
Local Government Committee

HB 1401

Brief Description: Requiring certain buildings to add automatic sprinkler systems.

Sponsors: Representatives Simpson, Hankins, O'Brien, Ormsby and Chase.

Brief Summary of Bill

- Specifies certification requirements and licensing authorities for the Director of Fire Protection for qualifying buildings or structures.
- Requires the State Building Code Council to compel the owners of qualifying buildings or structures to install automatic sprinkler systems.
- Requires qualifying buildings or structures to be protected with automatic sprinkler systems installed at the owner's expense.
- Includes penalty and tax exemption provisions pertaining to the installation of automatic sprinkler systems.

Hearing Date: 2/3/05

Staff: Ethan Moreno (786-7386).

Background:

The Washington State Fire Marshal is the Director of Fire Protection (Director). The Director is an appointee of the Chief of the State Patrol and is responsible for implementing and administering the policies, objectives and priorities of the Fire Protection Board, the board responsible, in part, for establishing a comprehensive state policy regarding fire protection services.

The State Building Code Council (SBCC) is responsible for the adoption and maintenance of the building, residential, mechanical, fire, and plumbing model codes that comprise the state building code (SBC). The SBCC is required to regularly review updated versions of the uniform model codes and amend these codes as appropriate. The SBC must be enforced by counties and cities. These local governments, however, may amend the SBC as it applies within their jurisdiction, subject to limitations prescribed in law.

Property taxes are imposed by state and local governments and apply to the assessed value of all taxable property, which includes all real and personal property located within the state, unless specifically exempted. Real property includes land, structures, and certain equipment that is affixed to the structure; personal property includes machinery, supplies, certain utility property and items which are generally movable. The assessed value of most real property is determined by the county assessor.

In addition to other powers and authorities provided in law, cities and towns are authorized to charge property owners seeking to connect to the water or sewerage system of the jurisdiction a reasonable connection charge. The connection charge may be in addition to the cost of the connection and must be determined by the city or town legislative body, subject to statutory requirements.

In accordance with specified provisions, counties operating sewer and water systems are also authorized to levy charges for connection to the systems.

Summary of Bill:

Director of Fire Protection

New certification-related requirements and licensing authorities are specified for the state Director of Fire Protection (Director). The Director must require all applicants for alcoholic beverages licenses (beverage licenses) to submit a valid certificate of inspection (certificate) for the premises for which the applicant intends to sell such beverages for consumption. The certificate must:

- comply requirements of the state building code (SBC);
- be issued by a local inspector;
- be signed by the head of the fire department for the applicable city, town, or district;
- attest to the safety of the building or structure; and
- attest that the building or structure meets or exceeds the requirements of the SBC.

The Director must also require every license holder to annually submit a valid certificate complying with SBC requirements for the subject premises. The annual certificate must be issued by a local inspector and signed by the head of the applicable fire department. The issuance of this annual certificate is a precondition for the issuance or renewal of a beverage license and the Director may summarily, and without a hearing, revoke any license upon notice of noncompliance or expiration of the certificate. Appeal provisions consistent with the SBC may be invoked if the inspector fails to issue the annual certificate.

Subject to specified criteria, the Director may authorize the issuance of a temporary beverage license to any applicant or beverage license holder who has been issued a temporary certificate in accordance with prescribed requirements. This temporary beverage license may be revoked by the Director, without a hearing, if the licensee has failed to comply with the terms of the temporary certificate.

The Director must adopt new rules to implement specified provisions.

State Building Code Council

The State Building Code Council must require the owner of any qualifying building or structure or portion thereof, to install an adequate system of automatic sprinklers (sprinkler system)

throughout the building, including, but not limited to, residential dwellings and common connected areas. Buildings, structures, or portions subject to this requirement must:

- include a place of business designed or used for occupancy as a nightclub, dance hall, discotheque, bar, or similar entertainment capacity; and
- have a capacity of one hundred persons or more.

