

TITLE 16
BUILDINGS AND
CONSTRUCTION

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CHAPTER 16.04

BUILDINGS AND CONSTRUCTION

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16.04.010 Purpose of Chapter

TMC Chapter 16.04 is enacted for the purpose of adopting rules and regulations governing the conditions and maintenance of all property, buildings and structures by providing standards for supplied utilities, facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; governing the condemnation of buildings and structures unfit for human occupancy, and use and abatement of such structures in Tukwila; regulating the issuance of permits and the collection of fees; to help ensure the protection of the health, safety and the general welfare of the public; and governing the creation, construction, enlargement, conversion, alteration, repair, occupancy, use, height, court area, sanitation, ventilation and maintenance of all buildings and structures within this jurisdiction. The purpose of the codes adopted herein is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these codes.

(Ord. 2402 §1; 2013; Ord. 2171 §1 (part); 2007; Ord. 2121 §1 (part), 2006)

16.04.020 Codes Adopted

Effective July 1, 2016, the following codes are adopted by reference as if fully set forth:

1. *The International Building Code, 2015 Edition*, as published by the International Code Council and as amended and adopted by the State of Washington. The following Appendices, standards and amendments are specifically adopted:

a. Appendix E, Supplementary Accessibility Requirements.

b. ICC/ANSI A117.1-2009, Accessible and Usable Buildings and Facilities, with statewide amendments.

c. Work exempt from a building permit. Section 105.2 of the International Building Code, 2015 Edition, is amended to include provisions regarding the following work that is exempt from a building permit:

(1) Work performed by the City of Tukwila and located in City of Tukwila right-of-way; work performed by Washington State Department of Transportation and located in WSDOT right-of-way to include public utility towers and poles, mechanical equipment not specifically regulated in this code, hydraulic flood control structures including levees; provided that any structure or building constructed in a municipal or state right-of-way and intended to be used as any occupancy classification of the State Building Code is not exempt from the provisions of this code or the related permit requirements.

(2) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet, and such structure is outside of and entirely separated, as prescribed by Code, from any existing building on the premises.

(3) Fences not over 6 feet high.

2. *The International Residential Code, 2015 Edition* as published by the International Code Council and as amended and adopted by the State of Washington, provided that Chapters 11 and 25 through 43 of this code are not adopted.

a. Work exempt from a building permit. Section 105.2 of the International Residential Code, 2015 Edition, is amended to include provisions regarding the following work that is exempt from a building permit:

(1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet, and such structure is outside of and entirely separated, as prescribed by Code, from any existing building on the premises.

(2) Fences not over 6 feet high.

3. *The Uniform Plumbing Code and the Uniform Plumbing Code Standards, 2015 Edition*, published by the International Association of Plumbing and Mechanical Officials, including Appendices A, B, and I, and as amended by the State of Washington, provided that Chapters 12 and 14 of this code are not adopted. Provided further, that those requirements of

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the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in Chapter 5 and those portions of the Code addressing building sewers are not adopted. Provided further that the following amendments to the Uniform Plumbing Code are adopted:

a. **All reference to and definition of “authority having jurisdiction” is deemed to refer to and shall mean the City of Tukwila Building Official.**

b. **Water Supply and Distribution.** Cross connection control for premises isolation related to the City’s public water system shall be in accordance with the City of Tukwila Public Works Department’s “Development Guidelines and Design and Construction Standards.” Cross connection control for premises isolation related to water purveyors outside of the City of Tukwila water system shall be in accordance with **that water purveyor’s policies and standards.**

c. **Sanitary Drainage.** Side sewer, private sewer main extensions beyond a point defined in the plumbing code as the building drain, and required grease interceptors all within **the City’s sewer districts shall be in accordance with the City of Tukwila Public Works Department’s “Development Guidelines and Design and Construction Standards,” in conjunction with the Uniform Plumbing Code requirements. “Sanitary drainage, side sewers, private sewer main extensions beyond the building drain and grease interceptors outside the Tukwila sewer district shall be in compliance with that purveyor’s policies and standards.**

4. *The International Mechanical Code 2015*, as published by the International Code Council and as amended and adopted by the State of Washington.

5. *The International Fuel Gas Code, 2015 Edition*, as published by the International Code Council and as amended and adopted by the State of Washington.

6. *The Washington Cities Electrical Code.* Article 80.3 National Electrical Code: The 2017 edition of the National Electrical Code (NFPA 70-2017) including Annex A, B, and C: Commercial Building Telecommunications Cabling Standard (ANSI/TIA-568-C series, February 2009); Commercial Building Standard for Telecommunications (ANSI-TIA-607-B, August 2011); Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-B-2004); and the National Electric Safety Code (NEC C2-2012 excluding Appendixes A & B) are hereby adopted by reference as part of this chapter and shall be applicable within the City of Tukwila as amended, added to and excepted in the Washington Cities Electrical Code.

(a) Article 85.11 of the National Electrical Code, sections (A), (B) and (C), is amended entirely and replaced as follows: The authority having jurisdiction within the City of Tukwila shall mean the Building Official, and shall include the Chief Electrical Inspector or other individuals or jurisdictions **when designated by the Building Official. All references to “Code Official” shall mean the City of Tukwila Building Official or designee.** This chapter shall be followed where there is any conflict between this chapter and the above adopted standards.

(b) The National Electrical Code shall be followed where there is any conflict between the National Electrical Code and ANSI/TIA/EIA 570-B, or the NESC C2.

7. *Washington State Energy Code, 2015 Edition*, as published by the International Code Council and as amended and adopted by the State of Washington.

8. *International Existing Building Code, 2015 Edition*, as published by the International Code Council and as amended and adopted by the State of Washington.

9. *International Swimming Pool and Spa Code, 2015 Edition*, as published by the International Code Council and as amended and adopted by the State of Washington.

(Ord. 2539 §1, 2017; Ord. 2503 §1, 2016; Ord. 2402 §2, 2013; Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.030 Filing Copies of State Building Codes

The Department of Community Development shall maintain on file not less than one copy of the codes referred to in TMC Section 16.04.020 and the codes shall be open to public inspection.

(Ord. 2503 §2, 2016; Ord. 2402 §3, 2013; Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.040 Compliance with Other Regulations as Prerequisite for Building Permits

No building permit shall be issued if the construction authorized by the permit will violate any existing applicable law or City ordinance.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.050 Building, Moving and Demolition Permits

A. No person shall move any existing building or structure within or into the City without first obtaining a relocation permit and a building permit from the Building Division. No person shall effect any demolition of any building or structure or any part thereof that is not exempted by Section 105.2 of the International Building Code without first obtaining a demolition permit from the Building Division.

B. Except as otherwise provided in TMC 16.04.050, a relocation permit shall not be issued for any building or structure that is included within any one or more of the following categories:

1. So constructed or in such condition as to constitute a danger of injury or death through collapse of the building, fire, defects, and substandard electrical wiring or other substantial hazard to the persons who occupy or enter said building after relocation;

2. Infested with rats or other vermin, or the wood members of which are infested with rot, decay or insects;

3. So unsanitary or filthy that it would constitute a hazard to the health of the persons who would occupy said building after relocation, or, if not intended for occupancy by human beings, would make it unsuitable for its intended use;

4. In such condition or of a type, character, size or value, and is so inharmonious with other buildings in the neighborhood of the relocation site, that placing the building at

the proposed relocation site would substantially diminish the value of other property or improvements in the district into which the building is to be relocated;

5. The proposed use of the building is prohibited at the proposed relocation site under any zoning ordinance or other land use ordinance of this City;

6. The building, structure or relocation site does not conform to all applicable provisions of law or ordinance.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.060 Application for Relocation/Demolition Permit

Every application for a relocation or a demolition permit shall be in writing upon a form furnished by the Building Division, and shall set forth such information as may reasonably be required in order to carry out the purposes of TMC Chapter 16.04. Such information may include:

1. Pre-move inspection and investigation of the structure by the Building Division;

2. Photographs of the building or structure to be moved and/or demolished;

3. Report from a licensed pest control contractor, stating the condition of the building as to pest infestation;

4. Report from a registered engineer or architect, stating the structural condition of the building and clearly indicating the steps to be taken to preserve/enhance said condition.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.070 Correction of Defects Before Issuance of Permit

A. If the building or structure to be moved fails to meet any of the standards set forth in TMC 16.04.100, but it appears to the Building Official that the deficiencies can be corrected, the permits shall be issued only on condition that all deficiencies are corrected prior to the building being used or occupied.

B. In order to determine any matter regarding relocation of a building or structure, the Building Official may cause any investigation to be made which he believes necessary.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.080 Terms and Conditions of Issuance

A. In granting a relocation permit, the Building Official may impose such terms and conditions as are necessary, in the opinion of the Building Official, to ensure that its relocation will not be materially detrimental or injurious to the public safety or welfare, or to the property or improvements in the district to which the building is to be moved, including, but not limited to, changes, alterations, additions or repairs to the building or structure.

B. A separate foundation permit, good for 90 days, must be applied for and approved, prior to issuance of the relocation permit.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.090 Application Fee

The fee for relocation investigation service shall be a \$25 base fee, plus \$15 for every 10 miles distance or increment thereof, outside the City limits. In the event a building permit is issued for a relocated building, the fees for the building permit and plan review shall be based upon the total value of the building or structure at its relocated site, using the same valuation formula as used for new residential construction.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.100 Debris and Excavations

A. It shall be the duty of any person to whom any permit is issued for the demolition or removal of any building or any section or portion of any building pursuant to the provisions of TMC Chapter 16.04, and of any person leasing, owning, or occupying or controlling any lot or parcel of ground from which a building is removed or demolished, to remove all demolition rubble and loose miscellaneous material from such lot or parcel of ground, to properly cap the sanitary sewer connections, and to properly fill or otherwise protect all basements, cellars, septic tanks, wells and other excavations.

B. After the work is completed, an inspection will be required.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.110 Expiration

A relocation permit shall expire and become null and void if the moving of the building or structure onto a permanent foundation is not completed within 180 days from the date of issuance of the permit. No extensions will be granted.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.120 Relocation Bond – Required

No relocation permit required by TMC Chapter 16.04 shall be issued by the Building Division unless the applicant therefore first posts a bond, in a form approved by the City Attorney, executed by the owner of the premises where the building or structure is to be located as principal, and a surety company authorized to do business in the State as surety. The bond shall be in form joint and several, shall name the City as obligee, and shall be in an amount equal to the cost plus 10% of the work required to be done, in order to comply with all the conditions of such relocation permit as such cost is established by the Building Official. In lieu of a surety bond, the applicant may post a bond executed by the owner as principal and which is secured by a deposit in cash in the amount specified above with a banking or escrow agent acceptable to the City, and conditioned as required in the case of a surety bond; such a bond as so **secured is hereafter call a “cash bond” for the purposes of TMC Chapter 16.04.**

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.130 Relocation Bond – Conditions

Every bond posted pursuant to TMC Chapter 16.04 shall be conditioned as follows:

1. Each and all of the terms and conditions of the relocation permit shall be complied with to the satisfaction of the Building Official;

2. All of the work required to be done pursuant to the conditions of the relocation permit shall be fully performed and completed within the time limit specified in the relocation permit; or, if no time limit is specified, within 90 days after the date said building is moved to the new location. The time limit herein specified, or the time limit specified in any permit, may be extended by the Building Official for good and sufficient cause. No such extension of time shall be valid unless written, and no such extension shall release any surety upon any bond.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.140 Relocation Bond – Default in Performance of Conditions

A. Whenever the Building Official finds that a default has occurred in the performance of any term or condition of any permit required by TMC 16.04.140, written notice thereof shall be given to the principal and to the surety of the bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Building Official to be reasonably necessary for the completion of such work. After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, must pay the full amount of the approved bond to the City. Upon receipt of such funds, the Building Official shall proceed by such mode as he deems convenient to cause the building or structure to be demolished and to clear, clean and restore the site to a natural condition, but no liability shall be incurred therein other than for the expenditure of the sum in hand therefor.

B. When any default has occurred on the part of the principal under the preceding provisions, the surety shall have the option, in lieu of completing the work required, to demolish the building or structure and to clear, clean and restore the site to a natural condition.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.150 Relocation Bond – Refund of Surplus on Termination

The term of each bond posted pursuant to TMC Chapter 16.04 shall begin upon the date of the posting thereof, and shall end upon completion, to the satisfaction of the Building Official, of the performance of all the terms and conditions of the relocation permit required by this section and release of the bond by the Building Official. Such completion and release shall be evidenced by a statement thereof signed by the Building Official, a copy of which will be sent to the surety or principal upon request. When a cash bond has been posted, the cash shall be returned to the depositor or his successors or assignees upon the termination of the bond, except any portion thereof that may have been used or deducted as provided elsewhere in TMC Chapter 16.04.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.170 Additional Requirements for Security Devices

The following requirements shall apply to all apartment houses, hotels, and motels, provided that nothing in TMC Chapter 16.04 shall be construed to relieve any party from compliance with the International Building Code and the International Fire Code.

1. Entrance doors to individual housing units shall be without glass openings and shall be capable of resisting forcible entry equal to a wood, solid core door, 1-3/4 inches thick. TMC 16.04.170(1) shall apply in a structure constructed after June 24, 1998. Any door replaced in existing structures must comply with TMC 16.04.170.

2. Every entrance door to an individual housing unit shall have a keyed, single-cylinder, 1-inch deadbolt lock. The lock shall be so constructed that the deadbolt lock may be opened from inside without use of a key. In hotels and motels every entrance door to an individual unit shall also be provided with a chain door guard or barrel bolt on the inside.

3. The door of a housing unit to an interior corridor shall have a visitor observation port, which shall not be in excess of ½-inch in diameter.

4. In all apartment houses as defined in TMC 16.04.180, lock mechanisms and keys shall be changed upon a change of tenancy.

5. All exit doors shall be able to open from the interior without the use of a key or any special knowledge or effort.

6. Deadbolts or other approved locking devices shall be provided on all sliding patio doors which are less than one story above grade or are otherwise accessible from the outside. The lock shall be installed so that the mounting screws for the lock cases are inaccessible from the outside.

7. Locks and latches and the unlatching thereof shall be in accordance with the provisions of the State Building Code. Installation and approval of any alternate locking devices in existing buildings shall be in accordance with approval of the Tukwila Fire Department.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.180 Definitions

For the purpose of TMC 16.04.170 through 16.04.190, the following definitions shall apply:

1. **“Apartment house” means any building or portion** thereof (including residential condominiums, for the purpose of this code) that contains three or more dwelling units.
2. **“Hotel” means any building containing six or more** guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.
3. **“Motel” means hotel as defined in TMC 16.04.180-2.**

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.190 Enforcement – Right of Entry

The Building Official is authorized and directed to enforce the provisions of TMC 16.04.170 through 16.04.190 for all new construction. The Chief of Police is authorized and directed to enforce the provisions of TMC 16.04.170 through 16.04.190 for all existing buildings or premises; and upon presentation of proper credentials, the Chief of Police or his duly authorized representative may, with the consent of the occupant or pursuant to a lawfully issued warrant, enter at reasonable times any building or premises for the purposes of inspecting the physical security of exterior accessible openings of such building or premises.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.200 Adoption of County Ordinance 451

King County Ordinance 451 entitled “An ordinance relating to and regulating the design, construction, equipping, operation, maintenance of spray and wading pools, public and semi-public swimming pools; requiring plans and permits, establishing a swimming pool advisory committee; defining offenses and providing penalties,” one copy of which is filed with the City Clerk for use and examination by the public, is adopted by reference as an ordinance of the City of Tukwila.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.210 Adoption of County Health Regulations

Seattle-King County Department of Public Health rules and regulations for construction, maintenance and operation of swimming pools, one copy of which is filed with the City Clerk for use and examination by the public, are adopted by reference as Tukwila’s rules and regulations.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.220 Enforcement Officer Designated

The director of the Seattle-King County Department of Public Health or his authorized representative is designated as the enforcement officer of TMC 16.04.200 through 16.04.230.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.230 Fee Payment

Any fees to be paid under TMC 16.04.200 through 16.04.230 shall be collected by, paid directly to, and retained by the Seattle-King County Department of Public Health.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.240 Abatement of Dangerous Buildings by City

A. The City Council may, upon approval and passage of an appropriate resolution or ordinance, direct the Mayor or a designated representative to abate a dangerous building as determined by the provisions of TMC Chapter 16.04; and such dangerous building may be abated by City personnel or by private contractor under the direction and pursuant to the order of the Planning Director or designated representative.

B. The City Council shall appropriate sufficient funds to cover the cost of such repair or demolition work. The costs incurred by the City in any such abatement proceedings shall be recovered by special assessment against the real property involved, and shall constitute a lien as provided by law, and particular reference being made to RCW 35.80.030.

C. Nothing in TMC 16.04.240 shall be construed to abrogate or impair the power of the City or any department thereof to enforce any provision of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and any powers conferred by TMC 16.04.240 shall be in addition to and supplemental to powers conferred by other laws; nor shall TMC 16.04.240 be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement, by summary proceedings or in any manner provided by law.

(Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.250 Procedures applicable to all construction permits

A. Permit and plan review fees applicable to all construction permits shall be in accordance with the permit fee schedule adopted by resolution of the City Council.

B. Work covered without inspection or work not ready at the time of inspection may be charged a re-inspection fee at the hourly rate in accordance with the permit fee schedule adopted by resolution of the City Council.

C. Work without a permit. Any person who commences work before obtaining the necessary permits shall be subject to an investigation fee. The investigation fee shall be equal to the established permit fee in accordance with the permit fee schedule adopted by resolution of the City Council. This fee, which shall constitute an investigation fee, shall be imposed and collected in all cases, whether or not a permit is subsequently issued.

D. Fee refunds. The Building Official may refund any permit fee paid by the original permit applicant that was erroneously paid or collected. The Building Official may also authorize the refund of not more than 80% of the permit fee when no work has been done under a permit issued in accordance with the code. Where a plan review fee has been collected, no refund will be authorized once it has been determined that the application is complete and the plan review process has commenced. Refund of any permit fee paid shall be requested by the original permit applicant in writing and not later than 180 days after the date of fee payment.

E. Expiration of Permits. All building, mechanical, plumbing, fuel gas piping and electrical permits shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after issuance or the work is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official may grant a maximum of two extensions for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

F. Reactivating Expired Permit for Final. Expired permits that have completed the inspection process and need only final inspection approval may be reactivated. Reactivation shall require a new permit application, and the fee shall be in accordance with the permit fee schedule adopted by resolution of the City Council. The Building Official may grant one 30-day extension to an expired permit for the purpose of performing a final inspection and closing out the permit as long as not more than 90 days have passed since the permit expired. Provided no changes have been made or will be made in the plans or scope of work, the 30-day extension commences on the date of written approval. If work required under a final inspection is not completed within the 30-day extension period, the permit shall expire.

G. Residential remodel permits. Owner-occupied residential remodel permits for projects not exceeding \$20,000.00 in valuation are eligible for a flat fee for the plan review and permit in accordance with the permit fee schedule adopted by resolution of the City Council. The valuation will be cumulative during a rolling one year period and projects that exceed the \$20,000.00 limit will be subject to the standard permit fee in accordance with the permit fee schedule adopted by resolution of the City Council. All requirements for submittal documents and inspections are as required for a new house under this section; only the fee is reduced.

H. Appeals. All references to Board of Appeals is amended as follows: Any person, firm or corporation may register an appeal of a decision or determination of the Building Official provided that such appeal is made in writing within 14 calendar days after such person, firm or corporation shall have been notified of the **Building Official's decision**. Any person, firm or corporation shall be permitted to appeal a decision of the Building Official to the Tukwila Hearing Examiner when it is claimed that any one of the following conditions exists.

1. The true intent of the code or ordinance has been incorrectly interpreted.
2. The provisions of the code or ordinance do not fully apply.
3. The decision is unreasonable or arbitrary as it applies to alternatives or new materials.
4. Notice of Appeal procedures shall be in accordance with TMC Section 18.116.030.

I. Violations. Violations of this code shall be subject to enforcement and penalties as prescribed in TMC Chapter 8.45 and the issuance of a Notice of Violation in accordance with TMC Section 8.45.070. For unattended or abandoned locations, a copy of such Notice of Violation shall be posted on the premises in a conspicuous place, at or near the entrance to such premises, and the Notice of Violation shall be mailed by certified mail, with return receipt requested, to the last known address of the owner, occupant or both.

(Ord. 2549 §17, 2017; Ord. 2503 §3, 2016; Ord. 2402 §4, 2013; Ord. 2171 §1 (part), 2007; Ord. 2121 §1 (part), 2006)

16.04.260 Affordable Housing Fee Reductions

Development permit fees for the construction or substantial improvement of dwelling units may be reduced by the DCD Director. Development permits include building, mechanical, **electrical and plumbing permits**. **“Substantial improvement” is a repair, reconstruction or rehabilitation of a building or structure the cost of which exceeds 50 percent of the building or structure’s assessed value. The property owner must request the reduction in writing prior to permit submittal and when all of the following conditions are met:**

1. Fee reduction table.

| Unit Size | Affordability Target ¹ | Fee Reduction |
|--------------------|-----------------------------------|---------------|
| 2 or more bedrooms | 80% ² | 40% |
| 2 or more bedrooms | 60% ² | 60% |
| Any size | 50% ² | 80% |

¹ – Units to be sold or rented to a person or household whose monthly housing costs, including utilities other than telephone, do **not exceed 30% of the household’s monthly income.**
² – Percentage of King County Median family income adjusted for family size as reported by the U.S. Department of Housing and Urban Development.

2. If the project contains a mix of dwelling units that qualify for fee reduction per the table in subparagraph 1 above and units that do not qualify due to unit size or expense, the fee reduction shall be pro-rated to reflect the proportion of low-income units in the project.

3. If converted to market rate housing within 10 years of the issuance of the Certificate of Occupancy, the full applicable permit fees at the time of conversion shall be paid to the City.

4. If the project contains commercial tenant space that occupies more than 15% of the building, along with dwelling units that qualify for fee reduction per the table in subparagraph 1 above, the fee reduction shall be pro-rated to reflect the proportion of the total building square footage occupied by the low-income units. Commercial spaces that occupy less than 15% of the building are considered accessory and will not affect the fee reduction.

(Ord. 2520 §1, 2016)

CHAPTER 16.05

5-STORY TYPE V-A BUILDINGS

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 - 16.05.110 Construction Inspections
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16.05.010 Purpose of Chapter

The purpose of TMC Chapter 16.05 is to authorize the construction of 5-story Type V-A buildings as an approved alternate design and construction method under Section 104.11 of the International Building Code, 2009 Edition, and to set forth the criteria and standards which must be met prior to a building permit being issued for a 5-story Type V-A building.

(Ord. 2326 §2, 2011)

16.05.020 Construction

A. International Building Code Requirements. Five-story Type V-A buildings shall comply with all requirements of the International Building Code, 2009 Edition, except as specifically required by this chapter. In the event of a conflict between the International Building Code and the provisions of this chapter, the provisions of this chapter shall control. In the event of a conflict between the language in Tukwila Municipal Code Chapter 16.48 and the provisions of this chapter, the provisions of this chapter shall control. References in this **chapter to building construction “types” (e.g. Type I, or Type V-A)** shall have the same meaning as set forth in the International Building Code, 2009 Edition.

