and how that levy applies to emergency medical transport; Now,
22 Therefore,

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BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 1.06 of the Tacoma Municipal Code (“TMC”) is hereby amended as set forth in the attached Exhibit “A.”

Section 2. That the title, and various chapters in Title 3 are hereby added, amended, or repealed, as set forth in the attached Exhibit “B” to modify outdated fee requirements, clarify and add language regarding emergency medical transport, and other administrative updates.

Section 3. That Chapter 6B.50, relating to Ambulances, is hereby repealed as set forth in the attached Exhibit “C.”

Section 4. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

EXHIBIT "A"

CHAPTER 1.06

ADMINISTRATION

* * *

1.06.360 Fire Department.¹

The Fire Department, under the supervision of the Fire Chief, shall: (1) prevent and extinguish fires; (2) protect life and property against loss from fire; (3) remove and control fire hazards; (4) enforce laws and ordinances relating to fires and fire hazards; (5) maintain proper records of fire hazards and fires and matters pertaining thereto; (6) maintain an adequate service training program; (7) maintain an adequate fire alarm system and radio communication system, to be coordinated with a similar system within the Police Department; (8) perform all duties and make all reports required of the Harbormaster; (9) provide emergency medical and medical transportation services; and (10) to perform such other duties as the City Manager may require.

The Fire Chief shall have control of the assignment of all members of the force and the direction of fire work within the City. The Fire Chief shall have all powers provided by Charter, State law and ordinance, relative to the protecting of persons and property from fire hazards, including those powers relating to the demolition of property. The Fire Chief shall be responsible for the construction, repair and maintenance of all facilities of the fire signal and communication system, providing that the City Manager may combine and consolidate the construction, repair and maintenance of all facilities of the fire and police signal and communications systems, including traffic lights and other electrically operated signals and warnings.

* * *

¹ See also Chapter 3.013-04.

EXHIBIT “B”
TITLE 3
FIRE AND EMERGENCY MEDICAL SERVICES

Chapters:

Chapter 3.01	General Provisions	
Chapter 3.02	Fire Prevention Code	Error! Bookmark not defined.
Chapter 3.03	Piers and Wharves	Error! Bookmark not defined.
Chapter 3.04	Fire Department	17
Chapter 3.05	<i>Repealed</i>	Error! Bookmark not defined.
Chapter 3.06	Alarm System	Error! Bookmark not defined.
Chapter 3.07	First Aid and Life Saving Requirements at Retirement	
	Apartment Complexes	25
Chapter 3.08	Assessment of Fees on Hazardous Chemicals Reported Under EPCRA	27
Chapter 3.09	Fire Code Permits and Fees	Error! Bookmark not defined.
Chapter 3.10	Mobile Fueling Operating and Permitting Requirements	Error! Bookmark not defined.
		defined.
Chapter 3.11	Emergency Medical Transportation	
Chapter 3.12	Fireworks	Error! Bookmark not defined.

CHAPTER 3.01
GENERAL PROVISIONS

Sections:

<u>3.01.010</u>	<u>Purpose.</u>
<u>3.01.020</u>	<u>Definitions.</u>
<u>3.01.030</u>	<u>Organization of the Department.</u>
<u>3.01.040</u>	<u>Duties of the Fire Chief.</u>
<u>3.01.050</u>	<u>Oath of Member.</u>
<u>3.01.060</u>	<u>Commanding Assistance.</u>
<u>3.01.070</u>	<u>Vicinity of Fire – Authority to Keep Area Clear.</u>
<u>3.01.080</u>	<u>Removal of Property.</u>
<u>3.01.090</u>	<u>Enforcement of Fire Code.</u>
<u>3.01.100</u>	<u>Fee Adjustments.</u>
<u>3.01.110</u>	<u>Waiver to Fees.</u>
<u>3.01.120</u>	<u>Violation – Penalty.</u>

3.01.010 Purpose.

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

* * *

**CHAPTER 3.04—
FIRE DEPARTMENT**

Sections:

