

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. 2648 §1, 2021; Ord. 2171 §1 (part); 2007)

16.04.020 Codes Adopted

A. Effective on the date established by the State Building Code Council, the specified editions of the following model codes are adopted by reference as if fully set forth and as numerated in Chapter 19.27 RCW:

- 2021 International Building Code with statewide amendments
- ICC/ANSI A117.1-09, Accessible and Usable Buildings and Facilities, with statewide amendments
- 2021 International Residential Code with statewide amendments
- 2021 International Mechanical Code with statewide amendments
- 2021 International Fuel Gas Code with statewide amendments (part of the International Mechanical Code (IMC) adoption)
- 2020 Liquefied Petroleum Gas Code (NFPA 58)
- 2021 National Fuel Gas Code (NFPA 54) (for LP Gas installation only)
- 2023 National Electrical Code with statewide amendments
- 2021 Uniform Plumbing Code with statewide amendments
- 2021 Washington State Energy Code
- 2021 International Existing Building Code with statewide amendments found in the IBC
- 2021 International Swimming Pool and Spa Code

B. **The International Building Code, 2021 Edition**, as published by the International Code Council and as amended and adopted by the State of Washington. The following amendments are specifically adopted:

1. Work exempt from a building permit. Section 105.2 of the International Building Code, 2021 Edition, is amended to include provisions regarding the following work that is exempt from a building permit:
 - a. 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.
 - b. 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.
 - c. Fences not over 6 feet high.

C. **The International Residential Code, 2021 Edition** as published by the International Code Council and as amended and adopted by the State of Washington. The following amendments are specifically adopted:

1. Work exempt from a building permit. Section R105.2 of the International Residential Code, 2021 Edition, is amended to include provisions regarding the following work that is exempt from a building permit:

a. 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.

b. Fences not over 6 feet high.

D. **The Uniform Plumbing Code, 2021 Edition**, published by the International Association of Plumbing and Mechanical Officials, as amended and adopted by the State of Washington. The following amendments are specifically adopted:

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

2. **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.

3. **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.

E. **The Washington Cities Electrical Code.** Article 80.3 National Electrical Code: The 2023 Edition of the National Electrical Code (NFPA 70) is adopted by reference as if fully set forth.

1. 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.

(Ord. 2705 §2, 2023; Ord. 2702 §2, 2023; Ord. 2648 §2, 2021; Ord. 2171 §1 (part), 2007;)

16.04.030 Filing Copies of State Building Codes

The Department of Community Development Permit Center shall maintain a copy of software of the codes referred to in TMC Section 16.04.020 and the codes shall be open to public inspection.

(Ord. 2702 §3, 2023; Ord. 2648 §3, 2021; Ord. 2171 §1 (part), 2007)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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 1/2-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)

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)

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)

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)

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)

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)

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)

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. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

C. Work without a permit. Any person who commences work before obtaining the necessary permits required by the Washington State adopted codes and Tukwila Municipal Code to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure; or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system; or to cause any such work to be performed on a building or structure before obtaining the necessary permits shall be charged double the fee established in accordance with the permit fee schedule adopted by resolution of the City Council.

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. Permits issued under the Washington State adopted codes and Tukwila Municipal Code 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. Each valid inspection requested by the applicant shall extend the permit for an additional 180 days. The Building Official is authorized to grant, in writing, two extensions of time, for periods not more than 180 days each. It shall be the responsibility of the applicant to request a permit extension. The extension shall be requested in writing and justifiable cause shall be demonstrated.

F. Time limitation of permit application.

1. All proposed work under Washington State adopted codes and Tukwila Municipal Code shall require a complete permit application, plans, and submittal documents. All documents shall be submitted electronically. After each department completes review of the submittal documents, the Permit Center shall return the electronic plan, with corrections, to the applicant, as identified on the application, for review and amendment.

2. The applicant shall then resubmit the amended electronic plan to the Permit Center within 180 days of notification, or the application shall be deemed to have been abandoned and shall expire. Each time the Permit Center receives amended documents within the 180 day time limit, the application will be extended for an additional 180 days before expiration.

3. An expired permit application cannot be renewed and is not entitled to a refund. In order to obtain a new permit, a new permit application shall be submitted along with the required submittal documents and a new fee shall be paid in accordance with the permit fee schedule adopted by resolution of the City Council, which may be amended from time to time.

G. 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.

H. Owner-occupied residential remodel permits. Owner-occupied residential remodel permits for projects not exceeding \$20,000.00 in valuation are eligible for a flat fee per the following:

1. The flat fee includes all permit and other associated fees in accordance with the permit fee schedule adopted by resolution of the City Council.

2. The valuation will be cumulative during a rolling one-year period.

3. All requirements for submittal documents and inspections are as required for a new house under this section; only the fee is reduced.

4. Projects that exceed the \$20,000.00 limit will be subject to the standard permit fees in accordance with the permit fee schedule adopted by resolution of the City Council.

I. Appeals. All references to Board of Appeals are 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.

J. Violations. Whenever the authority having jurisdiction determines there are violations of this code, a Notice of Violation shall be issued to confirm such findings. Any Notice of Violation issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service or mail, or by delivering the same to and leaving it with some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such Notice of Violation shall be posted on the premises in a conspicuous place, at or near the entrance to such premises, and the Notice of Violation shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner, occupant or both.

K. Penalties. Any person, firm or corporation who shall willfully violate or fails to comply with a Notice of Violation is liable for the monetary penalties prescribed in TMC Section 8.45.120.A.2.

(Ord. 2702 §4, 2023; Ord. 2673 §1, 2022; Ord. 2648 §4, 2021; Ord. 2171 §1 (part), 2007)

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**

Sections:

- 16.05.010 Purpose of Chapter
- 16.05.020 Construction
- 16.05.030 Occupancy
- 16.05.040 Stair Enclosures
- 16.05.050 Fire Detection and Protection
- 16.05.060 Building Height
- 16.05.070 Basic Allowable Floor Area
- 16.05.080 Elevators
- 16.05.090 Fire Department Access
- 16.05.100 Attic / Roof Ventilation & General Design Requirements
- 16.05.110 Construction Inspections
- 16.05.120 Maintenance of Fire Protection Systems

This Chapter was repealed by Ordinance 2648, January 2021

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 Conflicts with Existing Codes and Ordinances
- 16.16.030 Amendments to the International Fire Code – Chapter 1, “Scope and Administration”
- 16.16.040 Amendments to the International Fire Code – Chapter 2, “Definitions”
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- 16.16.120 Amendments to the International Fire Code – Chapter 80, “Referenced Standards”
- 16.16.130 Amendments to the International Fire Code – Appendix B, “Fire-Flow Requirements for Buildings”

16.16.010 Adoption of the International Fire Code

A. Effective on October 29, 2023, or whichever date is established by the State Building Code Council, in accordance with RCW 19.27, the *International Fire Code*, 2021 Edition, including Appendix B, published by the International Code Council, Inc., together with any additions, deletions, and exceptions currently enacted or as may be amended from time to time by the State of Washington through its Building Code Council pursuant to WAC 51-54A, and as further amended in this ordinance, are hereby adopted by this reference as if fully set forth, subject to the modifications and amendments set forth in TMC Chapter 16.16.

B. One copy of said Fire Code shall be maintained on file with the Puget Sound Regional Fire Authority at the Fire Marshal's Office.

(Ord. 2706 §2, 2023; Ord. 2703 §6, 2023)

16.16.020 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 2703 §7, 2023)

16.16.030 Amendments to the International Fire Code – Chapter 1, “Scope and Administration”

A. Section 104 of the *International Fire Code*, entitled “Duties and Powers of the Fire Code Official,” is amended by adding the following new subsection 104.1.1:

Section 104.1.1 Retained authority – Additional conditions. The Fire Code Official retains the authority to impose additional conditions where the Official determines it necessary to mitigate identified fire protection impacts and problematic fire protection systems. These conditions may include, by way of example and without limitation, increased setbacks, use of fire-retardant materials, installation or modification of standpipes, automatic fire sprinkler and fire alarm systems.

B. Section 104 of the *International Fire Code*, entitled “Duties and Powers of the Fire Code Official,” is amended by adding the following new subsection 104.13:

Section 104.13 Lot lines and setback lines. Notwithstanding the authority of the Fire Code Official to administer and enforce the fire code, the Fire Code Official shall have no duty to verify or establish lot lines or setback lines. No such duty is created by this Code, and none shall be implied.

C. Section 105 of the *International Fire Code*, entitled “Permits,” is amended by substituting subsection 105.2.3 with the following:

Section 105.2.3 Expiration of applications. Expiration of applications shall be in accordance with TMC Section 16.04.250.F.

D. Section 105 of the *International Fire Code*, entitled “Permits,” is amended by substituting subsection 105.3.1 with the following:

Section 105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Construction permit expiration shall be in accordance with TMC Section 16.04.250.E.

E. Section 105 of the *International Fire Code*, entitled “Permits,” is amended by substituting subsection 105.5 with the following:

Section 105.5 Required operational permits. The Fire Code Official is authorized to issue operational permits for the operations set forth in Sections 105.5.1 through 105.5.56.

F. Section 105 of the *International Fire Code*, entitled “Permits,” is amended by substituting subsection 105.5 with the following:

Section 105.5.32 Mobile food preparation vehicles. A permit is required for mobile preparation vehicles equipped with appliances that produce smoke or grease-laden vapors or utilize LP-gas systems or CNG systems.

Exception: Mobile food preparation vehicles which are not parked, or visiting a location for more than three consecutive calendar days.

G. Section 105 of the *International Fire Code*, entitled "Permits," is amended by adding the following new subsection 105.5.53:

Section 105.5.53 Commercial Kitchens. An operational permit is required for all commercial kitchens with type I hood systems.

Exception: No fee will be required if another operational fire permit in accordance with Section 105.5 is issued for the occupancy.

H. Section 105 of the *International Fire Code*, entitled "Permits," is amended by adding the following new subsection 105.5.54.

Section 105.5.54 Emergency and Standby Power Systems. An Operational Permit is required for emergency or standby power systems required by code and identified in NFPA 110.

I. Section 105 of the *International Fire Code*, entitled "Permits," is amended by adding the following new subsection 105.5.55:

Section 105.5.55 Fire Protection System Contractor. An operational permit is required for all contractors or other entities performing any installation, inspection, service, maintenance, or repair of any fire protection system.

J. Section 105 of the *International Fire Code*, entitled "Permits," is amended by adding the following new subsection 105.5.56.

Section 105.5.56 Commercial Kitchen Hood and Duct Systems Contractor. An operational permit is required for all contractors or other entities performing any inspection or cleaning of commercial kitchen hood and duct systems.

K. Section 105 of the *International Fire Code*, entitled "Permits," is amended by modifying subsection 105.6:

Section 105.6 Required construction permits. The Fire Code Official is authorized to issue construction permits for work as set forth in Sections 105.6.1 through 105.6.26.

