

ORDINANCE No. 118574

NW

Law Department

COUNCIL BILL No. 111676

INDEXED

The City

AN ORDINANCE relating to the application of the Seattle Fire Code to existing conditions and the dispensing of flammable liquids from protected above-ground storage tanks, and amending the Seattle Fire Code, Sections 102.1, 5202.3.1, 5202.4.1, and Appendix II-F, Seattle Municipal Code Section 22.600.020 and Ordinance 118019, adding to amendments made by Ordinances 118018 and 118436.

OK

Honorable President:

Your Committee on _____

to which was referred the within C report that we have considered the

COMPTROLLER FILE No. _____

Introduced: <u>MAY 1 1997</u>	By: NOLAND
Referred: <u>MAY 2 1997</u>	To: PUBLIC SAFETY COMMITTEE
Referred: <u>Apr 21 97</u>	To: <u>Public Safety Committee</u>
Referred:	To:
Reported: <u>MAY - 5 1997</u>	Second Reading: <u>MAY - 5 1997</u>
Third Reading: <u>MAY - 5 1997</u>	Signed: <u>MAY - 5 1997</u>
Presented to Mayor: <u>MAY - 6 1997</u>	Approved: <u>MAY 12 1997</u>
Returned to City Clerk: <u>MAY 13 1997</u>	Published: <u>full 4pg</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

PASSED AS A
20

Held one week
full court

E

Department

INDEXED

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

City President:

Committee on _____

_____ was referred to the within Council Bill No. _____

_____ that we have considered the same and respectfully recommend that the same:

PASSED AS AMENDED
2-0

Held one week motion by McIVER
Full Council vote 8-0

Committee Chair

ORDINANCE 118574

AN ORDINANCE relating to the application of the Seattle Fire Code to existing conditions and the dispensing of flammable liquids from protected above-ground storage tanks, and amending the Seattle Fire Code, Sections 102.1, 5202.3.1, 5202.4.1, and Appendix II-F, Seattle Municipal Code Section 22.600.020 and Ordinance 118019, adding to amendments made by Ordinances 118018 and 118436.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.600.020 of the Seattle Municipal Code (Ordinance 118019 § 2 (part), as last amended by Ordinance 118436) is hereby amended to read as follows:

22.600.020 Adoption of Uniform Fire Code.

The Uniform Fire Code, 1994 Edition, with Appendices I-C, II-A, II-B, II-C, II-D, II-E, II-F (with amendments), III-A, III-C, IV-A (with amendments), IV-B, V-A, VI-A, VI-B, VI-E, VI-F and VI-G thereto, the Uniform Fire Code Standards, 1994 Edition, both published by the International Fire Code Institute, one copy of which is filed with the City Clerk (C.F. 301137), are adopted and by this reference made part of this subtitle. This Uniform Fire Code together with the City of Seattle amendments thereto, as adopted under separate ordinances and known as the Seattle Fire Code Supplement, shall constitute the Official Seattle Fire Code. In any case in which there is a conflict between the component parts of the Seattle Fire Code, the Seattle Fire Code Supplement shall be controlling over the Uniform Fire Code.

Section 2. Section 6 of Ordinance 118018, regarding Subsection 102.1 of the 1994 Uniform Fire Code which was previously adopted as part of the Seattle Fire Code by Ordinance 118019 § 2 (part) as amended by Ordinance 118436, is hereby amended to read as follows:

102.1 Existing Conditions. Except as specifically provided in this Code for retroactive compliance, ~~((F))~~ the provisions of this Code, the Seattle Fire Code, shall apply to ~~((existing))~~ conditions ~~((as well as to conditions))~~ arising after the adoption thereof, ~~((except that))~~ to conditions not legally in existence at the adoption of this Code, and to conditions which, ~~((and not in strict compliance therewith shall be permitted to continue only if))~~ in the opinion of the Chief, ~~((they do not))~~ constitute a distinct hazard to life or property.

A condition is not "legally in existence at the adoption of this Code" unless the condition

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3 is in compliance with the building code and fire code of the City of Seattle in effect when the condition
4 first arose, and the practice, process, materials used and storage configurations have not changed since
5 the condition first arose.
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7 Section 3. Section 56 of Ordinance 118018, regarding Subsection 5202.3.1 of the 1994 Uniform
8 Fire Code which was previously adopted as part of the Seattle Fire Code by Ordinance 118019 § 2
9 (part) as amended by Ordinance 118436, is hereby amended to read as follows:
10

11 **5202.3 Storage of Fuel.**

12 **5202.3.1 General.** Class I liquids shall be stored in closed containers, or in tanks located underground.

13 Exception: Class I liquids are allowed aboveground when located within an Industrial [I] zone,
14 as defined in the Seattle Land Use Code, and when stored in special enclosures in accordance
15 with Section 5202.3.6 or in protected aboveground tanks in accordance with Appendix II-F. No
16 Class I liquids are allowed in aboveground tanks within the Fire District.

17 Class II and III-A liquids shall be stored in containers or in tanks located underground, ~~((or))~~ in special
18 enclosures in accordance with Section 5202.3.6 or in protected aboveground tanks in accordance with
19 Appendix II-F. See also Appendix II-F.
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22 Section 4. Section 57 of Ordinance 118018, regarding Subsection 5202.4.1 of the 1994 Uniform
23 Fire Code which was previously adopted as part of the Seattle Fire Code by Ordinance 118019 § 2
24 (part) as amended by Ordinance 118436, is hereby amended to read as follows:

25 **5202.4.1 Aboveground tanks.** Class I liquids shall not be dispensed into the fuel tank of a motor
26 vehicle from aboveground tanks.

27 Exception: Class I liquids are allowed to be dispensed from aboveground tanks when such
28 tanks are located outside of the Fire District and within an Industrial [I] zone, as defined in the
29 Seattle Land Use Code, and installed inside special enclosures in accordance with Section
30 5202.3.6 or are in accordance with Appendix II-F.
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2 Class II and III-A liquids shall not be dispensed into the fuel tank of a motor vehicle from aboveground
3 tanks except when such tanks are installed inside special enclosures in accordance with Section 5202.3.6
4 or are protected aboveground tanks in accordance with Appendix II-F. See also Appendix II-F.