- 3.04.010 — Organization of department.
- 3.04.020 — *Repealed.*
- 3.04.030 — Duties of Chief generally.
- 3.04.040 — Deputy/Assistant Chiefs — Duties.
- 3.04.050 — *Repealed.*
- 3.04.060 — Oath of member.
- 3.04.070 — Gambling and intoxicating liquor prohibited.
- 3.04.080 —
- 3.04.120 — *Repealed.*
- 3.04.130 — Commanding assistance.
- 3.04.140 — Vicinity of fire — Authority to keep area clear.
- 3.04.150 — Removal of property for protection.
- 3.04.160 — Blowing up buildings.
- 3.04.170 — *Repealed.*
- 3.04.180 — Violation — Penalty.

3.04.010 — Organization of department.

The Chief of the Tacoma Fire Department, 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.

3.04.020 — Authority of Chief and assistants. *Repealed by Ord. 26023.*

3.04.030 — Duties of Chief generally.

In addition to the duties required of him by the City Charter, the Chief of the Fire Department shall at all times supervise and keep in repair and ready for instant use all the property of the City connected with the Fire Department. He shall certify to all bills against the City chargeable to said Fire Department; shall keep a record of the organization of all companies, membership, vacancies, appointments and dismissals, and all notices issued. All orders issued by him/her to any other officer or member of the Department shall be promptly obeyed. He/she shall investigate the cause of all fires that may occur in the City as soon as possible and maintain the appropriate record of such investigation. He/she shall also maintain a full and complete record of all transactions in said Department, of complaints against members, and the judgment of the Chief of Fire Department thereupon, of time lost by them, and of all property placed in his/her 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. He/she shall also 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. He/she shall at all times be subject to the control and direction of the City Manager in matters pertaining to the Fire Department.

3.04.040 — Deputy/Assistant Chiefs — Duties.

Each Deputy/Assistant Chief shall obey the orders of the Chief and shall at all times assist him/her in his/her duties. In case of the absence or disability of the Chief the powers and duties conferred and imposed upon him by this chapter shall devolve on and be performed by the Deputy/Assistant Chiefs respectively in the order of their rank.

3.04.050 Foremen — Duties. *Repealed by Ord. 25573.*

3.04.060 — Oath of member.

It shall be the duty of the Chief of the Fire Department and each member thereof to be qualified by the Fire Chief, by oath or affirmation, that he/she 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 his/her ability all the duties of his/her office.

~~3.04.070 — Gambling and intoxicating liquor prohibited.~~

~~No gambling apparatus or intoxicating liquor shall be brought into, used or remain in any building occupied by the Department. And none but members of the Department shall occupy any such building without permission of the Chief of the Fire Department.~~

~~3.04.080 Strangers prohibited in fire house. Repealed by Ord. 25573.~~

~~3.04.090 Rules — Members to have copy. Repealed by Ord. 25573.~~

~~3.04.100 Badges. Repealed by Ord. 25573.~~

~~3.04.110 Rewards. Repealed by Ord. 25573.~~

~~3.04.120 Resignation. Repealed by Ord. 25573.~~

~~3.04.130 — Commanding assistance.~~

~~The Chief of the Fire Department, or person in command, shall have power to command such assistance from the inhabitants of the City not members of the Fire Department, for the extinguishment of fire and for the preservation of life and property, as may in his/her 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, he/she shall be deemed guilty of a misdemeanor.~~

~~3.04.140 — Vicinity of fire — Authority to keep area clear.~~

~~The Chief of the Fire Department, or his/her 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.~~

~~3.04.150 — Removal of property for protection.~~

~~The Chief of the Fire Department, or his/her 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.~~

~~3.04.160 — Blowing up buildings.~~

~~No building or structure of any kind shall be blown up or otherwise destroyed for the purpose of checking the progress of any fire, except in case of absolute necessity, and then only on the order of the Chief of the Fire Department, or in his/her absence upon the order of a Deputy/Assistant Chief of the Fire Department, or in the absence of both, upon the order of the person in command.~~