L. Section 105 of the *International Fire Code*, entitled "Permits," is amended by adding the following new subsection 105.6.26:

Section 105.6.26 Emergency and Standby Power Systems. A Construction Permit is required for the installation of emergency or standby power systems required by code and identified in NFPA 110.

M. Section 107 of the *International Fire Code*, entitled "Fees," is amended by substituting subsection 107.1 with the following:

Section 107.1 Fees. The Fire Code Official shall collect fees as a condition to issuance or renewal of any permit or certificate.

N. Section 107 of the *International Fire Code*, entitled "Fees," is amended by substituting subsection 107.2 with the following:

Section 107.2 Schedule of Permit Fees. The Fire Code Official shall prepare a resolution establishing a schedule of fees for council consideration, which fees shall include the cost involved in the processing, issuance, and renewal of permits and certificates. Any fee schedule adopted by resolution shall govern the fee amount to be assessed for any permit or certificate.

O. Section 107 of the *International Fire Code*, entitled "Fees," is amended by substituting subsection 107.4 with the following:

Section 107.4 Work commencing before permit issuance. When work for which a permit is required by this code has commenced without a permit, the fees shall be doubled. The payment of such fees shall not relieve any persons from the requirements of this code or from any penalties prescribed by this code.

P. Section 107 of the *International Fire Code*, entitled "Fees," is amended by adding the following new subsection 107.7:

Section 107.7 Termination. Failure to pay for the required renewal within 60 days of the date notice is given shall result in the City's termination of the permit.

Q. Section 109 of the *International Fire Code*, entitled "Maintenance," is amended by substituting subsection 109.3 with the following:

Section 109.3 Recordkeeping. A record of periodic inspections, tests, servicing and other operations and maintenance shall be maintained on the premises or other approved location for not less than 3 years, or a different period of time where specified in this code or referenced standards.

1. Records shall be made available for inspection by the Fire Code Official, and a copy of the records shall be provided to the Fire Code Official upon request. This applies to all life safety systems regulated by the Fire Code that require periodic testing, inspections, and maintenance.

2. The Fire Code Official is authorized to prescribe the form and format of such recordkeeping.

3. The Fire Code Official is authorized to require that certain required records be filed with the Fire Code Official.

4. All test reports must be filed with the Compliance Engine (<https://www.TheComplianceEngine.com/>) within 14 days of the reportable activity.

R. Section 111 of the *International Fire Code*, entitled "Board of Appeals," is amended by substituting Section 111 with the following:

Section 111 Means of Appeals.

1. Whenever the Fire Code Official 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 Code Official. The notice of appeal must be accompanied by an appeal fee in accordance with the Tukwila Fire Permit Fee Schedule adopted by resolution of the City Council.

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

- a. The name of the appealing party.
- b. 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.
- c. A statement identifying the decision being appealed and the alleged errors in that decision.
- d. 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.

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

4. 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 Code Official, or designee's, decision.

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

S. Section 112 of the *International Fire Code* entitled "Violations" is amended by substituting subsection 112.4 with the following:

Section 112.4 Violations and Penalties.

1. Any person who violates any of the Fire Code provisions of TMC Chapter 16.16 or the *International Fire Code* or who fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds 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 fails to comply with such an order as affirmed or modified by the Fire Code Official or by a court of competent jurisdiction within the time fixed therein, shall, as deemed applicable by the Fire Code Official, be subject to the enforcement proceedings provided in TMC Chapter 8.45, or 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 IFC Section 112.4, or imprisonment for a term not to exceed one year or by both such fine and imprisonment.

2. 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.

3. Fire lane parking violations shall be considered a non-traffic civil infraction subject to the fine listed in the Fire Penalty Bail Schedule, and the vehicle may be impounded.

4. In addition to the imposition of the penalties herein described, the Fire Code Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises;

OFFENSE	BAIL
Non-compliance with orders and notices	\$5,000.00
Unlawful removal of a tag	\$5,000.00
Unlawful continuance of a hazard	\$5,000.00
Non-compliance with a Stop Work Order	\$5,000.00
Illegal parking on fire apparatus access roads / Fire Lane	\$100.00
Failure to: Clean commercial kitchen hoods	\$500.00
Failure to: Maintain fire protection systems	\$500.00
Failure to: Conduct a required fire watch	\$500.00
Failure to: Maintain commercial cooking extinguishing systems	\$500.00
Failure to: Maintain means of egress continuity	\$250.00
Failure to: Provide required UL central station monitoring	\$500.00

or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

5. Fire Penalty Bail Schedule:

6. **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 the second offense.

(Ord 2703 §8, 2023)

16.16.040 Amendments to the International Fire Code – Chapter 2, “Definitions”

A. Section 202 of the International Fire Code, entitled “General Definitions,” is amended by adding the following definitions to subsection 202:

Fire Code Official. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

Outdoor storage. The on-site storage of materials outdoors, including materials stored in vehicles, which are not in transit.

Problematic fire protection system. A fire protection system that generates repeated preventable alarms.

(Ord 2703 §9, 2023)

16.16.050 Amendments to the International Fire Code – Chapter 3, “General Requirements”

A. Section 308 of the *International Fire Code* entitled “Open Flames” is amended by substituting subsection 308.1.6.3 with the following:

Section 308.1.6.3 Sky Lanterns. The use of sky lanterns is prohibited.

(Ord 2703 §10, 2023)

16.16.060 Amendments to the International Fire Code – Chapter 5, “Fire Service Features”

A. Section 503 of the International Fire Code, entitled “Fire Apparatus Access Roads,” is hereby adopted.

B. Section 503 of the International Fire Code, entitled “Fire Apparatus Access Roads,” is amended by substituting subsection 503.1.1 with the following:

Section 503.1.1 Buildings and Facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions: The Fire Code Official is authorized to increase the distance:

1. Up to 300 feet where the building is equipped throughout with an approved automatic sprinkler system installed.

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

Alternate means may include installation of stairs that extend to the roof, sprinkler system, fire alarm system, standpipes, smoke control system, ready access to fire

service elevators and others (sometimes in combination) to mitigate the additional access distance.

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

C. Section 503 of the International Fire Code entitled “Additional Access” is amended by substituting subsection 503.1.2 with the following:

Section 503.1.2 Additional Access. The Fire Code Official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

D. Section 503 of the International Fire Code entitled “Fire Apparatus Access Roads” is amended by substituting subsection 503.2.1 with the following:

Section 503.2.1. Dimensions. The following minimum dimensions shall apply for fire apparatus access roads:

1. Fire apparatus access roads and fire lanes shall have an unobstructed width of not less than 20 feet (6,096 mm), and an unobstructed vertical clearance of not less than 13 feet 6 inches (4,115 mm).

2. Fire apparatus access road routes shall be approved by the Fire Code Official.

3. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet for 20 feet on both sides of the hydrant operating nut, as shown in D103.1 and shall be marked as a fire lane per Section 503.3.

Exception: When the fire apparatus access road is serving no more than 2 single family houses and all are equipped with approved automatic sprinkler system, the Fire Code Official may approve a reduced width, but the reduction shall not be less than 16 feet wide.

E. Section 503 of the International Fire Code entitled “Fire Apparatus Access Roads” is amended by substituting subsection 503.2.3 with the following:

Section 503.2.3. Surface. Fire apparatus access roads shall be constructed with a surface of asphalt or concrete or other permanent material approved by the Fire Code Official, capable of supporting the imposed load of fire apparatus weighing at least 85,000 lbs (38,555 kg).

F. Section 503 of the International Fire Code entitled “Fire Apparatus Access Roads” is amended by substituting subsection 503.2.4 with the following:

Section 503.2.4. Turning Radius. All fire apparatus access roads shall have a 30-foot minimum inside turning radius (curb radius) and a 50-foot minimum outside turning radius, unless otherwise approved by the Fire Code Official. The radius is measured from the travel lane edge (curb).

G. Section 503 of the International Fire Code is amended by substituting subsection 503.2.5 with the following:

Section 503.2.5. Dead-Ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with a turnaround that is approved by the Fire Code Official.

Exception: The Fire Code Official is authorized to increase the length up to 300 feet for dead-end access roads when all of the following apply:

1. The road is serving no more than 4 single-family homes that are equipped throughout with an approved automatic fire sprinkler system.
2. The road shall have an unobstructed width of not less than 20 feet, and an unobstructed vertical clearance of not less than 13 feet 6 inches.
3. Where the vertical distance between the grade plane and the highest point of the roof eave is no more than 30 feet for any of the structures served by the fire access road.

H. Section 503 of the International Fire Code entitled "Fire Apparatus Access Roads" is amended by substituting subsection 503.2.6 with the following:

Section 503.2.6. Bridges and Elevated Surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge or elevated surface shall be constructed and maintained in accordance with specifications established by the Fire Code Official and the City's Public Works Director, or their designees; at a minimum, however, the bridge or elevated surface shall be constructed and maintained in accordance with AASHTO Standard Specifications for Highway Bridges.

1. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of an 85,000 lb. fire apparatus, the total imposed load to be determined by the Fire Code Official.
2. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Code Official.
3. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for that use, approved barriers or approved signs, or both, shall be installed and maintained, if required by the Fire Code Official.

I. Section 503 of the International Fire Code entitled "Fire Apparatus Access Roads" is amended by substituting subsection 503.2.7 with the following:

Section 503.2.7. Grade. Fire apparatus access roads shall comply with the following:

1. Fire apparatus access roads shall not exceed 15 percent longitudinal and/or 6 percent laterally in grade.
2. Driveway approach and departure angles for fire apparatus access shall not exceed 10 percent for the first 75 feet when measured from the right of way, unless otherwise approved by the Fire Code Official.

J. Section 503 of the International Fire Code, entitled "Fire Apparatus Access Roads," is amended by substituting subsection 503.3 with the following:

Section 503.3 Marking. Fire apparatus access roads shall be marked whenever necessary to maintain the unobstructed minimum required width of roadways. Subject to the Fire Code Official's prior written approval, marked fire apparatus access roads, or "fire lanes," may be established or relocated at the time of plan review, pre-construction site inspection, and/or post construction site inspection as well as any time during the life of the occupancy. Only those fire apparatus access roads established by the fire code official can utilize red marking paint and the term "fire lane." Fire lanes shall be marked as directed by the Fire Code Official.

Section 503.3.1 Type 1. Type 1 marking shall be installed to identify fire lanes on hammerhead turnarounds, commercial and multi-family developments or as directed by the Fire Code Official.

Section 503.3.2 Type 2. Type 2 marking shall be installed to identify fire lanes in one- and two-family dwelling developments, or as directed by the Fire Code Official.

Section 503.3.3 Type 3. Type 3 marking shall be installed to address situations where neither Type 1 or 2 marking is effective as determined by the Fire Code Official.

Specific areas designated by the Fire Code Official shall be marked with diagonal striping across the width of the fire lane. Diagonal marking shall be used in conjunction with painted curbs and/or edge striping and shall run at an angle of 30 to 60 degrees from one side to the other. These diagonal lines shall be in red traffic paint, parallel with each other, at least 6 inches in width, and 24 inches apart. Lettering shall occur as with Type 1 marking.