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6 Section 5. As an addition to the amendments made by Ordinances 118018 and 118436,
7 Subsection 4.3 of Appendix II-F of the 1994 Uniform Fire Code, previously adopted as part of the
8 Seattle Fire Code by Ordinance 118019 § 2 (part) as amended by Ordinance 118436, is hereby amended
9 to read as follows:

10 **4.3 Size.** Primary tanks used for Class I liquids shall not exceed a 10,000-gallon (37,854 L) individual
11 or aggregate capacity. Primary tanks used for Class II or III liquids shall not exceed a 10,000-gallon
12 (37,854 L) individual or 40,000-gallon (151,416 L) aggregate capacity.

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15 Section 6. As an addition to the amendments made by Ordinances 118018 and 118436,
16 Subsection 5.2 of Appendix II-F of the 1994 Uniform Fire Code, previously adopted as part of the
17 Seattle Fire Code by Ordinance 118019 § 2 (part) as amended by Ordinance 118436, is hereby amended
18 to read as follows:

19 **5.2 Total Quantity.** Protected aboveground tank installations shall not exceed 10,000 gallons (37,854
20 L) aggregate capacity of Class I liquids or 40,000 gallons (151,416 L) total aggregate capacity of
21 primary tanks containing Class I, II and III-A liquids. Tank installations having the maximum
22 allowable aggregate capacity shall be separated from other installations of protected aboveground tanks
23 by not less than 100 feet (3048 mm).

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26 Section 7. The attached text, containing the amendments to the 1994 Uniform Fire Code,
27 Subsections 102.1, 5202.3.1, 5202.4.1 and Appendix II-F, is a version of the Seattle Fire Code
28 Supplement in a form which can be reproduced and added to the bound volume of the 1994 Uniform Fire
29 Code for easy reference. The attachment amends and supplements the easy reference version attached to
30 Ordinance 118019. The attached text is provided for reference only, and in any case in which there is a
31 conflict between the Seattle Fire Code Supplement and the attached text, the Seattle Fire Code Supplement
32 shall be controlling.
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Section 8. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 5 day of May, 1997, and signed by me in open session in authentication of its passage this 5 day of May, 1997.

Jan Drago

President _____ of the City Council

Approved by me this 12 day of May, 1997.

Jan Drago

Mayor

Filed by me this 12 day of May, 1997.

Ann Douglas

City Clerk

(Seal)

Section 102.1 is replaced to read as follows:

102.1 Existing Conditions. Except as specifically provided in this Code for retroactive compliance, the provisions of this Code, the Seattle Fire Code, shall apply to conditions arising after the adoption thereof, to conditions not legally in existence at the adoption of this Code, and to conditions which, in the opinion of the Chief, constitute a distinct hazard to life or property.

A condition is not "legally in existence at the adoption of this Code" unless the condition is in compliance with the building code and fire code of the City of Seattle in effect when the condition first arose, and the practice, process, materials used, and storage configurations have not changed since the condition first arose.

Section 103.1.4 is replaced to read as follows:

103.1.4 Appeals. Appeals from decisions or actions pertaining to the application and interpretation of this Code shall be addressed to the Fire Chief. If not resolved with the Chief, the appellant may submit a written request to the Fire Chief for a review by the Fire Code Appeals Board in accordance with all applicable by-laws, rules, regulations and ordinances. The results of this appeal will be advisory only, in accordance with City of Seattle Ordinance 117717.

Section 5202.3.1 is replaced to read as follows:

5202.3 Storage of Fuel.

5202.3.1 General. Class I liquids shall be stored in closed containers, or in tanks located underground.

Exception: Class I liquids are allowed aboveground when located within an Industrial [I] zone, as defined in the Seattle Land Use Code, and when stored in special enclosures in accordance with Section 5202.3.6 or in protected aboveground tanks in accordance with Appendix II-F. No Class I liquids are allowed in aboveground tanks within the Fire District.

Classes II and III-A liquids shall be stored in containers or in tanks located underground, in special enclosures in accordance with Section 5202.3.6 or in protected aboveground tanks in accordance with Appendix II-F. See also Appendix II-F.

Section 5202.4.1 is replaced to read as follows:

5202.4 Dispensing.

5202.4.1 Aboveground tanks. Class I liquids shall not be dispensed into the fuel tank of a motor vehicle from aboveground tanks.

Exception: Class I liquids are allowed to be dispensed from aboveground tanks when such tanks are located outside of the Fire District and within an Industrial [I] zone, as defined in the Seattle Land Use Code, and installed inside special enclosures in accordance with Section 5202.3.6 or are in accordance with Appendix II-F.

Class II and III-A liquids shall not be dispensed into the fuel tank of a motor vehicle from aboveground tanks except when such tanks are installed inside special enclosures in accordance with Section 5202.3.6 or are protected aboveground tanks in accordance with Appendix II-F. See also Appendix II-F.

Section 5202.4.2 is amended to read as follows:

5202.4.2 Filling of portable containers and tanks and cargo tanks. It is unlawful to sell, offer for sale, or distribute any container for the storage and/or handling of flammable liquids, unless such container has been approved for such purpose under applicable provisions of this Code. Class I, II and III-A liquids shall not be dispensed into portable containers unless such container is of approved material and construction, and having a tight closure with screwed or spring cover so designed that the contents can be dispensed into without spilling. Liquids shall not be dispensed into portable tanks.

Cargo tanks shall be filled at bulk plants or terminals.

APPENDIX II-F

Section 4.3 is amended to read as follows:

4.3 Size. Primary tanks used for Class I liquids shall not exceed a 10,000-gallon (37 854 L) individual or aggregate capacity. Primary tanks used for Class II or III liquids shall not exceed a 10,000-gallon (37 854 L) individual or 40,000-gallon (151 416 L) aggregate capacity.

