

CODE

**CITY OF REDMOND
ORDINANCE NO.**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, RELATING TO THE PROTECTION OF THE CITY'S CRITICAL AQUIFER RECHARGE AREAS; AMENDING CERTAIN NATURAL ENVIRONMENT, NORTH REDMOND NEIGHBORHOOD, AND WILLOWS/ROSE HILL NEIGHBORHOOD POLICIES IN THE REDMOND COMPREHENSIVE PLAN TO CHANGE REFERENCES FROM "WELLHEAD PROTECTION AREAS" TO "CRITICAL AQUIFER RECHARGE AREAS," AMENDING RZC 21.64.010 AND 21.64.050 TO CHANGE REFERENCES FROM "WELLHEAD PROTECTION ZONES TO CRITICAL AQUIFER RECHARGE AREAS" AND TO ADOPT A CRITICAL AQUIFER RECHARGE AREA MAP; AMENDING THE DEFINITIONS OF CRITICAL AQUIFER RECHARGE AREA AND SIGNIFICANT GROUNDWATER HAZARD IN RZC 21.78 AND ADDING DEFINITIONS OF RECLAIMED WATER AND WRECKED VEHICLE; AMENDING RMC CHAPTER 13.07 TO REVISE THE CITY'S REGULATIONS RELATING TO WELLHEAD PROTECTION AND CRITICAL AQUIFER RECHARGE AREAS; AMENDING RMC CHAPTER 13.25, TEMPORARY CONSTRUCTION DEWATERING; AMENDING RMC CHAPTER 15.06 TO CHANGE REFERENCES REGARDING WELLHEAD PROTECTION AND CRITICAL AQUIFER RECHARGE AREAS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Growth Management Act (GMA) requires that the City of Redmond designate and protect its Critical Aquifer Recharge Areas (CARAs); and

WHEREAS, on January 16, 2018, the Redmond City Council enacted Ordinance No. 2914, adopting interim regulations designating the

City's CARAs and protecting the same from the potential degradation caused by reclaimed water use; and

WHEREAS, Ordinance No. 2914 provided that the interim regulations would remain in effect for a period of one year from the effective date of the ordinance or until adoption of permanent regulations, whichever was sooner; and

WHEREAS, Ordinance No. 2914 adopted a work plan for addressing the issues that led to the adoption of the interim regulations and the work plan acknowledged that development of permanent regulations would take most of 2018 to complete; and

WHEREAS, pursuant to the work plan, amendments to the Redmond Comprehensive Plan and Redmond Zoning Code were drafted by staff and a SEPA Determination of Non-Significance was issued on June 18, 2018; and

WHEREAS, the amendments were presented to the Redmond Planning Commission, who conducted a public hearing on August 22 and September 12, 2018 to take public testimony on the amendments; and

WHEREAS, after completing the public hearing, the Redmond Planning Commission recommended approval of certain comprehensive plan and zoning code amendments to the Redmond City Council; and

WHEREAS, the City diligently pursued the remainder of the work plan adopted by Ordinance No. 2914, but additional time was

needed to complete stakeholder engagement and to draft amendments to the Redmond Municipal Code that address impacts to property owners that fall under the City's Groundwater Protection Incentive Program due to changes in the CARAs; and

WHEREAS, Ordinance No. 2947, passed by the City Council on January 15, 2018, extended the interim regulations adopted by Ordinance No. 2914 to allow for completion of the stakeholder involvement and drafting of amendments; and

WHEREAS, the stakeholder involvement and regulation drafting has been completed and the Planning Commission's recommended comprehensive plan and zoning code amendments, as well as staff's proposed amendments to the Redmond Municipal Code, have been presented to the Council for approval; and

WHEREAS, having considered the amendments and being fully advised, the Redmond City Council has determined to adopt the amendments set forth in this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City Code.

Section 2. Findings and Conclusions. After carefully reviewing the record and considering the evidence and arguments in

the record and at the public meetings, the City Council hereby adopts the findings, analysis, and conclusions contained in the Planning Commission Report (City File Nos. PR-2018-01006, LAND-2018-00533, LAND-2018-00510, and SEPA-2018-00511) dated September 12, 2018, and Exhibits A - E to such Report.

Section 3. Comprehensive Plan Amended. The amendments to the Natural Environment policies, the North Redmond Neighborhood policies, and the Willows/Rose Hill Neighborhood policies set forth on Exhibit A attached hereto and incorporated herein by this reference as if fully set forth, are hereby adopted.

Section 4. Critical Areas Regulations. RZC 21.64.010 and 21.64.050 are hereby amended to read as set forth on Exhibit B attached hereto and incorporated herein by this reference as if fully set forth.