K. Section 503 of the International Fire Code, entitled "Fire Apparatus Access Roads," is amended by substituting subsection 503.5 with the following:

Section 503.2 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. Installations shall meet the following:

1. Electric gate operators, where provided, shall be listed in accordance with UL 325.
2. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F 2200 and must be equipped with "Click 2 Enter" or similar equipment that is approved by the Fire Code Official, that allows for operations of the gate by Fire and Police personnel via their vehicle mobile

radio, on a dedicated radio frequency, with a hold-open for a specified amount of time.

3. Gates over the fire access road that are intended for automatic operation shall be designed to operate during a loss of power or fail in the open position.

4. Gates shall be at a minimum as wide as the required access road width.

5. If manually operated, a Knox padlock is required if the gate is locked.

6. Installations must be set back 40 feet from roadway edge of pavement.

Exception: Automated gates meeting the requirements of item 2 of this subsection.

L. Section 503 of the International Fire Code entitled “Fire Apparatus Access Roads” is amended by substituting subsection 503.6 with the following:

Section 503.6 Security Gates, Bollards, And Other Obstructions. The installation of security gates, bollards or other obstructions across a fire apparatus access road shall be reviewed and approved by the Fire Code Official. Where installed, they shall have an approved means of emergency operation. The installation of security gates, bollards, and other obstructions shall be in accordance with 503.5. The security gates, bollards or other obstruction and the emergency operation shall be maintained operational at all times. The use of directional-limiting devices (tire spikes) is prohibited.

M. Section 503 of the International Fire Code, entitled “Fire Apparatus Access Roads,” is amended by adding the following new subsection 503.7:

Section 503.7 Establishment of fire lanes. Fire lanes in conformance with this code shall be established by the Fire Code Official and shall be in accordance with 503.7.1 through 503.7.8.

Section 503.7.1 Obstruction of fire lanes prohibited. The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a traffic hazard as defined in State law and an immediate hazard to life and property.

Section 503.7.2 Existing fire lane signs and markings. The following signs and markings shall be provided:

1. Signs (minimum nine-inch by 16-inch) may be allowed to remain until there is a need for replacement and at that time the sign shall meet the requirements of subsection 503.3.2.

2. Markings may be allowed to remain until there is a need for repainting and at that time the provisions outlined in 503.3 shall be complied with.

Section 503.7.3 Maintenance. Fire lane markings shall be maintained at the expense of the property owner(s) as often as needed to clearly identify the designated area as being a fire lane.

Section 503.7.4 Towing notification. At each entrance to any property where fire lanes have been designated, signs shall be posted in a clearly conspicuous location and shall clearly state that vehicles parked in fire lanes may be impounded, and the name, telephone number, and address of the towing firm where the vehicle may be redeemed.

Section 503.7.5 Responsible property owner. The owner, manager, or person in charge of any property upon which designated fire lanes have been established shall prevent the parking of vehicles or placement of other obstructions in such fire lanes.

Section 503.7.6 Violation – Penalty. Penalties of this section shall be in accordance with Section 112.4.

Section 503.7.7 Impoundment. Any vehicle or object obstructing a designated fire lane is declared a traffic hazard and may be abated without prior notification to its owner by impoundment pursuant to the applicable State law in accordance with Section 112.4. The owner or operator shall be responsible for all towing and impound charges.

N. Section 503 of the International Fire Code, entitled “Fire Apparatus Access Roads,” is amended by adding the following new subsection 503.8:

Section 503.8 Commercial and Industrial Developments. Fire apparatus access roads serving commercial and industrial developments shall be in accordance with Sections 503.8.1 through 503.8.3.

Section 503.8.1 Buildings or facilities exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

Section 503.8.2 Buildings or facilities exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads.

Exception: Buildings or facilities having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings or facilities are equipped throughout with approved automatic sprinkler systems.

Section 503.8.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses or as approved by the Fire Code Official and the fire chief.

O. Section 503 of the International Fire Code, entitled “Fire Apparatus Access Roads,” is amended by adding the following new subsection 503.9:

Section 503.9 Aerial fire apparatus roads. The fire apparatus access roads that accommodate aerial fire apparatus shall be in accordance with Sections 503.9.1 through 503.9.4.

Section 503.9.1 Where required. Buildings, or facilities, or portions of buildings thereof exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads that are capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

Section 503.9.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of any building or portion of building more than 30 feet in height.

Section 503.9.3 Proximity to building or facility. At least one of the required access routes meeting this condition shall be positioned parallel to one entire side of the building or facility. The location of the parallel access route shall be approved.

Section 503.9.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial apparatus access road and the building or facility. Other obstructions shall be permitted to be placed with the approval of the Fire Code Official.

P. Section 503 of the International Fire Code, entitled "Fire Apparatus Access Roads," is amended by adding the following new subsection 503.10:

Section 503.10 Multi-family residential developments. The fire apparatus access roads serving multi-family residential developments shall be in accordance with Sections 503.10.1 through 503.10.3.

Section 503.10.1 Projects having from 100 through 200 dwelling units. Projects having from 100 through 200 dwelling units shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2.

Section 503.10.2 Projects having more than 200 dwelling units. Projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

Section 503.10.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length

of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses or as approved by the Fire Code Official and the fire chief.

Q. Section 503 of the International Fire Code, entitled "Fire Apparatus Access Roads," is amended by adding the following new subsection 503.11:

Section 503.11 One- and Two-family residential developments. The fire apparatus access roads serving one- and two-family residential developments shall be in accordance with Section 503.11.1 and 503.11.2.

Section 503.11.1 Projects having more than 30 dwelling units. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.

2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will, within a reasonable time, connect with future development, as determined by the Fire Code Official.

Section 503.11.2 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses or as approved by the Fire Code Official and the fire chief.

R. Section 503 of the International Fire Code, entitled, "Fire Apparatus Access Roads," is amended by adding the following new subsection 503.12:

Section 503.12 Underground structures. Installation of underground structures under or within 10 feet of fire apparatus access roads shall be designed using approved load criteria that shall accommodate the loading of fire department aerial apparatus unless otherwise approved.

S. Section 504 of the International Fire Code, entitled "Access to Building Openings and Roofs," is amended by adding the following new subsection 504.4:

Section 504.4 Buildings With Interior Courtyards. New buildings with enclosed interior courtyards shall have a straight/direct access corridor and/or stairway from the exterior to the courtyard at a location acceptable to the Fire Code Official. If a stairway is used it shall

comply with International Fire Code Section 1011 and a corridor shall comply with International Fire Code Section 1020. The access shall have a minimum width of 5 feet and be large enough to carry a 35-foot-long sectional ladder (minimum folded length 20 feet) directly from the exterior to the courtyard without obstructions. The access door shall be marked at the street as "Direct Fire Access to Courtyard".

T. Section 506 of the International Fire Code, entitled "Key Boxes," is amended by substituting subsection 506.1 with the following:

Section 506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the fire code official is authorized to require a key box/vault to be installed. The key box shall be a Knox KLS product listed in accordance with UL 1037 and shall contain keys to gain necessary access. The location, key box and key requirements shall be in accordance with the Rapid Entry System Policy of the Puget Sound Regional Fire Authority.

U. Section 506 of the International Fire Code, entitled "Key Boxes," is amended by adding new subsection 506.3 with the following:

Section 506.3 Compliance. Compliance with this chapter shall be in accordance with the following:

1. Newly constructed buildings not yet occupied or buildings currently under construction and all buildings applying for a certificate of occupancy shall comply prior to occupancy, permit final, or approval of any certificate.
2. Existing buildings without existing key boxes shall comply within 180 days of notification.
3. Existing buildings, gates, or barriers with non-compliant key boxes or locks installed shall comply within 1 year of notification.

V. Section 507 of the International Fire Code, entitled "Fire Protection Water Supplies," is amended by substituting subsection 507.5. with the following:

Section 507.5 Fire Hydrant systems. Fire hydrant systems shall comply with Section 507.5.1 through 5.6.8 and Tukwila Municipal Code Chapter 14.24.

W. Section 507 of the International Fire Code, entitled "Fire Protection Water Supplies," is amended by substituting subsection 507.5.6 with the following:

Section 507.5.6 Physical protection. Where fire hydrants are subject to impact by a motor vehicle, guard posts shall be designed and installed in accordance with TMC Section 14.20.030.

X. Section 507 of the International Fire Code, entitled "Fire Protection Water Supplies," is amended by adding a new subsection 507.5.7 as follows:

Section 507.5.7 Fire hydrant. Fire hydrants shall be designed and installed in accordance with the local water purveyor's design and construction standards.

Y. Section 507 of the International Fire Code, entitled "Fire Protection Water Supplies," is amended by adding a new subsection 507.5.8 as follows:

Section 507.5.8 Backflow prevention. All private fire systems shall be isolated by an approved method in accordance with the local water purveyor.

Z. Section 507 of the International Fire Code, entitled "Fire Protection Water Supplies," is amended by adding a new subsection 507.6 as follows:

Section 507.6 Capacity for residential areas. All hydrants installed in single family residential areas shall be capable of delivering 1,500 gpm fire-flow over and above average maximum demands at the farthest point of the installation.

AA. Section 507 of the International Fire Code, entitled "Fire Protection Water Supplies," is amended by adding a new subsection 507.7 as follows:

Section 507.7 Spacing. The spacing of hydrants shall be in accordance with Sections 507.7.1 through 507.7.5.

Section 507.7.1 Single family. The maximum fire hydrant spacing serving single family residential areas shall be 600 feet as measured along the fire apparatus access road.

Section 507.7.2 Commercial, industrial and multi-family. The maximum fire hydrant spacing serving commercial, industrial, multi-family or other areas shall be 300 feet as measured along the fire apparatus access road.

Section 507.7.3 Medians. Where streets are provided with median dividers which cannot be crossed by firefighters pulling hose lines, hydrants shall be provided on each side of the street and be arranged on an alternating basis, providing, on each side of the street, no more than the maximum spacing.

Section 507.7.4 Arterials. Where arterial streets are provided with four or more traffic lanes hydrants shall be provided on each side of the street and be arranged on an alternating basis, providing, on each side of the street, no more than the maximum spacing.

Section 507.7.5 Transportation. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at a spacing not to exceed 1,000 feet to provide for transportation hazards.

BB. Section 507 of the International Fire Code, entitled “Fire Protection Water Supplies,” is amended by adding a new subsection 507.8 as follows:

Section 507.8 Required hydrants. The number of hydrants required for a building shall be based on the calculated fire-flow. The first hydrant will be calculated for up to 1,500 gpm. An additional hydrant will be required for every additional 1,000 gpm, or fraction thereof. The required hydrants shall be within 600 feet of the building as measured along the fire apparatus access roads serving the building.