B. Lowest Story Construction Requirements. The lowest story in a five-story Type V-A building shall be constructed of Type V-A fire-resistive construction, except that all structural frame and load bearing elements shall be of approved, 2-hour fire-resistive construction.

C. Upper Four Stories. The upper four stories of a five-story Type V-A building shall be constructed of at least Type V-A fire-resistive construction with no exceptions permitted.

D. Use of Type V-A Above Type IA Construction. Where Type V-A stories are constructed over Type IA construction, the Type V-A story shall be separated from the Type I stories with a horizontal assembly having a minimum 3-hour fire resistance rating as provided in the International Building Code, 2009 Edition. Shafts, stairway, ramp and

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escalator enclosures through the horizontal assembly shall have not less than 2-hour fire resistance rating with opening protectives in accordance with the International Building Code, 2009 Edition, Section 715.4. No exceptions permitted.

E. Non-Load-Bearing Walls. Non-load-bearing walls, exterior and interior walls, shall be construction of at least Type V-A fire-resistive construction, no exceptions permitted.

F. Shafts. Shafts shall be constructed of an approved 2-hour fire-resistive assembly, with duct penetrations protected with fire/smoke dampers rated for 1-1/2-hour fire resistance rating. No exceptions permitted.

G. Corridors. Except for corridors within a dwelling or sleeping unit, corridors serving an occupant load greater than 10, shall be constructed of 1-hour fire-resistive construction, and shall comply with the International Building Code, 2009 Edition requirements for “Fire Partitions.” No exceptions permitted.

(Ord. 2326 §3, 2011)

16.05.030 Occupancy

A. Occupancy of five-story Type V-A buildings shall be Group R-1 or R-2 Occupancies permitted above the first floor. Group S-2, parking garages, B, M, R, or Multiple Group A occupancies, each with an occupant load of less than 300, shall be permitted on the first floor only.

B. “Occupancy” shall have the same meaning as set forth in the International Building Code, 2009 Edition.

(Ord. 2326 §4, 2011)

16.05.040 Stair Enclosures

Where buildings are designed and constructed pursuant to this section, all stair enclosures shall be 2-hour fire-resistive construction with 1-1/2-hour opening protection. Stair enclosures shall be pressurized as described in the International Building Code, Section 909.20.5.

(Ord. 2326 §5, 2011)

16.05.050 Fire Detection and Protection

A. Fire Sprinkler System. Five-story Type V-A buildings shall be protected throughout by an automatic fire sprinkler system as defined in Tukwila Municipal Code Chapter 16.42, the International Building Code, 2009 Edition, the International Fire Code, 2009 Edition and as defined by National Fire Protection Association Standards (NFPA) 13, as set forth herein. The 2009 Editions of the International Building Code and International Fire Code shall be as presently constituted or as hereafter amended.

B. Fire Detection System. A monitored manual and automatic fire detection system shall be installed throughout the building with audible and visual alarm signals. Fire alarm installation shall be in accordance with the International Building Code, 2009 Edition, International Fire Code, NFPA 72 and Tukwila Municipal Code Chapter 16.40.

C. Equipment and Controls Location. Fire detection system equipment and controls shall be located in a location approved by the Fire Marshal. The monitoring equipment shall be located in a separate room enclosed with 1-hour fire-rated

barriers or horizontal assemblies constructed in accordance with the International Building Code, 2009 Edition.

D. Class I standpipe hose connections are required. A Class I standpipe shall be located in every stairway; a hose connection shall be provided for each floor level and on intermediate floor level landings between floors unless otherwise approved by the Fire Marshal.

E. Standby Generator. A standby power generator set shall be provided on the premises in accordance with the Washington Cities Electrical Code and NFPA 70 as presently constituted or hereafter amended. The standby system shall have the capacity and rating to sufficiently supply all equipment required to be operational at the same time, including but not limited to:

1. Emergency lighting.
2. Stair enclosure and elevator shaft pressurization.
3. Elevators.

(Ord. 2326 §6, 2011)

16.05.060 Building Height

A. The maximum height of buildings designed and constructed pursuant to this section shall be 70 feet. The building height shall be measured as described in the International Building Code, 2009 Edition as presently constituted or hereafter amended. No additional height increases are permitted.

B. Where a five-story Type V-A building is to be constructed over a base structure of Type I construction, the overall height of the resulting building shall not exceed 70 feet, as measured from the grade plane. No additional height increases are permitted.

(Ord. 2326 §7, 2011)

16.05.070 Basic Allowable Floor Area

The basic allowable area of floors of a five-story Type V-A building shall be as stated in Table 503 and Section 506 of the International Building Code, 2009 Edition, as presently constituted or as hereafter amended. For the purpose of this chapter only, the total allowable area as calculated subject to Table 503 and Section 506 of the International Building Code, 2009 Edition, may be increased by 25%.

(Ord. 2326 §8, 2011)

16.05.080 Elevators

A. Elevators shall comply with the requirements of International Building Code, 2009 Edition, Chapter 30, and the following:

1. One elevator shall be provided for Fire Department emergency access to all floors.

2. Such elevator car shall be of a size and arrangement to accommodate a 24-inch by 84-inch ambulance stretcher with no less than 5-inch radius corners in the horizontal, open position and shall be identified by the International Symbol for Emergency Medical Services (Star of Life). The symbol shall not be less than 3 inches and shall be placed inside and on both sides of the hoist way door frame.

3. An enclosed elevator lobby shall be provided at each floor. The lobby enclosure shall separate the elevator shaft enclosure doors from each floor by fire partitions as prescribed in the International Building Code, 2009 Edition, Section 709. Fire partitions shall have a fire resistance rating of not less than one hour, no exceptions permitted.

4. Doors protecting openings in the elevator lobby and enclosure walls shall also comply with the International Building Code, 2009 Edition, Section 715.4.3 as required for corridors.

5. Penetrations of the elevator lobby enclosure by ductwork and air transfer openings shall be protected as required for corridors.

6. Elevator lobbies shall have at least one means of egress complying with provisions of the International Building Code, 2009 Edition, Chapter 10.

7. As an alternative to providing elevator lobbies, the elevator shaft enclosure shall be pressurized in accordance with the International Building Code, 2009 Edition, Section 708.14.2.1 as presently constituted or hereafter amended.

(Ord. 2326 §9, 2011)

16.05.090 Fire Department Access

Site design for any five-story Type V-A building shall include access sufficient for fire apparatus in accordance with the International Fire Code, as presently constituted or hereafter amended, and Tukwila Municipal Code Chapter 16.16, and shall be approved by the Fire Marshal. The fire apparatus access shall be described on the site plan that is submitted for a permit application.

(Ord. 2326 §10, 2011)

16.05.100 Attic / Roof Ventilation & General Design Requirements

A. Ventilation of attic spaces shall be in accordance with the International Building Code, 2009 Edition, Section 1203 and the following condition:

1. The design of attic ventilation method shall not include eave vents or cornice vents that would occur directly above and within 36 inches horizontally of a window, whether fixed glazing or windows with vent openings.

B. Construction details shall include details necessary to prevent damage from the cumulative effect of wood shrinkage as it will affect plumbing systems, electrical systems, exterior cladding and moisture control systems of the building envelope and wood structural connectors.

C. All fire doors protecting exit enclosures, exit passageways, elevator lobbies or fire doors providing access through other fire rated assemblies shall be installed with magnetic hold-open devices. Doors so equipped shall be automatic closing by the activation of smoke detector or loss of power to smoke detector or hold-open device.

(Ord. 2326 §11, 2011)

16.05.110 Construction Inspections

In addition to the construction inspections required pursuant to the International Building Code, 2009 Edition, Section 110, and special inspections required by Chapter 17, structural observation by the engineer of record shall be required for the structural frame and seismic-force resisting systems. Conditions for structural observation shall be in accordance with the International Building Code, 2009 Edition, Section 1710.

(Ord. 2326 §13, 2011)

16.05.120 Maintenance of Fire Protection Systems

The owner(s) of a five-story Type V-A building shall maintain the fire and life-safety systems required by the International Building Code, 2009 Edition, and Tukwila Municipal Code in an operable condition at all times. Unless otherwise required by the Fire Marshal, testers approved by the Fire Department shall conduct yearly testing of such systems. A written record shall be maintained and shall be forwarded to the Fire Marshal and be available to the inspection authority.

(Ord. 2326 §14, 2011)

CHAPTER 16.08

**BLANKET TENANT IMPROVEMENT
BUILDING PERMITS**

Sections:

- 16.08.010 Blanket Permitting - Allowed
 - 16.08.020 Policy and Procedure
 - 16.08.030 Fees and Security
 - 16.08.040 Blanket Permit Not in Lieu of Regular Permits
-

16.08.010 Blanket Permitting - Allowed

Qualifying applicants and projects may be issued an annual blanket permit to allow tenant improvements to start before issuance of a building permit.

(Ord. 1529 §1, 1989)

16.08.020 Policy and Procedure

Rules and regulations for determining qualifying applicants and projects and the policies and procedures to be used are to be determined by the Administration, and kept on file with and administered by the Building Official of the City.

(Ord. 1529 §2, 1989)

16.08.030 Fees and Security

The administrative policy shall require a fee for a blanket permit of \$2,500 for each calendar year or part thereof, and shall require that there be in effect at all times a cash or surety bond acceptable to the City in the amount of \$250,000, to guarantee that all projects will be constructed pursuant to building permits finally issued.

(Ord. 1529 §3, 1989)

16.08.040 Blanket Permit Not in Lieu of Regular Permits

The purpose of the blanket permit is to allow early construction and such permit is not in lieu of all normally required permits, and the policies and procedures shall require timely applications and fees for all such permits.

(Ord. 1529 §4, 1989)

CHAPTER 16.16
INTERNATIONAL FIRE CODE

Sections:

- 16.16.010 Adoption of the International Fire Code.
- 16.16.020 Enforcement.
- 16.16.030 Definitions.
- 16.16.040 Establishment of Limits of Districts in which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is to be Prohibited.
- 16.16.050 Establishment of Limits in which Bulk Storage of Liquefied Petroleum Gases is to be Restricted.
- 16.16.060 Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited.
- 16.16.070 Amendments to the International Fire Code.
- 16.16.075 Problematic Systems and Systems Out of Service.
- 16.16.080 Fees.
- 16.16.085 Exceptions.
- 16.16.090 Appeals.
- 16.16.100 New Materials, Processes or Occupancies which may Require Permits.
- 16.16.110 Violations — Penalties.
- 16.16.120 Conflicts with Existing Codes and Ordinances.

16.16.010 Adoption of the International Fire Code

A. Pursuant to RCW 35.21.180, that certain code of technical regulations known as the International Fire Code and Appendices B, C, D, E, F, G, H, I, J, K and L, except Table B105.2 shall be 50% of the required fire flow value, and Section D-107 is not adopted (2015 Edition); and Appendix L shall apply to all mid-rise, high-rise and other buildings that have been determined by the Fire Marshal to meet the requirements of L101.1 for a Firefighter air replenishment system; and any amendments thereto published by the Washington State Building Code Council, is hereby adopted by this reference as if fully set forth, subject to the modifications and amendments set forth in TMC Chapter 16.16. One copy of said Fire Code shall be maintained on file in the office of the Fire Marshal for public use and inspection.

B. IFC Section 105.6.5 shall be modified as follows:

105.6.5 Carnivals and fairs, Temporary/special events

An operational permit is required to conduct a carnival or fair or other temporary/special event. The Temporary/Special Event permit shall be the sole permit issued by the City for carnivals, fairs and other temporary/special events, and shall encompass temporary membrane structures, liquid propane gas, flammable combustible liquids, electrical, signs, rights of way use and other such permits as approved by the Fire Marshal or the authorized designee. Other permits or approvals may be required from agencies other than the City of Tukwila. The City reserves the right to limit the number of temporary/special events per location if, in the opinion of the City, the event(s) are detrimental to the public health and welfare.

(Ord 2504 §1, 2016; Ord 2435 §2, 2014)

16.16.020 Enforcement

A. The International Fire Code shall be enforced by the Fire **Marshal’s Office** within the Fire Department of the City, which is operated under the supervision of the Chief of the Fire Department.

B. There shall be a Fire Marshal in charge of the Fire **Marshal’s Office** who shall be appointed by the Chief of the Fire Department on the basis of an examination to determine his qualifications.

(Ord 2504 §2, 2016; Ord 2435 §3, 2014)

16.16.030 Definitions

A. **Wherever the word “jurisdiction” is used in the International Fire Code, it means the area within the city limits of the City of Tukwila, Washington.**

B. **Wherever the words “Fire Code Official” are used in the International Fire Code, they mean the Fire Marshal in charge of the Fire Marshal’s Office.**

C. **“Temporary/special event” refers to an event taking place within the City of Tukwila that will not last more than 21 consecutive days, that is not customary at that location and would otherwise be prohibited. Examples include a fair, carnival, circus, or tent or sidewalk sale. Prior approval is required for an event to be held on City property.**

(Ord 2504 §3, 2016; Ord 2435 §4 2014)

16.16.040 Establishment of Limits of Districts in which Storage of Flammable or Combustible Liquids in Outside Above-Ground Tanks is to be Prohibited

The storage of flammable or combustible liquids in outside aboveground storage tanks is prohibited within the City, except as conditioned below:

1. Aboveground storage tanks shall meet the requirements of Chapter 57 of the International Fire Code.
2. Tanks containing Class I, II or III-A liquids shall not exceed 12,000 gallons individual or 24,000 gallons aggregate.
3. Installation of aboveground tanks shall be subject to berming and screening as required by the Public Works and Planning Departments respectively.
4. Installation of aboveground tanks shall be limited to MIC, HI, LI or CLI zones.

(Ord 2435 §5, 2014)

16.16.050 Establishment of Limits in which Bulk Storage of Liquefied Petroleum Gases is to be Restricted

A. The limits referred to in Chapter 61, Section 6104.2 of the International Fire Code, in which storage of liquefied petroleum gas is restricted, shall apply throughout the City. NFPA 58 shall be used as the installation guide for all propane systems.

B. International Fire Code Section 6101.3, Construction documents. Where a single LP-gas container is more than 250 gallons (946 L) in water capacity or the aggregate water capacity of LP-gas containers is more than 300 gallons (1135 L), the installer shall submit construction documents for such installation.

(Ord 2435 §6, 2014)

16.16.060 Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited

The limits referred to in Chapter 56, Section 5601.2.1, Section 5601.2.3 and Section 5601.3 of the International Fire Code, in which storage of explosives and blasting agents is prohibited, shall apply throughout the City.

(Ord 2504 §4, 2016; Ord 2435 §7, 2014)

16.16.070 Amendments to the International Fire Code

A. Portable fire extinguishers shall be installed in all occupancies. No exceptions will be allowed.

B. Adequate ground ladder access shall be provided to all rescue windows above the first story. Landscape a flat, 12-foot deep by 4-foot wide area below each required rescue window.

C. Traffic Calming Devices. Traffic calming devices shall be reviewed by the fire code official for impacts to emergency services response times.

D. Section 503 of the International Fire Code (2015 Edition) adopted by this chapter is hereby amended to read as follows:

Section 503.2

1. General. Fire apparatus access roads shall be provided and maintained in accordance with the provisions of this section.

2. Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

a. **“Fire apparatus access road(s)”** means that area within any public right-of-way, easement, or private property designated for the purpose of permitting fire trucks and other firefighting or emergency equipment to use, travel upon and park.

b. **“Park,” “parking,” “stop,” “stand” or “standing”** means the halting of a vehicle, other than an emergency vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or fire official or traffic signal or sign.

c. **“Vehicle”** means a machine propelled by power, other than human power, designed to travel along the ground or rail, by the use of wheels, treads, runners or slides, and shall include, without limitation, truck, automobile, trailer, motorcycle, tractor, buggy, wagon and locomotive.

3. Requirements – Standards

a. When required by the Fire Marshal, hard-surfaced fire apparatus access road(s) shall be provided around facilities which, by their size, location, design or contents warrant access which exceeds that normally provided by the proximity of city streets.

b. Fire apparatus access road(s) shall be required when any portion of an exterior wall of the first story is located more than 150 feet from Fire Department vehicle access.

4. Surface. Fire apparatus access road(s) shall be either asphalt or reinforced concrete, a minimum two inches thick, or when specifically authorized by the Fire Department, compacted crushed rock or other alternate surfaces may be used. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus.

5. Width. The minimum unobstructed width of a fire apparatus access road shall not be less than 20 feet.

6. Aerial Apparatus Access Roads. Aerial apparatus access roads shall not be less than 26 feet in width.

7. Vertical clearance. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet, 6 inches.

Exceptions:

a. When conditions prevent the installation of an approved fire apparatus access road, the Fire Marshal may permit the installation of a fire protection system or systems in lieu of a road.

b. When there are not more than two Group R, Division 3 or Group U occupancies, the requirements of this section may be modified provided that, in the opinion of the Fire Marshal, firefighting or rescue operations would not be impaired.

c. Clearances or widths required by this section may be increased when, in the opinion of the Fire Marshal, clearances or widths are not adequate to provide fire apparatus access.

8. Turning Radius. The turning radius of a fire apparatus access road shall be approved by the Fire Marshal.

9. Turnarounds. All dead-end apparatus access roads in excess of 150 feet shall be provided with approved provisions for the turning around of fire apparatus.

10. Bridges. When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the International Building Code or other regulations adopted by the City and shall use designed live loading sufficient to carry the imposed loads of fire apparatus.

11. Grade. The gradient for a fire apparatus access road shall not exceed 15% with a cross slope no greater than 5%.

12. Obstruction. The required width of any fire apparatus access road shall not be obstructed in any manner, including the parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times.

13. Markings:

a. When required, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

b. Fire apparatus access roads shall be identified by painting the curb yellow and a 4-inch-wide line and block letters 18 inches high, painted in the lane, at 50-foot intervals, **stating, "FIRE LANE NO PARKING," color to be bright yellow, or by the posting of signs stating, "FIRE LANE NO PARKING,"** and painting the curb. Signs shall be posted on or immediately next to the curb line or on the building. Signs shall be 12 inches by 18 inches and shall have letters and background of contrasting color, readily readable from at least a 50-foot distance. Signs shall be spaced not further than 50 feet apart, nor shall they be more than four feet from the ground.

c. Residential fire apparatus access roads shall be marked with signs described in (b) above; no striping or painting shall be required.

14. Parking Prohibited. Except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police or fire official, or traffic control sign, signal or device, no person shall stop, stand or park a vehicle, whether occupied or not, at any place where official fire lane signs are posted, except:

a. Momentarily to pick up or discharge a passenger or passengers, or

b. Temporarily for the purpose of and while actually engaged in loading property.

15. Fire Apparatus Road(s) as part of Driveways and/or Parking Areas. The Fire Marshal may require that

areas specified for use as driveways or private thoroughfares shall not be used for parking. These areas, when specified, shall be marked or identified by one of the two means detailed in TMC Section 16.16.070.D.13.b or TMC Section 16.16.070.D.13.c.

16. Existing Buildings. When the Fire Marshal determines that a hazard, due to inaccessibility of fire apparatus, exists around existing buildings, they may require fire apparatus access road(s) to be constructed and maintained.

17. Required Gates or Barricades. The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails or other accessways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

18. Secured Gates and Barricades. When required, gates and barricades shall be secured in an approved manner. Roads, trails and other accessways that have been closed and obstructed in the manner prescribed by Section 503.5 of the International Fire Code shall not be trespassed on or used unless authorized by the owner and fire code official.

19. Security Gates. The installation of security gates across a fire apparatus access road shall be approved by the Fire Marshal. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. Electric operated gates shall have a remote opening device installed for emergency services.

20. Enforcement. It shall be the duty of the Tukwila Fire Marshal and/or the authorized designee(s) to enforce Subsection 503.2 of the International Fire Code.

(Ord 2504 §5, 2016; Ord 2435 §8, 2014)

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16.16.075 Problematic Systems and Systems Out of Service

In the event of temporary failure of the emergency responder radio coverage, fire alarm system, fire sprinkler system or an excessive number of accidental alarm activations, the Fire Marshal is authorized to require the building owner or occupant to provide standby personnel as set forth in Section 403.12 of the International Fire Code until the system is restored, repaired or replaced.

(Ord 2435 §9, 2014)

16.16.080 Fees

A. Permit Fees. Fees for permits required by the International Fire Code shall be in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council.

B. Short Term Permit Fees. Fees for each permit required by the International Fire Code for Liquid Propane or Open Flame permit (for food vendors for events not to exceed three consecutive days in duration) shall be in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council.

C. Plan review fees for alternative fire protection systems shall be in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council.

D. Re-inspection Fees:

1. Re-inspection Fees for New Construction and Tenant Improvements. When an inspection is requested for new construction, tenant improvements or spot inspections, and then, upon arrival, the Fire Inspector finds that the work is not complete, not ready for inspection, or does not comply with fire code requirements, a follow-up inspection will be required, and a re-inspection fee in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council will be assessed.

2. Re-inspection Fees for Company Level Inspections. A re-inspection fee will be assessed when, on follow-up inspections after the initial company level inspection, the inspector finds that the violations have not been corrected. The re-inspection fee(s) shall be in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council.

3. Exceptions. Any exception to the items covered by this ordinance shall be made by the Chief of the department or by the Fire Marshal. Requests for exceptions must be made in writing; exceptions granted or denied shall be in writing.

E. Penalties. The following penalties shall apply to these violations of the Fire Code:

| IFC SECTION | OFFENSE | BAIL |
|-----------------------|---|------------|
| 109.3.2 | Non-compliance with orders and notices | \$5,000.00 |
| 109.3.4 | Unlawful removal of a tag | \$5,000.00 |
| 111.1 | Unlawful continuance of a hazard | \$5,000.00 |
| 111.4 | Non-compliance with a Stop Work Order | \$5,000.00 |
| 503.4 | Illegal parking on fire apparatus access roads | \$100.00 |
| 609.3.3 | Failure to: Clean commercial kitchen hoods | \$500.00 |
| 901.6.1 | Failure to: Maintain fire protection systems | \$500.00 |
| 901.7 | Failure to: Conduct a required fire watch | \$500.00 |
| 904.12.6 | Failure to: Maintain commercial cooking extinguishing systems | \$500.00 |
| 1003.6 | Failure to: Maintain means of egress continuity | \$250.00 |
| TMC Section 16.40.110 | Failure to: Provide required UL central station monitoring | \$500.00 |

F. Other Violations. Bail for all other violations is \$250.00 plus court costs. Fines are forfeitable on the first offense and mandatory appearance is required on second offense.

G. False Alarms. False alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner. False alarms, in excess of two per year, shall be fined under the fee schedule referenced in TMC Section 8.08.040.

(Ord 2504 §6, 2016; Ord 2435 §10, 2014)

16.16.085 Exceptions

Any exception to the items covered by this ordinance shall be made by the Chief of the department or by the Fire Marshal. Requests for exceptions must be made in writing; exceptions granted or denied shall be in writing.

(Ord 2435 §11, 2014)

16.16.090 Appeals

A. Whenever the Fire Marshal disapproves an application or refuses to grant a permit applied for, the applicant may appeal the decision to the **City's Hearing Examiner**. A written notice of appeal shall be filed with the City Clerk within 14 days of the date of final decision by the Fire Marshal. The notice of appeal must be accompanied by an appeal fee in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council.