Section 5.2 is amended to read as follows:

5.2 Total Quantity. Protected aboveground tank installations shall not exceed 10,000 gallons (37 854 L) aggregate capacity of Class I liquids or 40,000 gallons (151 416 L) total aggregate capacity of primary tanks containing Class I, II and III-A liquids. Tank installations having the maximum allowable aggregate capacity shall be separated from other installations of protected aboveground tanks by not less than 100 feet (3048 mm).



**Legislative Department
Seattle City Council
*Memorandum**

Date: March 20, 1997
To: Members, Public Safety Committee
From:  Mary Denzel, Council Central Staff
Subject: Retroactive Enforcement of the Fire Code

The Fire Code Advisory Board, and its subcommittee on retroactivity, have been analyzing and discussing the issue of retroactive enforcement of the Seattle Fire Code for some months now. The Fire Marshal and the Board have reached agreement on recommending to Council a change to the Seattle Fire Code. The fire unions have decided not to take a position on the issue. The crux of the change would allow existing conditions that were in compliance with the code when they arose to continue, regardless of code changes, unless the Chief determines the condition is a distinct hazard.

I've attached, on page 3, three versions of the code language addressing this issue:

- The Uniform Fire Code language
- The current Seattle Amendment to the Uniform Fire Code Language
- The proposed language

I've also attached "Reasons for Code Change," a paper developed by the Fire Code Advisory Board subcommittee on retroactivity.

In addition to the reasons outlined by the Board, several points stand out in considering this change.

1. It Is Impractical To Expect All Citizens To Be Knowledgeable About The Changes In The Code Every Three Years. The Uniform Fire Code is a business that produces a model code adopted by 27 western states. The code is substantially amended every three years. Anyone can propose a code change, from fire chiefs in jurisdictions of all sizes to manufacturers or installers of new equipment. Structures, equipment and processes approved under previous codes provide, in many cases, a good degree of safety. A retroactive code technically requires all citizens and businesses, (including all City operations), to be familiar with all the changes every three years, and ensure all their practices, structures, and equipment meet the current code. At the same time the Fire Marshal's Office staff does not want businesses to overhaul their buildings or processes based on their interpretation of the new code; they want business to consult the Fire Marshal's Office. But the Fire Marshal's Office cannot possibly provide sufficient staff for this service.

Meanwhile, the retroactive language of the code places the responsibility on citizens to be in compliance.

2. Business Insurance Policies Require That Businesses Be In Compliance With All Codes. If an insurance loss occurs, businesses fear their coverage could be compromised because of noncompliance with some provision of the code. Under the current code, on a case-by-case basis, the Fire Marshal's Office can rule that compliance with each new code provision is not necessary, because the structure, equipment or process, which met the previous code, provides an equivalent level of safety, or does not constitute a distinct hazard to life of property. But the FMO does not have staff to inspect all pre-existing facilities and provide these rulings. There is a backlog of thousands of businesses awaiting their review by the Marshal's Office.

The proposed language presumes that pre-existing conditions which met the code when they arose still meet a reasonable standard of fire safety. If a fire inspector notes a distinct hazard, even if it met a previous code, the inspector can cite that as a violation.

3. In Practice, The Distinct Hazard Standard Is Used By The FMO In Deciding What Must Be Upgraded In Facilities That Pre-Date The Current Code. In practice, once the FMO is able to focus its attention on a particular facility, older facilities are not required to meet every modern code standard. In collaboration with the business, the FMO arrives at the minimum upgrades necessary to avoid distinct hazards. In this respect, the proposed code language more closely mirrors the actual enforcement practice. To quote from a draft Fire Department paper on retroactive enforcement:

The Seattle Fire Department recognizes that total compliance with all the requirements of the Code is often physically impossible and/or economically impracticable for existing facilities. It is the Department's policy to accommodate requests for a conference with the code enforcement team to identify design solutions which may provide equivalent protection.

Keep in mind, however, that a backlog of thousands of cases means many businesses have been unable to obtain such a review.

DRAWBACKS TO MAKING THE CHANGE:

1. Some businesses have been required by the FMO to make substantial upgrades, (and some have voluntarily upgraded) to comply with changing codes. Businesses who evaded inspection or detection may now be absolved of similar responsibility. This is potentially a financial advantage to those businesses who didn't make changes. However, the FMO may still require changes under the distinct hazard standard.

2. There will be administrative headaches for the FMO: inspectors must determine when a condition arose, and consult the code in effect at that time, to determine the applicable standard. This will require some retraining of staff. Keep in mind, however, that any time the Chief determines a distinct hazard exists, the condition must be upgraded.

VARIATIONS OF FIRE CODE LANGUAGE RELATED TO RETROACTIVE
ENFORCEMENT

Uniform Fire Code: The provisions of this code shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this code, and to conditions which, in the opinion of the Chief, constitute a distinct hazard to life or property.

The current Seattle Amendment to the Uniform Fire Code Language: The provisions of this Code shall apply to existing conditions as well as to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this code, and to conditions which, except that conditions legally in existence at the adoption of this Code and not in strict compliance therewith shall be permitted to continue only if, in the opinion of the Chief, they do not constitute a distinct hazard to life or property.

The proposed language: Except as specifically provided in this Code for retroactive compliance, ((F)) the provisions of this code, The Seattle Fire Code, shall apply to conditions arising after the adoption thereof, to conditions not legally in existence at the adoption of this code, and to conditions which, in the opinion of the Chief, constitute a distinct hazard to life or property.

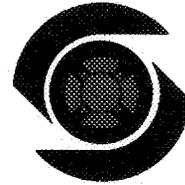
A condition is not "legally in existence at the adoption of this code" unless the condition:

(a) is in compliance with the building code and fire code of the City of Seattle in effect when the condition first arose, and the practice, process, materials used, and storage configuration have not changed since the condition first arose; or

(b) was in compliance with the building code and fire code of the City of Seattle then in effect at any time after the condition first arose, and the practice, process, materials used and storage configurations have not changed since the time of compliance.