~~3.04.170 — Intoxicating liquor at fire prohibited. Repealed by Ord. 25573.~~

~~3.04.180 — 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.~~

* * *

~~CHAPTER 3.07~~
~~FIRST AID AND LIFE SAVING REQUIREMENTS~~
~~AT RETIREMENT APARTMENT COMPLEXES~~

Sections:

~~3.07.010 — Title and purpose.~~

~~3.07.020 — Definitions.~~

~~3.07.030 — Requirements.~~

~~3.07.040 — Violation — Penalty.~~

~~**3.07.010 — Title and purpose.**~~

~~This chapter shall be entitled “First Aid and Life Saving Requirements at Retirement Apartment Complexes.” The purpose of this chapter is to require persons operating retirement apartment complexes to maintain at all times on the premises of such establishments at least one person holding a valid certificate of first aid and life saving techniques (a valid certificate is one which is less than three years old). It shall be the responsibility of the Tacoma Fire Department to administer the provisions of this chapter.~~

~~**3.07.020 — Definitions.**~~

~~The terms used in this chapter are defined as follows:~~

~~A. “Retirement apartment complex” means any establishment, however named, which is advertised, announced, or maintained for the express or implied purpose of providing a place of residence for senior citizens not related by blood or marriage to the operator of such residence, and which provides some measure of security, including a centralized communications system, as well as providing meals. It shall not include any home, institution, apartment complex or section thereof, which is licensed and regulated under the provisions of State law or regulated under authority of the United States Government.~~

~~B. “Senior citizen” means a person of the age of 55 years or more.~~

~~C. “Person” means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.~~

~~D. “Staff member” means any person paid to provide services at a given location.~~

~~**3.07.030 — Requirements.**~~

~~After June 1, 1988, no person may operate or maintain a retirement apartment complex, as defined in this chapter, within this City without maintaining on the premises at all times a staff member currently certified by the Red Cross or Pierce County Emergency Medical Service to perform first aid and life saving techniques. In order to allow for easy visual inspection by Fire Department inspectors, it shall be the responsibility of management of the retirement apartment complex to post on the premises, in a conspicuous location, the certificates of those staff members certified to perform such techniques.~~

~~**3.07.040 — Violation — Penalty.**~~

~~Any person violating or failing to comply with any provision of this chapter shall be subject to a civil penalty not exceeding \$1,000.00, enforceable in the Municipal Court of the City of Tacoma.~~

CHAPTER 3.08

ASSESSMENT OF FEES ON HAZARDOUS CHEMICALS REPORTED UNDER EPCRA

Sections:

- 3.08.010 — Purpose, applicability, and intent.
- 3.08.020 — Enforcement.
- 3.08.030 — Definitions.
- 3.08.040 — *Repealed.*
- 3.08.050 — Annual fee schedule.
- 3.08.060 — Specific uses for revenue.
- 3.08.070 — Form provided.
- 3.08.080 — *Repealed.*

3.08.010 — Purpose, applicability, and intent.

The risk to the public from the presence in the community of hazardous chemicals has increased greatly during this century. In order to inform and educate the public about this serious problem, the United States Congress, in 1986, enacted Title III of the Superfund Amendments and Re-Authorization Act, also known as the Emergency Planning and Community Right to Know Act of 1986 (EPCRA). This law requires a number of safety and preparedness measures to be done at the local level, including the appointment of a local emergency planning committee (LEPC), preparation of comprehensive emergency response plans and emergency notification procedures, training and drills, provision of community right to know emergency information to the public, and annual reporting by each facility of the name and quantity of hazardous chemicals located on its premises.

The Federal government also was primarily responsible for the establishment in Tacoma of a siren warning system to protect against attacks by foreign powers. However, in light of recent world events, the federal government no longer financially supports said system. There is now a need to convert this siren system so that it might be utilized to warn Tacoma's citizens of the release into the environment of hazardous chemicals.