B. The Notice of Appeal shall contain the following information:

1. The name of the appealing party.
2. The address and phone number of the appealing party; and if the appealing party is a corporation, association or other group, the address and phone number of a contact person **authorized to receive notices on the appealing party's behalf**.
3. A statement identifying the decision being appealed and the alleged errors in that decision.
4. The Notice of Appeal shall state specific errors of fact or errors in application of the law in the decision being appealed, the harm suffered or anticipated by the appellant, and the relief sought. The scope of an appeal shall be limited to matters or issues raised in the Notice of Appeal.

C. Upon timely filing of a Notice of Appeal, the Fire Marshal shall set a date for hearing the appeal before the City's Hearing Examiner. Notice of the hearing will be mailed to the applicant.

D. Deference shall be given to the decision being appealed. The standard on review shall be based upon a preponderance of evidence. The Hearing Examiner may affirm, reverse or modify the Fire Marshal, or his/her designee's, decision.

E. The decision of the Hearing Examiner shall be final.
(Ord 2504 §7, 2016; Ord 2435 §12, 2014)

16.16.100 New Materials, Processes or Occupancies Which May Require Permits

The Building Official, the Fire Chief and the Fire Marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required, in addition to those now encumbered in said code. The Fire Marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(Ord 2504 §8, 2016; Ord 2435 §13, 2014)

16.16.110 Violations - Penalties

A. Any person who shall violate any of the provisions of TMC Chapter 16.16, except as noted in TMC Section 16.16.110.B., or of the International Fire Code or appendices adopted by TMC Chapter 16.16, or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Marshal or by a court of competent jurisdiction within the time fixed therein, shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished by a fine in an amount not to exceed \$5,000.00, as outlined in TMC Section 16.16.080, or imprisonment for a term not to exceed one year or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Each day or portion thereof during which any violation of the provisions of this section is caused, permitted or continued shall constitute a separate offense and shall be punishable as such. Application of the penalty specified in this section shall not be held to prevent the enforced removal of prohibited conditions.

B. Fire lane parking violations shall be considered a non-traffic civil infraction subject to the fine listed in the bail schedule in TMC Section 16.16.080.E, and the vehicle may be impounded.

(Ord 2435 §14, 2014)

16.16.120 Conflicts with Existing Codes and Ordinances

Whenever any provision of the International Fire Code or appendices adopted by this ordinance conflicts with any provision of any other adopted code or ordinance of the City, the provision providing the greater or most effective protection shall govern.

(Ord 2435 §15 2014)

CHAPTER 16.20

EMERGENCY SERVICE ELEVATORS

Sections:

- 16.20.010 Application
 - 16.20.020 Requirements
 - 16.20.030 Waiver
-

16.20.010 Application

TMC Chapter 16.20 shall apply to every elevator in all new buildings in excess of six stories or 65 feet, and in all existing buildings in excess of eight stories or 85 feet in height above the highest street level providing practical access to firefighting equipment, in which buildings all elevators have automatic operation.

(Ord. 652(part), 1970)

16.20.020 Requirements

A. Every elevator to which TMC Chapter 16.20 applies shall be designed and equipped to operate as an emergency service elevator, as follows: **A manually operated “ON-OFF” switch shall be provided inside the car, on the same wall as, or adjacent to, the operating panel. Such switch shall be enclosed in a fixture with a “break-glass” cover, shall be located not less than five feet, nor more than six feet, six inches above the floor, and shall be clearly labeled “FIRE EMERGENCY SERVICE.” The switch, when operated and placed in the “ON” position, shall remove the car from normal service and place it on emergency service whereby the car shall then be only manually operable from the car station buttons until the emergency service switch is returned to the “OFF” position.**

B. In elevators equipped with a photoelectric cell device which controls the closing of automatic power-operated elevator doors, the emergency service switch, when actuated, shall also render the photoelectric device inoperative.

(Ord. 652(part), 1970)

16.20.030 Waiver

The Chief of the Tukwila Fire Department may waive the above requirements for any elevator designed for limited or restricted use, serving only specific floors or a special function.

(Ord. 652(part), 1970)

CHAPTER 16.25

ADDITIONAL SWIMMING POOL REGULATIONS

Sections:

- 16.25.010 Location
 - 16.25.020 Required Fencing
 - 16.25.030 Plan Approval Required
 - 16.25.040 Public Swimming Pools
 - 16.25.050 Conformance of Prior-Existing Swimming Pools
-

16.25.010 Location

A swimming pool may not be located in any front yard required by the zoning code of the City, nor closer than five feet measured from the edge of the water surface to any exterior property line.

(Ord. 1363 §2(part), 1985)

16.25.020 Required Fencing

A. Every person who owns real property, or any person who is in possession of real property either as owner, purchaser under contract, as the lessee, tenant or licensee, and which real property is located within the boundaries of any residential district zone (R-I through RMH) or which is located within the boundaries of any C-I, C-2 or M-I district, and which property is located within the incorporated area of the City, and upon which real property there is situated a man-made, hard-surfaced swimming pool, or, any person above named who hereinafter constructs upon any real property, as above designated, a man-made, hard-surfaced swimming pool, shall erect thereon and maintain thereupon a solid structure or a fence not less than five feet in height with no opening therein, other than doors or gates, larger than six inches square. The fence or other solid structure shall completely surround the swimming pool in such a manner as to minimize, as nearly as possible, the danger of unsupervised children gaining access thereto. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such doors or gates securely closed at all times when not in actual use, and all latches shall be placed at least 4-1/2 feet above the ground or shall be made inaccessible to small children from the outside; provided, however, that the door to any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped. Such fencing and latches shall be installed prior to the filling of the pool with water for use.

B. When a swimming pool that is located within a yard enclosed by a fence meets the requirements of TMC Chapter 16.25, and when the gates or doors in the fence meet the requirements of TMC Chapter 16.25, no fence immediately surrounding the swimming pool shall be required.

(Ord. 1363 §2(part), 1985)

16.25.030 Plan Approval Required

Plans for swimming pools to be constructed shall be submitted to the Building Department, and shall show on their face the form of proposed compliance with the requirements of TMC Chapter 16.25; and the final inspection and approval of all pools hereafter constructed shall be withheld until all requirements of TMC Chapter 16.25 shall have been complied with. Use of the swimming pools before inspection and approval shall constitute a violation of TMC Chapter 16.25.

(Ord. 1363 §2(part), 1985)

16.25.040 Public Swimming Pools

The provisions of TMC Chapter 16.25 shall not apply to public swimming pools for which a charge or admission price is required to be paid for the use thereof, nor to swimming pools which are a part of and located upon the same premises as a hotel or motel, nor to swimming pools operated by a school district when the pools are made unavailable except at times when attended by adult supervisors or guards.

(Ord. 1363 §2(part), 1985)

16.25.050 Conformance of Prior-Existing Swimming Pools

Swimming pools of a type subject to the provisions of TMC Chapter 16.25, which were in existence on the effective date of the ordinance codified herein but which swimming pools do not possess the safety features required in TMC Chapter 16.25, shall, within a period of not to exceed six months from the effective date of the ordinance codified herein, be brought into conformity with the provisions and requirements of TMC Chapter 16.25. Swimming pools not brought into conformity within the period of time herein stipulated are hereby declared to be public nuisances and public hazards, and the owners of the premises upon which such pools exist shall be subject to the penalties prescribed herein.

(Ord. 1363 §2(part), 1985)

**CHAPTER 16.26
FIRE IMPACT FEES**

Sections:

- 16.26.010 Authority and Purpose
 - 16.26.020 Findings
 - 16.26.030 Definitions
 - 16.26.040 Fire Impact Fee Assessment
 - 16.26.050 Use of Fire Impact Fees
 - 16.26.060 Fire Impact Fee Capital Facilities Plan
 - 16.26.070 Fire Impact Fee Formula
 - 16.26.080 Annual Fire Impact Fee Updates
 - 16.26.090 Individual Projects Fire Impact Fee Adjustments
 - 16.26.100 Credits
 - 16.26.110 Appeals
 - 16.26.120 Exemptions
 - 16.26.125 Residential Impact Fee Deferral
 - 16.26.130 Refunds
 - 16.26.140 Authority Unimpaired
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16.26.010 Authority and Purpose

A. Authority. The City of Tukwila's impact fee financing program has been developed pursuant to the City of Tukwila's policy powers, the Growth Management Act as codified in Chapter 36.70A of the Revised Code of Washington (RCW).

B. Purpose. The purpose of the financing plan is to:

1. Develop a program consistent with Tukwila's Fire Department Capital Facilities Plan and the Capital Improvement Program for joint public and private financing of fire protection services necessitated in whole or in part by development within the City of Tukwila;

2. Ensure adequate levels of public fire protection and service are consistent with the current level of service standards;

3. Create a mechanism to charge and collect fees to ensure that development bears its proportionate share of the capital costs of public fire protection facilities necessitated by development; and

4. Ensure fair collection and administration of such fire impact fees.

(Ord. 2571 §4, 2018)

16.26.020 Findings

The City Council finds and determines that growth and development in the City create additional demand and need for public fire protection facilities in the City, and the City Council finds that growth and development should pay its proportionate share of the costs of the facilities needed to serve the growth and development in the City. Therefore, pursuant to RCW 36.70A and RCW 82.02.050 through 82.02.100, which authorize the City to impose and collect impact fees to fund public facilities that serve growth, the City Council adopts this ordinance to impose fire protection impact fees for fire protection services. It is the Council's intent that the provisions of this ordinance be liberally construed in establishing the fire impact fee program.

(Ord. 2571 §5, 2018)

16.26.030 Definitions

Terms or words not defined herein shall be defined pursuant to RCW 82.02.090 when given their usual and customary meaning. For the purposes of this ordinance, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the following meanings:

1. **"Accessory residential structure"** means a structure that is incidental and subordinate to the principal residence on the property and is physically detached to the principal residence, but does not include accessory dwelling units. For example, a detached garage or storage shed for garden tools are considered accessory residential structures.

2. **"Accessory dwelling unit (ADU)"** means a dwelling unit that is within or attached to a single-family dwelling or in a detached building on the same lot as the primary single-family dwelling. An ADU is distinguishable from a duplex by being clearly subordinate to the primary dwelling unit, both in use and appearance.

3. "Building permit" means an official document or certification of the City of Tukwila issued by the City's building official which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, placement, demolition, moving, or repair of a building or structure.

4. "City" means the City of Tukwila, Washington, County of King.

5. "Development activity" means any construction, reconstruction, or expansion of a building, structure, or use, or any changes in use of a building or structure, or any changes in the use of land, requiring development approval.

6. "Development approval" means any written authorization from the City, which authorizes the commencement of the "development activity."

7. "Encumber" means to reserve, set aside, or earmark the fire impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for the provision of fire protective services.

8. "Fee payer" is a person, corporation, partnership, an incorporated association or governmental agency, municipality, or similar entity commencing a land development activity that requires a building permit and creates a demand for additional fire capital facilities.

9. "Fire protection facilities" means all publicly owned apparatus and buildings within the City that are used for fire protection and/or emergency response and aid.

10. "Impact fee" means the payment of money imposed by the City on development activity pursuant to this ordinance as a condition of granting development approval in order to pay for the fire facilities needed to serve growth and development that is a proportionate share of the cost of fire capital facilities used for facilities that reasonably benefit development. Impact fees do not include reasonable permit fees, application fees, administrative fees for collecting and handling fire impact fees, or the cost of reviewing independent fee calculations.

11. "Low-income housing" means housing where monthly costs, including utilities other than telephone, are no **greater than 30% of the resident's household** monthly income and where household monthly income is 80% or less of the King County Median family income adjusted for family size as reported by the U.S. Department of Housing and Urban Development.

12. "Owner" means the owner of record of real property, as found in the records of King County, Washington, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the property.

13. "Proportionate share" means that portion of the cost for fire facility improvements that are reasonably related to the service demands and needs of development.

(Ord. 2571 §6, 2018)

16.26.040 Fire Impact Fee Assessment

A. The City shall collect fire impact fees from applicants seeking development approvals from the City for any development activity in the City for which building permits are required effective January 1, 2009, consistent with the provisions of this ordinance.

B. Fire impact fees shall be assessed at the time of a technically-complete building permit application that complies with the City's zoning ordinances and building and development codes. Fire impact fees shall be collected from the fee payer at the time the building permit is issued.

C. Except if otherwise exempt, the City shall not issue the required building permit unless or until the fire impact fees are paid.

(Ord. 2571 §7, 2018)

16.26.050 Use of Fire Impact Fees

A. Pursuant to this ordinance, fire impact fees shall be used for fire facilities that will reasonably benefit growth and development, and only for fire protection facilities addressed by the City's Capital Facilities Element of the Comprehensive Plan.

B. Fees shall not be used to make up deficiencies in City facilities serving an existing development.

C. Fees shall not be used for maintenance and operations, including personnel.

D. Fire impact fees shall be used for, but not limited to, land acquisition, site improvements, engineering and architectural services, permitting, financing, administrative expenses and applicable mitigation costs, and capital equipment pertaining to fire protection facilities.

E. Fire impact fees may also be used to recoup public improvement costs incurred by the City to the extent that growth and development will be served by the previously constructed improvement.

F. In the event bonds or similar debt instruments are or have been issued for fire facility improvements, impact fees may be used to pay the principal and interest on such bonds.

(Ord. 2571 §8, 2018)

16.26.060 Fire Impact Fee Capital Facilities Plan

In order to collect fire impact fees, the City must first adopt a Fire Capital Facilities Plan as an element of the City's Comprehensive Plan. The City's Capital Facilities Plan for fire protection services shall consist of the following elements:

1. The City's capacity over the next six years, based on an inventory of the City's fire facilities both existing and under construction;

2. The forecast of future needs for fire facilities based upon the City's population projections;

3. A six-year financial plan component, updated as necessary, to maintain at least a six-year forecast for financing needed within projected funding levels;

4. Application of the formula set forth in this ordinance based upon the information in the Capital Facilities Plan; and

5. City Council Action. No new or revised impact fee shall be effective until adopted by the City Council following a duly advertised public hearing to consider the City's Capital Facilities Plan or plan update, except for fees adjusted through the annual update process outlined in TMC Section 16.26.080.

(Ord. 2571 §9, 2018)

16.26.070 Fire Impact Fee Formula

A. The impact fee formula is based on the assumptions found in “Tukwila Fire and Parks Impact Fee Rate Study, 2018,” Exhibit A attached to the ordinance and by this reference fully incorporated herein. A fee schedule is codified as Figure 16-1, Fee Schedule, attached hereto¹ as [Exhibit B](#).

B. Each development shall mitigate its impacts on the City's fire protection facilities by payment of a fee that is based on the type of land use of the development, and proportionate to the cost of the fire protection facility improvements necessary to serve the needs of growth. For residential development, fee amount is based on number of units; for commercial development, fee amount is based on square footage of the development.

C. Applications for a change of use shall receive credit based on the existing use. This credit is calculated by deducting the fee amount of the existing use from the fee of the proposed use.

(Ord. 2571 §10, 2018)

16.26.080 Annual Fire Impact Fee Updates

Fire impact fee rates shall be updated annually using the following procedures:

1. The Fire Chief shall use the Construction Cost Index for Seattle (June-June) published by the Engineering News Record to calculate annual inflation adjustments in the impact fee rates. The fire impact fees shall not be adjusted for inflation should the index remain unchanged.

2. The impact fee rates, as updated annually per TMC Section 16.26.080(1), shall be effective January 1, 2019, and on January 1 of each year thereafter, and a copy shall be provided to the City Council.

(Ord. 2571 §11, 2018)

16.26.090 Individual Project Fire Impact Fee Adjustments

A. The City may adjust a fire impact fee at the time the fee is imposed in order to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly.

B. In calculating the fee imposed on a particular development, the City shall permit consideration of studies and data submitted by a developer in order to adjust the amount of the fee. The developer shall submit an independent fee calculation study to the Fire Chief who shall review the study to determine that the study:

1. Is based on accepted impact fee assessment practices and methodologies;

2. Uses acceptable data sources and the data used is comparable with the uses and intensities planned for the proposed development activity;

3. Complies with the applicable state laws governing impact fees;

4. Is prepared and documented by professionals who are mutually agreeable to the City and the developer and who are qualified in their respective fields; and

5. Shows the basis upon which the independent fee calculation was made.

C. In reviewing the study, the Fire Chief may require the developer to submit additional or different documentation. If an acceptable study is presented, the Fire Chief may adjust the fee for the particular development activity. The Fire Chief shall consider the documentation submitted by the applicant, but is not required to accept such documentation that the Chief reasonably deems to be inaccurate or unreliable.

D. A developer requesting an adjustment or independent fee calculation may pay the impact fees imposed by this ordinance in order to obtain a building permit while the City determines whether to partially reimburse the developer by making an adjustment or by accepting the independent fee calculation.

(Ord. 2571 §12, 2018)

16.26.100 Credits

In computing the fee applicable to a given development, credit shall be given for the fair market value measured at the time of dedication, for any dedication of land for improvements to, or new construction of, any fire protection facilities that are identified in the Capital Facilities Element and that are required by the City as a condition of approving the development activity.

(Ord. 2571 §13, 2018)

16.26.110 Appeals

A. Any fee payer may pay the impact fees imposed by this ordinance under protest in order to obtain a building permit.

B. Appeals regarding fire impact fees imposed on any development activity may only be submitted by the fee payer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fee at issue has been paid.

C. Determinations by the City staff with respect to the applicability of fire impact fees to a given development activity, or the availability of a credit, can be appealed to the City's Hearing Examiner pursuant to this section.

D. An appeal shall be filed within 10 working days of payment of the impact fees under protest or within 10 working days of the City's issuance of a written determination of a credit or exemption decision by filing with the City Clerk a notice of appeal giving the reasons for the appeal and paying the accompanying appeal fee as set forth in the existing fee schedule for land use decisions.

(Ord. 2570 §14, 2018)

¹ City Clerk's Note: Attachments are not included in the Tukwila Municipal Code. Exhibit B can be found in the Digital Records Center under [Ord. 2571](#).

16.26.120 Exemptions

A. The fire impact fees are generated from the formula for calculating the fees as set forth in this chapter. The amount of the impact fees is determined by the information contained in the adopted fire department master plan and related documents, as appended to the City's Comprehensive Plan. All development activity located within the City shall be charged a fire impact fee; provided, that the following exemptions shall apply.

B. The following shall be exempt from fire impact fees:

1. Replacement of a structure with a new structure having the same use, at the same site, and with the same gross floor area, when such replacement is within 12 months of demolition or destruction of the previous structure.

2. Alteration, expansion, or remodeling of an existing dwelling or structure where no new units are created and the use is not changed.

3. Construction of an accessory residential structure.

4. Miscellaneous improvements including, but not limited to, fences, walls, swimming pools, and signs that do not create an increase in demand for fire services.

5. Demolition of or moving an existing structure within the City from one site to another.

6. Fire impact fees for the construction of low-income housing may be reduced when requested by the property owner in writing prior to permit submittal and subject to the following:

a. The property owner must submit a fiscal impact analysis of how a reduction in impact fees for the project would contribute to the creation of low-income housing; and

b. The property owner must record a covenant per RCW 82.02.060(3) that prohibits using the property for any purpose other than for low-income housing at the original income limits for a period of at least 10 years. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and that if the property is converted to a use other than low income housing within 10 years, the property owner must pay the City the applicable impact fees in effect at the time of conversion.

c. Should the property owner satisfy the criteria in TMC Section 16.26.120.B.6., a and b, the fees will be reduced, based on the following table:

| Unit Size | Affordability Target ¹ | Fee Reduction |
|--------------------|-----------------------------------|---------------|
| 2 or more bedrooms | 80% ² | 40% |
| 2 or more bedrooms | 60% ² | 60% |
| Any size | 50% ² | 80% |

¹ – Units to be sold or rented to a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30% of the household's monthly income.

² – Percentage of King County Median family income adjusted for family size as reported by the U.S. Department of Housing and Urban Development.

7. *Change of Use.* A development permit for a change of use that has less impact than the existing use shall not be assessed a fire impact fee.

8. A fee payer required to pay for system improvements pursuant to RCW 43.21C.060 shall not be required to pay an impact fee for the same improvements under this ordinance.

9. A fee payer installing a residential fire sprinkler system in a single-family home shall not be required to pay the fire operations portion of the impact fee. The exempted fire operations impact fee shall not include the proportionate share related to the delivery of emergency medical services.

(Ord. 2571 §15, 2018)

16.26.125 Residential Impact Fee Deferral

A. Applicability.

1. The provisions of this section shall apply to all impact fees established and adopted by the City pursuant to Chapter 82.02 RCW, including impact fees for fire facilities assessed under Tukwila Municipal Code Chapter 16.26.

2. Subject to the limitations imposed in the Tukwila Municipal Code, the provisions of this section shall apply to all building permit applications for single-family detached and single-family attached residential construction. For the purposes of this section, an "applicant" includes an entity that controls the named applicant, is controlled by the named applicant, or is under common control with the named applicant.

B. Impact Fee Deferral.

1. *Deferral Request.* Applicants for single-family attached or single-family detached residential building permits may request to defer payment of required impact fees until the sooner of:

a. final inspection; or

b. the closing of the first sale of the property occurring after the issuance of the applicable building permit; which request shall be granted so long as the requirements of this section are satisfied.

2. *Method of Request.* A request for impact fee deferral shall be submitted at the time of preliminary plat application (for platted development) or building permit application (for non-platted development) in writing on a form or forms provided by the City, along with payment of the applicable application or permit fees.

3. *Calculation of Impact Fees.* The amount of impact fees to be deferred under this section shall be determined as of the date the request for deferral is submitted.

C. *Deferral Term.* The term of an impact fee deferral granted under this section may not exceed 18 months from the date the building permit is issued ("Deferral Term"). If the condition triggering payment of the deferred impact fees does not occur prior to the expiration of the Deferral Term, then full payment of the impact fees shall be due on the last date of the Deferral Term.

D. Deferred Impact Fee Lien.

1. *Applicant's Duty to Record Lien.* An applicant requesting a deferral under this section must grant and record a deferred impact fee lien, in an amount equal to the deferred impact fees, against the property in favor of the City in accordance with the requirements of RCW 82.02.050(3)(c).

2. *Satisfaction of Lien.* Upon receipt of final payment of all deferred impact fees for the property, the City shall execute a release of deferred impact fee lien for the property. The property owner at the time of the release is responsible, at his or her own expense, for recording the lien release.

E. Limitation on Deferrals. Each applicant for a single-family residential construction permit, in accordance with his or her contractor registration number or other unique identification number, is entitled to annually receive deferrals for the first 20 single-family residential construction building permits.

(Ord. 2571 §16, 2018)

16.26.130 Refunds

A. If the City fails to expend or encumber the impact fees within 10 years from the date the fees were paid, unless extraordinary, compelling reasons exist for fees to be held longer than 10 years, the current owner of the property on which the impact fees were paid may receive a refund of such fees. Such extraordinary or compelling reasons shall be identified in written findings by the City Council.

B. The City shall notify potential claimants by first class mail that they are entitled to a refund. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis.

