
HOUSE BILL 1401

State of Washington 59th Legislature 2005 Regular Session

By Representatives Simpson, Hankins, O'Brien, Ormsby and Chase

Read first time 01/24/2005. Referred to Committee on Local Government.

1 AN ACT Relating to fire safety; adding a new section to chapter
2 84.36 RCW; adding a new section to chapter 35.92 RCW; adding a new
3 section to chapter 36.94 RCW; adding a new chapter to Title 19 RCW; and
4 prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The director of fire protection shall
7 require all applicants for alcoholic beverages licenses to submit a
8 valid certificate of inspection, as provided in the state building
9 code, issued by a local inspector and signed by the head of the fire
10 department for the city, town, or district in which the applicant
11 intends to sell alcoholic beverages to be consumed on the premises.
12 The certificate of inspection shall attest to the safety of the
13 building or structure in which the applicant intends to sell alcoholic
14 beverages to be consumed on the premises and that the building or
15 structure meets or exceeds the requirements of the state building code.

16 The director of fire protection shall require that every license
17 holder submit, annually, a valid certificate of inspection, as provided
18 in the state building code, issued by a local inspector and signed by

1 the head of the fire department for the city, town, or district in
2 which the premises is located and from which alcoholic beverages
3 intended to be consumed on the premises are to be sold. The issuance
4 of this certificate is a precondition for the issuance or renewal of a
5 license and the director of fire protection may summarily revoke any
6 license upon notice of noncompliance or expiration of the certificate,
7 by operation of law and without a hearing. The director of fire
8 protection may presume that the premises conform with the inspection
9 safety requirements for the premises as provided for in the state
10 building code based upon the certificate, however the presumption may
11 be rebutted.

12 Failure by the inspector to issue an annual certificate of
13 inspection, signed by the head of the fire department, may be appealed
14 in accordance with the inspection safety requirement procedures for
15 appeal as provided in the state building code.

16 The director of fire protection may authorize the issuance of a
17 temporary license to any applicant or license holder who has been
18 issued a temporary certificate of inspection by a local inspector and
19 signed by the head of the fire department, as provided in the state
20 building code, if the applicant or license holder has complied with the
21 terms therein and the temporary certificate of inspection has not
22 expired. This temporary license may be revoked by the director of fire
23 protection, without a hearing, if the licensee has failed to comply
24 with the terms of the temporary certificate.

25 Failure by the inspector to issue an annual certificate of
26 inspection signed by the head of the fire department may be appealed in
27 accordance with the procedures for appeal as provided for in the state
28 building code.

29 The director of fire protection shall adopt rules to implement this
30 section.

31 NEW SECTION. **Sec. 2.** (1) The state building code council shall
32 require the owner of any building or structure or portion thereof, that
33 includes a place of business designed or used for occupancy as a
34 nightclub, dance hall, discotheque, bar, or for similar entertainment
35 purposes, with a capacity of one hundred persons or more, to install an
36 adequate system of automatic sprinklers throughout the building
37 including, but not limited to, residential dwellings and in any common

1 areas connected thereto, in accordance with the state building code.
2 This section does not apply to the construction or substantial
3 alteration of buildings or structures, approved by building permit on
4 or after July 1, 2004. This subsection does not preclude the board of
5 building regulations and standards from prescribing more stringent
6 sprinkler requirements.

7 (2) Whoever is aggrieved by an interpretation, order, requirement,
8 or direction under this section, or whoever is aggrieved by a failure
9 of a building official to take action under this section, may, within
10 forty-five days after the service of notice of the interpretation,
11 order, requirement, or direction, or after forty-five days of the
12 failure to act, appeal from the interpretation, order, requirement,
13 direction, or failure to act under chapter 34.05 RCW.

14 NEW SECTION. **Sec. 3.** (1) For the purpose of this section,
15 "adequate system of automatic sprinklers" includes: (a) A working
16 automatic sprinkler system; (b) fire alarm system control equipment
17 which provides notice of an emergency within a place of assembly; and
18 (c) adequate monitoring of and reporting of any activation of the
19 automatic sprinkler system and fire alarm equipment, in accordance with
20 the state building code in effect at the time of the installation of
21 such a system and equipment.

22 (2) Every building or structure, or portions thereof, of public
23 assembly, with a capacity of one hundred persons or more, that is
24 designed or used for occupancy as a nightclub, dance hall, discotheque,
25 bar, or for similar entertainment purposes, including all rooms,
26 lobbies, and other spaces connected thereto and all means of egress and
27 entrances, including any such public assembly located within a mixed
28 use building or structure, including a building or structure owned or
29 controlled by the state or a political subdivision of the state (a)
30 which is existing, or (b) for which an approved building permit was
31 issued before July 1, 2004, must be protected throughout with an
32 adequate system of automatic sprinklers, in accordance with the state
33 building code. This section does not apply to a place of assembly
34 within a building, structure, or portions thereof used principally as
35 a house of worship, restaurant, lecture hall, auditorium, state or
36 local government building, educational function facility, or other
37 similar place of assembly. Temporary use of such a building or

1 structure or portions thereof as a nightclub, dance hall, discotheque,
2 bar, or for similar entertainment purposes may be allowed if a permit
3 is issued for that use by the head of the fire department in
4 consultation with the local building inspector or inspector who may set
5 the terms and conditions to protect against fire and preserve public
6 safety.

