Title 12 – Building and Construction
Chapter 4 – Swinomish Fire Code

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Legislative History

Enacted:

Building and Construction, Ord. 222 (10/5/04), BIA (10/15/04).

Repealed or Suspended:

Building and Construction, Ord. 178 (9/5/03), BIA (9/12/03).
Uniform Fire Code Ordinance, Ord. 163 (1/7/03), BIA (1/15/03) (adopting the Uniform Fire Code with amendments and repealing all conflicting ordinances or parts thereof).

[Ed. Note. Ord 163 is dated 1/7/01. The correct date is 1/7/03.]

12-04.010 Title.

This Chapter shall be known and referred to as the "Swinomish Fire Code."

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 163 (1/7/03).

12-04.020 Purpose.

The purpose of the Swinomish Fire Code is to prescribe regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion.

[History] Ord 222 (10/5/04); Ord. 178 (9/5/03); Ord. 163 (1/7/03).

12-04.030 Authority.

This Chapter is enacted pursuant to authority provided by Article VI, Sections 1(h), (k)(1), (l), (r) and (s) of the Swinomish Constitution, as most recently amended.

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 163 (1/7/03).

12-04.040 Jurisdiction.

Tribal jurisdiction over the activities subject to this Chapter shall extend to all lands and waters within the exterior boundaries of the Swinomish Indian Reservation to the maximum extent permitted by law.

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 163 (1/7/03).

12-04.050 Construction.

In the event of a conflict between the provisions of this Chapter and the provisions of any other Title, Chapter, or Section of this Code, the provisions of this Chapter shall control.

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03).

12-04.060 Definitions.

(A) For the purposes of this Chapter, unless explicitly stated otherwise, the following definitions shall apply:

(1) **"Building Official"** means the Director of the Office of Planning and Community Development of the Swinomish Indian Tribal Community, or his or her designee.

(2) **"Code"** means the Swinomish Tribal Code.

(3) **"Fire Code Official"** means the Director of the Office of Planning and Community Development or his or her designee.

(4) **"IFC"** means the International Fire Code.

(5) **"Planning Commission"** means the Planning Commission of the Swinomish Indian Tribal Community.

(6) **"Reservation"** means all the lands and waters within the exterior boundaries of the Swinomish Indian Reservation.

(7) **"Senate"** means the Swinomish Indian Senate.

(8) **"Tribe"** or **"tribal"** means or refers to the Swinomish Indian Tribal Community.

(B) All other words and phrases shall have their ordinary and customary meanings.

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 163 (1/7/03).

12-04.070 Adoption of the International Fire Code.

Except as otherwise provided in this Chapter, the Swinomish Fire Code shall consist of the following codes, amendments and appendices which are hereby adopted and incorporated as tribal law as if fully set out herein:

(A) The International Fire Code, 2003 Edition, published by the International Code Council;

(B) Appendices B, C, E, and F to the International Fire Code; and

(C) Washington State amendments to the International Fire Code, codified at Chapter 51-54 WAC;

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 163 (1/7/03).

12-04.80 Amendments to the International Fire Code.

(A) IFC Section 104.1 General Authority and Responsibility is amended as follows:

The Planning Department is authorized to administer this Chapter. The Senate authorizes the Planning Department to enforce all provisions of the International Fire Code pertaining to:

1. The prevention of fires;

2. The storage, use and handling of hazardous materials;

3. The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment;

4. The maintenance and regulation of fire escapes;

5. The maintenance of exits; and

6. The investigation of the cause, origin and circumstances of fires that are of unknown, suspicious, or incendiary origin, and

any unauthorized release of hazardous materials.

(B) IFC Section 108 Board of Appeals is amended as follows:

In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretations of the provisions of the IFC, as amended by this Chapter, there shall be and hereby is created a Board of Appeals. The Planning Commission, serves as the Board of Appeals. The Building Official shall be an Ex-Officio member. The Board shall adopt reasonable rules and regulations for conducting its investigations. The Board shall render all decisions and findings in writing and provide copies to the Fire Code Official, the Building Official, the applicant, and the Planning Director, if different than the Building Official and/or the Fire Code Official.

Whenever the Fire Code Official disapproves an application or refuses to grant a permit as provided for under the terms of this Chapter, or when it is claimed that the provisions of the IFC, as amended by this Chapter, do not apply or that the true intent and meaning of the IFC has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Code Official to the Board of Appeals within thirty (30) days from the date of the decision appealed.