**Your
Seattle
Fire Department**

Claude Harris, Chief
Norman B. Rice, Mayor



April 14, 1997

LETTER OF TRANSMITTAL

The Honorable Jan Drago
President
Seattle City Council

Via The Honorable Mayor Norman B. Rice

Attention: Tom Tierney, Director
Office of Management and Planning

Subject: **AN ORDINANCE** relating to the application of the Seattle Fire Code to existing conditions and the dispensing of flammable liquids from protected above-ground storage tanks, and amending the Seattle Fire Code, Sections 102.1, 5202.3.1, 5202.4.1, and Appendix II-F, Seattle Municipal Code Section 22.600.020 and Ordinance 118019, adding to amendments made by Ordinances 118018 and 118436.

Dear President Drago:

Enclosed with this letter is a draft of an ordinance which amends those sections of the Seattle Fire Code that pertain to the retroactive application of the Fire Code to existing conditions and the dispensing of flammable liquids from protected above-ground storage tanks. The proposed ordinance represents the consensus recommendation of the Seattle Fire Code Advisory Board and the Seattle Fire Department.

In November, 1995, the Fire Code Advisory Board was charged with the challenging task of examining proposed amendments to the Seattle Fire Code and making recommendations to the Fire Department, the Mayor's Office and City Council. In February, 1996, the review of Seattle amendments to the 1994 edition of the Uniform Fire Code (UFC) culminated in the passage of Ordinances 118018 and 118019. This review was completed under an expedited schedule in order to allow the Seattle Building Code

and Fire Code to remain in sync (i.e., both 1994 versions). It was decided that the expedited review schedule dictated that certain issues, such as retroactive application of the Fire Code, would be reviewed at a later date.

On December 3, 1996, the Fire Code Advisory Board voted that Seattle should adopt the following language for the Seattle Fire Code, Section 102.1, Existing Conditions:

"The provisions of this code, the **Seattle Fire Code**, shall apply to conditions arising after the adoption thereof, **to** conditions not legally in existence at the adoption of this code, and to conditions which, in the opinion of the Chief, constitute a distinct hazard to life or property.

A condition is not "legally in existence at the adoption of this Code" unless the condition:

(a) is in compliance with the Building and Fire Code of the City of Seattle in effect when the condition first arose, and

(b) the practice, process, materials used, or storage configurations have not changed, since the condition first arose."

The Fire Department, Fire Code Advisory Board and the business community support this Code change. The Seattle Fire Fighter's Union has voted not to oppose the ordinance. This change will make Seattle's Fire Code language more consistent with 21 other Western states which adopt the Uniform Fire Code, and place Seattle businesses on a level playing field with businesses in other areas.

On March 4, 1997, the Fire Code Advisory Board voted and approved as a "friendly amendment," language offered by Council Central staff member, Mary Denzel.

"Except as specifically provided in this Code for retroactive compliance, the provisions of this code, **the Seattle Fire Code**, shall apply to conditions arising after the adoption thereof, **to** conditions not legally in existence at the adoption of this Code, and to conditions which, in the opinion of the Chief, constitute a distinct hazard to life or property.

A condition is not "legally in existence at the adoption of this Code" unless the condition:

(a) is in compliance with the building code and fire code of the City of Seattle in effect when the condition first arose, and the practice, process, materials

used and storage configurations have not changed since the condition first arose, or

(b) was in compliance with the building code and fire code of the City of Seattle then in effect at any time after the condition first arose and the practice, process, materials used, and storage configurations have not changed since the time of compliance."

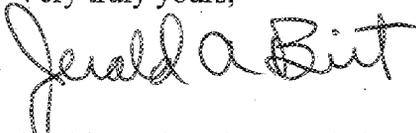
The Fire Department, Fire Code Advisory Board and the business community support this new language. This language will make Seattle's Fire Code more consistent with 21 other Western states which adopt the Uniform Fire Code, and place Seattle businesses on a level playing field with businesses in other areas.

Proposed amendments to Article 52 of the Seattle Fire Code which regulate motor vehicle fuel dispensing stations will allow installation of protected, above-ground fuel storage tanks. No gasoline fuel dispensing from above-ground tanks will be allowed in the downtown fire district.

Above-ground tank fuel dispensing was formerly common among rural, agricultural areas. Stringent environmental regulation and excessive insurance costs associated with underground fuel storage tanks have resulted in above-ground fuel storage tank development. The proposed ordinance includes size limits, set back requirements and adherence to national standards for projectile and ballistic protection.

On behalf of the Seattle Fire Department and the Fire Code Advisory Board, we would like to thank the members of the Subcommittees on Retroactive Code Enforcement and Flammable and Combustible Liquid Storage Tanks chaired by David Schneider and Philip Dovich respectively, for their diligence and outstanding effort put forth to reach an agreement mutually satisfactory to all parties, while providing utmost consideration to fire and life safety.

Very truly yours,



Jerald A. Birt, Fire Marshal
Seattle Fire Department

JAB:mwp

Enclosure

**Your
Seattle
Fire Department**

Claude Harris, Chief
Norman B. Rice, Mayor

March 11, 1997



LETTER OF TRANSMITTAL

The Honorable Jan Drago
President
Seattle City Council

Via The Honorable Mayor Norman B. Rice

Attention: Tom Tierney, Director
Office of Management and Planning

Subject: **AN ORDINANCE** relating to the application of the Seattle Fire Code to existing conditions and the dispensing of flammable liquids from protected above-ground storage tanks, and amending the Seattle Fire Code, Sections 102.1, 5202.3.1, 5202.4.1, and Appendix II-F, Seattle Municipal Code Section 22.600.020 and Ordinance 118019, adding to amendments made by Ordinances 118018 and 118436.