Section 5. Definitions. RZC 21.78 is hereby amended to amend the definitions of "Critical Aquifer Recharge Area" and "Significant Groundwater Hazard," and to add definitions of "Reclaimed Water" and "Wrecked Vehicle," to read as set forth on Exhibit C attached hereto and incorporated herein by this reference as if fully set forth.

Section 6. Wellhead Protection. RMC 13.07 is hereby amended to read as follows:

Chapter 13.07
WELLHEAD PROTECTION

Sections:

- 13.07.010 Purpose.
- 13.07.020 Authority.
- 13.07.030 Definitions.
- 13.07.040 Scope and applicability.
- 13.07.050 [~~INFORMATION AND O~~] Operational requirements.
- 13.07.055 Hazardous Materials Questionnaire Required.**
- ~~[13.07.060 HAZARDOUS MATERIALS QUESTIONNAIRE REQUIRED.]~~
- 13.07.065 Hazardous Materials Inventory Statement required.**
- ~~[13.07.070 HAZARDOUS MATERIALS INVENTORY STATEMENT REQUIRED.]~~
- 13.07.075 Hazardous Materials Management Plan required.**
- ~~[13.07.080 HAZARDOUS MATERIALS MANAGEMENT PLAN REQUIRED.]~~
- 13.07.085 Prohibited Activities in Critical Aquifer Recharge Areas.**
- ~~[13.07.090 WAIVER OF FORMS SUBMITTAL.]~~
- 13.07.100 Performance standards.
- 13.07.110 Wellhead monitoring program.
- 13.07.112 Source Control Program.**
- 13.07.115 Groundwater protection incentive program for existing infiltration system modifications.
- 13.07.120 Reporting of hazardous substances releases and completion of cleanup.
- 13.07.130 Inspections.
- 13.07.140 Appeals.
- 13.07.150 Enforcement authority.
- 13.07.160 Enforcement policy.
- 13.07.170 Orders.
- 13.07.180 Penalty for violations.
- 13.07.190 Penalties due.
- 13.07.200 Severability.
- 13.07.210 Abrogation and restrictions.
- 13.07.220 Interpretation.
- 13.07.230 Conflicts.
- 13.07.240 State statutes and regulations adopted by reference.**

13.07.010 Purpose.

The purpose of this chapter is to:

A. Fulfill public water system wellhead protection program requirements of Chapter 246-290 WAC.

B. Protect the general public health and prevent contamination of groundwater resources used by the City as a drinking water supply [~~FROM HAZARDOUS MATERIALS AND OTHER DELETERIOUS SUBSTANCES~~] through the following methods:

1. Preventing pollution in the groundwater/drinking water supply through source control inspections aimed at assisting businesses reduce and prevent pollution;

2. Establishing [~~WELLHEAD PROTECTION ZONES~~] Critical Aquifer Recharge Areas around the City's water supply wells;

3. Prohibiting new facilities or activities within the Critical Aquifer Recharge Areas that [~~MAY~~] pose a significant [~~HAZARD~~] threat to the City's water supply [~~GROUNDWATER RESOURCES RESULTING FROM STORING, HANDLING, TREATING, USING, PRODUCING, RECYCLING, OR DISPOSING OF HAZARDOUS MATERIALS OR OTHER DELETERIOUS SUBSTANCES~~];

4. Imposing standards for storing, handling, treating, using, producing, recycling, or disposing of hazardous materials [~~SO AS~~] to preclude the introduction of such materials into soil surface water, or groundwater; and

5. Establishing a monitoring program to identify quality and quantity impacts to the aquifer system and detect the presence of contaminants in

groundwater prior to their reaching the City's water supply wells.

6. Imposing requirements to investigate environmental releases to determine impacts on natural resources. Remediation to mitigate damages are addressed in Section 1.14.080.

13.07.020 Authority.

This chapter is established under authority of the Optional Municipal Code (Chapter 35A.70 RCW), Growth Management Act (Chapter 36.70A RCW), Public Water Systems - Penalties and Compliance (Chapter 70.119A RCW), and Public Water Supplies (Chapter 246-290 WAC).

13.07.030 Definitions.

For the purpose of this chapter, the following definitions shall apply. Additional definitions related to wellhead protection are located in Redmond Zoning Code Chapter 21.78, Definitions.

- ~~{(1)}~~ "Business license" means that document issued by the City under authority of Chapter 5.04 of the Redmond Municipal Code licensing the transaction of the indicated business by the person whose name appears thereon for the stated year.

- **"Critical Aquifer Recharge Area" areas with a critical recharging effect on aquifers used for potable water.**

- ~~{(2)}~~ "Director" means the Director of the Public Works Department or his/her designee.