(C) IFC Section 109.3 Violation Penalties is amended as follows:

(a) Persons who shall violate a provision of the IFC, as amended by this Chapter, who shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of the IFC, as amended by this Chapter, he or she shall be guilty of a civil infraction, punishable by a fine of not more than $200 dollars.

(b) Each day that a violation continues after due notice has been served shall be deemed a separate offense provided that the Fire Code Official and/or the Planning Director may waive all or a portion of the fine if the violator takes reasonable steps to take corrective actions and rectifies the violation after consultation with the Fire Code Official and/or the Planning Director, if different than the Fire Code Official.

(c) The imposition of one penalty for any violation shall not excuse the violation or permit the violation to continue; and all such persons in violation shall be required to correct or remedy such violations or defects by the deadline stated in the notice of violation.

(d) The imposition of a civil penalty shall not prevent the Tribe from recovering the costs incurred by the Tribe in removing or eliminating

any prohibited condition.

(D) IFC Section 202 General Definitions is amended as follows:

Fire Chief - the term "Fire Chief," shall mean the Planning Director or his or her designee, serving the jurisdiction, or a duly authorized representative.

"Fire Code Official" means the Planning Director or his or her designee charged with the administration and enforcement of the IFC.

"Jurisdiction" - Jurisdiction shall mean the Swinomish Indian Tribal Community, a federally recognized Indian Tribe with governmental authority over the Swinomish Indian Reservation.

(E) IFC Section 503.1.1 Buildings and Facilities is amended as follows:

Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the Reservation when the facility is in excess of one-hundred fifty feet (150') from fire apparatus access.

1. Driveways/Roads serving one (1) or two (2) Residential lots.

   A. Driveways less than one hundred fifty feet (150') from an approved access road have no specific requirements.

   B. Driveways over one hundred fifty feet (150') feet from an approved access road shall meet the following requirements:

      a) Road width shall have a minimum twelve-foot (12') driving surface with turnouts located every three-hundred feet (300') when required by the Fire Code Official and/or Building Official;

      b) To create a turnout, the road shall be widened to twenty feet (20') in the direction of travel for a distance of not less than thirty feet (30') to allow vehicles to pull over and allow emergency vehicles to proceed; and

      c) Vertical, unobstructed head clearance shall be thirteen feet, six inches (13' 6").

2. Roads serving other than one or two single-family residential lots shall meet the following requirements:

   A. Road width shall have a minimum twenty-foot (20') driving surface with turnouts located every three hundred feet (300') when required by

the Fire Code Official and/or Building Official;

B. To create a turnout, the road shall be widened to twenty feet (20') in the direction of travel for a distance of not less than thirty feet (30') to allow vehicles to pull over and allow emergency vehicles to pass; and

C. Vertical, unobstructed head clearance shall be thirteen feet, six inches (13' 6").

(F) IFC Section 503.2.3 Surface is amended as follows.

Fire apparatus access roads shall have a minimum six inches (6") of gravel.

(G) IFC Section 503.2.4 Turning Radius is amended as follows.

Turns along the length of a driveway or fire apparatus access roads shall have a fifty-foot (50') outside radius.

(H) IFC Section 503.2.5 Dead Ends is amended as follows:

Fire apparatus access roads shall provide an acceptable means of turning around a fire apparatus. This does not necessarily require a cul-de-sac for a driveway serving one or two residential lots: Means of turning apparatus must be acceptable to the Fire Code Official and/or Building Official. A seventy-foot (70') cul-de-sac or a cul-de-sac as approved by Fire Code Official and/or Building Official must be constructed for roads serving other than one or two single-family residential lots.

(I) IFC Section 503.2.7 Grade is amended as follows:

The gradient for a fire apparatus access road shall be no greater than twelve percent (12%) for gravel roads or fourteen percent (14%) for paved roads.

(J) Section 503 – Fire Department Access is amended to include **Section 503.2.8 NOTE:**

(a) These standards apply to all building permits and are minimum for building permit purposes. Tribal platting standards may exceed these standards, and these standards are in no way intended to eliminate the need for full compliance with land division requirements.