The purpose of this chapter is to promote the health, safety, and general welfare of Tacoma's citizens, pursuant to the Washington State Constitution, Article 11, § 11, by providing the funding necessary to support the safety and preparedness programs required by EPCRA and to transform and maintain the siren warning system originally utilized for civil defense purposes into a system to warn of releases of hazardous chemicals. This chapter provides a schedule of fees to be paid for the purpose of funding the said program, which fees are based on the level of hazard and quantity of chemicals located at sites in the City of Tacoma as to which EPCRA reporting is required.

3.08.020 — Enforcement.

The Director of Emergency Management for the City of Tacoma is hereby authorized to enforce this chapter.

3.08.030 — Definitions.

A. "Emergency Planning and Community Right to Know Act" or "EPCRA" means Title III of the Superfund Amendments and Re-Authorization Act of 1986, Sec. 300 et. seq.

B. "MSDS" or "material safety data sheet" means the document developed by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) under Section 1901.1200(g) of Title 29 of the Code of Federal Regulations, as that section may be amended from time to time.

C. "Tier One Form" means the Emergency and Hazardous Chemical Inventory Form required by EPCRA § 312 and OSHA under Section 1901.1200(g) of Title 29 of the Code of Federal Regulations, as that section may be amended from time to time (Federal Register Vol., 52 No. 199/Thursday October 15, 1987/Rules and Regulations, page 38367) to provide certain information in aggregate terms for hazardous chemicals in categories of health and physical hazards.

D. "Tier Two Form" means the Emergency and Hazardous Chemical Inventory Form required by EPCRA § 312 and OSHA under Section 1901.1200(g) of Title 29 of the Code of Federal Regulations, as that section may be amended from time to time (Federal Register Vol. 52 No. 199/ Thursday, October 15, 1987/ Rules and Regulations, page 38372) to provide certain information for each hazardous chemical present at the facility.

E. "Local emergency planning committee" or "LEPC" is the committee approved by the State Emergency Response Commission pursuant to EPCRA § 301(e) and is made up of representatives of elected state and local officials, law enforcement, civil defense, fire fighting, first aid, health, local environmental, hospital and transportation personnel, broadcast

and print media, community groups, and certain owners and operators of facilities for the purpose of assisting in the development of comprehensive hazardous materials planning in the community, and shall mean and refer to the Pierce County Local Emergency Planning Committee.

F. "Facility" shall have the meaning set out in EPCRA § 329(4), as that section may be amended from time to time.

G. "Threshold planning quality" or "TPQ" means the quantity of a chemical at which level a facility must report if said amount or more is on site.

H. "State Emergency Response Commission" or "SERC" means the commission appointed by the Governor as required by EPCRA to manage the state responsibilities under EPCRA. In Washington, the SERC consists of the Director of the Department of Ecology, the Director of the Department of Community Development, and the Chief of the Washington State Patrol.

3.08.040 — Annual fees for chemicals. ~~Repealed by Ord. 25878.~~

3.08.050 — Annual fee schedule.

		EHS List	Other Hazardous
Weight	Category	Chemicals	Chemicals
0-99 lbs.	0	\$25	\$0
100-999 lbs.	1	50	0
1,000-9,999 lbs.	2	75	0
10,000-99,999 lbs.	3	100	30
100,000-999,999 lbs.	4	150	35
1,000,000-9,999,999 lbs.	5	200	40
10,000,000-49,999,999 lbs.	6	250	45
50,000,000-99,999,999 lbs.	7	300	55
100,000,000-499,999,999 lbs.	8	350	55
500,000,000-999,999,999 lbs.	9	400	60
1,000,000,000 lbs. or greater	10	500	65

3.08.060 — Specific uses for revenue.