CC. Section 507 of the International Fire Code, entitled “Fire Protection Water Supplies,” is amended by adding a new subsection 507.9 as follows:

Section 507.9 Notification. The owner of property on which private hydrants are located and the public agencies that own or control public hydrants must provide the fire code official with the following written service notifications in accordance with 507.9.1 and 507.9.2:

Section 507.9.1 In-service notification. The Fire Code Official shall be notified when any newly installed hydrant or main is placed into service.

Section 507.9.2 Out-of-service notification. Where any hydrant is out of service or has not yet been placed in service, the hydrant shall be identified as being out of service and shall be appropriately marked as out of service, by a method approved by the Fire Code Official.

DD. Section 507 of the International Fire Code, entitled “Fire Protection Water Supplies,” is amended by adding a new subsection 507.10 as follows:

Section 507.10 Building permit requirements. No building permit shall be issued until all plans required by this section have been submitted and approved in accordance with the provisions of this section.

No construction beyond the foundation shall be allowed until all hydrants and mains required by this section are in place and approved.

EE. Section 510 of the International Fire Code entitled “Emergency Responder Radio Coverage” is amended by substituting Section 510 with the following language:

Section 510.1 Emergency Responder Radio Coverage (New Buildings). Approved radio coverage for emergency responders shall be provided within buildings that meet any one of the following conditions:

1. The building is five stories or more above grade plane (as defined by the International Building Code, Section 202); or
2. The total building area is 50,000 square feet or more; or
3. The total basement area is 10,000 square feet or more; or

4. There are floors used for human occupancy more than 30 feet below the finished floor of the lowest level of exit discharge; or

5. Buildings or structures where the Fire or Police Chief determines that in-building radio coverage is critical because of its unique design, location, use or occupancy. The radio coverage system shall be installed in accordance with Section 510 of this code and with the provisions of NFPA 1221 (current edition).

Exceptions:

1. Buildings and areas of buildings that have minimum radio coverage signal strength levels of the King County Regional 800 MHz Radio System within the building in accordance with Section 510.4.1 without the use of a radio coverage system.

2. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the Fire Code Official shall have the authority to accept an automatically activated emergency responder radio coverage system.

3. One- and two-family dwellings and townhouses. *When determining if the minimum signal strength referenced in Section 510.4.1.1 exists at a subject building, the signal strength shall be measured at any point on the exterior of the building up to the highest point on the roof.*

Section 510.2 Emergency Responder Radio Coverage (Existing Buildings).

Existing buildings shall be provided with approved radio coverage for emergency responders when:

1. Whenever an existing wired communications system cannot be repaired or is being replaced.

2. When a building undergoing substantial alteration meets any one of the conditions listed in Section 510.1. For purposes of this section, a substantial alteration shall be defined as an alteration that costs 50 percent or more of the current assessed value of the structure and impacts more than 50 percent of the gross floor area.

3. When buildings, classes of buildings or specific occupancies do not have the minimum radio coverage signal strength as identified in Section 510.4.1 and the Fire or Police Chief determines that the lack of minimum signal strength poses an undue risk to emergency responders that cannot be reasonably mitigated by other means.

Section 510.3 Permit Required. A Construction Permit for the installation of or modification to emergency responder radio coverage systems and related equipment is required as specified in Section 105.7.6. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Prior coordination and approval from the Public Safety Radio System Operator is required before installation of an Emergency Responder Radio System. Until PSERN is the single operator of the county wide system (projected date Q4 2022 / Q1 2023), such approval is required from EPSCA, King County, Seattle or ValleyCom depending on the location of the installation. To be forward compatible, designers and contractors should be aware of PSERN's requirements for Distributed Antenna Systems which can be found on their website (<https://PSERN.org>).

Section 510.4 Technical Requirements. Systems, components and equipment required to provide the emergency responder radio coverage system shall comply with Sections 510.4.1 through 510.4.2.8.

Section 510.4.1 Emergency responder communication enhancement system signal strength. The building shall be considered to have acceptable emergency responder communications enhancement system coverage when signal strength measurements in 95 percent of all areas on each floor of the building meet the signal strength requirements in Sections 510.4.1.1 through 510.4.1.3.

Exception: Critical areas, such as the fire command center(s), the fire pump room(s), interior exit stairways, exit passageways, elevator lobbies, standpipe cabinets, sprinkler sectional valve locations, and other areas required by the Fire Code Official, shall be provided with 99 percent floor area radio coverage.

Section 510.4.1.1 Minimum signal strength into the building. The minimum inbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the Fire Code Official. The inbound signal level shall be a minimum of -95 dBm in 95 percent of the coverage area and 99 percent in critical areas and sufficient to provide not less than a Delivered Audio Quality (DAQ) of 3.0 or an equivalent Signal-to-Interference-Plus-Noise Ratio (SINR) applicable to the technology for either analog or digital signals.

Section 510.4.1.2 Minimum signal strength out of the building. The minimum outbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the Fire Code Official. The outbound signal level shall be sufficient to provide not less than a DAQ of 3.0 or an equivalent SINR applicable to the technology for either analog or digital signals. A minimum signal strength of -95 dBm shall be received by the King County Regional 800 MHz Radio System when transmitted from within the building.

Section 510.4.1.3 System performance. Signal strength shall be sufficient to meet the requirements of the applications being utilized by public safety for

emergency operations through the coverage area as specified by the radio system manager in Section 510.4.2.2.

Section 510.4.2 System design. The emergency responder radio coverage system shall be designed in accordance with Sections 510.4.2.1 through 510.4.2.8 and NFPA 1221 (2019).

Section 510.4.2.1 Amplification systems and components. Buildings and structures that cannot support the required level of radio coverage shall be equipped with systems and components to enhance the public safety radio signals and achieve the required level of radio coverage specified in Sections 510.4.1 through 510.4.1.3. Public safety communications enhancement systems utilizing radio-frequency-emitting devices and cabling shall be allowed by the Public Safety Radio System Operator. Prior to installation, all RF-emitting devices shall have the certification of the radio licensing authority and be suitable for public safety use.

Section 510.4.2.2 Technical criteria. The Public Safety Radio System Operator shall provide the various frequencies required, the location of radio sites, the effective radiated power of radio sites, the maximum propagation delay in microseconds, the applications being used and other supporting technical information necessary for system design upon request by the building owner or owner's representative.

Section 510.4.2.3 Power supply sources. Emergency responder radio coverage systems shall be provided with dedicated standby batteries or provided with 2-hour standby batteries and connected to the facility generator power system in accordance with Section 1203. The standby power supply shall be capable of operating the emergency responder radio coverage system at 100 percent system capacity for a duration of not less than 12 hours.

Section 510.4.2.4 Signal booster requirements. If used, signal boosters shall meet the following requirements:

1. All signal booster components shall be contained in a National Electrical Manufacturer's Association (NEMA) 4, IP66-type waterproof cabinet or equivalent.

Exception: Listed battery systems that are contained in integrated battery cabinets.

2. Battery systems used for the emergency power source shall be contained in a NEMA 3R or higher-rated cabinet, IP65-type waterproof cabinet or equivalent.

3. Equipment shall have FCC or other radio licensing authority certification and be suitable for public safety use prior to installation.

4. Where a donor antenna exists, isolation shall be maintained between the donor antenna and all inside

antennas to not less than 20dB greater than the system gain under all operating conditions.

5. Bi-Directional Amplifiers (BDAs) used in emergency responder radio coverage systems shall be fitted with anti-oscillation circuitry and per-channel AGC.

6. The installation of amplification systems or systems that operate on or provide the means to cause interference on any emergency responder radio coverage networks shall be coordinated and approved by the Public Safety Radio System Operator.

7. Unless otherwise approved by the Public Safety Radio System Operator, only channelized signal boosters shall be permitted.

Exception: Broadband BDAs may be utilized when specifically authorized in writing by the Public Safety Radio System Operator.

BDAs must also comply with PSERN's detailed requirements, which include channelized, minimum of 28 channels, supporting analog, P25 Phase I (FDMA), and P25 Phase II (TDMA). Information regarding PSERN requirements can be found via their website (<https://PSERN.org>).

Section 510.4.2.5 System monitoring. The emergency responder radio enhancement system shall include automatic supervisory and trouble signals that are monitored by a supervisory service and are annunciated by the fire alarm system in accordance with NFPA 72. The following conditions shall be separately annunciated by the fire alarm system, or, if the status of each of the following conditions is individually displayed on a dedicated panel on the radio enhancement system, a single automatic supervisory signal may be annunciated on the fire alarm system indicating deficiencies of the radio enhancement system:

1. Loss of normal AC power supply.
2. System battery charger(s) failure.
3. Malfunction of the donor antenna(s).
4. Failure of active RF-emitting device(s).
5. Low-battery capacity at 70 percent reduction of operating capacity.
6. Active system component malfunction.
7. Malfunction of the communications link between the fire alarm system and the emergency responder radio enhancement system.

Section 510.4.2.6 Additional frequencies and change of frequencies. The emergency responder radio coverage system shall be capable of modification or expansion in the event frequency changes are required by the FCC or other radio licensing authority, or additional frequencies are made available by the FCC or other radio licensing authority.

Section 510.4.2.7 Design documents. The Fire Code Official shall have the authority to require "as-built" design documents and specifications for emergency

responder communications coverage systems. The documents shall be in a format acceptable to the Fire Code Official.

Section 510.4.2.8 Radio communication antenna density. Systems shall be engineered to minimize the near-far effect. Radio enhancement system designs shall include sufficient antenna density to address reduced gain conditions.

Exceptions:

1. Class A narrow band signal booster devices with independent AGC/ALC circuits per channel.

2. Systems where all portable devices within the same band use active power control.

Section 510.5 Installation requirements. The installation of the public safety radio coverage system shall be in accordance with NFPA 1221 and Sections 510.5.1 through 510.5.7.

Section 510.5.1 Approval prior to installation. Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC or other radio licensing authority shall not be installed without prior coordination and approval of the Public Safety Radio System Operator.

Section 510.5.2 Minimum qualifications of personnel. The minimum qualifications of the system designer and lead installation personnel shall include both of the following:

1. A valid FCC-issued general radio telephone operator's license.
2. Certification of in-building system training issued by an approved organization or approved school, or a certificate issued by the manufacturer of the equipment being installed.

Section 510.5.3 Acceptance test procedure. Where an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system tested to verify that two-way coverage on each floor of the building is in accordance with Section 510.4.1. The test procedure shall be conducted as follows:

1. Each floor of the building shall be divided into a grid of 20 approximately equal test areas, with a maximum test area size of 6,400 square feet. Where the floor area exceeds 128,000 square feet, the floor shall be divided into as many approximately equal test areas as needed, such that no test area exceeds the maximum square footage allowed for a test area.

2. Coverage testing of signal strength shall be conducted using a calibrated spectrum analyzer for each of the test grids. A diagram of this testing shall be created for each floor where coverage is provided, indicating the testing grid used for the test in Section 510.5.3(1), and including signal strengths and frequencies for each test area. Indicate all critical areas.