C. Owners seeking a refund must submit a written request for a refund of the fees to the City within one year of the date the right to claim a refund arises or notice is given, whichever comes later.

D. Any impact fees for which no application has been made within the one-year period shall be retained by the City and expended on appropriate fire facilities.

E. Refunds of impact fees shall include any interest earned on the impact fees by the City.

(Ord. 2571 §17, 2018)

16.26.140 Authority Unimpaired

Nothing in this ordinance shall preclude the City from requiring the fee payer to mitigate adverse environmental effects of a specific development pursuant to the State Environmental Policy Act, Chapters 43.21C RCW and/or Chapter 58.17 RCW, governing plats and subdivisions, provided that the exercise of this authority is consistent with Chapters 43.21C and 82.02 RCW.

(Ord. 2571 §18, 2018)

**CHAPTER 16.28
PARKS IMPACT FEES**

Sections:

- 16.28.010 Authority and Purpose
- 16.28.020 Findings
- 16.28.030 Definitions
- 16.28.040 Parks Impact Fee Assessment
- 16.28.050 Use of Parks Impact Fees
- 16.28.060 Parks Impact Fee Capital Facilities Plan
- 16.28.070 Parks Impact Fee Formula
- 16.28.080 Annual Parks Impact Fee Updates
- 16.28.090 Individual Projects Parks Impact Fee Adjustments
- 16.28.100 Credits
- 16.28.110 Appeals
- 16.28.120 Exemptions
- 16.28.125 Residential Impact Fee Deferral
- 16.28.130 Refunds
- 16.28.140 Authority Unimpaired

16.28.010 Authority and Purpose

A. Authority. The City of Tukwila's impact fee financing program has been developed pursuant to the City of Tukwila's policy powers, the Growth Management Act as codified in Chapter 36.70A of the Revised Code of Washington (RCW).

B. Purpose. The purpose of the financing plan is to:

1. Develop a program consistent with Tukwila's Parks and Recreation Department Capital Facilities Plan for joint public and private financing of public parks facilities and services necessitated in whole or in part by development within the City of Tukwila;
2. Create a mechanism to charge and collect fees to ensure that development bears its proportionate share of the capital costs of public parks facilities necessitated by development; and
3. Ensure fair collection and administration of such parks impact fees.

(Ord. 2572 §4, 2018)

16.28.020 Findings

The City Council finds and determines that growth and development in the City create additional demand and need for public parks facilities in the City, and the City Council finds that growth and development should pay its proportionate share of the costs of the facilities needed to serve the growth and development in the City. Therefore, pursuant to RCW 36.70A and RCW 82.02.050 through 82.02.100, which authorize the City to impose and collect impact fees to fund public facilities that serve growth, the City Council adopts this ordinance to impose parks impact fees for parks services. It is the Council's intent that the provisions of this ordinance be liberally construed in establishing the parks impact fee program.

(Ord. 2572 §5, 2018)

16.28.030 Definitions

Terms or words not defined herein shall be defined pursuant to RCW 82.02.090 when given their usual and customary meaning. For the purposes of this ordinance, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the following meanings:

1. **"Accessory residential structure"** means a structure that is incidental and subordinate to the principal residence on the property and is physically detached to the principal residence, but does not include accessory dwelling units. For example, a detached garage or storage shed for garden tools are considered accessory residential structures.

2. **"Accessory dwelling unit (ADU)"** means a dwelling unit that is within or attached to a single-family dwelling or in a detached building on the same lot as the primary single-family dwelling. An ADU is distinguishable from a duplex by being clearly subordinate to the primary dwelling unit, both in use and appearance.

3. "Building permit" means an official document or certification of the City of Tukwila issued by the City's building official which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, placement, demolition, moving, or repair of a building or structure.

4. "City" means the City of Tukwila, Washington, County of King.

5. "Development activity" means any construction, reconstruction, or expansion of a building, structure, or use, or any changes in use of a building or structure, or any changes in the use of land, requiring development approval.

6. "Development approval" means any written authorization from the City, which authorizes the commencement of the "development activity."

7. "Encumber" means to reserve, set aside, or earmark the parks impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for the provision of parks services.

8. "Fee payer" is a person, corporation, partnership, an incorporated association or governmental agency, municipality, or similar entity commencing a land development activity that requires a building permit and creates a demand for additional parks capital facilities.

9. "Impact fee" means the payment of money imposed by the City on development activity pursuant to this ordinance as a condition of granting development approval in order to pay for the parks facilities needed to serve growth and development that is a proportionate share of the cost of parks capital facilities used for facilities that reasonably benefit development. Impact fees do not include reasonable permit fees, application fees, administrative fees for collecting and handling parks impact fees, or the cost of reviewing independent fee calculations.

TITLE 16 – BUILDINGS AND CONSTRUCTION

10. "Low-income housing" means housing where monthly costs, including utilities other than telephone, are no greater than 30% of the resident's household monthly income and where household monthly income is 80% or less of the King County Median family income adjusted for family size as reported by the U.S. Department of Housing and Urban Development.

11. "Owner" means the owner of record of real property, as found in the records of King County, Washington, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the property.

12. "Parks facilities" means those capital facilities identified as park and recreational facilities in the City's Capital Facilities Plan.

13. "Proportionate share" means that portion of the cost for parks facility improvements that are reasonably related to the service demands and needs of development.

(Ord. 2572 §6, 2018)

16.28.040 Parks Impact Fee Assessment

A. The City shall collect parks impact fees from applicants seeking development approvals from the City for any development activity in the City for which building permits are required, effective January 1, 2009, consistent with the provisions of this ordinance.

B. Parks impact fees shall be assessed at the time of a technically-complete building permit application that complies with the City's zoning ordinances and building and development codes. Parks impact fees shall be collected from the fee payer at the time the building permit is issued.

C. Except if otherwise exempt, the City shall not issue the required building permit unless or until the parks impact fees are paid.

(Ord. 2572 §7, 2018)

16.28.050 Use of Parks Impact Fees

A. Pursuant to this ordinance, parks impact fees shall be used for parks facilities that will reasonably benefit growth and development, and only for park facilities addressed by the City's Capital Facilities Element of the Comprehensive Plan.

B. Fees shall not be used to make up deficiencies in City facilities serving an existing development.

C. Fees shall not be used for maintenance and operations, including personnel.

D. Parks impact fees shall be used for but not limited to land acquisition, site improvements, engineering and architectural services, permitting, financing, administrative expenses and applicable mitigation costs, and capital equipment pertaining to parks facilities.

E. Parks impact fees may also be used to recoup public improvement costs incurred by the City to the extent that growth and development will be served by the previously constructed improvement.

F. In the event bonds or similar debt instruments are or have been issued for parks facility improvements, impact fees may be used to pay the principal and interest on such bonds.

(Ord. 2572 §8, 2018)

16.28.060 Parks Impact Fee Capital Facilities Plan

In order to collect parks impact fees, the City must first adopt a parks capital facilities plan as an element of the City's Comprehensive Plan. The City's Capital Facilities Plan for parks services shall consist of the following elements:

1. The City's capacity over the next six years, based on an inventory of the City's parks facilities both existing and under construction;

2. The forecast of future needs for parks facilities based upon the City's population projections;

3. A six-year financial plan component, updated as necessary, to maintain at least a six-year forecast for financing needed within projected funding levels;

4. Application of the formula set forth in this ordinance based upon the information in the capital facilities plan; and

5. City Council Action. No new or revised impact fee shall be effective until adopted by the City Council following a duly advertised public hearing to consider the City's Capital Facilities Plan or plan update, except for fees adjusted through the annual update process outlined in TMC Section 16.28.080.

(Ord. 2572 §9, 2018)

16.28.070 Parks Impact Fee Formula

A. The impact fee formula is based on the assumptions found in "Tukwila Fire and Parks Impact Fee Rate Study, 2018," Exhibit A attached to the ordinance and by this reference fully incorporated herein. A fee schedule is codified as Figure 16-1, Fee Schedule, attached hereto¹ as [Exhibit B](#).

B. Each development shall mitigate its impacts on the City's parks facilities by payment of a fee that is based on the type of land use of the development, and proportionate to the cost of the parks facility improvements necessary to serve the needs of growth. For residential development, fee amount is based on number of units; for commercial development, fee amount is based on square footage of the development.

C. Applications for a change of use shall receive credit based on the existing use. This credit is calculated by deducting the fee amount of the existing use from the fee of the proposed use.

(Ord. 2572 §10, 2018)

¹ City Clerk's Note: Attachments are not included in the Tukwila Municipal Code. Exhibit B can be found in the Digital Records Center under [Ord. 2572](#).

16.28.080 Annual Parks Impact Fee Updates

Park impact fee rates shall be updated annually using the following procedures:

1. The Director of Parks and Recreation ("Director") shall use the Construction Cost Index for Seattle (June-June) published by the Engineering News Record to calculate annual inflation adjustments in the impact fee rates. The parks impact fees shall not be adjusted for inflation should the index remain unchanged.

2. The impact fee rates, as updated annually per TMC Section 16.28.080(1), shall be effective January 1, 2019, and on January 1 of each year thereafter, and a copy shall be provided to the City Council.

(Ord. 2572 §11, 2018)

16.28.090 Individual Project Parks Impact Fee Adjustments

A. The City may adjust a parks impact fee at the time the fee is imposed in order to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly.

B. In calculating the fee imposed on a particular development, the City shall permit consideration of studies and data submitted by a developer in order to adjust the amount of the fee. The developer shall submit an independent fee calculation study to the Director of Parks and Recreation, who shall review the study to determine that the study:

1. Is based on accepted impact fee assessment practices and methodologies;

2. Uses acceptable data sources and the data used is comparable with the uses and intensities planned for the proposed development activity;

3. Complies with the applicable state laws governing impact fees;

4. Is prepared and documented by professionals who are mutually agreeable to the City and the developer and who are qualified in their respective fields; and

5. Shows the basis upon which the independent fee calculation was made.

C. In reviewing the study, the Director of Parks and Recreation may require the developer to submit additional or different documentation. If an acceptable study is presented, the Director may adjust the fee for the particular development activity. The Director shall consider the documentation submitted by the applicant, but is not required to accept such documentation that the Director reasonably deems to be inaccurate or unreliable.

D. A developer requesting an adjustment or independent fee calculation may pay the impact fees imposed by this ordinance in order to obtain a building permit while the City determines whether to partially reimburse the developer by making an adjustment or by accepting the independent fee calculation.

(Ord. 2572 §12, 2018)

16.28.100 Credits

In computing the fee applicable to a given development, credit shall be given for the fair market value measured at the time of dedication, for any dedication of land for improvements to, or new construction of, any parks facilities that are identified in the Capital Facilities Element and that are required by the City as a condition of approving the development activity.

(Ord. 2572 §13, 2018)

16.28.110 Appeals

A. Any fee payer may pay the impact fees imposed by this ordinance under protest in order to obtain a building permit.

B. Appeals regarding parks impact fees imposed on any development activity may only be submitted by the fee payer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fee at issue has been paid.

C. Determinations by the City staff with respect to the applicability of parks impact fees to a given development activity, or the availability of a credit, can be appealed to the City's Hearing Examiner pursuant to this section.

D. An appeal shall be filed within 10 working days of payment of the impact fees under protest or within 10 working days of the City's issuance of a written determination of a credit or exemption decision by filing with the City Clerk a notice of appeal giving the reasons for the appeal and paying the accompanying appeal fee as set forth in the existing fee schedule for land use decisions.

(Ord. 2572 §14, 2018)

16.28.120 Exemptions

A. The parks impact fees are generated from the formula for calculating the fees as set forth in this chapter. The amount of the impact fees is determined by the information contained in the adopted parks master plan and related documents, as appended to the City's Comprehensive Plan. All development activity located within the City shall be charged a parks impact fee; provided, that the following exemptions shall apply.

B. The following shall be exempt from parks impact fees:

1. Replacement of a structure with a new structure having the same use, at the same site, and with the same gross floor area, when such replacement is within 12 months of demolition or destruction of the previous structure.

2. Alteration, expansion, or remodeling of an existing dwelling or structure where no new units are created and the use is not changed.

3. Construction of an accessory residential structure.

4. Miscellaneous improvements including, but not limited to, fences, walls, swimming pools, and signs that do not create an increase in demand for parks services.

5. Demolition of or moving an existing structure within the City from one site to another.

6. Parks impact fees for the construction of low-income housing may be reduced when requested by the property owner in writing prior to permit submittal and subject to the following:

a. The property owner must submit a fiscal impact analysis of how a reduction in impact fees for the project would contribute to the creation of low-income housing; and

b. The property owner must record a covenant per RCW 82.02.060(3) that prohibits using the property for any purpose other than for low-income housing at the original income limits for a period of at least 10 years. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and that if the property is converted to a use other than low income housing within 10 years, the property owner must pay the City the applicable impact fees in effect at the time of conversion.

c. Should the property owner satisfy the criteria in TMC Section 16.28.120.B.6., a and b, the fees will be reduced, based on the following table:

| Unit Size | Affordability Target ¹ | Fee Reduction |
|--------------------|-----------------------------------|---------------|
| 2 or more bedrooms | 80% ² | 40% |
| 2 or more bedrooms | 60% ² | 60% |
| Any size | 50% ² | 80% |

¹ – Units to be sold or rented to a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30% of the household's monthly income.
² – Percentage of King County Median family income adjusted for family size as reported by the U.S. Department of Housing and Urban Development.

7. *Change of Use.* A development permit for a change of use that has less impact than the existing use shall not be assessed a parks impact fee.

8. A fee payer required to pay for system improvements pursuant to RCW 43.21C.060 shall not be required to pay an impact fee for the same improvements under this ordinance.

(Ord. 2572 §15, 2018)

16.28.125 Residential Impact Fee Deferral

A. Applicability.

1. The provisions of this section shall apply to all impact fees established and adopted by the City pursuant to Chapter 82.02 RCW, including parks impact fees assessed under Tukwila Municipal Code Chapter 16.28.

2. Subject to the limitations imposed in the Tukwila Municipal Code, the provisions of this section shall apply to all building permit applications for single-family detached and single-family attached residential construction. For the purposes of this section, an "applicant" includes an entity that controls the named applicant, is controlled by the named applicant, or is under common control with the named applicant.

B. Impact Fee Deferral.

1. *Deferral Request.* Applicants for single-family attached or single-family detached residential building permits may request to defer payment of required impact fees until the sooner of:

a. final inspection; or

b. the closing of the first sale of the property occurring after the issuance of the applicable building permit; which request shall be granted so long as the requirements of this section are satisfied.

2. *Method of Request.* A request for impact fee deferral shall be submitted at the time of preliminary plat application (for platted development) or building permit application (for non-platted development) in writing on a form or forms provided by the City, along with payment of the applicable application or permit fees.

3. *Calculation of Impact Fees.* The amount of impact fees to be deferred under this section shall be determined as of the date the request for deferral is submitted.

C. *Deferral Term.* The term of an impact fee deferral granted under this section may not exceed 18 months from the date the building permit is issued ("Deferral Term"). If the condition triggering payment of the deferred impact fees does not occur prior to the expiration of the Deferral Term, then full payment of the impact fees shall be due on the last date of the Deferral Term.

D. Deferred Impact Fee Lien.

1. *Applicant's Duty to Record Lien.* An applicant requesting a deferral under this section must grant and record a deferred impact fee lien, in an amount equal to the deferred impact fees, against the property in favor of the City in accordance with the requirements of RCW 82.02.050(3)(c).

2. *Satisfaction of Lien.* Upon receipt of final payment of all deferred impact fees for the property, the City shall execute a release of deferred impact fee lien for the property. The property owner at the time of the release is responsible, at his or her own expense, for recording the lien release.

E. *Limitation on Deferrals.* Each applicant for a single-family residential construction permit, in accordance with his or her contractor registration number or other unique identification number, is entitled to annually receive deferrals for the first 20 single-family residential construction building permits.

(Ord. 2572 §16, 2018)

16.28.130 Refunds

A. If the City fails to expend or encumber the impact fees within 10 years from the date the fees were paid, unless extraordinary, compelling reasons exist for fees to be held longer than 10 years, the current owner of the property on which the impact fees were paid may receive a refund of such fees. Such extraordinary or compelling reasons shall be identified in written findings by the City Council.

B. The City shall notify potential claimants by first class mail that they are entitled to a refund. In determining whether impact fees have been expended or encumbered, impact fees

shall be considered expended or encumbered on a first-in, first-out basis.

C. Owners seeking a refund must submit a written request for a refund of the fees to the City within one year of the date the right to claim a refund arises or notice is given, whichever comes later.

D. Any impact fees for which no application has been made within the one-year period shall be retained by the City and expended on appropriate parks facilities.

E. Refunds of impact fees shall include any interest earned on the impact fees by the City.

(Ord. 2572 §17, 2018)

16.28.140 Authority Unimpaired

Nothing in this ordinance shall preclude the City from requiring the fee payer to mitigate adverse environmental effects of a specific development pursuant to the State Environmental Policy Act, Chapters 43.21C RCW and/or Chapter 58.17 RCW, governing plats and subdivisions, provided that the exercise of this authority is consistent with Chapters 43.21C and 82.02 RCW.

(Ord. 2572 §18, 2018)

CHAPTER 16.34

ROAD, BRIDGE AND MUNICIPAL CONSTRUCTION SPECIFICATIONS

Sections:

16.34.010 Specifications Adopted

16.34.020 Copies to be on File

16.34.010 Specifications Adopted

The 2012 edition of the Standard Specifications for Road, Bridge, and Municipal Construction, prepared by the Washington State Department of Transportation and the Washington State Chapter of the American Public Works Association, and all subsequent editions or amendments thereto, is hereby adopted as the Code of the City of Tukwila, Washington, for regulating the construction and maintenance of public works, including streets, bridges, sanitary sewers, storm sewers, water distribution, structures and other public works. The Public Works Director may allow the use of American Institute of Architects (AIA), Construction Specifications Institute (CSI), or other building and facilities standard specifications, on a case-by-case basis.

(Ord. 2367 §1 (part), 2012)

16.34.020 Copies to be on File

Not less than three copies of said Standard Specifications and City of Tukwila supplements shall remain on file for use in examination by the public in the Public Works Department

(Ord. 2367 §1 (part), 2012)

CHAPTER 16.36

**INFRASTRUCTURE DESIGN AND
CONSTRUCTION STANDARDS**

Sections:

- 16.36.010 Adopted
 - 16.36.015 Incorporation of MIC/L and MIC/H Zone Driveway Design and Bus Pullout Requirements
 - 16.36.020 Copies to be on File
-

16.36.010 Adopted

The City of Tukwila Infrastructure Design and Construction Standards are hereby adopted by this reference as if fully set forth herein. Said Infrastructure Design and Construction Standards shall be in addition to such specific terms and conditions as may be established for any permit issued by the City. The Mayor and/or the Director of Public Works is hereby authorized to develop, disseminate, revise and update the City of Tukwila Infrastructure Design and Construction Standards for utility work, work in the public right-of-way or in easements, and all other work performed pursuant to construction related permits issued by the City of Tukwila.

(Ord. 1783 §1, 1996)

16.36.015 Incorporation of MIC/L and MIC/H Zone Driveway Design and Bus Pullout Requirements

The Public Works Director shall incorporate the “MIC/L and MIC/H Zone Driveway Design and Bus Pullout Requirements,” as presented in the Tukwila Manufacturing/Industrial Center Strategic Implementation Plan (pages 28 and 29), into the City of Tukwila Infrastructure Design and Construction Standards (Ord. 1783).

(Ord. 1853 §10, 1998)

16.36.020 Copies to be on File

Not less than three copies of said Infrastructure Design and Construction Standards shall remain on file for use in examination by the public in the Public Works Department.

(Ord. 1783 §2, 1996)

CHAPTER 16.40
FIRE ALARM SYSTEMS

Sections:

- 16.40.010 Required
- 16.40.020 References
- 16.40.030 Definitions
- 16.40.040 Approval and Design Plans
- 16.40.050 General Requirements
- 16.40.060 Alarm/Control Panel Requirements
- 16.40.070 Placement and Type of Detector
- 16.40.080 Acceptance Testing
- 16.40.090 Maintenance
- 16.40.100 Applicability
- 16.40.110 Monitoring
- 16.40.120 Special Requirements
- 16.40.130 Reinspection Fees for New Construction, Tenant Improvements and Spot Inspections
- 16.40.140 Exceptions
- 16.40.150 Penalties
- 16.40.160 Permit Expiration
- 16.40.170 Appeals

16.40.010 Required

An automatic fire alarm system shall be installed in all new structures. Exceptions are noted in TMC Section 16.40.140.
(Ord. 2437 §2, 2014)

16.40.020 References

The following references shall be used in the design, installation and maintenance of fire alarm systems within the City of Tukwila; if there is a conflict between the codes, the code that provides the greatest degree of fire protection shall apply. References are to the current editions, unless otherwise noted.

- NFPA 70..... National Electrical Code
- NFPA 72..... Protective Signaling Systems
- NFPA 88a..... Parking Structures
- IFC International Fire Code
- IBC International Building Code
- WAC 51-34..... Washington Fire Code
- RCW 19.27..... State Building Code Act
- RCW 19.28..... Electrical Code and Ordinances

(Ord. 2437 §3, 2014)

16.40.030 Definitions

A. **“Addressable device”** means a fire alarm system component with discreet identification that can have its status individually identified or that is used to individually control other functions.

B. **“Alarm indicating device”** is any listed bell, buzzer, visual or audible device that produces an alarm signal for fire.

C. **“Alarm initiating device”** is any listed device which, when activated, initiates an alarm by manual or automatic operation of an electrical contact through an alarm indicating device.

D. **“Alarm signal”** is any listed audible or visual signal, or both, indicating the existence of an emergency fire condition.

E. **“Analog initiating device”** (sensor) is an initiating device that transmits a signal indicating varying degrees of condition, as contrasted with a conventional initiating device that can only indicate an on/off condition.

F. **“Annunciator”** is any listed equipment that indicates the zone or area of the building from which an alarm has been initiated, the location of an alarm actuating device, or the operation condition of alarm circuits or the system.

G. **“Approved”** refers to the approval of the Tukwila Fire Department.

H. **“Authority having jurisdiction”** refers to the Tukwila Fire Department.

I. **“Automatic fire alarm system”** is a combination of listed compatible devices, control panels, audible and visual devices and other equipment, together with the necessary electrical energy, designed and wired to produce an alarm in the event of fire or special system activation.

J. **“Alarm/control panel”** is comprised of the controls, relays, switches and associated circuits necessary to furnish power to a fire alarm system, receive signals from fire alarm devices and transmit them to indicating devices and accessory equipment.

K. **“Compatibility listed”** means a specific listing process that applies only to two-wire devices (such as smoke detectors) designed to operate with certain control equipment.

L. **“Compatible”** means equipment that interfaces mechanically or electrically together as manufactured, without field modification.

M. **“Fire alarm control panel”** is a system component that receives input from automatic and manual fire alarm devices and may supply power to detection devices and transponder(s) or off-premises transmitter(s). The control unit may also provide transfer of power to the notification appliances and transfer of condition to relays or devices connected to the control unit. The fire alarm control unit can be a local fire alarm control unit or master control unit.