Dear President Drago:

Enclosed with this letter is a draft of an ordinance which amends those sections of the Seattle Fire Code that pertain to the retroactive application of the Fire Code to existing conditions and the dispensing of flammable liquids from protected above-ground storage tanks. The proposed ordinance represents the consensus recommendation of the Seattle Fire Code Advisory Board and the Seattle Fire Department.

In November, 1995, the Fire Code Advisory Board was charged with the challenging task of examining proposed amendments to the Seattle Fire Code and making recommendations to the Fire Department, the Mayor's Office and City Council. In February, 1996, the review of Seattle amendments to the 1994 edition of the Uniform Fire Code (UFC) culminated in the passage of Ordinances 118018 and 118019. This review was completed under an expedited schedule in order to allow the Seattle Building Code and Fire Code to remain in sync (i.e., both 1994 versions). It was decided that the expedited review schedule

dictated that certain issues, such as retroactive application of the Fire Code, would be reviewed at a later date.

On December 5, 1996, an ordinance was submitted which was the result of an extensive review and collaborative process undertaken by the Fire Code Advisory Board, the Fire Department and the regulated community. The highest consideration was given to fire and life safety, while also examining the current methodology of Fire Code enforcement. We attempted to evaluate the impacts on businesses and fire fighters, weigh legal implications against the potential liability for the responsibility of maintaining safe occupancies or use of dangerous materials and considered practices in other jurisdictions along with the history of fire code development.

On March 4, 1997, the Fire Code Advisory Board voted and approved as a "friendly amendment," language offered by Council Central staff member, Mary Denzel. The result of the Fire Code Advisory Board action with concurrence by the Seattle Fire Department, is that Seattle should adopt the following language for the Seattle Fire Code, Section 102.1, Existing Conditions:

"Except as specifically provided in this Code for retroactive compliance, the provisions of this code, the Seattle Fire Code, shall apply to conditions arising after the adoption thereof, to conditions not legally in existence at the adoption of this Code, and to conditions which, in the opinion of the Chief, constitute a distinct hazard to life or property.

A condition is not "legally in existence at the adoption of this Code" unless the condition:

(a) is in compliance with the building code and fire code of the City of Seattle in effect when the condition first arose, and the practice, process, materials used and storage configurations have not changed since the condition first arose, or

(b) was in compliance with the building code and fire code of the City of Seattle then in effect at any time after the condition first arose and the practice, process, materials used, and storage configurations have not changed since the time of compliance."

The Fire Department, Fire Code Advisory Board and the business community support this new language. This language will make Seattle's Fire Code more consistent with 21 other Western states which adopt the Uniform Fire Code, and place Seattle businesses on a level playing field with businesses in other areas.

Ordinance Transmittal Letter

March 11, 1997

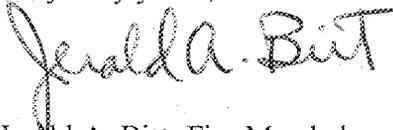
Page 3

Proposed amendments to Article 52 of the Seattle Fire Code which regulates motor vehicle fuel dispensing stations will allow installation of protected, above-ground fuel storage tanks. No gasoline fuel dispensing from above-ground tanks will be allowed in the downtown fire district.

Above-ground tank fuel dispensing was formerly common among rural, agricultural areas. Stringent environmental regulation and excessive insurance costs associated with underground fuel storage tanks have resulted in above-ground fuel storage tank development. The proposed ordinance includes size limits, set back requirements and adherence to national standards for projectile and ballistic protection.

On behalf of the Seattle Fire Department and the Fire Code Advisory Board, we would like to thank the members of the Subcommittees on Retroactive Code Enforcement and Flammable and Combustible Liquid Storage Tanks chaired by David Schneider and Philip Dovich respectively, for their diligence and outstanding effort put forth to reach an agreement mutually satisfactory to all parties, while providing utmost consideration to fire and life safety.

Very truly yours,



Jerald A. Birt, Fire Marshal
Seattle Fire Department

JAB:mwp

Enclosure

LEGISLATIVE REQUEST -- SUPPORTING INFORMATION

The following information is submitted in conformance with City of Seattle Operating Procedure 100-014 and 200-001.

Title of the Project/Program

AN ORDINANCE relating to the application of the Seattle Fire Code to existing conditions and the dispensing of flammable liquids from protected above-ground storage tanks, and amending the Seattle Fire Code, Sections 102.1, 5202.3.1, 5202.4.1, and Appendix II-F, Seattle Municipal Code Section 22.600.020 and Ordinance 118019, adding to amendments made by Ordinances 118018 and 118436.

Statement of Objectives

The proposed ordinance is the result of an extensive review and collaborative process undertaken by the Fire Code Advisory Board, the Seattle Fire Department and the regulated community. The objective is to relieve the regulated community of the burden of being regarded as not in compliance with current fire code regulations at the time of a new fire code adoption.

The proposed language defines those situations which will be required to comply with the new law. In cases where a condition is in compliance with the Seattle Fire Code and Building Code in effect when the condition first arose and the practice, process, materials used and storage configurations have not changed since the condition first arose, the condition will be allowed to continue. The new language also covers those situations where a condition was brought into compliance under a version of the Seattle Fire Code and Building Code in effect after the condition first arose but prior to the enactment of the current Code. Again, if the practice, process, materials used and storage configurations have not changed since that condition was brought into compliance, the condition will be allowed to continue under the new code.

This language change will make Seattle's fire code language more consistent with 21 other Western states which adopt the Uniform Fire Code and place Seattle's businesses at par with businesses in other areas.

Proposed amendments to Article 52 and Appendix II-F regulate motor vehicle fuel dispensing and will allow for the installation of above-ground fuel storage tanks in the City for this activity but will prohibit dispensing Class I flammable liquids into motor vehicles from above-ground tanks located in the Fire District.