3. Functional talk-back testing shall be conducted using two calibrated portable radios of the latest brand and model used by the agency's radio communications system or other equipment approved by the Fire Code Official. Testing shall use Digital Audible Quality (DAQ) metrics, where a passing result is a DAQ of 3 or higher. Communications between handsets shall be tested and recorded in the grid square diagram required by Section 510.5.3(2): each grid square on each floor; between each critical area and a radio outside the building; between each critical area and the fire command center or fire alarm control panel; between each landing in each stairwell and the fire command center or fire alarm control panel.

4. Failure of more than 5 percent of the test areas on any floor shall result in failure of the test.

Exception: Critical areas shall be provided with 99 percent floor area coverage.

5. In the event that two of the test areas fail the test, in order to be more statistically accurate, the floor shall be permitted to be divided into 40 equal test areas. Failure of not more than two nonadjacent test areas shall not result in failure of the test. If the system fails the 40-area test, the system shall be altered to meet the 95 percent coverage requirement.

6. A test location approximately in the center of each test area shall be selected for the test, with the radio enabled to verify two-way communications to and from the outside of the building through the public agency's radio communications system. Once the test location has been selected, that location shall represent the entire test area. Failure in the selected test location shall be considered to be a failure of that test area. Additional test locations shall not be permitted.

7. The gain values of all amplifiers shall be measured, and the test measurement results shall be kept on file with the building owner so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the building owner shall be required to rerun the acceptance test to reestablish the gain values.

8. As part of the installation, a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at the time of installation and at subsequent annual inspections.

9. Systems incorporating Class B signal booster devices or Class B broadband fiber remote devices shall be tested using two portable radios simultaneously conducting subjective voice quality checks. One portable radio shall be positioned not greater than 10 feet (3048 mm) from the indoor antenna. The second portable radio shall be positioned at a distance that represents the

farthest distance from any indoor antenna. With both portable radios simultaneously keyed up on different frequencies within the same band, subjective audio testing shall be conducted and comply with DAQ levels as specified in Sections 510.4.1.1 and 510.4.1.2.

10. Documentation maintained on premises. At the conclusion of the testing, and prior to issuance of the building Certificate of Occupancy, the building owner or owner's representative shall place a copy of the following records in the DAS enclosure or the building engineer's office. The records shall be available to the Fire Code Official and maintained by the building owner for the life of the system:

a. A certification letter stating that the emergency responder radio coverage system has been installed and tested in accordance with this code, and that the system is complete and fully functional.

b. The grid square diagram created as part of testing in Sections 510.5.3(2) and 510.5.3(3).

c. Data sheets and/or manufacturer specifications for the emergency responder radio coverage system equipment; back up battery; and charging system (if utilized).

d. A diagram showing device locations and wiring schematic.

e. A copy of the electrical permit.

11. Acceptance test reporting to Fire Code Official. At the conclusion of the testing, and prior to issuance of the building Certificate of Occupancy, the building owner or owner's representative shall submit to the Fire Code Official an acceptance test report that includes items (10a-10e).

Section 510.5.4 FCC compliance. The emergency responder radio coverage system installation and components shall comply with all applicable federal regulations including, but not limited to, FCC 47 CFR Part 90.219.

Section 510.5.5 Mounting of the donor antenna(s). To maintain proper alignment with the system designed donor site, donor antennas shall be permanently affixed on the highest possible position on the building or where approved by the Fire Code Official. A clearly visible sign shall be placed near the antenna stating, "movement or repositioning of this antenna is prohibited without approval from the Fire Code Official or designee." The antenna installation shall be in accordance with the applicable requirements in the International Building Code for weather protection of the building envelope.

Section 510.5.6 Wiring. The backbone, antenna distribution, radiating, or any fiber-optic cables shall be rated as plenum cables. The backbone cables shall be connected to the antenna distribution, radiating, or copper cables using hybrid coupler devices of a value

determined by the overall design. Backbone cables shall be routed through an enclosure that matches the building's required fire-resistance rating for shafts or interior exit stairways. The connection between the backbone cable and the antenna cables shall be made within an enclosure that matches the building's fire-resistance rating for shafts or interior exit stairways, and passage of the antenna distribution cable in and out of the enclosure shall be protected as a penetration per the International Building Code.

Section 510.5.7 Identification Signs. Emergency responder radio coverage systems shall be identified by an approved sign located on or near the Fire Alarm Control Panel or other approved location stating "This building is equipped with an Emergency Responder Radio Coverage System. Control Equipment located in room".

A sign stating "Emergency Responder Radio Coverage System Equipment" shall be placed on or adjacent to the door of the room containing the main system components.

Section 510.6 Maintenance. The emergency responder radio coverage system shall be maintained operational at all times in accordance with Sections 510.6.1 through 510.6.7.

Section 510.6.1 Testing and proof of compliance. The owner of the building or owner's authorized agent shall have the emergency responder radio coverage system inspected and tested annually or where structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following items (1) through (7):

1. In-building coverage test as required by the Fire Code Official as described in Section 510.5.3, "Acceptance test procedure," or 510.6.1.1, "Alternative in-building coverage test".

Exception: Group R Occupancy annual testing is not required within dwelling units.

2. Signal boosters shall be tested to verify that the gain/output level is the same as it was upon initial installation and acceptance or set to optimize the performance of the system.

3. Backup batteries and power supplies shall be tested under load of a period of 1 hour to verify they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.

4. If a fire alarm system is present in the building, a test shall be conducted to verify that the fire alarm system is properly supervising the emergency responder communication system as required in Section 510.4.2.5.

The test is performed by simulating alarms to the fire alarm control panel. The certifications in Section 510.5.2 are sufficient for the personnel performing this testing.

5. Other active components shall be checked to verify operation within the manufacturer's specifications.

6. At the conclusion of the testing, a report that shall verify compliance with Section 510.6.1 shall be submitted to the Fire Code Official by way of the department's third-party compliance vendor.

7. At the conclusion of testing, a record of the inspection and maintenance along with an updated grid diagram of each floor showing tested strengths in each grid square and each critical area shall be added to the documentation maintained on the premises in accordance with Section 510.5.3.

Section 510.6.1.1 Alternative In-building coverage test. When the comprehensive test documentation required by Section 510.5.3 is available, or the most recent full five-year test results are available if the system is older than six years, the in-building coverage test required by the Fire Code Official in Section 510.6.1(1), may be conducted as follows:

1. Functional talk-back testing shall be conducted using two calibrated portable radios of the latest brand and model used by the agency's radio communications system or other equipment approved by the Fire Code Official. Testing shall use Digital Audible Quality (DAQ) metrics, where a passing result is a DAQ of 3 or higher. Communications between handsets in the following locations shall be tested: between the fire command center or fire alarm control panel and a location outside the building; between the fire alarm control panel and each landing in each stairwell.

2. Coverage testing of signal strength shall be conducted using a calibrated spectrum analyzer for:

(a) Three grid areas per floor. The three grid areas to be tested on each floor are the three grid areas with poorest performance in the acceptance test or the most recent annual test, whichever is more recent; and

(b) Each of the critical areas identified in acceptance test documentation required by Section 510.5.3, or as modified by the Fire Code Official, and

(c) One grid square per serving antenna.

3. The test area boundaries shall not deviate from the areas established at the time of the acceptance test, or as modified by the Fire Code Official. The building shall be considered to have acceptable emergency responder radio coverage when the required signal strength requirements in Sections 510.4.1.1 and 510.4.1.2 are located in 95 percent of all areas on each floor of the building and 99 percent in Critical Areas, and any non-functional serving antenna are repaired to function within normal ranges. If the documentation of the acceptance test or most recent previous annual test

results are not available or acceptable to the Fire Code Official, the radio coverage verification testing described in 510.5.3 shall be conducted.

The alternative in-building coverage test provides an alternative testing protocol for the in-building coverage test in subsection (1) of Section 510.6.1. There is no change or alternative to annual testing requirements enumerated in subsections (2) – (7) of Section 510.6.1, which must be performed at the time of each annual test. Section 510.6.2 Additional frequencies. The building owner shall modify or expand the emergency responder radio coverage system at his or her expense in the event frequency changes are required by the FCC or other radio licensing authority, or additional frequencies are made available by the FCC or other radio licensing authority Public Safety Radio System Operator or FCC license holder. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this section.

Section 510.6.3 Nonpublic safety system. Where other nonpublic safety amplification systems installed in buildings reduce the performance or cause interference with the emergency responder communications coverage system, the nonpublic safety amplification system shall be corrected or removed.

Section 510.6.4 Field testing. The Fire Code Official or designee shall have the right to enter onto the property at any reasonable time to conduct field testing to verify the required level of radio coverage or to disable a system that due to malfunction or poor maintenance has the potential to impact the emergency responder radio system in the region.

(Ord 2703 §11, 2023)

16.16.070 Amendments to the International Fire Code – Chapter 6, “Building Services and Systems”

A. Section 607 of the International Fire Code, entitled “Commercial Cooking Equipment and Systems,” is amended by adding the following subsections to section 606.2:

Section 606.2.2 Permit Required. Permits shall be required as set forth in Section 105.6.

Section 606.2.3 Approved drawing. The stamped and approved cook line drawing shall be displayed adjacent to the suppression system pull station prior to the final inspection. The approved drawing shall be maintained and available for inspection.

(Ord 2703 §12, 2023)

16.16.080 Amendments to the International Fire Code – Chapter 7, “Fire and Smoke Prevention Systems”

A. Section 705 of the International Fire Code, entitled “Door and Window Openings,” is amended by substituting 705.2.3 with the following:

Section 705.2.3 Hold-open devices and closers. Hold-open devices and automatic door closures, where

provided, shall be maintained. During the period that such device is out of service for repairs, the door it operates shall remain in the closed position.

The Fire Code Official is authorized to require the installation of hold-open devices of existing door installations where there has been documented use of door closure impairment devices.

(Ord 2703 §13, 2023)

16.16.090 Amendments to the International Fire Code – Chapter 9, “Fire Protection Systems”

A. Section 901 of the International Fire Code, entitled “General,” is amended by substituting subsection 901.1 with the following:

Section 901.1 Scope and application. The provisions of this chapter shall apply to all occupancies and buildings, shall specify where fire protection systems are required, and shall apply to the design, installation, inspection, operation, testing, and maintenance of all fire protection systems; however, nothing contained in this chapter shall diminish or reduce the requirements of any duly adopted building codes, including state and local amendments, or other city ordinances, resolutions, or regulations. In the event of any conflict in requirements among these codes, ordinances, resolutions, or regulations, the more stringent provision shall apply.

B. Section 901 of the International Fire Code entitled “General” is amended by adding the following new subsection 901.7.7:

Section 901.7.7 Fire Watch for Impaired Fire Protection Systems. In the event of failure of the emergency responder radio system, fire alarm system, fire sprinkler system or any other required fire protection system; or an excessive number of accidental alarm activations, the Fire Code Official is authorized to require the building owner or occupant to provide standby personnel as set forth in the International Fire Code until the system is restored, repaired or replaced.