N. **“Listed”** means equipment or materials indicated in a list published by an organization acceptable to the authority having jurisdiction and concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

O. **“Line-type detector”** is a device in which detection is continuous along a path. Typical examples are rate-of-rise pneumatic tubing detectors, projected beam smoke detectors, and heat-sensitive detectors.

P. **“Maintenance”** refers to repair service, including periodic recurrent inspections and tests per manufacturer’s specifications and NFPA 72, required to keep the protective signaling system (automatic fire alarm system) and its component parts in an operative condition at all times, together with the replacement of the system or its components when—for any reason—they become undependable or inoperative.

Q. **“Shall”** indicates a mandatory requirement.

R. **“Should”** indicates a recommendation or that which is advised but not required.

S. **“Spacing”** means a horizontally measured dimension relating to the allowable coverage of fire detectors.

T. **“Transmitter”** refers to any listed transmitter able to transmit and/or receive status changes automatically or manually from a listed alarm panel to an approved central station via approved method.

U. **“UL central station”** refers to a UL-listed central station approved to monitor automatic fire alarm systems with the City of Tukwila.

V. **“Zone”** means each building or portion of building, as determined by the authority having jurisdiction.

W. **“Resubmittal”** means any set of plans that requires subsequent review.

(Ord. 2437 §4, 2014)

16.40.040 Approval and Design Plans

A. At least three complete sets of construction drawings with information regarding the fire alarm system, including detailed specifications, wiring, diagrams, elevation diagram (showing false ceiling areas), and floor plans, shall be submitted to the Tukwila Fire Marshal for approval prior to installation of any equipment or wiring. (One set of approved plans shall be located at the construction site.)

B. Drawings submitted for approval must include the following:

1. A completed Fire Protection System Permit Application.
2. Floor layout showing all rooms and spaces, including a cross section of the space being protected, with accurate measurements drawn to a scale no smaller than 1/8-inch scale.
3. Identification of each room or space, i.e. guest rooms, mechanical room, attic, etc.
4. Location of each system component using the appropriate symbol.
5. Explanatory notes and legend to lend clarity to the plan and identify the manufacturer and model number of each alarm component used.
6. A wiring schematic clarifying type and size of wiring (must comply with NFPA 70), and a point-to-point wiring diagram.
7. Zoning, if applicable.
8. A copy of the technical specifications for each component used in the makeup of the automatic fire alarm

system. If the components are not all from the same manufacturer, UL cross listing compatibility cards are required.

9. The current used by each of the initiating and indication devices and current rating of the power supply.

10. Battery and voltage drop calculations for compatibility.

11. Building permit number.

12. Total number of devices being installed.

C. After the fire alarm plans have been approved by the Tukwila Fire Marshal, a job number will be issued to begin work. The plan review fees shall be in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council.

(Ord. 2505 §1, 2016; Ord. 2437 §5, 2014)

16.40.050 General Requirements

A. All companies installing automatic fire alarm systems shall have a **State electrical contractor’s license**.

B. All persons installing automatic fire alarm systems shall hold a State low voltage **installer’s certificate or journeyman electrician certificate** per RCW 19.28.041. An apprentice certificate is acceptable for installers when supervised by a certified journeyman per RCW 19.28.4.

C. A City of Tukwila electrical permit shall be posted at all automatic fire alarm system installations per TMC Section 16.04.020.

D. All equipment, devices, and wiring shall be listed by Underwriters Laboratories or Factory Mutual and shall be approved for the purpose for which they are intended. No one shall perform any type of modification to any device that would void its UL/FM listing.

E. If determined necessary by the authority having jurisdiction, control panels shall have sufficient auxiliary power outlets for automatic door closures, relay boards for elevator control, HVAC detectors, air pressurization, and all other auxiliary devices. They shall also have sufficient power for four-wire smoke detectors, remote LED indicating lights and duct detectors with relays.

F. Remote alarm annunciation/indication is required at the main entrance if the control panel is not visible from the main entrance. The height of the annunciator/control panel shall be 48 to 60 inches above grade/floor.

G. When the control panel is located inside a room, the outside of the door shall have a sign in one-inch letters that **reads “Fire Alarm” or “Fire Alarm Control.”**

H. A rechargeable battery backup is required on any automatic fire alarm system installation. There shall be enough battery capacity at all times to run the alarm system in standby for 24 hours and, after that time, sound all alerting devices for at least five minutes. A 15% safety factor shall be provided in all voltage drop calculations. At the end of the battery life cycle, batteries shall be replaced.

I. Audible devices shall be placed in buildings and be so located that, with all intervening doors closed, the alarm device shall be heard at not less than 15 decibels above the ambient noise levels; sleeping areas shall be a minimum of 75 decibels. Visible alarms shall be placed throughout the building in all assembly areas; common use areas, including toilet rooms and bathing facilities; hallways and lobbies; hotel guest rooms and rooms 130 square feet or larger regardless of use.

J. Whenever possible, the control panel shall be located in a heated main corridor or a heated main lobby. When the control panel is located inside a room, the room shall be heated, and kept at an ambient temperature between 40° and 100°F. AT NO TIME SHALL THE CONTROL PANEL BE LOCATED IN AN EXTERIOR LOCATION.

K. All new alarm systems shall be addressable. Each device shall have its own address and shall annunciate individual addresses at a UL central station.

L. When requested by the Fire Marshal, the owner of a building equipped with a fire alarm system shall provide as-built fire alarm drawings to ensure adequate fire alarm system power is available.

(Ord. 2437 §6, 2014)

16.40.060 Alarm/Control Panel Requirements

A. A light shall indicate that the system is receiving normal power. A failure of normal power shall cause the light to go out and an audible signal to sound.

B. All batteries shall have an automatic rate charger to maintain standby batteries in a fully charged condition.

C. A power transfer circuit shall be installed that will switch to standby power automatically and instantaneously if normal power fails.

D. **All alarm signals shall be automatically “locked in” at the alarm panel until their operated devices are returned to normal condition, and the alarm panel is manually reset.**

E. The fire alarm panel shall be reset only by authorized personnel of the Tukwila Fire Department.

F. The reset code for the fire alarm panel or keypad shall be 1-2-3-4-5. The reset code shall not be changed without the approval of the Fire Marshal. The reset code should be permanently posted at the keypad.

G. The supervised relay boards that control elevator recall, air pressurization and all other auxiliary functions shall **stay “locked in,” even though the audible signaling circuits have been silenced, until the panel has been reset and returned to normal.**

H. For systems employing water flow detection devices, manual pull stations shall be distributed throughout the building. Audible and visible alarms shall be placed in all common-use areas.

I. All trouble and supervisory indication for Post Indicating Valves, Wall Indicating Valves, and Outside Stem and Yoke Valves shall be addressed as individual address points, for trouble/supervisory only.

(Ord. 2437 §7, 2014)

16.40.070 Placement and Type of Detector

A. All detectors shall be installed and spaced according **to the manufacturer’s instructions and NFPA 72.** The Tukwila Fire Marshal may require additional detectors or decreased spacing.

B. At least one of the following types of detectors shall be placed in all rooms, halls, storage areas, basements, attics, lofts, spaces above suspended ceilings, storage lockers, closets, electrical rooms, machine equipment rooms, shafts, crawl spaces and stairwells: smoke, rate-of-rise, fixed-temperature, photobeam, flame, rate-compensation, or line-type. Access shall be provided to the attics and crawl spaces for maintenance of the detectors.

C. All detectors placed above the ceiling shall have remote indicating lights in the ceiling directly below the device or other means of indication as approved by the Tukwila Fire Marshal.

D. All rate-of-rise and fixed-temperature heat detectors shall have replacement links or be self-restoring for testing purposes.

E. Smoke detectors shall be the preferred detector type in all areas. When conditions are such that smoke detectors are not practical, other type(s) of detectors shall be installed as approved by the Tukwila Fire Marshal.

F. Non-sprinklered multi-family dwelling units that exit through a common interior exit corridor shall have a system heat detector installed within 25 feet of the interior exit door from the unit.

(Ord. 2437 §8, 2014)

16.40.080 Acceptance Testing

A. Upon completion of a system installation, a satisfactory test of the entire installation shall be made **by the contractor’s representative in the presence of a member of the Tukwila Fire Marshal’s Office** and shall comply with the procedures **contained in NFPA 72 and the manufacturer’s specifications.** The use of a decibel meter will be employed to determine minimum sound levels during acceptance testing. Final approval is contingent upon a successful performance test.

B. A condition of final acceptance of the fire alarm system **shall be the receipt of a completed contractor’s Material and Test Certificate—Fire Alarm and Automatic Detection Systems,** to the effect that the system has been installed in accordance with approved plans and tested in accordance with the **manufacturer’s specifications and appropriate NFPA requirements.** The completed installation certificate shall be returned to the Tukwila Fire Marshal, prior to the acceptance test.

C. As-builts shall be provided prior to system acceptance and final approval if any modifications not shown on the original plans have been done to the system.

(Ord. 2505 §2, 2016; Ord. 2437 §9, 2014)

16.40.090 Maintenance

A. A satisfactory contract covering the maintenance, operation and efficiency of the system shall be provided by the building/property owner or his agent. The contract shall provide for inspections, tests and maintenance as specified in NFPA 72 **and manufacturer's instructions**. The building/property owner or his agent shall be responsible for the maintenance of the automatic fire alarm system with the following provisions:

1. The renter or lessee shall notify the building/property owner or his agent of the need of any suspected maintenance or malfunction of the system.

2. The building/property owner or his agent shall assume no liability in the event any unauthorized person, renter or lessee tampers with, attempts to repair or damages any part of the automatic fire alarm system so as to render it inoperative. Provided, however, the building/property owner and his agent shall be liable in the event either of them become aware of tampering or efforts to repair or damage the system, and they thereafter fail to restore the system within a reasonable period of time so that it functions in accord with the standards provided for in TMC Chapter 16.40.

B. A copy of inspection, test, and maintenance records shall be forwarded to the Tukwila Fire Marshal.

C. The automatic fire alarm system shall be maintained in operative condition at all times.

D. Battery-powered detectors in existing buildings shall have new batteries installed in accordance with the **manufacturer's specifications**, and shall be tested at least **annually by the building owner or the building owner's representative**. Documentation of the testing and applicable repairs shall be sent to the fire department.

E. Inspections, maintenance and testing of fire alarm systems shall be performed by personnel with qualifications acceptable to the Tukwila Fire Marshal.

F. If attic heat detectors are activated by excessive heat buildup during hot weather, additional attic ventilation shall be installed in the attic to correct the heat build-up condition in compliance with the International Building Code.

(Ord. 2437 §10, 2014)

16.40.100 Applicability

A. Automatic fire alarm systems shall be installed in the following occupancies:

1. Hotels.
2. Motels.
3. Multi-family dwellings (with more than 4 units): See TMC Section 16.40.120.B, "Special Requirements."

4. All other new commercial/industrial buildings under 500 square feet unless fully protected by an automatic sprinkler system.

5. When sold, existing commercial and industrial buildings that are not protected by an automatic sprinkler system.

Exceptions:

a. Any structure 400 square feet or less in total usable floor area.

b. Single-family residential structures.

6. When sold, existing commercial/industrial buildings equipped with an existing fire alarm system shall upgrade to current fire alarm ordinance requirements.

7. When sold, commercial/industrial buildings that are protected by an automatic sprinkler system shall install a manual fire alarm system.

8. When sold, existing hotel/motel occupancies that are not protected by an automatic sprinkler system shall install a fire alarm system throughout. The guest rooms shall comply with TMC Section 16.40.120.A.

9. When sold, multi-family dwellings that are protected by an automatic sprinkler system shall install a fire alarm system complying with TMC Section 16.40.120.B.

Exception: Multi-family dwellings of four units or less.

10. When sold, multi-family dwellings that are not protected by an automatic sprinkler system shall install smoke detectors in sleeping areas, in accordance with the International Building Code. Common areas and exit corridors shall be protected by detectors and manual pull stations monitored by a UL central station. Audibility shall meet the requirements of NFPA 72.

Exception: Multi-family dwellings of four units or less.

11. Any building or portion of a building which, due to the nature of its occupancy, is required by the International Fire Code or other nationally-recognized standard to have an automatic fire alarm system.

12. Any building or portion of a building which, due to the nature of its occupancy, is determined by the Fire Marshal to be a special hazard or have a high life safety need.

13. A manual fire alarm system shall be installed in all new sprinklered buildings. Visual and audible devices shall be installed per TMC Section 16.40.050.I.

B. For items 5, 6, 7, 8, 9 and 10 of TMC Section 16.40.100, the installation of an automatic fire alarm system shall be completed within 120 days from the date of notification by the Tukwila Fire Department.

(Ord. 2505 §3, 2016; Ord. 2437 §11, 2014)

16.40.110 Monitoring

The following fire alarm systems are required to be monitored by a City of Tukwila-approved UL central station.

1. All new automatic and manual systems as required by TMC Section 16.40.100, or required by any other code or standard.

2. All existing fire alarm systems.

3. All fire alarm systems installed by the occupant/owner that are optional in commercial, industrial and multi-family occupancies.

4. Smoke detectors that are installed in lieu of a one-hour corridor requirement.

5. HVAC units that are required to have duct detectors and that serve more than one occupancy or serve an area open to the public.

6. City of Tukwila-approved UL central stations that fail to maintain their UL listing shall be prohibited from monitoring fire alarm systems within the City of Tukwila.

(Ord. 2437 §12, 2014)

16.40.120 Special Requirements

A. The guest room smoke detectors and bathroom heat detectors of hotel/motel occupancies shall announce at a panel located at or near the front desk. These detectors will not transmit an alarm to the UL central station. The alarm panel, located at or near the front desk, shall be monitored 24 hours a day by the hotel/motel staff.

B. Multi-family dwellings and lodging houses fully protected by an automatic sprinkler system shall have detectors installed in accordance with the International Building Code. Common areas and exit corridors shall be protected by detectors and manual pull stations, monitored by a UL central station.

C. Multi-family dwellings and lodging houses shall have audible/visual devices throughout the unit. Bedrooms shall have a 110 candela wall-mounted horn/strobe within 16 feet of the pillow or a 177 candela ceiling-mounted horn/strobe. Audibility shall be a minimum of 75 decibels at the pillow. The bathroom shall have an appropriately rated strobe only.

D. When monitoring of an existing system is lost for any reason, a fire watch must be posted during non-business hours. The fire watch person shall call the recorded fire prevention phone line at two-hour intervals confirming the all-clear status of the building. In the event of a fire emergency the fire watch shall call 911 immediately to report the fire emergency.

E. Duct detectors shall send a supervisory signal only and shall not cause an alarm.

F. Approved Knox key boxes shall be provided for access to alarm panels and sprinkler risers.

G. An exterior horn or bell/strobe shall be installed outside all buildings/tenant spaces that have a fire alarm system.

H. A 110 candela horn/strobe shall be installed above the kitchen suppression system's manual pull station.

(Ord. 2437 §13, 2014)

16.40.130 Re-inspection Fees for New Construction, Tenant Improvements, and Spot Inspections

When an inspection is requested for new construction, tenant improvements or spot inspections and then, upon arrival, the Fire Inspector finds that the work is not complete, not ready for inspection, or does not comply with fire code requirements, a follow-up inspection will be required, and a re-inspection fee in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council will be assessed.

(Ord. 2505 §4, 2016; Ord. 2437 §14, 2014)

16.40.140 Exceptions

Any exception to the items covered by TMC Chapter 16.40 shall be made by the Fire Marshal. Request for exception must be made in writing; exceptions granted or denied shall be in writing.

(Ord. 2505 §5, 2016; Ord. 2437 §15, 2014)

16.40.150 Penalties

Any person violating the provisions of TMC Chapter 16.40, the International Fire Code or appendices adopted by TMC Chapter 16.16, or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Marshal or by a court of competent jurisdiction within the time fixed therein, shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished by a fine in an amount not to exceed \$5,000.00, as outlined in TMC Section 16.16.080, or imprisonment for a term not to exceed one year or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Each day or portion thereof during which any violation of the provisions of this section is caused, permitted or continued shall constitute a separate offense and shall be punishable as such. Application of the penalty specified in this section shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 2437 §16, 2014)

16.40.160 Permit Expiration

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Fire Marshal is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(Ord. 2437 §17, 2014)

16.40.170 Appeals

A. Whenever the Fire Marshal disapproves an application or refuses to grant a permit applied for, the applicant may appeal the decision to the **City's Hearing Examiner**. A written notice of appeal shall be filed with the City Clerk within 14 days of the date of final decision by the Fire Marshal. The notice of appeal must be accompanied by an appeal fee in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council.

B. The Notice of Appeal shall contain the following information:

1. The name of the appealing party.
2. The address and phone number of the appealing party; and if the appealing party is a corporation, association or other group, the address and phone number of a contact person authorized to **receive notices on the appealing party's behalf**.
3. A statement identifying the decision being appealed and the alleged errors in that decision.
4. The Notice of Appeal shall state specific errors of fact or errors in application of the law in the decision being appealed, the harm suffered or anticipated by the appellant, and the relief sought. The scope of an appeal shall be limited to matters or issues raised in the Notice of Appeal.

C. Upon timely filing of a Notice of Appeal, the Fire Marshal shall set a date for hearing the appeal before the City's Hearing Examiner. Notice of the hearing will be mailed to the applicant.

D. Deference shall be given to the decision being appealed. The standard on review shall be based upon a preponderance of evidence. The Hearing Examiner may affirm, reverse or modify the Fire Marshal, or his/her designee's, decision.

E. The decision of the Hearing Examiner shall be final.

(Ord. 2505 §6, 2016; Ord. 2437 §18, 2014)

**CHAPTER 16.42
SPRINKLER SYSTEMS**

Sections:

- 16.42.010 Required
- 16.42.020 References
- 16.42.030 Definitions
- 16.42.040 Approval and Design Plans
- 16.42.050 Where Required
- 16.42.060 Standpipes
- 16.42.070 General Requirements
- 16.42.080 Special Requirements
- 16.42.090 Existing Buildings
- 16.42.100 Maintenance
- 16.42.110 Re-inspection Fees for New Construction, Tenant Improvements, and Spot Inspections
- 16.42.120 Exceptions
- 16.42.130 Penalties
- 16.42.140 Permit Expiration
- 16.42.150 Appeals

16.42.010 Required

An automatic sprinkler system shall be required as outlined in this chapter.

(Ord. 2436 §2, 2014)

16.42.020 References

The following references shall be used in the design, installation and maintenance of sprinkler systems within the City of Tukwila; if there is a conflict between the codes, the one offering the greatest degree of fire protection shall apply. References are to the current editions, unless otherwise noted.

| | |
|------------|--|
| NFPA 13 | Installation of Sprinkler Systems |
| NFPA 13D | Residential Sprinkler Systems |
| NFPA 14 | Standpipe and Hose Systems |
| NFPA 15 | Water Spray Fixed Systems |
| NFPA 24 | Private Fire Service Mains and their Appurtenances |
| NFPA 25 | Inspection, Testing and Maintenance of Water-Based Fire Protection Systems |
| NFPA 88A | Parking Structures |
| IFC | International Fire Code |
| IBC | International Building Code |
| RCW 18.160 | Washington State Sprinkler Contractor Law |
| WAC | 51-51-60105 Appendix R |
| WAC | 51-51-60107 Appendix S |

(Ord. 2436 §3, 2014)

16.42.030 Definitions

A. **“Approved”** refers to the approval of the Tukwila Fire Marshal.

B. **“Automatic sprinkler system”** is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The installation includes one or more automatic water supplies. The portion of the sprinkler system aboveground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are attached in a systematic pattern. The valve controlling each system riser is located in the system riser or its supply piping. Each sprinkler system riser includes a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

C. **“Listed”** refers to equipment or materials indicated in a list published by an organization acceptable to the authority having jurisdiction and concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specific manner.

D. **“Resubmittal”** means any plan that requires subsequent review.

(Ord. 2436 §4, 2014)

16.42.040 Approval and Design Plans

A. All new sprinkler systems and all modifications to sprinkler systems involving more than 50 heads shall have the written approval of Factory Mutual or any fire protection engineer licensed by the State of Washington and approved by the Fire Marshal.

Exception: The Tukwila Fire Marshal reserves the right to require pre-approval, by one of the agencies listed above, for any modification to a hydraulically-designed system regardless of the size of the job.

B. All sprinkler construction drawings shall be prepared by persons meeting the requirements of RCW 18.160.

C. At least three complete sets of construction drawings with information regarding the automatic sprinkler system as identified in NFPA 13, Sections 6-1, 6-2, 6-3 and 9-3, and at least one civil engineering site plan showing the underground installation from water-main tap to base riser, shall be submitted to the Tukwila Fire Marshal for approval prior to installation or modification of any equipment. One set of approved construction drawings shall be located at the job site.

D. Drawings submitted for approval must include a completed Fire Protection Systems Permit Application and a floor layout drawn to scale, no smaller than 1/8-inch scale, showing all rooms and spaces with accurate measurements. Drawings shall include the building permit number, if applicable.

E. As-builts shall be provided prior to system acceptance and final approval, if any modifications not shown on the original plans have been done to the system.

F. The installer shall perform all required acceptance tests (as identified in NFPA 13) in the presence of a representative of the Tukwila Fire Marshal. The installer shall **complete the contractor's material and test certificate(s) and forward the certificates to the Tukwila Fire Prevention Bureau prior to asking for approval of the installation.**

G. The installers shall meet the requirements of WAC 212-80-096 and, upon request, produce their license or certification pursuant to WAC 212-80-028.

H. After the sprinkler plans have been approved by the Tukwila Fire Marshal, a job number will be issued to begin work. The plan review fees shall be in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council.

(Ord. 2506 §1, 2016; Ord. 2436 §5, 2014)

16.42.050 Where Required

A. A fully automatic sprinkler system designed, installed and tested per NFPA 13 shall be installed in all new buildings 500 square feet or greater in total floor area.

B. Without regard to exceptions to the sprinkler system requirements as set forth in this section, a fully automatic sprinkler system, per TMC Section 16.42.050.A, may be required by the Chief of the Fire Department and the Fire Marshal for new and existing buildings when, in their judgment, any of the following conditions exist:

1. Hazardous operations.
2. Hazardous contents.
3. Critical exposure problems.
4. Limited accessibility to the building.
5. Inadequate waterflow availability.

C. Fire walls, fire barriers, or vertical or horizontal fire barriers as noted in Section 706.1 of the International Building Code shall not be considered to separate a building to enable deletion of a required automatic sprinkler system.

D. An approved automatic fire sprinkler system shall be installed in new one-family and two-family dwellings and townhouses in accordance with Appendix R and Q (WAC 51-51-60105) and Appendix S and V (WAC 51-51-60107).

(Ord. 2506 §2, 2016; Ord. 2436 §6, 2014)

16.42.060 Standpipes

A. When standpipes are required, they shall be Class I Automatic-Wet.

Exception: In unheated structures, the standpipe may be dry.

B. Buildings over four stories shall have in the stair tower, adjacent to the standpipe, beginning on the third floor and

alternating every other floor, in hose cabinets, 150 feet of 1-3/4" double jacket hose with 1-1/2" NST hose couplings. The hose lengths shall be connected and bundled together. The cabinet **shall be labeled "FIRE DEPARTMENT USE ONLY."**

(Ord. 2436 §7, 2014)

16.42.070 General Requirements

A. Sprinkler installations and modifications shall be done by companies licensed by the State of Washington to perform this type of work.