(b) The Fire Code Official and/or Building Official may make modifications in these standards if the road is not buildable because of topography, waterways, non-negotiable grades, or similar conditions. These modifications are based on:

(1) The building being protected by NFPA 13D Automatic

Sprinkler Systems or additional fire protection as required by the Fire Code Official and/or Building Official;

(2) Exceptions may be made for minor additions or small accessory buildings to existing dwellings when in the opinion of the Fire Code Official and/or Building Official the addition or accessory building will not create significantly more dangerous situations;

(3) For roads accepted or platted or short platted by Skagit County prior to June 11, 1990, these standards may be modified by the Fire Code Official and/or Building Official, Provided That, in his or her opinion, fire fighting or rescue operations would still be possible; and

(4) On lots not in a fire district and accessible only by water, the access road requirement may be waived if the project meets all of the same requirements of both the Swinomish Zoning Code, codified at STC Chapter 20-03, and the Swinomish Building Code, codified at STC Chapter 12-01, to qualify for a building permit.

(K) IFC Section 3301.1.3 Fireworks is amended as follows:

5. The sale, possession, uses, handling and storage of Class 1.4G fireworks in areas zoned Tribal Village, or Village unless expressly regulated by Tribal law.

(L) IFC Section 3301.2.1 Residential Uses is amended by adding the following exception:

Storage of smokeless propellant, black powder, and small arms primer for personal use and not for resale in accordance with Section 3306 and Class 1.4G Fireworks in R3 structures located in areas zoned Tribal Village or Village unless expressly regulated by Tribal law.

(M) IFC Section 3301.2.2 Sale and retail display is amended as follows:

No person shall construct a retail display nor offer for sale explosives, explosive materials
or fireworks without a valid Tribal Permit pursuant to the provisions set forth in Title 15, Chapter 2 of the Swinomish Tribal Code.

(N) IFC Section 3304.1 General is amended by adding the following exception:

Storage and handling of class 1.4G fireworks in areas zone Tribal Village or Village,

and/or in areas designated as "approved areas" for the retail sale of fireworks pursuant to the provision set forth in Title 15, Chapter 2 of the Swinomish Tribal Code.

(O) IFC Section B103.1 Decreases is amended as follows:

Fire flow requirements may be modified downward by the Fire Code Official and/or the Building Official for isolated buildings or a group of buildings in rural areas or small communities where development of full fire flow requirements is impractical. In making any such modification, the Fire Code Official and/or the Building Official may be guided by, among others, written procedures adopted by the Skagit County Fire Marshall and entitled "Skagit County Fire Marshal Procedures Concerning Fire Flow and Placement of Fire Hydrants."

(P) IFC Section B103 Modifications is amended by adding the following section:

Section B103.4 Buildings That May Not Require Fire Flow.

When, in the opinion of the Fire Code Official and/or Building Official, a proposed building can be adequately protected and/or the occupants can safely egress within established egress requirements, a permit may be issued without meeting the requirements for fire flow when, in the opinion of the Fire Code Official and/or Building Official, a building is:

(A) Less than four thousand square feet (4,000 sq. ft.);

(B) Not an 'H' Occupancy;

(C) Situated on the lot so that the yards are clear of obstructions for at least forty feet (40') on all sides.

(D) In a rural area where fire flow is not practical; or

(E) R - 3 Occupancies.

(Q) IFC Table C105,1footnote c- Number and Distribution of Fire Hydrants is amended as follows:

Where new water mains are upgraded or extended along streets or roads where hydrants are not otherwise required, hydrants shall be installed for filling tanker trucks at major roadway intersections wherever possible, and the distance between hydrants shall not exceed one (1) mile.

[History] Ord. 222 (10/5/04).

12-04.090 Public Inspection.

An official copy of the Swinomish Fire Code shall be placed on file in the Office of Planning and Community Development where it shall be available for public review and copying during business hours, subject to reasonable administrative costs and restrictions.

[History] Ord. 222 (10/5/04).

12-04.100 Repealer.

This Chapter repeals and supersedes Ordinance 178.

[History] Ord 222 (10/5/04); Ord. 178 (9/5/03); Ord. 163 (1/7/03).

12-04.110 Severability.

Should any provision of this Chapter be held invalid, the remaining provisions shall be unaffected, remaining in full force and effect.

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 163 (1/7/03).

12-04.120 Effective Date.

This Chapter shall be effective immediately upon approval by the Secretary of the Interior or his or her designee.

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 163 (1/7/03).