C. Section 901 of the International Fire Code, entitled “General,” is amended by adding the following new subsection 901.11:

Section 901.11 Emergency contacts. It shall be the responsibility of the owner of any monitored fire protection system to provide and maintain a minimum of three emergency contacts that are capable of responding to the system location with their monitoring company.

D. Section 902 of the International Fire Code, entitled “Definitions,” is amended by adding the following to the list in subsection 902.1:

PROBLEMATIC FIRE PROTECTION SYSTEM

E. Section 903 of the International Fire Code, entitled “Automatic Sprinkler Systems,” is amended by substituting subsection 903.2 with the following:

Section 903.2 Where required. Approved automatic fire sprinkler systems shall be installed as follows:

1. In all buildings without adequate fire flow.

Exception: Miscellaneous Group U Occupancies.

2. All new buildings and structures regulated by the International Building Code requiring 2,000 gallons per minute or more fire flow, or with a gross floor area of 10,000 or more square feet (929 m²), or where this code provides a more restrictive floor/fire area requirement, and shall be provided in all locations or where described by this code.

Exception: Spaces or areas in telecommunications structures used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries, and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1 hour fire barriers constructed in accordance with Section 707 of the International Building Code or not less than 2 hour horizontal assemblies constructed in accordance with Section 712 of the International Building Code, or both.

3. Where this code requires the installation of an automatic sprinkler system to protect an occupancy within an otherwise non-sprinklered building, then automatic sprinkler protection will be required throughout the entire building.

4. When the required fire apparatus access roadway grade is 12 percent or greater.

F. Section 903 of the International Fire Code, entitled "Automatic Sprinkler Systems," is amended by adding the following new subsection 903.2.9.5:

Section 903.2.9.5 Speculative use warehouses.

Where the occupant, tenant, or use of the building or storage commodity has not been determined or it is otherwise a speculative use warehouse or building, the automatic sprinkler system shall be designed and installed to protect not less than Class IV non-encapsulated commodities on wood pallets, with no solid, slatted, or wire mesh shelving, and with aisles that are 8 feet or more in width and up to 20 feet in height.

G. Section 903 of the International Fire Code, entitled "Automatic Sprinkler Systems," is amended by substituting subsection 903.3 as follows:

Section 903.3 Installation Requirements. Automatic sprinkler systems shall be designed and installed in accordance with Sections 903.3.1 through 903.3.9.

H. Section 903 of the International Fire Code, entitled "Automatic Sprinkler Systems," is amended by adding a new subsection 903.3.9 as follows:

Section 903.3.9 Check valve. All automatic sprinkler system risers shall be equipped with a check valve.

I. Section 903 of the International Fire Code, entitled "Automatic Sprinkler Systems," is amended by adding a new subsection 903.7 as follows:

Section 903.7 Riser room access. All risers shall be located in a dedicated room with an exterior door, and with lighting and heat for the room.

J. Section 907 of the International Fire Code, entitled "Fire Alarm and Detection Systems," is amended by substituting subsection 907.1.3 with the following:

Section 907.1.3 Equipment. Systems and their components shall be listed and approved for the purpose for which they are installed. All new alarm systems shall be addressable. Each device shall have its own address and shall annunciate individual addresses at a UL Central Station.

K. Section 907 of the International Fire Code, entitled "Fire Alarm and Detection Systems," is amended by substituting subsection 907.6.3 with the following:

Section 907.6.3 Initiating device identification. The fire alarm system shall identify the specific initiating device address, location, device type, floor level where applicable and status including indication of normal, alarm, trouble and supervisory status, as appropriate.

Exception: Special initiating devices that do not support individual device identification.

L. Section 907 of the International Fire Code, entitled "Fire Alarm and Detection Systems," is amended by adding a new subsection 907.12 as follows:

Section 907.12 Latched alarms. All signals shall be automatically "latched" at the fire alarm control unit until their operated devices are returned to normal condition, and the control unit is manually reset.

M. Section 907 of the International Fire Code, entitled "Fire Alarm and Detection Systems," is amended by adding a new subsection 907.13 as follows:

Section 907.13 Resetting. All fire alarm control units shall be reset only by an approved person.

Section 907.13.1 Reset code. The reset code for the fire alarm control unit or keypad shall be 1-2-3-4-5. The reset code shall not be changed without approval of the Fire Code Official.

N. Section 907 of the International Fire Code, entitled "Fire Alarm and Detection Systems," is amended by adding a new subsection 907.14 as follows:

Section 907.14 Fire alarm control unit location. All fire alarm control units shall be located in the riser room designed and installed in accordance with Section 903.7, or an approved location.

O. Section 912 of the International Fire Code, entitled "Fire Department Connections," is amended by substituting 912.5 with the following:

Section 912.5 Signs. Fire department connections shall be clearly identified in an approved manner. All fire department connections shall have an approved sign attached below the Siamese clapper. The sign shall specify the type of water-based fire protection system, the structure, and the building areas served.

(Ord 2703 §14, 2023)

16.16.100 Amendments to the International Fire Code – Chapter 11, “Construction Requirements for Existing Buildings”

A. Section 1103 of the International Fire Code, entitled “Fire Safety Requirements for Existing Buildings,” is amended by adding a new subsection 1103.5.6 as follows:

Section 1103.5.6 Substantial Alterations. The provisions of this chapter shall apply to substantial alterations to existing buildings regardless of use when a substantial alteration occurs in a structure equaling 10,000 or greater square feet. For purposes of this section, a substantial alteration shall be defined as an alteration that costs 50 percent or more of the current assessed value of the structure and impacts more than 50% of the gross floor area.

B. Section 1103 of the International Fire Code, entitled “Fire Safety Requirements for Existing Buildings,” is amended by adding substituting 1103.7 as follows:

Section 1103.7 Fire alarm systems. An approved fire alarm system shall be installed in existing buildings and structures in accordance with Sections 1103.7.1 through 1103.7.7 and provide occupant notification in accordance with Section 907.5 unless other requirements are provided by other sections of this code.

C. Section 1103 of the International Fire Code, entitled “Fire Safety Requirements for Existing Buildings,” is amended by adding a new subsection 1103.7.7 as follows:

Section 1103.7.7 Fire alarm control unit replacement. If an existing fire alarm control unit is replaced with identical equipment that has the same part number it shall be considered maintenance.

(Ord 2703 §15, 2023)

16.16.110 Amendments to the International Fire Code – Chapter 56, “Explosives and Fireworks”

A. Section 5601 of the International Fire Code entitled “General” is amended by substituting the following subsection 5601.1.3:

Section 5601.1.3 Fireworks. No person, firm or corporation shall manufacture, sell, or store fireworks in the City of Tukwila, except for a person granted a permit for a temporary fireworks stand or public display of fireworks, shall be allowed to buy, possess, and store fireworks according to the permit granted.

Section 5601.1.3.1 Fireworks Discharge Prohibited. No person shall ignite or discharge any fireworks at any time.

Exceptions:

a. Displays authorized by permit issued by the City pursuant to RCW 70.77.260(2) now enacted or as hereafter amended.

b. Use by a group or individual for religious or other specific purposes on an approved date at an approved location pursuant to a permit issued pursuant to RCW 70.77.311(2)(c) now enacted or as hereafter amended and as required by Tukwila Municipal Code.

c. Use of trick and novelty devices as defined in WAC 212-17-030, as amended, and as hereafter amended and use of agricultural and wildlife fireworks as defined in WAC 212-17-045 now enacted or as hereafter amended.

d. Legal consumer fireworks, as defined by RCW 70.77.136 now enacted or as hereafter amended, are small devices designed to produce: (1) visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission; and (2) audible effects such as a whistling device, ground device containing 50 milligrams or less of explosive materials—provided that devices that are aerial, airborne, discharged, launched, or explode are prohibited.

Section 5601.1.3.2 Limitation on Use of Legal Consumer Fireworks.

a. It is unlawful for any person under the age of 16 years to possess, use, discharge, or transport any fireworks unless under immediate supervision of an adult (18 years old or older). It is unlawful for any person or entity to sell or give fireworks to anyone under the age of 16 years unless that person is under the immediate supervision of an adult (18 years old or older).

b. It is unlawful for any person to smoke within 25 feet of any building or stand in which fireworks are sold at retail or stored after hours.

c. It is unlawful for any person to discharge any fireworks, or to permit the discharge of fireworks, within 300 feet of any structure, combustible material, or person, or any building or stand in which fireworks are sold at retail or stored after hours.

d. It is unlawful at any time to throw or toss any fireworks at any person, animal, vehicle, thing or object.

e. It is unlawful to have in possession or to use, fire, or discharge any fireworks in any public park within the City, including vehicle parking areas within or adjacent to a park.

f. During periods of extreme fire danger, the Fire Code Official may prohibit the discharge of all fireworks including those described in section 5601.1.3.1.d.

g. Legal consumer fireworks may only be used or discharged within the City on the following days and times as provided in RCW 70.77.395:

From 12:00 noon to 11:00 p.m. on June 28th of each year;

From 9:00 a.m. to 11:00 p.m. on each day from June 29th through July 3rd of each year;

From 9:00 a.m. to 12:00 midnight on July 4th of each year;

From 9:00 a.m. to 11:00 p.m. on July 5th of each year; and

From 6:00 p.m. on December 31st until 1:00 a.m. on January 1st of the subsequent year.

B. Section 5601 of the International Fire Code entitled "General" is amended by substituting the following subsection 5601.2.2:

Section 5601.2.2 Sale and Retail Display. Retail sales of fireworks shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is prohibited. Temporary stands shall be subject to the following conditions:

a. It is unlawful for any person, firm or corporation to engage in the retail sale of any fireworks within the city limits of Tukwila without first obtaining a City business license.

b. Applications for temporary fireworks stand permits shall be made to the Fire Code Official, and must be accompanied by the appropriate application fee in accordance with the fee schedule adopted by resolution of the City Council and RCW 70.77.555. Pursuant to this chapter, applications may be filed only during the period between April 15 and June 1st of the year for which the permit is sought.

c. Any issued permit shall be used only by the designated permittee and shall be nontransferable.

d. The maximum number of permits issued by the City in any year shall not exceed four. Applications shall be reviewed on a first-come, first served basis.

e. A temporary fireworks stand permit shall be issued only upon compliance with the following terms and conditions:

(1) The applicant shall have a valid and subsisting Washington State fireworks license issued by the Washington State Patrol authorizing the holder thereof to engage in the fireworks business.

(2) The applicant shall provide proof of a liability insurance policy with coverage of not less than \$50,000; and \$500,000 for bodily injury liability for each person and occurrence, respectively; and not less than \$50,000 for property damage liability for each occurrence, or such policy as may comply with, or exceed, the requirements of RCW 70.77.270.

(3) The applicant shall provide an inventory list of resale items in accordance with the provisions of section 5601.1.3.1.d.

f. Temporary fireworks stands shall be erected under the supervision of the Fire Code Official and shall conform to the following minimum standards:

(1) Temporary fireworks stands shall not be located:

Within 100 feet of any gasoline stations, oil storage tanks, or premises where flammable liquids are kept or stored;

Closer than 20 feet to buildings, combustibles, parking, storage, public roads, motor vehicle traffic, or generators;

Within 25 feet of any property line;

Within 100 feet of tents, other fireworks stands, fuel dispensing devices, retail propane dispensing stations, flammable liquid storage, and combustible storage; and

Within 300 feet of bulk fuel storage.