Historical Overview

1. The passage of Ordinance 117717 and Resolution 29248 resulted in the reconfiguration of the Seattle Fire Code Advisory Board and the creation of an executive work program for the Fire Marshal's Office. The new legislation was the culmination of an interdepartmental work group which included industry representation.
2. Existing fire code text concerning the application of the fire code to existing conditions places the burden of meeting current fire code requirements with the building owner, regardless of the degree of hazard presented by the condition to fire and life safety.
3. The language in the proposed amendment is intended to clarify conditions that are not "legally in existence" at the time of adoption of a new fire code. The Uniform Fire Code is a continually evolving document which is published every three years. The State of Washington adopts the Uniform codes as the minimum standard for all cities. While cities can amend the Uniform codes, the local amendments cannot be less restrictive than the minimum standard set forth in the Uniform codes.
4. Stringent environmental regulation coupled with excessive leak or contamination insurance costs have resulted in the development of above-ground fuel tanks. In recognition of this trend, the International Fire Code Institute created Appendix II-F which, in conjunction with Uniform Fire Code Appendix Standard A-II-F-1, establishes safety requirements for above-ground fuel tanks. The City of Seattle did not adopt Appendix II-F until last year with the adoption of the 1994 edition of the Uniform Fire Code. Appendix II-F was not adopted by Seattle until the standard for above-ground flammable liquid storage tank construction was completed.
5. The standard for protection of above-ground fuel tanks evolved to provide for adequate fire and life safety. Dispensing Class I flammable liquids into motor vehicles from above-ground tanks will be prohibited in the Fire District. We anticipate issuing permits to industrial facilities located on Harbor Island and similarly zoned areas.

Fiscal Overview

Permits will be issued for above-ground fuel storage tank installation. At this time, it is difficult to predict with certainty how many permit applications will be received. We are aware of interest expressed by Todd Shipyards and other maritime industries in this type of installation. Permits have been issued for above-ground fuel tanks. The code change offers an option for affected businesses with no real revenue increase.

Personnel Requirements

None.

Facilities and Equipment Requirements

None.

Evaluation Criteria

None.

Contact Person

Chief Jerald A. Birt, Fire Marshal 386-1450.

ORDINANCE _____

AN ORDINANCE relating to the application of the Seattle Fire Code to existing conditions and the dispensing of flammable liquids from protected above-ground storage tanks, and amending the Seattle Fire Code, Sections 102.1, 5202.3.1, 5202.4.1, and Appendix II-F, Seattle Municipal Code Section 22.600.020 and Ordinance 118019, adding to amendments made by Ordinances 118018 and 118436.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.600.020 of the Seattle Municipal Code (Ordinance 118019 § 2 (part), as last amended by Ordinance 118436) is hereby amended to read as follows:

22.600.020 Adoption of Uniform Fire Code.

The Uniform Fire Code, 1994 Edition, with Appendices I-C, II-A, II-B, II-C, II-D, II-E, II-F (with amendments), III-A, III-C, IV-A (with amendments), IV-B, V-A, VI-A, VI-B, VI-E, VI-F and VI-G thereto, the Uniform Fire Code Standards, 1994 Edition, both published by the International Fire Code Institute, one copy of which is filed with the City Clerk (C.F. 301137), are adopted and by this reference made part of this subtitle. This Uniform Fire Code together with the City of Seattle amendments thereto, as adopted under separate ordinances and known as the Seattle Fire Code Supplement, shall constitute the Official Seattle Fire Code. In any case in which there is a conflict between the component parts of the Seattle Fire Code, the Seattle Fire Code Supplement shall be controlling over the Uniform Fire Code.

Section 2. Section 6 of Ordinance 118018, regarding Subsection 102.1 of the 1994 Uniform Fire Code which was previously adopted as part of the Seattle Fire Code by Ordinance 118019 § 2 (part) as amended by Ordinance 118436, is hereby amended to read as follows:

102.1 Existing Conditions. Except as specifically provided in this Code for retroactive compliance, ~~((F))~~ the provisions of this Code, the Seattle Fire Code, shall apply to ~~((existing))~~ conditions ~~((as well as to conditions))~~ arising after the adoption thereof, ~~((except that))~~ to conditions not legally in existence at the adoption of this Code, and to conditions which, ~~((and not in strict compliance therewith shall be permitted to continue only if))~~ in the opinion of the Chief, ~~((they do not))~~ constitute a distinct hazard to life or property.

A condition is not "legally in existence at the adoption of this Code" unless the condition:

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3 (a) is in compliance with the building code and fire code of the City of Seattle in effect when the
4 condition first arose, and the practice, process, materials used and storage configurations have not
5 changed since the condition first arose; or

6
7 (b) was in compliance with the building code and fire code of the City of Seattle then in effect at any time
8 after the condition first arose, and the practice, process, materials used and storage configurations have
9 not changed since the time of compliance.

10
11
12 Section 3. Section 56 of Ordinance 118018, regarding Subsection 5202.3.1 of the 1994 Uniform
13 Fire Code which was previously adopted as part of the Seattle Fire Code by Ordinance 118019 § 2 (part)
14 as amended by Ordinance 118436, is hereby amended to read as follows:

15 **5202.3 Storage of Fuel.**

16 **5202.3.1 General.** Class I liquids shall be stored in closed containers, or in tanks located underground.

17 Exception: Class I liquids are allowed aboveground when stored in special enclosures in
18 accordance with Section 5202.3.6 or in protected aboveground tanks in accordance with
19 Appendix II-F. No Class I liquids are allowed in aboveground tanks within the Fire District.

20 Class II and III-A liquids shall be stored in containers or in tanks located underground, ~~((or))~~ in special
21 enclosures in accordance with Section 5202.3.6 or in protected aboveground tanks in accordance with
22 Appendix II-F. See also Appendix II-F.

23
24
25 Section 4. Section 57 of Ordinance 118018, regarding Subsection 5202.4.1 of the 1994 Uniform
26 Fire Code which was previously adopted as part of the Seattle Fire Code by Ordinance 118019 § 2 (part)
27 as amended by Ordinance 118436, is hereby amended to read as follows:

28 **5202.4.1 Aboveground tanks.** Class I liquids shall not be dispensed into the fuel tank of a motor
29 vehicle from aboveground tanks.