B. The automatic sprinkler system for new warehouses shall have a minimum design density of .39 gallons/5,600 square feet, plus an allowance of 1,000 GPM for in-rack fire sprinklers and hose allowance.

C. All other occupancies shall be a minimum design density of ordinary hazard Group I unless otherwise provided for in this ordinance.

D. On all hydraulically-designed sprinkler systems, the velocity of water in the overhead pipe shall not exceed 32 feet per second. The velocity of water in the underground pipe shall not exceed 16 feet per second.

E. Hydraulic calculations shall be provided by the contractor for calculated systems; the contractor shall, upon request, provide calculations for pipe schedule systems.

F. Calculated sprinkler systems shall be designed with a 10 psi cushion for low reservoir conditions.

G. Automatic sprinkler systems and all other fire suppression systems shall be monitored by a City of Tukwila-approved UL central station. This shall include all water control valves, tamper devices, pressure supervision and waterflow switches. In buildings having a fire alarm/detection system, the sprinkler system shall be tied to the fire alarm system (last zone[s]).

H. Permanent, all-weather sprinkler riser zone maps shall be installed at the fire department connection and riser.

I. All exterior components of sprinkler systems shall be painted red, either Safety Red-Rustoleum #7564 or Farwest Paint #253 (mandarin red). This includes: post indicator valves/outside stem and yoke valves, wall indicating valves, fire department connections, and water motor gong. Post Indicator **Valves (PIV's) and Fire Department Connections (FDC's) shall have the building address served by the PIV or FDC stenciled vertically in 3-inch-high white numbers facing the direction of vehicular access.**

J. The fire department connection shall have a downward angle bend of 30 degrees, with a 5-inch Knox locking Storz fitting.

Exception: If the calculated pumping pressure of the fire department connection will exceed either the 5-inch Storz fitting pressure rating or the pressure rating of the 5-inch supply hose, 2-1/2-inch fire department connections are allowed.

K. A manual fire alarm system shall be installed in all new sprinklered buildings. Visual and audible devices shall be **installed per TMC Chapter 16.40, "Fire Alarm Systems."**

L. Maintain a four-foot clear space around the sprinkler riser(s) for emergency access.

M. Fire sprinkler systems with interior OS & Y valves shall have the sprinkler riser painted red (Safety Red-Rustoleum #7564 or Farwest Paint #253 (mandarin red) to the first "90 degree elbow" or "Tee" at the ceiling level. A 6" white reflective stripe shall be installed around the circumference of the pipe 8 feet to 10 feet below the "elbow" or "Tee."

(Ord. 2506 §3, 2016; Ord. 2436 §8, 2014)

16.42.080 Special Requirements

A. All hotel/motel occupancies shall be sprinklered a minimum ordinary hazard Group I density throughout; no omissions are allowed. Sprinkler spacing in the guest rooms may be Light Hazard.

B. Each new commercial/industrial or multi-family building shall have its own indicating control valve on the exterior or outside away from the building. Each floor of a multi-story building shall have sectional control valves and waterflow switches.

C. Multi-family dwelling sprinkler systems shall be designed Minimum Light Hazard spacing with no omissions allowed, with a minimum ordinary hazard Group I design density.

D. All sprinkler system control valves shall be electronically supervised against tampering.

E. When a sprinkler system is required for a one- or two-family dwelling, sprinkler protection shall be extended to attached garages.

F. Where quick response fire sprinklers are required by the International Building Code (903.3.2) for specific occupancies and there are no listed quick response heads listed for ordinary hazard systems as defined by NFPA 13, Light Hazard quick response heads are permitted with the system designed to a minimum ordinary Group 1 density.

(Ord. 2506 §4, 2016; Ord. 2436 §9, 2014)

16.42.090 Existing Buildings

A. Existing fully sprinklered buildings, when remodeled or added on to, shall retain the feature of being sprinklered in the remodeled or added-on portion.

B. If, by increasing usable or habitable square footage of an existing building, the resulting total structure falls within the coverage of TMC Section 16.42.050A, the entire structure shall be fully sprinklered. This provision does not apply to single-family residences.

(Ord. 2436 §10, 2014)

16.42.100 Maintenance

A. A satisfactory contract covering the maintenance, operation and efficiency of the sprinkler system shall be provided by the building/property owner or his agent. The contract shall provide for inspections, tests and maintenance as specified in NFPA 25 and manufacturer's instructions. The building/property owner or his agent shall be responsible for the maintenance of the sprinkler system.

B. Regular maintenance by a Washington State licensed sprinkler contractor shall be done in accordance with NFPA 25. If the sprinkler system is connected to a fire alarm system, the contractor shall coordinate with the fire alarm maintenance company for any work involving the fire alarm system or control panel.

C. The Tukwila Fire Department shall be notified immediately of any impairment of the sprinkler system. The owner shall be responsible for the repair of the system, and shall maintain a 24-hour fire watch until the system is returned to normal condition. High hazard operation may be suspended until the sprinkler system is back in normal condition.

(Ord. 2436 §11, 2014)

16.42.110 Re-inspection Fees for New Construction, Tenant Improvements, and Spot Inspections

When an inspection is requested for new construction, tenant improvements or spot inspections and then, upon arrival, the Fire Inspector finds that the work is not complete, not ready for inspection, or does not comply with fire code requirements, a follow-up inspection will be required, and a re-inspection fee in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council will be assessed.

(Ord. 2506 §5, 2016; Ord. 2436 §12, 2014)

16.42.120 Exceptions

Any exception to the items covered by this chapter shall be made by the Fire Marshal. Requests for exception must be made in writing; exceptions granted or denied shall be in writing.

(Ord. 2506 §6, 2016; Ord. 2346 §13, 2014)

16.42.130 Penalties

Any person violating the provisions of TMC Chapter 16.42, the International Fire Code or appendices adopted by TMC Chapter 16.16, or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Marshal or by a court of competent jurisdiction within the time fixed therein, shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished by a fine in an amount not to exceed \$5,000.00, as outlined in TMC Section 16.16.080, or imprisonment for a term not to exceed one year or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Each day or portion thereof during which any violation of the provisions of this section is caused, permitted or continued shall constitute a separate offense and shall be punishable as such. Application of the penalty specified in this section shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 2436 §14, 2014)

16.42.140 Permit Expiration

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Fire Marshal is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause shall be demonstrated.

(Ord. 2436 §15, 2014)

16.42.150 Appeals.

A. Whenever the Fire Marshal disapproves an application or refuses to grant a permit applied for, the applicant may appeal the decision to the **City's Hearing Examiner**. A written notice of appeal shall be filed with the City Clerk within 14 days of the date of final decision by the Fire Marshal. The notice of appeal must be accompanied by an appeal fee in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council.

B. The Notice of Appeal shall contain the following information:

1. The name of the appealing party.
2. The address and phone number of the appealing party; and if the appealing party is a corporation, association or other group, the address and phone number of a contact person **authorized to receive notices on the appealing party's behalf**.
3. A statement identifying the decision being appealed and the alleged errors in that decision.
4. The Notice of Appeal shall state specific errors of fact or errors in application of the law in the decision being

appealed, the harm suffered or anticipated by the appellant, and the relief sought. The scope of an appeal shall be limited to matters or issues raised in the Notice of Appeal.

C. Upon timely filing of a Notice of Appeal, the Fire Marshal shall set a date for hearing the appeal before the City's Hearing Examiner. Notice of the hearing will be mailed to the applicant.

D. Deference shall be given to the decision being appealed. The standard on review shall be based upon a preponderance of evidence. The Hearing Examiner may affirm, reverse or modify the Fire Marshal, or his/her designee's, decision.

E. The decision of the Hearing Examiner shall be final.

(Ord. 2506 §7, 2016; Ord. 2436 §16, 2014)

CHAPTER 16.46
FIRE PROTECTION IN
MID-RISE BUILDINGS

Sections:

- 16.46.010 Story Defined
- 16.46.020 Scope and Construction of Chapter
- 16.46.030 Sprinkler Systems
- 16.46.040 Fire Hose Racks
- 16.46.050 Standpipes
- 16.46.060 Parking Structures
- 16.46.070 Standby Fire Pumps
- 16.46.080 Emergency Power Generator
- 16.46.090 Windows
- 16.46.100 Smoke/Heat Detector System
- 16.46.110 Emergency Communications System
- 16.46.120 Emergency Communications System Room
- 16.46.130 Emergency Evacuation Notification System
- 16.46.140 Smoke Evacuation System
- 16.46.150 Re-inspection Fees for New Construction, Tenant Improvements, and Spot Inspections
- 16.46.160 Violations--Penalties
- 16.46.170 Appeals
- 16.46.180 Exceptions

16.46.010 Story Defined

As used herein, the terms “Story” and “Building Height” shall be as defined in the Washington State Building Code.

(Ord. 2330 §2, 2011)

16.46.020 Scope and Construction of Chapter

A. TMC Chapter 16.46 shall apply only to buildings between four stories or 40 feet and eight stories or 75 feet to the occupied floor from the lowest level of Fire Department Vehicle Access. In all other respects, the provisions of the International Building Code (IBC), as found in TMC Chapter 16.04, and the International Fire Code (IFC), as found in TMC Chapter 16.16, shall be generally applicable to TMC Chapter 16.46 including, but not limited to, provisions for the issuance of permits and collection of fees therefor, and provisions for penalties for violations and establishing administrative appeal procedures.

B. If, in any specific case, TMC Chapter 16.46 specifies materials, methods of construction or other requirements that are different from those specified in any other part of the Tukwila Building Code (TMC Chapter 16.04), the more restrictive requirement shall govern.

C. Buildings constructed of Type VA Construction (light wood frame construction) as outlined in TMC Chapter 16.04 as written by the Tukwila Building Official, shall be considered to meet the intent of this ordinance.

(Ord. 2330 §3, 2011)

16.46.030 Sprinkler Systems

Every building shall be fully sprinklered in accordance with the standards set down in NFPA (National Fire Protection Association) #13, minimum design density of ordinary hazard Group I. Minimum light hazard spacing with no omissions allowed in guest rooms and sleeping areas and ordinary hazard in all other common areas.

(Ord. 2507 §1, 2016; Ord. 2330 §4, 2011)

16.46.040 Fire Hose Racks

Buildings over four stories shall have in the stair tower, adjacent to the standpipe, beginning on the third floor and alternating every other floor, in hose cabinets, 150 feet of 1-3/4” double jacket hose with 1-1/2” NST hose couplings. The hose lengths shall be connected and bundled together. The cabinet shall be labeled “FIRE DEPARTMENT USE ONLY.”

(Ord. 2330 §5, 2011)

16.46.050 Standpipes

A. With regard to TMC Section 16.46.040, separate dry standpipes shall not be required if the standpipes and the **sprinkler risers are the same pipes, that is, “wet” standpipes**, as defined in Section 905 of the International Building Code.

B. A second standpipe shall be installed in one stairwell with a separate feed from the main sprinkler riser room and separate fire department connection system.

(Ord. 2330 §6, 2011)

16.46.060 Parking Structures

All parking structures shall be equipped with an automatic Fire Sprinkler System.

(Ord. 2330 §7, 2011)

16.46.070 Standby Fire Pumps

Two standby fire pumps shall be provided and shall have automatic controls to utilize the emergency water supply. One pump shall be diesel powered. The other shall be electric and shall be capable of being powered from the building emergency power generator. Fire pumps may not be required if the fire sprinkler system hydraulic calculations do not require the use of the fire pump for system operation.

(Ord. 2330 §8, 2011)

TITLE 16 – BUILDINGS AND CONSTRUCTION

16.46.080 Emergency Power Generator

An emergency power generator shall be provided and shall provide power for the following:

1. Emergency elevator;
2. Minimum lighting, including all exit stairs, exit lights and exit corridors;
3. Stair tower pressurization;
4. Emergency communications system, including phone jacks;
5. Fire alarm system;
6. Electric fire pump;
7. Smoke removal equipment (if otherwise required);
8. Emergency evacuation notification system;
9. Fire Department control room.

(Ord. 2330 §9, 2011)

16.46.090 Windows

If the building is not provided with openable windows on each floor, 10% of the windows on each floor shall be tempered glass with a 1-3/4" diameter red circle on the upper left-hand corner of each window.

(Ord. 2330 §10, 2011)

16.46.100 Smoke/Heat Detector System

Every building will have a full fire alarm system, in accordance with the standards set down by TMC Chapter 16.40 and NFPA 72. The building shall be provided with an approved smoke/heat detector system combined with manual pull-stations. Smoke detectors shall be installed in the elevator lobby of each floor and outside of the emergency stair tower doors on each floor. Fixed temperature heat detectors shall be installed in all mechanical equipment rooms. Both this detector system and the sprinkler system shall be monitored by an approved central station alarm agency, providing 24-hour supervision.

(Ord. 2330 §11, 2011)

16.46.110 Emergency Communications System

A. An emergency communications system shall be provided with jacks on each floor of each emergency stair tower and beside the emergency elevator. A minimum of six handsets shall be stored in a room, the location of which shall be designated by the Fire Marshal of the Fire Department (Section 907.2.13.3 of the IBC).

B. Emergency responder radio coverage shall be provided in accordance with the 2015 Edition of the International Fire Code Section 510.

(Ord. 2507 §2, 2016; Ord. 2330 §12, 2011)

16.46.120 Emergency Communications System Room

The room referred to in TMC Section 16.46.110 shall be of fire-resistive construction (according to the standards set out in Section 911 of the International Building Code), shall ordinarily remain locked (the lock shall automatically release upon activation of either the fire detection or sprinkler system), and shall contain the following:

1. Emergency communication system controls;
2. Fire alarm and sprinkler flow annunciator panels;
3. Controls to manually start and shut down the fire pumps;
4. An outside line telephone;
5. Smoke evacuation controls;
6. Elevator status panel.

(Ord. 2330 §13, 2011)

16.46.130 Emergency Evacuation Notification System

The building must contain an emergency evacuation notification system in accordance with IBC Section 403 and that has been approved by the Fire Marshal of the Fire Department for use in that building.

(Ord. 2330 §14, 2011)

16.46.140 Smoke Evacuation System

The building must contain a smoke evacuation system that has been approved by the Fire Marshal of the Fire Department for use in that building, taking into consideration the design of the heating, ventilation and air conditioning (HVAC) systems of the building (Section 909 of the IFC and IBC).

(Ord. 2330 §15, 2011)

16.46.150 Re-inspection Fees for New Construction, Tenant Improvements, and Spot Inspections

When an inspection is requested for new construction, tenant improvements or spot inspections, and then, upon arrival, the Fire Inspector finds that the work is not complete, not ready for inspection, or does not comply with fire code requirements, a follow-up inspection will be required and a re-inspection fee in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council will be assessed.

(Ord. 2507 §3, 2016; Ord. 2330 §16, 2011)

16.46.160 Violations--Penalties

Any person who shall violate any of the provisions of TMC Chapter 16.46, the International Fire Code or appendices adopted by TMC Chapter 16.16, or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Marshal or by a court of competent jurisdiction within the time fixed therein, shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished by a fine in an amount not to exceed \$5,000.00, as outlined in TMC Section 16.16.080, or imprisonment for a term not to exceed one year or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Each day or portion thereof during which any violation of the provisions of this section is caused, permitted or continued shall constitute a separate offense and shall be punishable as such. Application of the penalty specified in this section shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 2330 §17, 2011)

16.46.170 Appeals

A. Whenever the Fire Marshal disapproves an application or refuses to grant a permit applied for, the applicant may appeal the decision to the **City's Hearing Examiner**. A written notice of appeal shall be filed with the City Clerk within 14 days of the date of final decision by the Fire Marshal. The notice of appeal must be accompanied by an appeal fee in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council.

B. The Notice of Appeal shall contain the following information:

1. The name of the appealing party.
2. The address and phone number of the appealing party; and if the appealing party is a corporation, association or other group, the address and phone number of a contact person **authorized to receive notices on the appealing party's behalf**.
3. A statement identifying the decision being appealed and the alleged errors in that decision.
4. The Notice of Appeal shall state specific errors of fact or errors in application of the law in the decision being appealed, the harm suffered or anticipated by the appellant, and the relief sought. The scope of an appeal shall be limited to matters or issues raised in the Notice of Appeal.

C. Upon timely filing of a Notice of Appeal, the Fire Marshal shall set a date for hearing the appeal before the City's Hearing Examiner. Notice of the hearing will be mailed to the applicant.

D. Deference shall be given to the decision being appealed. The standard on review shall be based upon a preponderance of evidence. The Hearing Examiner may affirm, reverse or modify the Fire Marshal, or his/her designee's, decision.

E. The decision of the Hearing Examiner shall be final.

(Ord. 2507 §4, 2016; Ord. 2330 §18, 2011)

16.46.180 Exceptions

Any exceptions to the items covered by this chapter shall be granted by the Fire Marshal. Requests for exception must be made in writing; exceptions granted or denied shall be in writing.

(Ord. 2507 §5, 2016; Ord. 2330 §19, 2011)

CHAPTER 16.48

**FIRE PROTECTION IN
HIGH-RISE BUILDINGS**

Sections:

- 16.48.010 Story Defined
- 16.48.020 Scope and Construction of Chapter
- 16.48.030 Sprinkler Systems
- 16.48.040 Fire Hose Racks
- 16.48.050 Standpipes
- 16.48.060 Parking Structures
- 16.48.070 Standby Fire Pumps
- 16.48.080 Emergency Power Generator
- 16.48.090 Windows
- 16.48.100 Smoke/Heat Detector System
- 16.48.110 Emergency Communications System
- 16.48.120 Emergency Communications System Room
- 16.48.130 Emergency Evacuation Notification System
- 16.48.140 Smoke Evacuation System
- 16.48.150 Re-inspection Fees for New Construction, Tenant Improvements, and Spot Inspections
- 16.48.160 Violations--Penalties
- 16.48.170 Appeals
- 16.48.180 Exceptions

16.48.010 Story Defined

As used herein, the terms “Story” and “Building Height” shall be as defined in the Washington State Building Code.

(Ord. 2329 §1, 2011)

16.48.020 Scope and Construction of Chapter

A. TMC Chapter 16.48 shall apply only to buildings in excess of eight stories or 75 feet to the occupied floor from the lowest level of Fire Department Vehicle Access. In all other respects, the provisions of the International Building Code (IBC), as found in TMC Chapter 16.04, and the International Fire Code (IFC), as found in TMC Chapter 16.16, shall be generally applicable to TMC Chapter 16.48 including, but not limited to, provisions for the issuance of permits and collection of fees therefor, and provisions for penalties for violations and establishing administrative appeal procedures.

B. If, in any specific case, TMC Chapter 16.48 specifies materials, methods of construction or other requirements which are different from those specified in any other part of the International Building Code (IBC) Section 403 and Tukwila Building Code (TMC Chapter 16.04), the more restrictive requirement shall govern.

C. Section 403.2.1 of the International Building Code for the reduction in fire resistance ratings shall not be allowed.

(Ord. 2329 §2, 2011)

16.48.030 Sprinkler Systems

Every building shall be fully sprinklered in accordance with the standards set down in NFPA (National Fire Protection Association) #13, minimum design density of ordinary hazard Group I. Minimum light hazard spacing with no omissions allowed in guest rooms and sleeping areas and ordinary hazard in all other common areas.

(Ord. 2508 §1, 2016; Ord. 2329 §3, 2011)

16.48.040 Fire Hose Racks

Buildings over eight stories shall have in the stair tower, adjacent to the standpipe, beginning on the third floor and alternating every other floor, in hose cabinets, 150 feet of 1-3/4” double jacket hose with 1-1/2” **NST hose couplings**. The hose lengths shall be connected and bundled together. The cabinet **shall be labeled** “FIRE DEPARTMENT USE ONLY.”

(Ord. 2329 §4, 2011)

16.48.050 Standpipes

A. With regard to TMC 16.48.040, separate dry standpipes shall not be required if the standpipes and the **sprinkler risers are the same pipes, that is, “wet” standpipes**, as defined in Section 905 of the International Building Code.

B. A second standpipe shall be installed in one stairwell with a separate feed from the main sprinkler riser room and a separate fire department connection system.

(Ord. 2329 §5, 2011)

16.48.060 Parking Structures

All parking structures shall be equipped with a Fire Sprinkler System.

(Ord. 2329 §6, 2011)

16.48.070 Standby Fire Pumps

Two standby fire pumps shall be provided and shall have automatic controls to utilize the emergency water supply. One pump shall be diesel powered. The other shall be electric and shall be capable of being powered from the building emergency power generator. All fire pump installations shall follow Chapter 9 of the IBC, IFC and NFPA 13.

(Ord. 2329 §7, 2011)

16.48.080 Emergency Power Generator

An emergency power generator shall be provided and shall provide power for the following:

1. Emergency elevator;
2. Minimum lighting, including all exit stairs, exit lights and exit corridors;
3. Stair tower pressurization;
4. Emergency communications system, including phone jacks;
5. Fire alarm system;
6. Electric fire pump;
7. Smoke removal equipment (if otherwise required);
8. Emergency evacuation notification system;
9. Fire Department control room.

(Ord. 2329 §8, 2011)

16.48.090 Windows

If the building is not provided with openable windows on each floor, 10% of the windows on each floor shall be tempered glass with a 1-3/4" diameter red circle on the upper left-hand corner of each window.

(Ord. 2329 §9, 2011)

16.48.100 Smoke/Heat Detector System

Every building will have a full fire alarm system, in accordance with the standards set down by TMC Chapter 16.40 and NFPA 72. The building shall be provided with an approved smoke/heat detector system combined with manual pull-stations. Smoke detectors shall be installed in the elevator lobby of each floor and outside of the emergency stair tower doors on each floor. Fixed temperature heat detectors shall be installed in all mechanical equipment rooms. Both this detector system and the sprinkler system shall be monitored by an approved central station alarm agency, providing 24-hour supervision.

(Ord. 2329 §10, 2011)

16.48.110 Emergency Communications System

A. An emergency communications system shall be provided with jacks on each floor of each emergency stair tower and beside the emergency elevator. A minimum of six handsets shall be stored in a room, the location of which shall be designated by the Fire Marshal of the Fire Department (Section 907.2.12.3 of the IBC).

B. Emergency responder radio coverage shall be provided in accordance with the 2015 Edition of the International Fire Code, Section 510.

(Ord. 2508 §2, 2016; Ord. 2329 §11, 2011)

16.48.120 Emergency Communications System Room

The room referred to in TMC 16.48.110 shall be of fire-resistive construction (according to the standards set out in Section 911 of the International Building Code), shall ordinarily remain locked (the lock shall automatically release upon activation of either the fire detection or sprinkler system), and shall contain the following:

1. Emergency communication system controls;
2. Fire alarm and sprinkler flow annunciator panels;
3. Controls to manually start and shut down the fire pumps;
4. An outside line telephone;
5. Smoke evacuation controls;
6. Elevator status panel.

(Ord. 2329 §12, 2011)

16.48.130 Emergency Evacuation Notification System

The building must contain an emergency evacuation notification system in accordance with IBC Section 403 and that has been approved by the Fire Marshal of the Fire Department for use in that building.