(2) Each temporary fireworks stand shall have at least two exits that shall be unobstructed at all times and located as far from each other as possible. Parking for customers shall be located at least 20 feet away from the stand.

(3) Each temporary fireworks stand shall have fire extinguishers in a readily accessible place and approved by the Fire Code Official as to location within the stand, number and type. No smoking shall be permitted in or near a fireworks stand, and signs reading "NO SMOKING WITHIN 25 FEET" shall be prominently displayed on the fireworks stand.

(4) Each stand shall be operated by adults (18 years old or older) only. No fireworks shall be left unattended in a stand.

(5) All weeds and combustible materials shall be cleared from the location of the stand to at least a distance of 20 feet.

(6) All unsold fireworks, cartons and other rubbish shall be removed from the location and from the City by 12:00 noon on July 6 each year. The fireworks stand shall be dismantled and removed from the location by 12:00 noon on July 10 each year.

(7) Fireworks shall not be discharged within 300 feet of a fireworks stand. Signs reading "NO FIREWORKS DISCHARGE WITHIN 300 FEET" shall be in letters at least two inches high, with a principal stroke of not less than one-half inch on contrasting background, and such signs shall be conspicuously posted on all four sides of the stand.

(8) Fireworks retailers shall not knowingly sell fireworks to persons under the age of 16 and shall require proof of age by means of display of a driver's license or photo identification card issued by a public or private

school, state, federal or foreign government showing a photograph and date of birth.

(9) Retail sales of legal consumer fireworks shall only be allowed within the City on the following days and times as provided in RCW 70.77.395 as now enacted or hereafter amended:

From 12:00 noon to 11:00 p.m. on June 28th of each year;

From 9:00 a.m. to 11:00 p.m. on each day from June 29th through July 4th of each year;

From 9:00 a.m. to 9:00 p.m. on July 5th of each year,

From 12:00 noon to 11:00 p.m. on each day from December 27th through December 31st of each year.

(10) If the fireworks stand is proposed for placement on leased property, the applicant shall provide an affidavit from the property owner that the use is acceptable.

(11) Additional signage required by the Fire Code Official shall be prominently displayed on the fireworks stand.

g. Any person who violates any portion of this ordinance shall have their fireworks subject to seizure by the Tukwila Police Chief, or designee, as provided for in RCW 70.77.435 and shall be guilty of a civil violation and penalty as provided in TMC Chapter 8.45.

h. Any person who uses or discharges fireworks in a reckless manner that creates a substantial risk of death or serious physical injury to another person or damage to the property of another is guilty of a gross misdemeanor and shall be punishable by a maximum penalty of 364 days in jail and/or a \$5,000 fine. Upon conviction, the sentencing court may order restitution for any property damage or loss caused by the offense.

C. Section 5608 of the International Fire Code entitled "Fireworks Display" is amended by substituting 5608.3 with the following:

Section 5608.3 Pyrotechnic Display Requirements.

All fireworks displays shall conform to the following minimum standards and conditions:

1. All fireworks displays must be planned, organized, and discharged by a state-licensed pyrotechnician.

2. All pyrotechnic displays must comply with applicable requirements set forth in the WAC and RCW's, the International Fire Code, applicable NFPA codes, and as required by the Tukwila Municipal Code.

3. A Pyrotechnic Display Permit (explosives operational fire permit) must be submitted at least 45 days prior to the desired display date. Approval by the Fire Code Official is required prior to any display of pyrotechnics or the setup of the pyrotechnic display.

4. The fee for a Pyrotechnic Display Permit shall be in accordance with the Tukwila Fire Permit Fee Schedule adopted by resolution of the City Council.

5. At the discretion of the Fire Chief that such requirement is necessary to preserve the public health, safety and welfare, the Pyrotechnic Display Permit may require that Fire Department apparatus and fire personnel be on site from 30 minutes prior to the start until 30 minutes after the conclusion of the display. All compensation/costs for fire personnel and apparatus will be paid by the applicant in accordance with the fee schedule adopted by resolution of the City Council and amended from time to time.

6. Permits granted shall be in effect for the specified event, date and time. Permit applications shall specify if a pyrotechnic display is needed for a multi-day event (example: pyrotechnics for professional sports season, concert, or other multi-day event).

7. An approved Pyrotechnic Display Permit shall not be transferable.

8. The Chief of Police and the Fire Code Official are both directed to administer and enforce the provisions of this chapter. Upon request by the Chief of Police or the Fire Code Official, all other City departments and divisions are authorized to assist them in enforcing this chapter.

9. An approved Pyrotechnic Display Permit may be immediately revoked at any time deemed necessary by the Fire Code Official due to any noncompliance or weather conditions such as extremely low humidity or wind factor. The display may also be canceled by accidental ignition of combustible or flammable material in the vicinity due to fall debris from the display.

10. For displays other than the 4th of July, the permit application must also include a public notification plan for affected residents or businesses. This may include newspaper, radio, and/or television announcements; door to door distribution of written announcements; reader boards and/or other methods or media. The public notification plan is subject to approval by the Fire Chief or designee. Costs associated with public notification to affected residents shall be borne by the permit applicant.

(Ord 2703 §16, 2023)

16.16.120 Amendments to the International Fire Code – Chapter 80, “Referenced Standards”

A. Section NFPA of the *International Fire Code*, entitled “Referenced Standards,” is amended by modifying the standard reference number dates of publication as follows:

- 13-22 Installation of Sprinkler Systems
- 13D-22 Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes
- 13R-22 Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height
- 20-22 Installation of Stationary Pumps for Fire Protection
- 24-22 Installation of Private Fire Service Mains and Their Appurtenances
- 72-22 National Fire Alarm and Signaling Code
- 110-22 Emergency and Standby Power Systems
- 111-22 Stored Electrical Energy Emergency and Standby Power Systems
- 1225-22 Standard for Emergency Services Communications

(Ord 2703 §17, 2023)

16.16.130 Amendments to the International Fire Code – Appendix B, “Fire-Flow Requirements for Buildings”

A. Section B103 of the *International Fire Code*, entitled “Modifications,” is amended by substituting subsection B103.2 with the following:

Section B103.2 Increases. The fire chief is authorized to increase the fire-flow requirements where exposures could be impacted by fire. An increase shall not be more than twice that required for the building under consideration.

Exception: For one- and two-family residences when either of the following conditions apply:

1. The building and exposure are equipped with the 1-hour fire resistant rated exterior walls tested in accordance with ASTM E 119 or UL 263 with exposure on the exterior side and projections with 1-hour underside protection, fire blocking installed from the wall top plate to the underside of the roof sheathing and no gable vent openings.
2. The walls are a distance greater than 11' to the nearest exposure or lot line; or face an unbuildable lot, tract or buffer. The distance shall be measured at right angles from the face of the wall.

B. Section B105 of the *International Fire Code*, entitled “Fire-Flow Requirements for Buildings,” is amended by substituting section B105 with the following:

Section B105.1 One- and two-family dwellings. Fire-flow requirements for one- and two-family dwellings shall be in accordance with Sections B105.1.1 through B105.1.2.

Section B105.1.1 Buildings less than 3,600 square feet. The minimum fire-flow and flow duration requirements for buildings less than 3,600 square feet shall be 1,000 gallons per minute for 1 hour.

Exception: A reduction in required fire-flow of 50 percent, as approved, is allowed when the building is equipped with an approved automatic sprinkler system.

Section B105.1.2 Buildings greater than 3,600 square feet or more. The minimum fire-flow and flow duration requirements for buildings that are 3,600 square feet or larger shall not be less than that specified in Table B105.1(2).

Exception: A reduction of fire-flow and flow duration to 1,000 gallons per minute for 1 hour, as approved, is allowed when the building is equipped with the following:

1. An approved automatic sprinkler system.

Section B105.2 Buildings other than one- and two-family dwellings. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1(2).

Exception: A reduction in required fire-flow of 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire-flow shall not be less than 1,500 gallons per minute for the prescribed duration as specified in Table B105.1(2).

Section B105.2.1 Tents and Membrane structures. No fire flow is required for tents and membrane structures.

Section B105.2.2 Accessory residential Group U buildings. Accessory residential Group U buildings shall comply with the requirements of B105.1.

Section B105.3 Water supply for buildings equipped with an automatic sprinkler system. For buildings equipped with an automatic sprinkler system, the water supply shall be capable of providing the greater of:

1. The automatic sprinkler system demand, including hose stream allowance.
2. The required fire flow.

C. Section B105 of the *International Fire Code*, entitled “Fire-Flow Requirements for Buildings,” is amended by deleting the following tables from section B105:

Table B105.1(1). Required Fire-Flow for One- and two-family dwellings, Group R-3 and R-4 Buildings and Townhouses.

Table B105.2. Required Fire-Flow for Buildings Other than One- and two-family dwellings, Group R-3 and R-4 Buildings and Townhouses.

D. Section B105 of the *International Fire Code*, entitled “Fire-Flow Requirements for Buildings,” is amended by adding new subsection B105.4 as follows:

Section B105.4 Alternative Fire Flow Mitigation. For development projects, where it has been determined not feasible to extend the water main by the local water

purveyor, the following alternative fire flow mitigations are approved for use in accordance with Sections B105.4.1 through B105.4.2

Section B105.4.1 One- and two-family dwellings. Fire flow will not be required for one- and two-family dwellings if all of the following mitigations are met;

1. The fire-flow calculation area is less than 3600 square feet.
2. The construction type of the dwelling is Type VA.
3. The dwelling is equipped with an automatic fire sprinkler system installed in accordance with Section 903.3.1.3 with a water supply of no less than 30 minutes.
4. The dwelling has a fire separation distance of no less than 150 feet on all sides.

Section B105.4.2 Buildings other than one- and two-family dwellings. Fire flow will not be required for buildings other than one- and two-family dwellings if all of the following mitigations are met;

1. The fire-flow calculation area is less than 3600 square feet.
2. The construction type of the building is not Type VB.
3. The building is equipped with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 with a water supply of no less than 30 minutes.
4. The building has a fire separation distance of no less than 150 feet on all sides.

(Ord 2703 §18, 2023)

CHAPTER 16.20
EMERGENCY SERVICE ELEVATORS

Sections:

- 16.20.010 Application
 - 16.20.020 Requirements
 - 16.20.030 Waiver
-

This Chapter was repealed by Ordinance 2703, May 2023

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-1 through RMH) or which is located within the boundaries of any C-1, C-2 or M-1 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

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. "Early Learning Facility" is defined consistent with RCW 43.31.565(3) as now enacted or hereafter amended.

8. "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.

9. "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.

10. "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.

11. "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.

12. "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.

13. "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.

14. "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. 2655 §1, 2021; 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

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. 2694](#).

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)

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.