7 (3) Any owner of a business designed or used for occupancy as a
8 nightclub, dance hall, discotheque, bar, or for similar entertainment
9 purposes to which subsection (2) of this section does not apply shall
10 install a system of automatic sprinklers within the building or
11 structure in accordance with the state building code if the business:
12 (a) Violates the maximum capacity for such a building or structure two
13 or more times in a twelve-month period; or (b) violates the maximum
14 capacity of such a building or structure by a number greater than one-
15 half of the maximum capacity. Any owner of a building or structure
16 required to install automatic sprinklers as a result of a violation
17 under this subsection shall do so within one year of being cited for
18 the violation, and is responsible for the full costs of installation.
19 Any business owner cited for violating the maximum capacity for his or
20 her place of business is subject to a ten thousand dollar fine for a
21 first or second offense. The penalty for a third offense is the loss
22 of the business license, and all food, entertainment, and other
23 licenses associated with the business.

24 (4) Whoever is aggrieved by an interpretation, order, or
25 requirement issued under this section, or whoever is aggrieved by a
26 failure to take action under this section, may (a) within forty-five
27 days after the service of notice of such interpretation, order, or
28 requirement, or (b) after forty-five days of the failure to act, appeal
29 from that interpretation, order, or requirement, or failure to act.

30 (5) The cost of installing an adequate system of automatic
31 sprinklers under this section shall be borne in its entirety by the
32 owner of the building or structure.

33 NEW SECTION. **Sec. 4.** (1)(a) Any owner, occupant, lessee, or other
34 person having control or supervision of any assembly use group building
35 and who causes or permits a dangerous condition to exist on the
36 premises at anytime shall be punished by a fine of not more than five

1 thousand dollars or by imprisonment for not more than two and one-half
2 years, or both.

3 (b) For the purposes of this section, "dangerous condition" means:

4 (i) Any blocked or impeded ingress or egress;

5 (ii) The failure to maintain or the shutting off of any fire
6 protection or fire warning system required by law;

7 (iii) The storage of any flammable or explosive without a properly
8 issued permit in quantities in excess of allowable limits of any permit
9 to store;

10 (iv) The use of any firework or pyrotechnic device without a
11 properly issued permit; or

12 (v) Exceeding the occupancy limit established by local ordinance.

13 (2) Whoever is convicted of a second or subsequent violation of
14 subsection (1) of this section shall be punished by a fine of not more
15 than twenty-five thousand dollars or by imprisonment for not more than
16 five years, or both.

17 NEW SECTION. **Sec. 5.** (1) Within eighteen months after the
18 effective date of this act, the owner of any building or structure or
19 portion thereof, subject to this chapter, must file a plan with the
20 designated local authority for the installation of an adequate system
21 of automatic sprinklers. The plan is subject to approval by the local
22 authority.

23 (2) Within three years of the effective date of this act, an owner
24 under subsection (1) of this section must complete the installation of
25 the system set forth in the plan.

26 NEW SECTION. **Sec. 6.** A new section is added to chapter 84.36 RCW
27 to read as follows:

28 (1) The addition of a system of automatic sprinklers to any
29 building or structure or portion thereof, subject to chapter 19.-- RCW
30 (sections 1 through 5 of this act) is exempt from taxation for the ten
31 years subsequent to the completion of the addition to the extent that
32 the addition represents an increase in value. A taxpayer seeking this
33 exemption must file notice of intent to add the system of automatic
34 sprinklers prior to the addition being made on forms prescribed by the
35 department of revenue and furnished to the taxpayer by the county
36 assessor.

1 (2) The department of revenue shall adopt rules as necessary to
2 administer this section.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 35.92 RCW
4 to read as follows:

5 The owner of a building or structure or portion thereof, subject to
6 chapter 19.-- RCW (sections 1 through 5 of this act) is exempt from
7 water supply connection charges under this chapter for the five years
8 subsequent to the completion of the system of automatic sprinklers.

9 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.94 RCW
10 to read as follows:

11 The owner of a building or structure or portion thereof, subject to
12 chapter 19.-- RCW (sections 1 through 5 of this act) is exempt from
13 water supply connection charges under this chapter for the five years
14 subsequent to the completion of the system of automatic sprinklers.

15 NEW SECTION. **Sec. 9.** Sections 1 through 5 of this act constitute
16 a new chapter in Title 19 RCW.

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