Buildings or structures constructed or substantially altered in accordance with approved building permits on or after July 1, 2004, are exempted from the sprinkler system requirements.

Appeal provisions for persons aggrieved by specified interpretations, orders, or requirements, or by a failure to take action, are provided.

In addition to provided requirements, more stringent sprinkler system requirements may be prescribed under certain conditions.

General Provisions

Every qualifying building or structure, or portion thereof, of public assembly must be, in accordance with the SBC, protected throughout with a sprinkler system. Buildings, structures, or portions subject to this requirement are ones that:

- have a capacity of one hundred persons or more; and
- are designed or used for occupancy as a nightclub, dance hall, discotheque, bar, or similar entertainment purpose.

Except as otherwise provided, these sprinkler system requirements apply to:

- all rooms, lobbies, and connecting spaces;
- all means of egress and entrances;
- public assembly spaces located within a mixed-use building or structure; and
- buildings or structures owned or controlled by the state or a political subdivision of the state which exist or for which an approved building permit was issued before July 1, 2004.

For the purposes of these general provisions, the sprinkler system must satisfy requirements for:

- proper functioning;
- fire alarm system control equipment; and
- monitoring and reporting of system activation.

Exemptions from sprinkler system requirements for temporary uses and for places of assembly within a building, structure, or portion thereof are provided if the applicable buildings, structures, or portions are used principally as the following:

- house of worship;
- restaurant;
- lecture hall;
- auditorium;
- state or local government building;
- educational function facility; or
- other similar place of assembly.

The cost of installing a sprinkler system must be borne entirely by the owner of the building or structure.

Penalty Provisions - Business and Building Owners

Any owner of a business designated or used for occupancy as a nightclub, dance hall, discotheque, bar, or for similar entertainment purposes not subject to specified sprinkler system requirements must install a sprinkler system within the building or structure if the business violates the maximum capacity for the building or structure either two or more times in a 12 month period or by a number greater than one-half the maximum capacity. The owner of a building or structure subject to these installation requirements must install the system within one year of being cited. The building owner is responsible for the full installation costs.

Any business owner cited for violating the maximum capacity for his or her business is subject to a \$10,000 fine for a first or second offense. The penalty for a third offense is the loss of the business license, and all food, entertainment, and other licenses associated with the business.

Appeal provisions for persons aggrieved by specified interpretations, orders, or requirements, or by a failure to take action, are provided.

Penalty Provisions - Extension to Controlling or Supervising Parties

Any owner, occupant, lessee, or other person having control or supervision of any assembly use group building who causes or permits a dangerous condition to exist on the premises must be punished by a fine not to exceed \$5,000 or by imprisonment for not more than two and one-half years, or both. "Dangerous condition" is defined, in part, to include:

- any blocked or impeded ingress or egress;
- the failure to maintain or the shutting off of any fire protection system required by law;
- the storage of any flammable or explosive without a properly issued permit;
- the use of any firework or pyrotechnic device without a properly issued permit; or
- exceeding the locally-established occupancy limit.

A person convicted of a second or subsequent violation of these dangerous condition provisions must be punished by a fine not to exceed \$25,000 or by imprisonment for not more than five years, or both.

Sprinkler Systems - Planning and Installation Requirements

Within 18-months after the effective date of the legislation, the owner of any qualifying building, structure, or portion must, subject to specified requirements, file a sprinkler system installation plan with the designated local authority. The plan is subject to approval by the local authority. Installations of the systems provided in the plans by affected owners must be completed within three years of the effective date of the legislation.

Tax and Water Connection Exemptions

Subject to specified criteria, if the addition of a required sprinkler system to any qualifying building, structure, or portion represents an increase in taxable value, the increased value is exempt from property taxes for ten years after the completion of the addition. The Department of Revenue must adopt rules to administer this exemption.

The owner of a building or structure or portion required to comply with certain sprinkler system provisions is exempt from specified city, town, and county water supply connection charges for five years after completion of the system.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.