10. An Early Learning Facility is exempt from paying 80 percent of the required Fire Impact Fee.

(Ord. 2655 §2, 2021; 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. **"Early Learning Facility"** is defined consistent with RCW 43.31.565(3) as now enacted or hereafter amended.

8. **"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.

9. **"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.

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 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.

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

14. "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. 2656 §1, 2021; 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. 2695](#).

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.

9. An Early Learning Facility is exempt from paying 80 percent of the required Parks Impact Fee.

(Ord. 2656 §2, 2021; 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

This Chapter was repealed by Ordinance 2703, May 2023

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

This Chapter was repealed by Ordinance 2703, May 2023

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

This Chapter was repealed by Ordinance 2703, May 2023

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

This Chapter was repealed by Ordinance 2703, May 2023

CHAPTER 16.52
FLOOD PLAIN MANAGEMENT

Sections:

- 16.52.010 Statutory Authorization
- 16.52.020 Purpose
- 16.52.030 Definitions
- 16.52.040 Applicability
- 16.52.050 Basis for Establishing the Areas of Special Flood Hazard
- 16.52.060 Interpretation
- 16.52.070 Warning and Disclaimer of Liability
- 16.52.080 Administration
- 16.52.090 Permits
- 16.52.100 Standards
- 16.52.110 Floodways
- 16.52.120 Critical Facility
- 16.52.125 Compliance
- 16.52.130 Penalties
- 16.52.140 Abrogation and Greater Restrictions

16.52.010 Statutory Authorization

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. 2637 §3, 2020)

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;
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
9. Participate in and maintain eligibility for flood insurance and disaster relief.

(Ord. 2637 §4, 2020)

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. **Alteration of watercourse:** Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.
2. **Appeal:** A request for a review of the interpretation of any provision of this chapter or a request for a variance.
3. **Area of shallow flooding:** A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.
4. **Area of special flood hazard:** The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".
5. **ASCE 24:** The most recently published version of ASCE 24, "Flood Resistant Design and Construction", published by the American Society of Civil Engineers.
6. **Base flood:** The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").
7. **Base Flood Elevation (BFE):** The elevation to which floodwater is anticipated to rise during the base flood.
8. **Basement:** Any area of the building having its floor sub-grade (below ground level) on all sides.
9. **Building:** See "Structure."
10. **Building Code:** The current editions of the building codes and amendments adopted by Washington State and amended by the City of Tukwila.
11. **Breakaway wall:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
12. **Critical facility:** 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 that produce, use, or store hazardous materials or hazardous waste.
13. **Development:** 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 or storage of equipment or materials located within the area of special flood hazard.

14. **Director:** The Director of Public Works or designee.

15. **Elevation Certificate:** An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

16. **Elevated building:** For insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

17. **Essential facility:** This term has the same meaning as "Essential Facility" defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

18. **Flood or Flooding:**

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters;

(2) The unusual and rapid accumulation or runoff of surface waters from any source; and/or

(3) Mudslides (i.e., mudflows), which are proximately caused by flooding as defined in subparagraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as defined in subparagraph (a)(1) of this definition.

19. **Flood elevation study:** An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

20. **Flood Insurance Rate Map (FIRM):** The official map of a community on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

21. **Floodplain or flood-prone area:** Any land area susceptible to being inundated by water from any source. See "Flood or Flooding."

22. **Floodplain Administrator:** The community official designated by title to administer and enforce the floodplain management regulations.

23. **Floodplain management regulations:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

24. **Flood proofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood-proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

25. **Floodway:** 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 a designated height. Also referred to as "Regulatory Floodway."

26. **Functionally dependent use:** A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

27. **Highest adjacent grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

28. **Historic structure:** Any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior, or

(2) Directly by the Secretary of the Interior in states without approved programs.

29. **Lowest floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building

access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter (i.e. provided there are adequate flood ventilation openings).

30. **Manufactured home:** A structure, transportable in one or more sections, that is built on a permanent chassis and is 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."

31. **Manufactured home park or subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

32. **Mean sea level:** For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

33. **New construction:** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

34. **NFIP** means National Flood Insurance Program.

35. **One-hundred-year flood or 100-year flood:** See "Base flood."

36. **Reasonably safe from flooding:** Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered "A" zones where flood elevation information is not available and cannot be obtained by practicable means, "reasonably safe from flooding" means the lowest floor is at least two feet above the Highest Adjacent Grade.

37. **Recreational vehicle:** A vehicle:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light-duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

38. **Special Flood Hazard Area (SFHA):** 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.

39. **Start of construction:** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. 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.

40. **Structure:** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

41. **Substantial Damage:** 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 percent of the market value of the structure before the damage occurred.

42. **Substantial improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

43. **Variance:** A grant of relief by a community from the terms of a floodplain management regulation.

44. **Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is a grant of relief by a community from the terms of a floodplain management regulation.

45. **Water surface elevation:** The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

46. **Water Dependent:** A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. 2637 §5, 2020)

16.52.040 Applicability

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

(Ord. 2637 §6, 2020)

16.52.050 Basis for Establishing the Areas of Special Flood Hazard

A. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for King County, Washington and Incorporated Areas" dated August 19, 2020, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated August 19, 2020, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The FIS and the FIRMs are on file at 6300 Southcenter Boulevard, Suite 100.

B. The best available information for flood hazard area identification as outlined in TMC Section 16.52.080.C2 shall be the basis for regulation until a new FIRM is issued which incorporates this data.

(Ord. 2637 §7, 2020)

16.52.060 Interpretation

In the interpretation and application of TMC Chapter 16.42, 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. 2637 §8, 2020)

16.52.070 Warning and Disclaimer of 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. 2637 §9, 2020)

16.52.080 Administration

A. The Public Works Director is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

B. The Director may:

1. Restrict or prohibit development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, or in flood heights or velocities;
2. Require that development vulnerable to floods be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate 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.

C. 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. The site is reasonably safe from flooding.
 - d. Review all development permits to determine if the proposed development is located in the floodway, and ensure that the encroachment provisions of TMC Section 16.52.110, "Floodways," are met.
 - e. Notify FEMA when annexations occur in the Special Flood Hazard Area.
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 TMC Chapter 16.52.
 - b. Where elevation data is not available either through the FIS, FIRM, or from another authoritative source (TMC Section 16.52.080), applications for floodplain development shall be reviewed 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. Changes to Special Flood Hazard Area.

a. If a project will alter the Base Flood Elevation (BFE) or boundaries of the Special Flood Hazard Area (SFHA), then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.

b. If a CLOMR application is made, the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

4. 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 through appropriate notification means. (44 CFR 60.3(b)(6))

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

5. Information to be Obtained and Maintained.

a. Where base flood elevation data is provided through the FIS, FIRM, or required as in TMC Section 16.52.080.C.2, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

b. For all new or substantially improved flood-proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in TMC Section 16.52.080.C.2:

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

(2) Maintain the floodproofing certifications required in TMC Section 16.52.090.D.3.

c. Certification required by TMC Section 16.52.110.A.1.

d. Records of all variance actions, including justification for their issuance.

e. Improvement and damage calculations.

f. Maintain for public inspection all records pertaining to the provisions of this ordinance.

(Ord. 2637 §10, 2020)

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 Section 16.52.050. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including clearing, filling, grading, and other activities, also as set forth in the “Definitions.”

B. Application for an FZCP shall be submitted with the project application for a clearing and grading permit, 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 Section 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 (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator;

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

3. Where a structure is to be flood-proofed, certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet flood-proofing criteria in TMC Section 16.52.100 B.2;

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

5. Where development is proposed in a floodway, an engineering analysis determination of no rise of the Base Flood Elevation, and

6. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

(Ord. 2637 §11, 2020)

16.52.100 General 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, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All manufactured homes shall 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.

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. *Storage of Materials and Equipment.*

a. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding are prohibited in special flood hazard areas.

b. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

5. *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 and be located on high ground that is not in the floodway;

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.

6. *Subdivision Proposals and Development.* All subdivisions, as well as new development shall:

a. Be consistent with the need to minimize flood damage;

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

c. Have adequate drainage provided, to reduce exposure to flood damage; and,

d. Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser), base flood elevation data shall be included as part of the application.

B. **Specific Standards.** In all areas of special flood hazards where Base Flood Elevation data has been provided as set forth in TMC Section 16.52.050 or TMC Section 16.52.080.C.2, 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. Mechanical equipment and utilities shall be waterproofed or elevated one or more feet 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 elevated as required by ASCE 24, whichever is greater, or together with attendant utility and sanitary facilities, shall:

(1) Be dry 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 or dry flood-proofed to the elevation required by ASCE 24, whichever is greater;

(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 their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in TMC Section 16.52.080.C.5.

b. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in TMC Section 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). Flood-proofing the building an additional foot will reduce insurance premiums significantly.

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.

5. *Enclosed Areas Below the Lowest Floor:* If buildings or manufactured homes are constructed or substantially improved with fully-enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

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 flood-proofing 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 riverbank 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. 2637 §12, 2020)

16.52.110 Floodways

A. Located within areas of special flood hazard established in TMC Section 16.52.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. *No Rise Standard.* Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating, 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.

2. *Residential Construction in Floodways.* Construction or reconstruction of residential structures is prohibited within designated floodways, except for: (i) repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed 50 percent 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 for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

3. Substantially Damaged Residences in Floodway.

a. For all substantially damaged residential structures located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the Department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

b. Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:

- (1) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
- (2) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
- (3) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
- (4) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the Base Flood Elevation.
- (5) New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system.
- (6) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters.
- (7) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

B. **All Other Building Standards Apply in the Floodway.** If TMC Section 16.52.110.A.1 is satisfied or construction is allowed pursuant to TMC Section 16.52.110.A.2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of TMC Section 16.52.100.

(Ord. 2637 §13, 2020)

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. 2637 §14, 2020)

16.52.125 Compliance

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

(Ord. 2637 §15, 2020)

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. 2637 §16, 2020)

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. 2637 §17, 2020)

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.

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”

Exhibit B

CITY OF TUKWILA FIRE IMPACT FEE SCHEDULE

	FIRE Impact Fee
RESIDENTIAL – per dwelling unit	
(a) Single family	\$2,363
(d) with fire sprinkler system installed	2,221
(b) Multi-family	\$2,722
 COMMERCIAL/NON-RESIDENTIAL	
- per 1,000 square feet of development	
(c) Retail	\$2,647
(c) Office	\$1,033
(c) Industrial/manufacturing	\$221

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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 Section 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”

Exhibit B

CITY OF TUKWILA
PARKS IMPACT FEE SCHEDULE (2023)

	PARKS Impact Fee
RESIDENTIAL – per dwelling unit	
(a) Single family	\$3,773
(b) Multi-family	\$3,287
 COMMERCIAL/NON-RESIDENTIAL	
- per 1,000 square feet of development	
(c) Retail	\$1,726
(c) Office	\$1,555
(d) K-12 Educational Facilities	312
(c) Industrial/Manufacturing	863

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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.