30 Exception: Class I liquids are allowed to be dispensed from aboveground tanks when such tanks
31 are located outside of the Fire District and installed inside special enclosures in accordance with
32 Section 5202.3.6 or are in accordance with Appendix II-F.

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3 Class II and III-A liquids shall not be dispensed into the fuel tank of a motor vehicle from aboveground
4 tanks except when such tanks are installed inside special enclosures in accordance with Section 5202.3.6
5 or are protected aboveground tanks in accordance with Appendix II-F. See also Appendix II-F.

6
7 Section 5. As an addition to the amendments made by Ordinances 118018 and 118436,
8 Subsection 4.3 of Appendix II-F of the 1994 Uniform Fire Code, previously adopted as part of the
9 Seattle Fire Code by Ordinance 118019 § 2 (part) as amended by Ordinance 118436, is hereby amended
10 to read as follows:

11
12 **4.3 Size.** Primary tanks used for Class I liquids shall not exceed a 10,000-gallon (37,854 L) individual or
13 aggregate capacity. Primary tanks used for Class II or III liquids shall not exceed a 10,000-gallon (37
14 854 L) individual or 40,000-gallon (151 416 L) aggregate capacity.

15
16 Section 6. As an addition to the amendments made by Ordinances 118018 and 118436,
17 Subsection 5.2 of Appendix II-F of the 1994 Uniform Fire Code, previously adopted as part of the
18 Seattle Fire Code by Ordinance 118019 § 2 (part) as amended by Ordinance 118436, is hereby amended
19 to read as follows:

20
21 **5.2 Total Quantity.** Protected aboveground tank installations shall not exceed 10,000 gallons (37,854
22 L) aggregate capacity of Class I liquids or 40,000 gallons (151 416 L) total aggregate capacity of primary
23 tanks containing Class I, II and III-A liquids. Tank installations having the maximum allowable aggregate
24 capacity shall be separated from other installations of protected aboveground tanks by not less than 100
25 feet (3048 mm).

26
27 Section 7. The attached text, containing the amendments to the 1994 Uniform Fire Code, Subsections
28 102.1, 5202.3.1, 5202.4.1 and Appendix II-F, is a version of the Seattle Fire Code Supplement in a form
29 which can be reproduced and added to the bound volume of the 1994 Uniform Fire Code for easy reference.
30 The attachment amends and supplements the easy reference version attached to Ordinance 118019. The
31 attached text is provided for reference only, and in any case in which there is a conflict between the Seattle Fire
32 Code Supplement and the attached text, the Seattle Fire Code Supplement shall be controlling.
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Section 8. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 1997, and signed by me in open session in authentication of its passage this _____ day of _____, 1997.

President _____ of the City Council

Approved by me this _____ day of _____, 1997.

Mayor

Filed by me this _____ day of _____, 1997.

City Clerk

(Seal)

Section 102.1 is replaced to read as follows:

102.1 Existing Conditions. Except as specifically provided in this Code for retroactive compliance, the provisions of this Code, the Seattle Fire Code, shall apply to conditions arising after the adoption thereof, to conditions not legally in existence at the adoption of this Code, and to conditions which, in the opinion of the Chief, constitute a distinct hazard to life or property.

A condition is not "legally in existence at the adoption of this Code" unless the condition:

- (a) is in compliance with the building code and fire code of the City of Seattle in effect when the condition first arose, and the practice, process, materials used, and storage configurations have not changed since the condition first arose; or
- (b) was in compliance with the building code and fire code of the City of Seattle then in effect at any time after the condition first arose, and the practice, process, materials used and storage configurations have not changed since the time of compliance.

Section 103.1.4 is replaced to read as follows:

103.1.4 Appeals. Appeals from decisions or actions pertaining to the application and interpretation of this Code shall be addressed to the Fire Chief. If not resolved with the Chief, the appellant may submit a written request to the Fire Chief for a review by the Fire Code Appeals Board in accordance with all applicable by-laws, rules, regulations and ordinances. The results of this appeal will be advisory only, in accordance with City of Seattle Ordinance 117717.

Section 5202.3.1 is replaced to read as follows:

5202.3 Storage of Fuel.

5202.3.1 General. Class I liquids shall be stored in closed containers, or in tanks located underground.

Exception: Class I liquids are allowed aboveground when stored in special enclosures in accordance with Section 5202.3.6 or in protected aboveground tanks in accordance with Appendix II-F. No Class I liquids are allowed in aboveground tanks within the Fire District.

Classes II and III-A liquids shall be stored in containers or in tanks located underground, in special enclosures in accordance with Section 5202.3.6 or in protected aboveground tanks in accordance with Appendix II-F. See also Appendix II-F.

Section 5202.4.1 is replaced to read as follows:

5202.4 Dispensing.

5202.4.1 Aboveground tanks. Class I liquids shall not be dispensed into the fuel tank of a motor vehicle from aboveground tanks.

Exception: Class I liquids are allowed to be dispensed from aboveground tanks when such tanks are located outside of the Fire District and installed inside special enclosures in accordance with Section 5202.3.6 or are in accordance with Appendix II-F.

Class II and III-A liquids shall not be dispensed into the fuel tank of a motor vehicle from aboveground tanks except when such tanks are installed inside special enclosures in accordance with Section 5202.3.6 or are protected aboveground tanks in accordance with Appendix II-F. See also Appendix II-F.

Section 5202.4.2 is amended to read as follows:

5202.4.2 Filling of portable containers and tanks and cargo tanks. It is unlawful to sell, offer for sale, or distribute any container for the storage and/or handling of flammable liquids, unless such container has been approved for such purpose under applicable provisions of this Code. Class I, II and III-A liquids shall not be dispensed into portable containers unless such container is of approved material and construction, and having a tight closure with screwed or spring cover so designed that the contents can be dispensed into without spilling. Liquids shall not be dispensed into portable tanks.