(Ord. 2329 §13, 2011)

16.48.140 Smoke Evacuation System

The building must contain a smoke evacuation system that has been approved by the Fire Marshal of the Fire Department for use in that building, taking into consideration the design of the heating, ventilation and air conditioning (HVAC) systems of the building (Section 909 of the IFC and the IBC).

(Ord. 2329 §14, 2011)

16.48.150 Re-inspection Fees for New Construction, Tenant Improvements, and Spot Inspections

When an inspection is requested for new construction, tenant improvements or spot inspections, and then, upon arrival, the Fire Inspector finds that the work is not complete, not ready for inspection, or does not comply with fire code requirements, a follow-up inspection will be required and a re-inspection fee in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council will be assessed.

(Ord. 2508 §3, 2016; Ord. 2329 §15, 2011)

16.48.160 Violations--Penalties

Any person who shall violate any of the provisions of TMC Chapter 16.48, the International Fire Code or appendices adopted by TMC Chapter 16.16, or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Marshal or by a court of competent jurisdiction within the time fixed therein, shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished by a fine in an amount not to exceed \$5,000.00, as outlined in TMC Section 16.16.080, or imprisonment for a term not to exceed one year or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Each day or portion thereof during which any violation of the provisions of this section is caused, permitted or continued shall constitute a separate offense and shall be punishable as such. Application of the penalty specified in this section shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 2329 §16, 2011)

16.48.170 Appeals

A. Whenever the Fire Marshal disapproves an application or refuses to grant a permit applied for, the applicant may appeal the decision to the **City's Hearing Examiner**. A written notice of appeal shall be filed with the City Clerk within 14 days of the date of final decision by the Fire Marshal. The notice of appeal must be accompanied by an appeal fee in accordance with the Fire Department Fee Schedule adopted by resolution of the City Council.

B. The Notice of Appeal shall contain the following information:

1. The name of the appealing party.

2. The address and phone number of the appealing party; and if the appealing party is a corporation, association or other group, the address and phone number of a contact person authorized to receive notices on the appealing party's behalf.

3. A statement identifying the decision being appealed and the alleged errors in that decision.

4. The Notice of Appeal shall state specific errors of fact or errors in application of the law in the decision being appealed, the harm suffered or anticipated by the appellant, and the relief sought. The scope of an appeal shall be limited to matters or issues raised in the Notice of Appeal.

C. Upon timely filing of a Notice of Appeal, the Fire Marshal shall set a date for hearing the appeal before the City's Hearing Examiner. Notice of the hearing will be mailed to the applicant.

D. Deference shall be given to the decision being appealed. The standard on review shall be based upon a preponderance of evidence. The Hearing Examiner may affirm, reverse or modify the Fire Marshal, or his/her designee's, decision.

E. The decision of the Hearing Examiner shall be final.

(Ord. 2508 §4, 2016; Ord. 2329 §17, 2011)

16.48.180 Exceptions

Any exceptions to the items covered by this Chapter shall be granted by the Chief of the Fire Department or by the Fire Marshal. Requests for exception must be made in writing; exceptions granted or denied shall be in writing.

(Ord. 2329 §18, 2011)

CHAPTER 16.52
FLOOD PLAIN MANAGEMENT

Sections:

- 16.52.010 Findings
- 16.52.020 Purpose
- 16.52.030 Policies for Reducing Flood Losses
- 16.52.040 Definitions
- 16.52.050 The Flood Control Zone Permit Process - General Provisions
- 16.52.070 Provisions for Flood Hazard Reduction
- 16.52.080 Penalties for Noncompliance

16.52.010 Authority

The Legislature of the State of Washington delegated the responsibility to the City of Tukwila to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

(Ord. 2038 §1(part), 2004)

16.52.020 Purpose

This chapter aims to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas, by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money and costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. 2038 §1(part), 2004)

16.52.030 Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. **“A”** means a zone on the Flood Insurance Rate Map (FIRM) where flooding is known to occur but no flood elevation has been determined.
2. **“AH”** means a zone on the Flood Insurance Rate Map (FIRM) characterized by base flood depths from one to

three feet, having no clearly defined channel or having an unpredictable and indeterminate channel, and where velocity flow may be evident. AH indicates ponding.

3. **“AE”** means a zone on the Flood Insurance Rate Map (FIRM) where base flood elevations are determined and are shown on the map.

4. **“Appeal”** means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

5. **“Base Flood”** means the flood having a 1% chance of being equaled or exceeded in any given year; it is also referred to as the **“100-year flood.”** Its designation on maps always includes the letter A.

6. **“Basement”** means any area of the building having its floor subgrade (below ground level) on all sides.

7. **“Critical Facility”** means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

8. **“Development”** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials located within the area of special flood hazard.

9. **“Director”** means the Director of the Public Works Department or his designee.

10. **“DOE”** means the Department of Ecology.

11. **“Elevated Building”** means – for insurance purposes – a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

12. **“Existing Manufactured Home Park or Subdivision”** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before 1981, the effective date of Tukwila’s original floodplain management regulations.

13. **“Expansion to an Existing Manufactured Home Park or Subdivision”** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

14. **“FBFM”** means Flood Boundary/Floodway Map.

15. **“FZCP”** means Flood Zone Control Permit.

16. **“FEMA”** means Federal Emergency Management Agency.

17. **“FIRM”** means Flood Insurance Rate Map.

TITLE 16 – BUILDINGS AND CONSTRUCTION

18. **“Flood”** or **“Flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters, and/or
- b. The unusual and rapid accumulation of runoff

of surface waters from any source.

19. **“Flood Zone”** means any area designated as special flood hazard or flood-prone, or any area within the shoreline per the Tukwila Municipal Code.

20. **“Flood Insurance Rate Map (FIRM)”** means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

21. **“Flood Insurance Study”** means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

22. **“Flood-Prone”** means any land area susceptible to flooding not shown on FIRMs but designated as flood-prone by the Director, using best available information.

23. **“Floodway”** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

24. **“Lowest Floor”** means the lowest floor of the lowest enclosed area (including basement). If an unfinished or flood-resistant enclosure is used solely for vehicle parking, building access or storage, if this enclosure is in an area other than a basement, and if this enclosure is built so that the structure meets the applicable non-elevation design requirements for nonresidential construction, the enclosure is not considered the structure’s lowest floor.

25. **“Manufactured Home”** means a structure, transportable in one or more sections, built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term **“manufactured home”** does not include a **“recreational vehicle.”**

26. **“Manufactured Home Park or Subdivision”** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

27. **“New Construction”** means structures for which the **“start of construction”** commenced on or after 1981, the effective date of Tukwila’s original floodplain management regulations.

28. **“New Manufactured Home Park or Subdivision”** means a manufactured home park or subdivision for which the construction of facilities – including streets, utilities and concrete pads – is completed on or after 1981, the effective date of Tukwila’s original floodplain management regulations.

29. **“NFIP”** means National Flood Insurance Program.

30. **“Recreational Vehicle”** means a vehicle that is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the

largest horizontal projections;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

31. **“Shallow Flooding Area”** means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

32. **“Special Flood Hazard Area”** means the land in the flood plain subject to a 1% or greater chance of flooding in any given year. It is also referred to as the 100-year flood elevation or the base flood elevation. These areas are designated on Flood Insurance Rate Maps (FIRMs) using the letters A or V. Special flood hazard areas include flood-prone areas designated by the City.

33. **“SFHA”** means Special Flood Hazard Area.

34. **“Start of Construction”** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement occurred within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

35. **“Structure”** means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

36. **“Substantial Damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

37. **“Substantial Improvement”:**

a. **“Substantial Improvement” means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the assessed value of the structure, either:**

- (1) Before the improvement or repair is started, or
- (2) Before damage occurred, if the structure is being restored.

b. For the purposes of this definition, **“substantial improvement” occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.**

c. **“Substantial improvement” does not include:**

- (1) Any improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which is solely necessary to assure safe living conditions, nor
- (2) Any alteration of a structure listed on the national Registry of Historic Places or a State inventory of historic places.

(Ord. 2038 §1(part), 2004)

16.52.040 Applicability

This chapter applies to all special flood hazard areas within the City of Tukwila jurisdiction.

(Ord. 2038 §1(part), 2004)

16.52.050 Special Flood Hazard Areas

The basis for special flood hazard areas identified by the Federal Insurance Administration is a scientific and engineering report entitled **“The Flood Insurance Study for King County, Washington,” dated December 6, 2001, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and the FIRM are on file at 6300 Southcenter Boulevard, Suite 100. The best available information for flood hazard area identification as outlined in TMC 16.52.080 B.2 shall be the basis for regulation until a new FIRM is issued which incorporates this data.**

(Ord. 2038 §1(part), 2004)

16.52.060 Interpretation

In the interpretation and application of TMC Chapter 16.52, all provisions shall be:

- 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body;
- and
- 3. Deemed neither to limit nor repeal any other powers granted under State statutes.

(Ord. 2038 §1(part), 2004)

16.52.070 Liability

The degree of flood protection required by TMC Chapter 16.52 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Tukwila, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 2038 §1(part), 2004)

16.52.080 Administration

A. The Public Works Director is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. The Director may:

- 1. Restrict or prohibit uses which might create a danger to health, safety and property due to water or erosion hazards, or which might increase erosion, flood heights or flood velocities;
- 2. Require that uses vulnerable to floods, including facilities serving such uses, be constructed to protect against flood damage;
- 3. Control the alteration of surface water features – such as natural flood plains, stream channels and natural protective barriers – that retain or channel flood waters;
- 4. Control filling, grading, dredging and other development which may increase flood damage; and
- 5. Prevent or regulate the construction of flood barriers that would unnaturally divert floodwaters or that might increase flood hazards in other areas.

B. **The Director’s duties** shall include, but shall not be limited to:

- 1. *Permit Review*
 - a. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 - c. Review all development permits to determine if the proposed development is located in the floodway, and ensure that the encroachment provisions of TMC 16.52.110, **“Floodways” are met.**
- 2. *Special Flood Hazard Area*

- a. When base flood elevation data has not been provided in A zones, the Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Chapter 16.52.

b. Where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source, the Director shall review applications for building permits to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

c. Where needed, the Director shall interpret exact location of the boundaries of the areas of special flood hazards – for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The Director shall provide the person contesting the boundary location a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

3. *Watercourse Alteration*

a. Notify adjacent communities and the Department of Ecology (DOE) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4. *Information Management*

a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in TMC 16.52.080 B.2, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, and ascertain whether or not the structure contains a basement.

b. For all new or substantially improved flood-proofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in TMC 16.52.080 B.2:

(1) Obtain and record the elevation (in relation to mean sea level) to which the structure was flood-proofed, and

(2) Maintain the flood-proofing certifications required in TMC 16.52.090 D.3.

c. Maintain for public inspection all records pertaining to the provisions of this chapter.

(Ord. 2038 §1(part), 2004)

16.52.090 Permits

A. A Flood Zone Control Permit (FZCP) shall be obtained before construction or development begins within any area of special flood hazard established in TMC 16.52.050.

B. Application for an FZCP shall be submitted with the project application for a shoreline permit, plat or subdivision permit, or a building permit, whichever comes first.

C. An FZCP is a Type 1 permit processed pursuant to TMC 18.108.010.

D. Application for an FZCP shall be made on forms furnished by the City and shall meet the City's standards for plan submittals. The applicant must provide the following information:

1. Elevation in relation to mean sea level, of the lowest floor of all structures;

2. Elevation in relation to mean sea level to which any structure has been flood-proofed;

3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in TMC 16.52.100 B.2; and

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(Ord. 2038 §1(part), 2004)

16.52.100 Standards

A. *GENERAL STANDARDS* – In all areas of special flood hazards, the following standards are required:

1. *Elevation:* Where flood elevation data is not available, either through the FIRM or from another authoritative source, all new construction and substantial improvements shall be elevated at least two feet above the highest adjacent grade.

2. *Anchoring:*

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (**reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques**).

3. *Construction Materials and Methods:*

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. All new construction and substantial improvements on slopes shall have drainage paths to guide floodwaters around and away from proposed structures.

d. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. *Utilities:*

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

b. A proposed water well shall be approved by Department of Ecology (WAC 173-160-171);

c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and

d. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5. *Subdivisions:*

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities – such as sewer, gas, electrical and water systems – located and constructed to minimize or eliminate flood damage;

c. All subdivision proposals shall have adequate drainage provided, to reduce exposure to flood damage; and,

d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments that contain at least 50 lots or 5 acres (whichever is less).

B. *SPECIFIC STANDARDS* - In all areas of special flood hazards where base flood elevation data has been provided, the following provisions are required:

1. *Residential Construction:*

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, and must meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. *Nonresidential Construction:*

a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation, or together with attendant utility and sanitary facilities, shall:

(1) Be flood-proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection, based on that engineer's or architect's development and/or review of the structural design, specifications and plans.

b. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in TMC 16.52.100 B.1.b., for residential construction.

c. The City shall notify applicants who propose to flood-proof nonresidential buildings that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g. a building flood-proofed to the base flood level will be rated as one foot below).

3. *Manufactured Homes:*

a. All manufactured homes to be placed or substantially improved on sites, outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred **"substantial damage" as the result of a flood, shall be elevated** on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately-designed foundation system to resist flotation, collapse and lateral movement.

b. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions shall be elevated so that either:

(1) The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation, or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

4. *Recreational Vehicles:* Recreational vehicles placed on sites are required to either:

a. Be on the site for fewer than 180 consecutive days;

b. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

c. Meet the requirements for manufactured homes, including the elevation and anchoring requirements for manufactured homes.

C. *GREEN RIVER* - In addition to the general and specific standards in the section, the following standards apply to all areas adjacent to the Green River:

1. Construction/Reconstruction of Dikes/ Levees: As part of the floodproofing for developments adjacent to the Green River through Tukwila, construction or reconstruction of the dike/levee system, in accordance with dike/levee plans and engineering studies, and in accordance with the Green River Management Agreement (AG No. 85-043), will be required as part of the plan submittal.

2. If dike/levee improvements are not required, and the natural riverbank is allowed as bank protection, then a river bank stability analysis shall be provided to the Public Works Department for review as part of the plan submittal.

3. Dedication of levee/dike/riverbank access construction and maintenance easements on all properties adjacent to the Green River shall, as part of their development, dedicate construction and maintenance easements for access and maintenance of existing or future dikes/levees/riverbanks along the Green River as part of their plan submittal. These easements shall be provided in such a manner so that immediate access is allowed from other public rights-of-way for maintenance and construction of dikes/levees.

(Ord. 2038 §1 (part), 2004)

16.52.110 Floodways

A. Floodways are located within special flood hazard areas. Floodwaters within floodways are extremely hazardous due to high flow velocities. These waters carry debris and potential projectiles, and have a high potential for erosion.

B. The following provisions apply to floodways within the City:

1. Variances shall not be issued for proposals within a designated floodway, if any increase in flood levels during the base flood discharge would result.

2. Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless a registered professional engineer certifies, through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice, that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

3. Prohibit construction of new residential structures.

4. Allow repairs, reconstruction or improvements to residential structures, as long as the structure's ground floor area does not increase and the cost of the work does not exceed 50% of the market value of the structure either:

a. before the repair, or reconstruction is started,
or

b. if the structure has been damaged, and is being restored, before the damage occurred.

Any project to correct existing violations of state or local health, sanitary or safety code specifications identified by the Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, shall not be included in the 50%.

C. If proposed work satisfies TMC 16.52.100 B.1–B.4, all new construction and substantial improvements shall comply with all applicable standards in TMC 16.52.100.

(Ord. 2038 §1(part), 2004)

16.52.120 Critical Facility

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA). The Director may permit construction of a new critical facility within the SFHA if no feasible alternative is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above base flood elevation or elevated to the 500-year flood elevation, whichever is higher. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access to and from the critical facility should also be protected to the height utilized above. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(Ord. 2038 §1 (part), 2004)

16.52.130 Penalties

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000, or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Tukwila from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2038 §1 (part), 2004)

16.52.140 Abrogation and Greater Restrictions

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 2038 §1 (part), 2004)

CHAPTER 16.54
GRADING

Sections:

- 16.54.010 Purpose
- 16.54.020 Authority
- 16.54.030 Definitions
- 16.54.040 Applicability
- 16.54.050 Permit
- 16.54.055 Permit Application Requirements
- 16.54.060 Standards
- 16.54.065 Seasonal Limitation Period
- 16.54.070 Supplemental Information
- 16.54.080 Financial Guarantees
- 16.54.090 Exceptions
- 16.54.100 Penalties
- 16.54.110 Affordable Housing Fee Reductions
- 16.54.120 Appeals

16.54.010 Purpose

The provisions of TMC Chapter 16.54 shall be liberally construed to accomplish the following purposes:

1. Prevent damage to life, public and private property, surface waters, sensitive areas and associated buffers.
2. Regulate grading activities, including excavation, fill, grading, earthwork construction, and structural preloads.
3. Prevent erosion and control sedimentation.
4. Establish the standards to govern grading activities.
5. Provide for approval and inspection of grading activities.
6. Prevent and minimize disturbance of native soils and landscapes, and restore the moisture-holding capacity of disturbed soils.

(Ord. 2517 §1, 2016; Ord. 2062 §1 (part), 2004)

16.54.020 Authority

A. The Public Works Director shall administer TMC Chapter 16.54. The Director's authority includes the establishment of regulations and procedures, approval of permits and exceptions, inspection of work, and enforcement and implementation of measures necessary to carry out the intent of TMC Chapter 16.54.

B. The Public Works Director may initiate all required actions to prevent or stop acts or intended acts which the Director determines to constitute a hazard to life or safety, or endanger property, or adversely affect the safety, use or stability of a public or private property or a sensitive area or its buffer.

C. If the Director determines that a person is engaged in grading activities that do not comply with City code or with approved permit plans and/or other permit conditions, the Director may implement any or all of the following enforcement actions:

1. Suspend or revoke without written notice any grading activity, when the Director determines that activity poses an immediate danger to life, safety or property.

2. Serve a written notice of violation upon that person by registered or certified mail or personal service. The notice shall set forth the measures necessary to achieve compliance, specify the time to commence and complete corrections, and indicate the consequences for failure to correct the violation.

3. Suspend or revoke any City approval for grading activities after written notice is given to the Applicant for any of the following reasons:

a. Any violation(s) of the permit or the permit conditions;

b. Construction not in accordance with the approved plans; or

c. Non-compliance with correction notice(s) or **"Stop Work Order(s)" issued for the construction of temporary or permanent storm water management facilities.**

4. **Post a "Stop Work Order" at the site, directing that all grading activities cease immediately. The "Stop Work Order" may include any discretionary conditions and standards adopted in TMC Chapter 16.54 that must be fulfilled before any work may continue.**

(Ord. 2062 §1 (part), 2004)

16.54.030 Definitions

As used in TMC Chapter 16.54, the terms shall be defined as follows:

1. **"Applicant" means any person who has applied for a grading permit.**

2. **"Buffer" means the area contiguous to a sensitive area that is required for the continued maintenance, function and structural stability of the sensitive area as defined in the Environmentally Sensitive Areas chapter of the Zoning Code (TMC Chapter 18.45).**

3. **"Compaction" means the densification of a fill or of existing soils by mechanical or other means, whether intentional or incidental.**

4. **"Director" means the Public Works Director or his/her designee, including the City Engineer and Public Works inspectors.**

5. **"Erosion" means the wearing away of land surface by the action of wind, water, gravity, or any combination thereof.**

6. **"Excavation" means the digging or removal of earth material, also referred to as a "cut."**

7. **"Fill" means a deposit of material placed by artificial means.**

8. **"Grade" means the vertical location of the ground surface.**

9. **"Grading" means any activity that results in change of the cover or topography, or any activity that may cause erosion, including clearing, excavating, filling, and stockpiling associated with excavating and filling.**

10. **"Sensitive area" means wetlands, watercourses, areas of potential geologic instability, abandoned coal mines,**

and fish and wildlife habitat areas, per the City's Environmentally Sensitive Areas chapter of the Zoning Code (TMC Chapter 18.45.).

11. **“Site” means any legally defined section of real property**, whose boundaries are recorded with the King County Assessor’s Office for the purposes of assessing taxes, or a group of adjoining sections of such real property that are proposed as the location for grading activities.

12. **“Slope” means an inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.**

(Ord. 2517 §2, 2016; Ord. 2062 §1 (part), 2004)

16.54.040 Applicability

A. TMC Chapter 16.54 applies to all grading activities within the City limits.

B. Flood zone grading, excavation and earthwork construction, including fills and embankments, shall comply with the requirements of TMC Chapter 16.52.

C. City departments shall comply with all the requirements of TMC Chapter 16.54, except that they are not required to obtain permits and approvals from the City for work performed in the public right-of-way, nor for operation and maintenance activities by the Department of Parks and Recreation.

(Ord. 2062 §1 (part), 2004)

16.54.050 Permit

A. A permit is required for all grading activities occurring within the City limits, except the following:

1. Excavation for construction of a structure permitted under the Buildings and Construction chapter of Title 16 (TMC Chapter 16.04).

2. Cemetery graves.

3. Refuse disposal sites controlled by other regulations.

4. Excavations for wells, or trenches for utilities.

5. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.

6. Exploratory excavations performed under the direction of a registered design professional, as long as this exploratory excavation does not constitute the beginning of construction of a building prior to obtaining a permit.

7. Gardening and routine landscape maintenance on a single-family residential lot.

B. Applications for permits pursuant to TMC Chapter 16.54 shall be submitted to the City in the format and manner specified in TMC Section 16.54.055.

C. An approved grading permit applies to one site. A separate permit shall be obtained for each site.

D. The City shall collect a nonrefundable permit fee, the amount set by resolution of the City Council.

(Ord. 2517 §3, 2016; Ord. 2062 §1 (part), 2004)

16.54.055 Permit Application Requirements

A. To obtain a permit, the applicant shall submit an application on a form provided by or approved by the Director that shall include, at a minimum:

1. Identification and description of the work to be covered by the permit.

2. An estimate of the quantities of excavation and fill involved by volume and by the total area graded in square feet and as a percentage of the total site area.

3. Identification and description of all sensitive areas on the site or visible from the boundaries of the site.

4. Plans, reports, and specifications that, at a minimum, include those items required in IBC Section J104 and:

a. Property boundaries, all existing and proposed easements and required setbacks;

b. A 1:2000 scale vicinity map with a north arrow;

c. Horizontal and vertical scale;

d. Size and location of existing improvements on and within 50 feet of the project, indicating which will remain and which will be removed;

e. Location of all proposed cleared areas;

f. Existing and proposed contours at maximum 2-foot intervals, extending for 20 feet beyond the project edge, that provide sufficient detail to identify how grade changes will conform to the requirements of this code;

g. At least two cross sections, one in each direction, showing existing and proposed contours and horizontal and vertical scales; and

h. A proposed erosion and sediment control plan consistent with TMC Chapter 14.30 and the Surface Water Design Manual, as adopted and as may be amended from time to time.

B. Materials in addition to those required in TMC Section 16.54.055.A may be necessary for the Director to complete the review. The following materials shall be submitted when required by the Director:

1. Higher accuracy contours and more details of existing terrain and area drainage, limiting dimensions, elevations or finished contours to be achieved by the grading, and proposed drainage channels and related construction.