- **"Deleterious Substance" means a substance that in contact with groundwater would degrade, alter or form part of a process of degradation**

or alteration of the groundwater quality so that it becomes or is likely to become harmful for human consumption.

- "Hazardous Materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

- [~~3~~] "Hazardous Materials Inventory Statement" means a form provided by the City of Redmond and completed by a facility owner or operator that discloses the types, quantities, and locations of hazardous materials and other deleterious substances that are or will be stored, handled, treated, used, produced, recycled, or disposed of at the facility. The Hazardous Materials Inventory Statement shall be prepared pursuant to requirements of the Redmond Fire Code, Chapter 15.06 RMC.

- [~~4~~] "Hazardous Materials Management Plan" means a form provided by the City of Redmond and completed by a facility owner or operator that includes the facility description; the Hazardous Materials Inventory Statement; descriptions of separation, secondary containment, and monitoring for aboveground and underground storage areas and waste disposal; record keeping; an emergency response plan; and an emergency response training plan. The Hazardous Materials Management Plan shall be prepared pursuant to

requirements of the Redmond Fire Code, Chapter 15.06 RMC.

- ~~[(5)]~~ "Hazardous Materials Questionnaire" **is a portion of the business license application** ~~[MEANS A FORM PROVIDED BY THE CITY OF REDMOND AND]~~ completed by a facility owner or operator that discloses the types and estimated amounts of hazardous materials used by the facility, and the operational activities of the facility.

- ~~[(6)]~~ "Monitoring well" means a well designed to obtain a representative groundwater sample or designed to measure the water level elevations in either clean or contaminated water or soil.

- ~~[(7)]~~ "Operator" means any person or persons in control of, or having responsibility for, the operation of a facility.

- ~~[(8)]~~ "Owner" means, for purposes of this chapter, a person or persons with a vested ownership interest in a facility, including a leasehold interest, but does not include persons holding only contingent interests or security interests in all or a portion of the facility.

- ~~[(9)]~~ "Person" means an individual, firm, association, joint venture, partnership, municipality, government agency, political subdivision, industry, public or private corporation, owner, lessee, tenant, or any other entity whatsoever.

- ~~[(10)]~~ "RZC" means the Redmond Zoning Code.

- [~~(11)~~] "Redmond Fire Code" means the fire code adopted by the City of Redmond.

- [~~(12)~~] "Retail facility" means a building, structure, or portion thereof, used for the display and sale of merchandise, and involving stocks of goods, wares, or merchandise incidental to such purposes and accessible to the public. Retail facilities include, but are not limited to, the following: department stores, drug stores, markets, paint stores without bulk handling, shopping centers, and wholesale and retail stores.

- **"Significant Groundwater Hazard" means a condition in which there is a reasonable probability of release of a hazardous material or deleterious substance, that, if reached, groundwater would degrade, alter or form part of a process of degradation or alteration of the groundwater quality so that it becomes or is likely to become harmful for consumption.**

- [~~(13)~~] ~~"WELLHEAD PROTECTION ZONES" MEANS LAND AREAS DELINEATED BY THE CITY FOR PURPOSES OF SAFEGUARDING GROUNDWATERS THAT SUPPLY, OR POTENTIALLY SUPPLY, DRINKING WATER TO WELLS OPERATED BY THE CITY.]~~

13.07.040 Scope and applicability.

A. The provisions of this chapter shall apply to all facilities, activities, and residences in the City of Redmond that store, handle, treat, use, produce, recycle, or dispose of hazardous materials or deleterious substances.

B. Boundaries for **Critical Aquifer Recharge Areas** [~~WELLHEAD PROTECTION ZONES~~] are delineated in the map "City of Redmond **Critical Aquifer Recharge**

Areas ~~[WELLHEAD PROTECTION ZONES]~~” adopted as part of Redmond Zoning Code Section 21.64.010(E) (1) (f). **Critical Aquifer Recharge Areas** ~~[WELLHEAD PROTECTION ZONES]~~ are classified into **two areas** ~~[FOUR ZONES]~~: **Critical Aquifer Recharge Areas** ~~[WELLHEAD PROTECTION ZONES 1, 2, AND 3,]~~ **I and II** as defined in **RZC 21.64.050** and as follows. ~~[ACCORDANCE WITH CHAPTER 246-290 WAC, AND WELLHEAD PROTECTION ZONE 4.]~~

1. **Critical Aquifer Recharge Area I** ~~[WELLHEAD PROTECTION ZONE 1 REPRESENTS]~~ **is** the land area overlying the **aquifer in which it will take a maximum of five years for the groundwater to reach** ~~[SIX MONTH TIME OF TRAVEL ZONE OF]~~ any public water source well owned by the City.