Cargo tanks shall be filled at bulk plants or terminals.

APPENDIX II-F

Section 4.3 is amended to read as follows:

4.3 Size. Primary tanks used for Class I liquids shall not exceed a 10,000-gallon (37 854 L) individual or aggregate capacity. Primary tanks used for Class II or III liquids shall not exceed a 10,000-gallon (37 854 L) individual or 40,000-gallon (151 416 L) aggregate capacity.

Section 5.2 is amended to read as follows:

5.2 Total Quantity. Protected aboveground tank installations shall not exceed 10,000 gallons (37 854 L) aggregate capacity of Class I liquids or 40,000 gallons (151 416 L) total aggregate capacity of primary tanks containing Class I, II and III-A liquids. Tank installations having the maximum allowable aggregate capacity shall be separated from other installations of protected aboveground tanks by not less than 100 feet (3048 mm).

City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor

February 12, 1997

The Honorable Mark Sidran
City Attorney
City of Seattle

*Approved as to form
Norman B. Rice
3/12/97*



Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: Fire Department

SUBJECT: AN ORDINANCE relating to the application of the Seattle Fire Code to existing conditions and the dispensing of flammable liquids from protected above-ground storage tanks, and amending the Seattle Fire Code, Sections 102.1, 5202.3.1, 5202.4.1, and Appendix II-F, Seattle Municipal Code Section 22.600.020 and Ordinance 118019, adding to amendments made by Ordinances 118018 and 118436.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Thomas Dunlap at 386-9120.

Sincerely,

Norman B. Rice
Mayor

by

Thomas M. Tierney
TOM TIERNEY
Director

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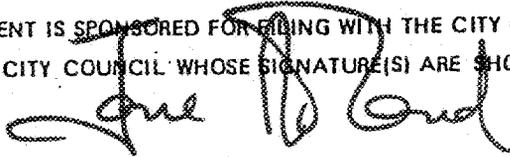
Enclosure

COPY RECEIVED
97 MAR 12 PM 1:10
SEATTLE CITY ATTORNEY

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:



_____	_____
_____	_____
_____	_____
_____	_____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

NOTICE OF
TRUSTEE'S SALE
PURSUANT TO THE
REVISED CODE OF
WASHINGTON

CHAPTER 61.2, R.C.W. SEQ.

Document Title: Notice of Trustee's Sale. Grantor: H&L Services, Inc. Grantee: Notice to the Public. Legal Description: The W. 20 feet of the S. 1/2 of Lot 5 & the S. 1/2 of Lot 6, Block 18, Earlington Acres Tracts. Official legal description below. Assessor's Tax Parcel ID#: 214480-0480-03. ADAMS. 64183-23593.

I.
NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the 30th day of May, 1997, at the hour of 10:00 o'clock, a.m., at the King County Courthouse, in the City of Seattle, State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County of King, State of Washington, to-wit:

WEST 20 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF LOT 5 AND THE SOUTH HALF OF THE SOUTH HALF OF LOT 6, BLOCK 18, EARLINGTON ACRE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 84, RECORDS OF KING COUNTY, WASHINGTON, SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

(commonly known as 8004 South 132nd Street, Seattle, WA 98178) which is subject to that certain deed of trust dated January 12, 1994, recorded January 13, 1994, under Auditor's File No. 9401313142, records of King County, Washington, from Roy H. Adams and Cindy L. Adams, husband and wife, as Grantor, to Chicago Title Insurance Company, as Trustee, to secure an obligation in favor of Countrywide Home Loans, Inc., f/k/a Countrywide Funding Corporation, as Beneficiary.

II.
No action commenced by the Beneficiary of the Deed of Trust or the Beneficiary's successor is now pending to seek satisfaction of the obligation in any Court by reason of the Grantor's default on the obligation secured by the Deed of Trust.

III.
The default(s) for which this foreclosure is made is/are as follows: [If default is for other than payment of money, set forth the particulars.] 1. Failure to pay when due the following amounts which are now in arrears: MONTHLY PAYMENTS: 9 monthly payments at \$1,119.00 each; (June 1, 1996 through February 24, 1997) — \$10,071.00. LATE CHARGES: 9 late charges of \$44.76 for each monthly payment not made within 15 days of this due date — \$402.84. TOTAL MONTHLY PAYMENTS AND LATE CHARGES: \$10,473.84. 2. Fail-

lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

X.
The Trustee makes no representations or warranties concerning what interest in the real property described above is being sold. The Deed of Trust lien foreclosed may not be a first lien position, or there may be other prior encumbrances of title. The Trustee is not required to provide title information concerning this property. Any person interested in this foreclosure is encouraged to make his or her own investigation concerning the ownership of the property, and the position on title of the deed of trust being foreclosed. Any person interested in the foreclosure is also encouraged to consult an attorney, as the Trustee will not provide legal advice concerning the foreclosure. The Trustee does not provide information concerning the location of the debtors nor concerning the condition of the property. No representation or warranties are made concerning the physical condition of the property, or whether there are any environmental or hazardous waste liabilities or problems connected with this property. Any person desiring title information, information concerning the physical condition of the property, information concerning any hazardous waste or environmental issues, or other information about the real property being foreclosed should obtain all such information independently.

Dated: February 24, 1997.

LILA S. RAABE, Manager.

H&L SERVICES, INC., Trustee, 1111 Third Avenue, #3400, Seattle, Washington 98101. (206) 386-5470.

STATE OF WASHINGTON,
County of King—ss.

On this 24 day of February, 1997, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Lila S. Raabe to me known to be the Manager of H & L Services, Inc. the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

(Seal) By: SANDRA HARRIS,
Notary Public in and for the State of Washington, residing at Kent, WA.

My Commission Expires: January 9, 2001.

Dates of publication in the Seattle Daily Journal of Commerce, April 30 and May 21, 1997.

5/21(79887)