2. If applicable, all drainage plans and documentation consistent with TMC Chapter 14.30 and the Surface Water Design Manual, as adopted and as may be amended from time to time.

3. Studies prepared by qualified specialists, as necessary to substantiate any submitted materials and compliance with this chapter or other law, particularly if clearing or grading is proposed to take place in or adjacent to an environmentally sensitive area.

C. Plans and specifications shall include permanent drainage facilities and be prepared by a civil engineer if the project is:

1. in conjunction with the placement of a structure; or
2. located in steep slope or landslide hazard areas as defined in the Environmentally Sensitive Areas chapter of the Zoning Code (TMC Chapter 18.45).

The Director may modify this requirement depending on the circumstances of the site or the proposed project.

D. The Director shall determine the number of copies of the required plans, specifications and supporting materials necessary to perform the review and may require submittal of materials in alternative formats.

E. The Director may waive specific submittal requirements if they are determined to be unnecessary for the acceptance and subsequent review of an application.

(Ord. 2517 §4, 2016)

16.54.060 Standards

A. All grading activities require erosion prevention and sediment control that prevents, to the maximum extent practicable, the transport of sediment from the site to drainage facilities, rights-of-way, water resources, and adjacent properties. Erosion and sediment controls shall be applied commensurate with the degree of risk, and as specified by the temporary erosion and sediment control measures, performance criteria, and implementation requirements of TMC Chapter 14.30 and the Surface Water Design Manual.

B. All grading activities shall be undertaken according to the following mandatory standards:

1. All design and construction shall be performed to minimize soil disturbance, to minimize compaction where not required for structural stability, and to maximize erosion prevention and sediment control.
2. All grading activities shall be consistent with:
 - a. The standards provided by this chapter.
 - b. The Buildings and Construction Chapter (TMC Chapter 16.04), the Zoning Code (TMC Title 18,) and the International **Building Code ("IBC")** Appendix J. Appendix J is hereby adopted by reference, except as amended in TMC Sections 16.54.050, 16.54.060 and 16.54.065, and as may be amended from time to time.
 - c. The Infrastructure Design and Construction Standards chapter (TMC Chapter 16.36).
 - d. The Surface Water Design Manual, as adopted in accordance with TMC Chapter 14.30 and as may be amended from time to time.
 - e. Policies and procedures set forth by the Director.

C. Cuts and fills shall conform to the standards provided in IBC Section J106, "Excavations," and J107, "Fills," except as modified below or otherwise approved by the Director:

1. Provisions shall be made to:

- a. Prevent any surface water or seepage from damaging the cut face of any excavation or the sloping face of a fill.

b. Address any surface water that is or might be concentrating as a result of a fill or excavation to a natural watercourse in accordance with TMC Chapter 14.30 and the Surface Water Design Manual.

2. Fill shall be compacted according to the following standards:

a. Fill greater than 18 inches in depth shall be engineered and compacted to accommodate the proposed use in accordance with the applicable standard listed below unless a notice on title documenting the location of the fill is recorded and the fill is sufficiently stable so as not to pose a hazard, as follows:

(1) Fill material at the location of a proposed building or a location not listed in subparagraphs (2) or (3) below shall be compacted in accordance with IBC Section J107.B.

(2) Fill material at the location of proposed public infrastructure, such as streets and roads, shall be compacted in accordance with the Infrastructure Design and Construction Standards (TMC Chapter 16.36).

(3) Fill material including, but not limited to, imported soils and compost, at the location of a proposed stormwater facility or placed as part of earthwork construction of a stormwater facility, shall be compacted in accordance with the Surface Water Design Manual and TMC Chapter 14.30.

D. Access roads to grading sites shall be:

1. Maintained and located to the satisfaction of the Director to minimize problems with dust, mud, and traffic circulation;
2. Located where the permanent access to the site is proposed in the permit application to minimize site disturbance; and
3. Controlled by a gate when required by the Director.

E. Signs warning of hazardous conditions, if determined by the Director to exist on a particular site, shall be affixed at locations as required by the Director.

F. Where required by the Director to protect life, limb and property, fencing shall be installed with lockable gates that must be closed and locked when no work is being conducted on the site. The fence shall be no less than six feet in height and the fence material shall have no opening larger than two inches.

G. Rocks, dirt, mud, vegetation, topsoil, duff layer and any other materials stripped from, imported onto, used or produced on-site in the course of grading activities shall not be spilled onto, stockpiled, or otherwise left on public roadways or on any off-site property not specifically authorized as a receiving site under a valid permit.

H. The duff layer and native topsoil shall be retained in an undisturbed state to the maximum extent practicable. Any duff

layer or topsoil removed during grading shall be stockpiled to the maximum extent practicable on-site in a designated, controlled area not adjacent to public resources or to environmentally sensitive areas. The material shall be reapplied to other portions of the site where feasible.

I. The soil moisture holding capacity of the soil shall be restored as follows:

1. Except as otherwise provided in TMC Section 16.54.060.1.2, areas that have been cleared and graded shall have the soil moisture-holding capacity restored to that of the original undisturbed soil native to the site to the maximum extent practicable. The soil in any area that has been compacted or that has had some or all of the duff layer or underlying topsoil removed shall be amended to mitigate for lost moisture-holding capacity. The amendment shall take place between May 1 and September 30. The topsoil layer shall be a minimum of eight inches thick, unless the applicant demonstrates that a different thickness will provide conditions equivalent to the soil moisture-holding capacity native to the site. The topsoil layer shall have an organic matter content of between 5% to 10% dry weight and a pH suitable for the proposed landscape plants. Subsoils below the topsoil layer should be scarified at least four inches with some incorporation of the upper material to avoid stratified layers. Compost used to achieve the required soil organic matter content must meet the definition of "composted materials" in WAC 173-350-220.

2. This subsection does not apply to areas that will be covered by an impervious surface at project completion, incorporated into a drainage facility or engineered as structural fill or slope.

(Ord. 2517 §5, 2016; Ord. 2062 §1 (part), 2004)

16.54.065 Seasonal Limitation Period

A. An annual period of limitation on site disturbance is established from October 1 through April 30.

B. During the seasonal limitation period, grading shall only be permitted if demonstrated to the satisfaction of the Director that runoff leaving the construction site will comply with the erosion and sediment control measures, performance criteria and implementation requirements in the Surface Water Design Manual and after a review of the following:

1. Site conditions, including, but not limited to, vegetative coverage, slope, soil type, and proximity to receiving waters;

2. Proposed limitations on activities and the extent of disturbed areas; and

3. Proposed erosion and sedimentation control measures.

C. Based on the information provided under TMC Section 16.54.065.B, the Director may expand or restrict the seasonal limitation on site disturbance. The Director shall set forth in writing the basis for approval or denial of clearing or grading during the seasonal limitation period.

D. During the seasonal limitation period, grading will be allowed only if there is installation and maintenance of an

erosion and sedimentation control plan approved by the Director that defines any limits on clearing and grading and specific erosion and sediment control measures required during the seasonal limitation period. The department may require or approve alternate best management practices.

E. If, during the course of construction activity or soil disturbance during the seasonal limitation period, silt-laden runoff violating standards in the Surface Water Design Manual leaves the construction site or if clearing and grading limits or erosion and sediment control measures shown in the approved plan are not maintained, a Violation Notice and Order shall be issued in accordance with TMC Section 8.45.070.

F. If the erosion and sediment control problem defined in the Violation Notice and Order is not adequately repaired within 24 hours of issuance, then a Stop Work Order may be issued in accordance with TMC Section 8.45.070 until such time as adequate erosion and sediment control measures to stop silt-laden runoff from leaving the site are installed. The Stop Work Order may also require the property owner or authorized agent to discontinue any further clearing or grading, except for erosion and sediment control maintenance and repair, until the following May 1.

G. The following activities are exempt from the seasonal limitations of this section:

1. Routine maintenance and necessary repair of erosion and sediment control facilities.

2. Routine maintenance of public facilities or existing utility structures that do not expose the soil or result in removal of the vegetative cover to the soil.

3. Activities where there is 100% infiltration of surface water runoff within the site in approved and installed erosion and sedimentation control facilities.

4. Typical landscaping activities of existing single-family residences that do not require a permit.

5. Class I, II III and IV special forest practices in accordance with Chapter 76.09 RCW.

6. Response to emergencies that threaten the public health, safety or welfare.

(Ord. 2549 §19, 2017; Ord. 2517 §6, 2016)

16.54.070 Supplemental Information

A. The Director may require supplemental studies, inspections, or testing by an approved testing agency to be performed at the owner's expense.

B. The Director may require a Hold Harmless Agreement for activities in or near a sensitive area, or for a deviation from standards set forth in TMC 16.54.060.

(Ord. 2062 §1 (part), 2004)

16.54.080 Financial Guarantees

A. The Director may require a maintenance bond for erosion prevention and sediment control in the amount of 10% of the total project cost on projects which clear more than 6,000 square feet or contain or abut sensitive areas such as, but not limited to, Class 2 or steeper slopes, wetlands, or critical drainage.

B. If the Director determines the nature of any work creates a hazard to human life or endangers public or private property or sensitive areas, the Director may require the applicant to file a Certificate of Insurance. The Director, based on the nature of the risks involved, shall determine the amount of insurance.

(Ord. 2517 §7, 2016; Ord. 2062 §1 (part), 2004)

16.54.090 Exceptions

The Director may grant a written variance from any requirements of TMC Chapter 16.54 if there are exceptional circumstances applicable to the site such that strict adherence to these provisions will not fulfill the intent of TMC Chapter 16.54.

(Ord. 2062 §1 (part), 2004)

16.54.100 Penalties

A. Any violation of any provision, or failure to comply with any of the requirements of TMC Chapter 16.54, shall be subject to the terms and conditions of TMC Chapter 8.45, "Enforcement".

B. The City Attorney shall bring injunctive, declaratory, or other actions as necessary to ensure compliance with TMC Chapter 16.54. Any person failing to comply with TMC Chapter 16.54 shall be subject to a civil penalty not to exceed \$1,000 for each violation. Each violation or each day of noncompliance constitutes a separate violation.

C. A notice in writing shall impose the penalty provided for in TMC Chapter 16.54 by certified mail, either with return receipt requested or by personal service, to the person incurring the notice. The notice shall describe the violation with reasonable particularity, and order the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, require necessary corrective action within a specific and reasonable time.

D. A schedule of penalty fees pursuant to TMC Chapter 16.54 is subject to review by the Tukwila City Council.

(Ord. 2062 §1(part), 2004)

16.54.110 Affordable Housing Fee Reductions

Type C permit fees for the construction of dwelling units may be reduced by the Public Works Director when requested in writing by the property owner prior to permit submittal and when all of the following conditions are met:

1. Fee reduction table.

| Unit Size | Affordability Target ¹ | Fee Reduction |
|--------------------|-----------------------------------|---------------|
| 2 or more bedrooms | 80% ² | 40% |
| 2 or more bedrooms | 60% ² | 60% |
| Any size | 50% ² | 80% |

¹ – Units to be sold or rented to a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30% of the household's monthly income.

² – Percentage of King County Median family income adjusted for family size as reported by the U.S. Department of Housing and Urban Development.

2. If the project contains a mix of dwelling units that qualify for fee reduction per the table in subparagraph 1 above

and units that do not qualify due to unit size or expense, the fee reduction shall be pro-rated to reflect the proportion of low-income units in the project.

3. If converted to market rate housing within 10 years of the issuance of the Certificate of Occupancy, the full applicable permit fees at the time of conversion shall be paid to the City.

4. If the project contains commercial tenant space that occupies more than 15% of the building, along with dwelling units that qualify for fee reduction per the table in subparagraph 1 above, the fee reduction shall be pro-rated to reflect the proportion of the total building square footage occupied by the low-income units. Commercial spaces that occupy less than 15% of the building are considered accessory and will not affect the fee reduction.

(Ord. 2520 §2, 2016)

16.54.120 Appeals

A decision of the Director made in accordance with TMC Chapter 16.54 shall be considered determinative and final. Any appeal must be filed in King County Superior Court within 30 days of the date of issuance of the final determination.

(Ord. 2062 §1(part), 2004)

**CHAPTER 16.60
HISTORIC PRESERVATION**

Sections:

- 16.60.010 Definitions
 - 16.60.020 Landmark Commission
 - 16.60.030 Incorporation of King County Provisions
 - 16.60.040 Historic Resources – Review Process
 - 16.60.050 Redesignation of Existing Landmarks
-

16.60.010 Definitions

The following words and terms shall, when used in this chapter, be defined as follows unless a different meaning clearly appears from the context. The definitions provided below shall be used in administering this chapter and supersede any definitions found elsewhere in Title 16. These definitions shall have no meaning or relevance outside of TMC Chapter 16.60.

1. "Alteration" is any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.

2. "Building" is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to a historically related complex, such as a courthouse and jail or a house and barn.

3. "Certificate of appropriateness" is written authorization issued by the Commission or its designee permitting an alteration to a significant feature of a designated landmark.

4. "Commission" is the Landmark Commission created by this chapter.

5. "Community landmark" is a historic resource that has been designated pursuant to TMC Chapter 16.60 but which may be altered or changed without application for or approval of a Certificate of Appropriateness.

6. "Designation" is the act of the Commission determining that a historic resource meets the criteria established by this chapter.

7. "Designation report" is a report issued by the Commission after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.

8. "Director" is the director of the City of Tukwila Department of Community Development or his or her designee.

9. "District" is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

10. "Heritage" is a discipline relating to historic preservation and archaeology, history, ethnic history, traditional cultures and folklore.

11. "Historic preservation officer" is the King County Historic Preservation Officer or his or her designee.

12. "Historic resource" is a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.

13. "Historic resource inventory" is an organized compilation of information on historic resources considered to be significant according to the criteria listed in TMC Section 16.60.030 (B). The Historic Resource Inventory is kept on file by the Historic Preservation Officer and is updated from time to time to include newly eligible resources and to reflect changes to resources.

14. "Incentives" are such compensation, rights or privileges or combination thereof, which the City Council or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner or owners of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

15. "Interested person of record" is any individual, corporation, partnership or association that notifies the Commission or the City Council in writing of its interest in any matter before the Commission.

16. "Landmark" is a historic resource designated as a landmark pursuant to TMC Chapter 16.60.

17. "Nomination" is a proposal that a historic resource be designated a landmark.

18. "Object" is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

19. "Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the Commission in a historic resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices under this chapter.

20. "Person" is any individual, partnership, corporation, group or association.

21. "Person in charge" is the person or persons in possession of a landmark including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.

22. "Preliminary determination" is a decision of the Commission determining that a historic resource that has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.

23. "Significant feature" is any element of a landmark the Commission has designated pursuant to this chapter as of importance to the historic, architectural or archaeological value of the landmark.

24. "Site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains a historical or archaeological value regardless of the value of any existing structures.

25. "Structure" is any functional construction made usually for purposes other than creating human shelter.

26. "City Council" or "Council" shall refer to the City Council of the City of Tukwila.

(Ord. 2384 §2, 2012)

16.60.020 Landmark Commission

A. The King County Landmark Commission established pursuant to King County Code (K.C.C.) Chapter 20.62 is hereby designated and empowered to act as the Landmark Commission for the City pursuant to the provisions of this chapter.

B. The Commission shall have the authority to review nominations and designate any real property within the City of Tukwila as a landmark and to issue a Certificate of Appropriateness for any property that has been designated as a landmark, provided the property owner(s) has provided written consent to the landmark designation.

C. The special member of the King County Landmark Commission provided for in K.C.C. Section 20.62.030 shall be appointed by the Mayor of the City of Tukwila, subject to confirmation by the City Council. Such special member shall be a Tukwila resident who has a demonstrated interest in historic preservation. Such appointment shall be made for a three-year term. In the event that the special member cannot attend a required meeting, the chair of the Planning Commission or Vice-Chair may serve as an alternate Commission member.

D. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term.

E. The Commission shall not conduct any public hearings required under this chapter with respect to properties located **within the City of Tukwila until the Commission's rules and regulations**, including procedures consistent with this chapter, have been filed with the Tukwila City Clerk. All meetings of the Commission shall be open to the public. All public hearings to consider a landmark designation within the City of Tukwila shall be held within the City of Tukwila.

F. The Commission shall file its rules and regulations, including procedures consistent with this ordinance, with the Tukwila City Clerk.

(Ord. 2433 §1, 2014; Ord. 2384 §3, 2012)

16.60.030 Incorporation of King County Provisions

The following sections of King County Code (K.C.C.) Chapter 20.62 are hereby adopted and are incorporated by reference herein and made a part of this chapter the same as though they were set forth herein:

A. K.C.C. Section 20.62.030 – **"Landmark Commission created – membership and organization."**

B. K.C.C. Section 20.62.040 – **"Designation criteria,"** *except Paragraph A is amended to read as follows:*

A. Real property owned by the City of Tukwila may be designated as a City of Tukwila landmark if it is more than 40 years old or, in the case of a landmark district, contains resources that are more than 40 years old, and possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or

2. Is associated with the lives of persons significant in national, state or local history; or

3. Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

4. Has yielded, or may be likely to yield, information important in prehistory or history; or

5. Is an outstanding work of a designer or builder who has made a substantial contribution to the art.

C. K.C.C. Section 20.62.050 – **"Nomination procedure,"** *except paragraphs E and F are added to read as follows:*

E. The Tukwila City Council shall first issue a Notice to Proceed before any property owned by the City of Tukwila is considered by the Historic Preservation Officer. The Notice to Proceed shall be a discretionary, legislative act. A Notice to Proceed may be approved by the City Council via a resolution or motion. No public hearing is required when considering a Notice to Proceed; however, this shall not preclude the City Council from allowing public testimony. A Notice to Proceed may be placed on the regular City Council consent agenda for action.

F. As part of the consideration of a Notice to Proceed, a fiscally responsible person or entities shall be identified. The fiscally responsible person or entities shall be responsible for compensating the City for any charges incurred **on the City by King County related to King County's assistance** in the nomination process. The City shall pay the charges for any Tukwila-based 501(c)(3) organization. The fiscally responsible person or entities (except for Tukwila-based 501(c)(3) organizations) shall also pay to the City an overhead charge of 3% above those charges that are incurred by King County.

TITLE 16 – BUILDINGS AND CONSTRUCTION

D. K.C.C. Section 20.62.070 – **“Designation procedure,” except all references to “King County” within this section are changed to read “City of Tukwila”.**

E. K.C.C. Section 20.62.080 – **“Certificate of Appropriateness procedure,” except paragraph E is added to read as follows:**

E. The applicant who submitted an application for a Certificate of Appropriateness, or other willing fiscally responsible party, shall be responsible for payment of all fees **associated with King County’s review of the Certificate of Appropriateness** application, plus a 3% overhead fee for City staff time. All fees shall be paid directly to the City of Tukwila, which shall then reimburse King County for their time as specified in the interlocal agreement between the City and the County. In the case of a Tukwila-based 501(c)(3) organization, the City shall pay all charges and no overhead fee shall be assessed.

F. K.C.C. Section 20.62.100 – **“Evaluation of economic impact.”**

G. K.C.C. Section 20.62.110 – **“Appeal procedure,” except paragraph A is amended to read as follows:**

A. Any person aggrieved by a decision of the Commission designating or rejecting a nomination for designation of a landmark or issuing or denying a Certificate of Appropriateness may, within 35 calendar days of mailing of notice of such designation or rejection of nomination, or of such issuance or denial or approval of a Certificate of Appropriateness, appeal such decision in writing to the City Council. The written notice of appeal shall be filed with the Tukwila City Clerk and shall be accompanied by a statement setting forth the grounds for the appeal, supporting documents, and argument. The appellant shall pay an appeal fee of \$250 to the City of Tukwila, which shall be provided to the City within the time frame for filing appeals established by this paragraph. Failure to provide the required fee shall constitute a failure to file a timely appeal. An appeal which is not timely filed shall be dismissed by the City Council.

H. K.C.C. Section 20.62.120 – **“Funding.”**

I. K.C.C. Section 20.62.140 – **“Special valuation for historic properties.”**

(Ord. 2384 §4, 2012)

16.60.040 Historic Resources – Review Process

The official responsible for the issuance of building and related permits shall promptly refer applications for permits that affect inventoried historic buildings, structures, objects, sites, districts, or archaeological sites to the King County Historic Preservation Officer (HPO) for review and comment. For the purposes of this section, **“affect” shall be defined as an application for change to the site of the inventoried property, whether through new construction, alterations or excavation.** Inventoried properties are those that are listed in the King County Historic Resource Inventory. The responsible official

shall seek and take into consideration the comments of the HPO regarding mitigation of any adverse effects affecting historic buildings, structures, objects, sites, or districts.

(Ord. 2384 §5, 2012)

16.60.050 Redesignation of Existing Landmarks

All King County landmarks designated pursuant to the provisions of *King County Code Chapter 20.62* that are located within the boundaries of the City of Tukwila shall be subject to the provisions of this ordinance and considered City of Tukwila landmarks.

(Ord. 2384 §6, 2012)

Figure 16-1 “Fee Schedule”

CITY OF TUKWILA
FIRE IMPACT FEE SCHEDULE
 Exhibit B

| | FIRE Impact Fee |
|---|--------------------------------|
| | <hr/> |
| RESIDENTIAL - per dwelling unit | |
| (a) Single family | \$ 1,790 |
| (d) With fire sprinkler system installed | \$ 1,683 |
| (b) Multi-family | \$ 2,062 |
| COMMERCIAL/NON-RESIDENTIAL | |
| - per 1,000 square feet of development | |
| (c) Retail | \$ 2,005 |
| (c) Office | \$ 784 |
| (c) Industrial/manufacturing | \$ 167 |

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- (a) Attached accessory dwelling units are exempt from impact fees.
- (b) A structure with more than two dwelling units.
- (c) See the more detailed land use descriptions in the Land Use Categories document.
- (d) 6% discount for single family units with fire sprinkler system installed representing the portion of all incidents that were fire only - as opposed to emergency medical incidents. Per 16.26.120, B. 9. of the Tukwila Municipal Code, "A fee payer installing a residential fire sprinkler system in a single-family home shall not be required to pay the fire operations portion of the impact fee."

# Figure 16-1 “Fee Schedule”

**CITY OF TUKWILA**  
**PARK IMPACT FEE SCHEDULE**  
**EXHIBIT B**

|                                                                             | <b><u>PARK</u></b><br><b><u>Impact Fee</u></b> |
|-----------------------------------------------------------------------------|------------------------------------------------|
| <b>RESIDENTIAL - per dwelling unit</b>                                      |                                                |
| (a) Single family                                                           | <b>\$ 2,859</b>                                |
| (b) Multi-family                                                            | <b>\$ 2,490</b>                                |
| <b>COMMERCIAL/NON-RESIDENTIAL</b><br>- per 1,000 square feet of development |                                                |
| (c) Retail                                                                  | <b>\$ 1,308</b>                                |
| (c) Office                                                                  | <b>\$ 1,179</b>                                |
| (d) K-12 Educational facilities                                             | <b>\$ 236</b>                                  |
| (c) Industrial/manufacturing                                                | <b>\$ 653</b>                                  |

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- (a) Attached accessory dwelling units are exempt from impact fees.
- (b) A structure with more than two dwelling units.
- (c) See the more detailed land use descriptions in the Land Use Categories document.
- (d) 80% discount for K-12 educational facilities.