Payment of fees shall be made to the Treasurer of the City of Tacoma. The revenue generated from fees assessed by reason of the presence of hazardous chemicals shall be deposited into the Local Emergency Planning Account of the Miscellaneous Special Revenue Fund of the City of Tacoma, and shall be expended by the City of Tacoma for the following purposes:

- A. Purchase, operation, movement, upgrade, replacement, expansion, repair, and maintenance of a siren warning system to provide notification to the public of a chemical release.
- B. Development and distribution of public education programs and materials relating to chemical hazards.
- C. Dissemination of information to the public about the operation of the siren warning system.
- D. Administrative support to pay for the administrative expenses of the LEPC and Community Right to Know Program.
- E. Training and other programs for the purpose of assisting facilities in their efforts to comply with the requirements of EPCRA.

3.08.070 — Form provided.

The LEPC shall prepare and distribute a work sheet form to each facility reporting under EPCRA so that said facility may enumerate each on-site chemical required to be reported and calculate the amount of fees due. The form shall include spaces to provide the following information:

- A. The facility name, mailing address, and 24-hour telephone number.

- ~~B. The name and telephone number of the person completing the form.~~
- ~~C. The name and weight category (from the Tier One Form) of each reported chemical.~~
- ~~D. The amount owed for each chemical and the total amount owed to the City.~~
- ~~E. The name and address of the City department to which the fee should be mailed.~~

~~**3.08.080**—**Civil penalty. Repealed by Ord. 25878.**~~

CHAPTER 3.09
FIRE CODE PERMITS AND FEES

Sections:

- 3.09.010 Purpose.
- ~~3.09.015 Adjustments~~
- 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 and Preparedness Bureau 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 Waivers to fees.~~

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.

~~**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.~~

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 ~~Material~~. As defined by RCW 70A.300-105, Hazardous Waste Management, subsection 70A.300-105.010.
- 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.

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.

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 ~~section~~ chapter shall be subject to the provisions of Section ~~3.09.060~~ 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.

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. ~~The fee shall be \$200 for 50 or fewer devices; \$400 for 51-100 devices; \$600 for 101-200 devices; \$800 for 201-300 devices; \$1,000 for 301-400 devices; and \$1,200 for 401-600 devices. For systems of more than 600 devices, the fee shall be \$2 multiplied by the total number of devices.~~ 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 ~~of \$300~~ 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 ~~of \$700~~ for plan review and acceptance testing prior to issuance of a permit, ~~provided that when the number of alarm devices is more than 50, the fee shall be the total of \$700 plus \$2 for each fire alarm device after the first 50.~~

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 fee shall be calculated as follows: \$620 per riser for the first two risers, plus \$30 for each additional riser/control valve, plus \$3 per sprinkler head for more than 20 sprinkler heads.~~ 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 ~~of \$300~~ 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 ~~of \$500~~ 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 ~~of \$250~~ 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 ~~of \$200~~ for plan review and acceptance testing prior to issuance of a permit. ~~When making modifications for tenant improvement, any person modifying 7-20 sprinkler heads on an existing fire sprinkler system shall be charged and pay a fee of \$400 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 ~~of \$200~~ 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. ~~The fee shall be \$200 plus an hourly rate for more than two hours of work and a fee for acceptance testing of \$200 plus an hourly rate for more than two hours of work.~~

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 ~~PDS~~ Fee Schedule shall be collected.

3.09.035 Construction permits administered by the Prevention ~~and Preparedness Bureau~~ 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 ~~\$265~~ 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 ~~\$265~~ 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 ~~\$225~~ per site. For a residential fuel tank with a capacity of less than 1,100 gallons, the fee shall be ~~\$135~~ less.

D. Liquid Petroleum Gas ("LPG") Tank Permit. A permit is required to install any LPG tank. ~~There shall be a fee of \$100 for tanks of 125-gallon capacity or less. There shall be a fee of \$225 for all other permanent and temporary installations. The fee shall be \$225.~~

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

~~A1.~~ 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. ~~The fee is \$200.~~

~~B2.~~ Assembly Temporary Special Event Permit. A permit is required for Assembly events meeting any of the following:

~~1a.~~ The use of a building or part of a building that is not classified as an Assembly Occupancy.

~~2b.~~ An event in an Assembly Occupancy where alterations to the existing exiting configuration, character, or use of the facility are changed in any manner.

