
SENATE BILL 5374

State of Washington

59th Legislature

2005 Regular Session

By Senators Kohl-Welles and Delvin

Read first time 01/21/2005. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to fire safety; adding a new chapter to Title 19
2 RCW; and prescribing penalties.

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

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

14 The director of fire protection shall require that every license
15 holder submit, annually, a valid certificate of inspection, as provided
16 in the state building code, issued by a local inspector and signed by
17 the head of the fire department for the city, town, or district in
18 which the premises is located and from which alcoholic beverages

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

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

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

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

27 The director of fire protection shall adopt rules to implement this
28 section.

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

1 not apply to the construction or substantial alteration of buildings or
2 structures, approved by building permit on or after December 1, 2004.
3 This subsection does not preclude the board of building regulations and
4 standards from prescribing more stringent sprinkler requirements.

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

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

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

1 is issued for that use by the head of the fire department in
2 consultation with the local building inspector or inspector who may set
3 the terms and conditions to protect against fire and preserve public
4 safety.

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

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

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

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

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

- 1 (i) Any blocked or impeded ingress or egress;
2 (ii) The failure to maintain or the shutting off of any fire
3 protection or fire warning system required by law;
4 (iii) The storage of any flammable or explosive without a properly
5 issued permit in quantities in excess of allowable limits of any permit
6 to store;
7 (iv) The use of any firework or pyrotechnic device without a
8 properly issued permit; or
9 (v) Exceeding the occupancy limit established by local ordinance.

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

14 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute
15 a new chapter in Title 19 RCW.

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