~~3c.~~ Operating a fair, large carnival, outdoor concert, festival, or other event where groups of more than 100 people may gather. ~~The fee is \$200.~~

~~E3.~~ 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. ~~The fee is \$100.~~

~~D4.~~ 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 ~~as follows:~~in the Fee schedule.

1-10	—————	\$50
11-20	—————	\$100
21-30	—————	\$200
31-50	—————	\$300
51 or more	—————	\$400

~~E5.~~ 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. ~~The fee is \$125.~~

~~F6.~~ 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 ~~as follows:~~in the Fee Schedule.

1-10	—————	\$50
11-20	—————	\$100
21-30	—————	\$200
31-50	—————	\$300
51 or more	—————	\$400

~~G7.~~ 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. ~~The fee is \$200.~~

~~H8.~~ 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. ~~The fee is \$200.~~

B. Hazardous Materials or Processes

~~A1.~~ 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.

~~1a.~~ 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.

~~2b.~~ A permit fee ~~of \$200~~ shall be paid per one hazardous material if said material falls into more than one UN Hazard Class.

~~3c.~~ A marine terminal with an Annual Marine Terminal Permit shall not pay this fee.

~~4d.~~ Chapter 3.12 TMC shall apply to the storage of fireworks in lieu of this subsection.

~~B2.~~ 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. ~~The fee is \$680.~~

~~1a.~~ Financial Resources. All private hazardous Waste Facilities shall annually and periodically, as requested by the Fire Chief, demonstrate to ~~his or her~~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.

~~2b.~~ Company Plan. No permit shall be issued until the Hazardous Waste Facility provides a written company plan to demonstrate its preparation to:

~~(1)a.~~ respond to a spill and carry out appropriate mitigation measures, and

~~(2)b.~~ 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:

~~(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.

~~€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 ~~\$300~~ per event.

~~D4.~~ 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 ~~\$200~~ administered annually.

~~E5.~~ 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. ~~The initial fee is \$300.~~

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

~~A1.~~ 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. ~~The fee is \$200.~~

~~B2.~~ 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. ~~The fee is \$200.~~

D. Marine Facilities

~~A1.~~ 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. ~~The fee is \$2,000.~~

~~B2.~~ 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. ~~The fee is \$200.~~

~~€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. ~~The fee is \$250.~~

E. Mobile Fueling

~~A1.~~ Mobile Fueling Site Permit. A permit is required to fuel on-road vehicles with the delivery of Class II fuel from a mobile vendor. ~~The fee is \$200.~~

~~B2.~~ Mobile Fueling Company Permit. A permit is required to engage in the delivery to approved sites for the delivery of Class II fuel oil. ~~The fee is \$200.~~ For companies requiring vehicle inspections outside the City of Tacoma, an additional fee ~~of \$100~~ shall be charged.

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 ~~and the fee shall be \$200.~~

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 ~~and the inspection fee shall be \$100.~~

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 ~~and the fee shall be \$100.~~

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 ~~of \$250~~ 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.

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 ~~and Preparedness Bureau~~ 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 ~~and Preparedness Bureau~~ Division inspector determines that the inspection reveals a significantly unacceptable or incomplete system.

The Fire Chief, or ~~his or her~~ designee, may require this fee to be paid prior to additional inspections. The fee shall be a set amount \$170 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 ~~and Preparedness Bureau~~ Division, the person shall pay a fee ~~of \$200~~ per participating staff person for an inspection completed within two hours and, thereafter, \$100 a set amount per half hour per staff person for each additional half hour or fraction thereof.

G. Fire Watch. The Fire Chief, or ~~his or her~~ their 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 ~~of \$200 for the first two hours and \$100 for each subsequent half hour or a fraction thereof.~~ If more than one person is required for the fire watch, the person responsible for the facility shall pay an additional \$100 per half hour, per additional person 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 ~~and Preparedness Bureau~~ 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 ~~in the amount of \$150~~. This fee shall be charged for each inspection performed by Prevention ~~and Preparedness Bureau~~ Division personnel until compliance with the Fire code requirements has been accomplished. This fee shall be charged each and every time Prevention ~~and Preparedness Bureau~~ 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 ~~and Preparedness Bureau~~ Division within 60 days of the date the testing results are due at the Prevention ~~and Preparedness Bureau~~ Division, the person shall pay an initial fee ~~of \$100~~ and an additional fee ~~of \$100~~ each additional month or portion thereof that the violation continues.

J. Failure to Monitor an FPS. The responsible person shall pay a fee ~~of \$240~~ 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 ~~of \$100~~ 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 ~~of \$0.15~~ 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 ~~of \$185~~ per incident report.

N. Employee Fire Emergency Procedures Training. The Fire Department is authorized to charge ~~up to \$10~~ 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 ~~up to \$25~~ 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 ~~his or her~~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 ~~his or her~~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 ~~and Preparedness Bureau~~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 ~~and Preparedness Bureau~~Division staff shall be scheduled by contacting the Prevention ~~and Preparedness Bureau~~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 ~~\$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~~their 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 ~~City of Tacoma fFee s~~Schedule listed in Section 3.09.050.B.1 TMC.

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 ~~3.09.0153.01.100~~ TMC. The current fee schedule, with all adjustments to BIP Base Inspection Fee table below, are available upon request from the Fire Prevention ~~and Preparedness Bureau~~ Division.

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

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

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. 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.

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

ed. The Fire Chief, or designee, is authorized to waive or partially reduce inspection fees in accordance with Section ~~3.09.0603.01.110~~ 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 ~~his or her~~ 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.

~~**3.09.060 Waivers to fees.**~~

~~The Fire Chief or his or her 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 shall be waived.~~

~~B. Construction permit fees for multi-family residential housing shall be waived 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. The Fire Chief or his or her designee shall have the authority to waive re-inspection fees required by Section 3.09.060 TMC if he or she determines 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. Permit fees may be waived for good cause.~~

~~F. 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.~~

* * *

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.

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.

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.

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.

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.

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.

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 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.

EXHIBIT “C”
SUBTITLE 6B
LICENSE CODE

Chapters:

- 6B.10 General License Provisions
- 6B.20 Annual Business License
- 6B.30 Adult Entertainment
- 6B.40 Alarm Devices
- ~~6B.50 Ambulances~~
- 6B.60 Boilers – Engineer and Fireman Certificates

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~~Chapter 6B.50~~
AMBULANCES

Sections:

- ~~6B.50.010 Definitions.~~
- ~~6B.50.020 State ambulance license required.~~
- ~~6B.50.030 Health Department certification required.~~
- ~~6B.50.040 The City of Tacoma Fire Department is the lead emergency medical services agency.~~
- ~~6B.50.050 Basic life support services by contract.~~
- ~~6B.50.060 Ambulance service rates.~~
- ~~6B.50.070 Penalty for non-emergent lift assistance at licensed care facilities.~~

~~6B.50.010 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 18.71 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.

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

“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 18.71.200.

~~6B.50.020—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.~~

~~6B.50.030—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.~~

~~6B.50.040—The City of Tacoma Fire Department is the lead emergency medical services agency.~~

~~The Tacoma Fire Department shall be the lead agency 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 patient transport for emergency medical services within these areas if Fire Department units are available. All other patient transports may be distributed through contractual agreement or other method chosen by the Tacoma Fire Department.~~

~~6B.50.050—Basic life support 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.~~

~~6B.50.060—Ambulance service rates.~~

~~The following procedures are established for ambulance service to users of the City Fire Department Advanced 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 annually. 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 annual 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 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. 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 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 Director, 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 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.~~

~~6B.50.070—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 of \$350 for the first incident, \$500 for the second incident, and \$850 for each incident thereafter determined to be non-emergency lift assist at licensed care facilities; provided that, as of January 1, 2020, the authorized penalty charge shall be \$850 per incident without regard to the number of prior incidents.~~

~~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 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.~~

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