2. **Critical Aquifer Recharge Area II** ~~[WELLHEAD PROTECTION ZONE 2 REPRESENTS]~~ **is** the land area **overlying the aquifer with a critical recharging effect on the aquifer in which it will take more than 5 years for groundwater to reach any public water source well owned by the City.** ~~[THAT OVERLIES THE PORTION OF THE ONE-YEAR TIME-OF-TRAVEL ZONE THAT DOES NOT LIE IN THE SIX MONTH TIME-OF-TRAVEL ZONE OF ANY PUBLIC WATER SOURCE WELL OWNED BY THE CITY, EXCLUDING THE LAND AREA CONTAINED WITHIN WELLHEAD PROTECTION ZONE 1.]~~

~~[3. WELLHEAD PROTECTION ZONE 3 REPRESENTS THE LAND AREA THAT OVERLIES THE PORTION OF THE FIVE-YEAR AND TEN-YEAR TIME-OF-TRAVEL ZONES OF ANY PUBLIC WATER SOURCE WELL OWNED BY THE CITY THAT DOES NOT LIE IN THE ONE-YEAR TIME-OF-TRAVEL ZONE, EXCLUDING THE LAND AREA CONTAINED WITHIN WELLHEAD PROTECTION ZONE 1 OR 2.]~~

~~[4. WELLHEAD PROTECTION ZONE 4 REPRESENTS ALL THE REMAINING LAND AREA IN THE CITY NOT CONTAINED WITHIN WELLHEAD PROTECTION ZONE 1, 2, OR 3.]~~

The applicability of various requirements in this chapter shall depend upon the critical aquifer recharge area [ZONE] in which the facility or activity is located.

13.07.050 ~~[INFORMATION AND]~~ Operational requirements.

A. Any facility, activity, or residence in the City in which hazardous materials or other deleterious substances are present shall be operated in a manner that ensures safe storage, handling, treatment, use, production, and recycling or disposal of such materials and substances and prevents their unauthorized release to the environment.

B. In no case shall hazardous materials or other deleterious substances be stored, handled, treated, used, produced, recycled, or disposed of in a way that would pose a [SIGNIFICANT] groundwater hazard within the City of Redmond.

13.07.055 Hazardous Materials Questionnaire required.

A. As part of applying for a business license in the City of Redmond, businesses shall fill out a hazardous materials questionnaire. The hazardous materials questionnaire is incorporated into the business license application.

~~**[13.07.060 HAZARDOUS MATERIALS QUESTIONNAIRE REQUIRED.**~~

~~A. BUSINESSES, PUBLIC AGENCIES, INSTITUTIONS, NONPROFIT ORGANIZATIONS, AND ANY OTHER ORGANIZATION OR~~

~~PERSON LOCATED IN WELLHEAD PROTECTION ZONES 1, 2, OR 3 THAT USE, STORE, HANDLE, TREAT, PRODUCE, RECYCLE, OR DISPOSE OF HAZARDOUS MATERIALS SHALL SUBMIT A HAZARDOUS MATERIALS QUESTIONNAIRE IN ACCORDANCE WITH RMC 5.04.070(D), OR AT THE REQUEST OF THE DIRECTOR, WITHIN THIRTY (30) DAYS OF RECEIPT OF NOTICE FROM THE CITY AND SHALL COMPLY WITH THE WELLHEAD PROTECTION CHAPTER ACCORDINGLY. THE CITY MAY GRANT A ONE-TIME THIRTY (30) DAY EXTENSION AT THE WRITTEN REQUEST OF THE PERSON. THE DIRECTOR SHALL REVIEW AND APPROVE THE HAZARDOUS MATERIALS QUESTIONNAIRE AND USE IT TO DETERMINE WHETHER THE PERSON MUST SUBMIT A HAZARDOUS MATERIALS INVENTORY STATEMENT.~~

~~B. THE FOLLOWING FACILITIES OR ACTIVITIES ARE EXEMPT FROM SUBMITTING A HAZARDOUS MATERIALS QUESTIONNAIRE:~~

~~1. HEATING EQUIPMENT FUEL TANKS WITH A CAPACITY OF LESS THAN ONE THOUSAND ONE HUNDRED (1,100) GALLONS EXISTING AS OF THE EFFECTIVE DATE OF THIS CHAPTER AND CONTAINING HEATING FUEL FOR CONSUMPTIVE USE ON THE PARCEL WHERE USED.~~

~~2. PETROLEUM PRODUCTS STORED IN VEHICLE OR EQUIPMENT FUEL TANKS.~~

~~3. STORAGE WITHIN RETAIL FACILITIES OF HAZARDOUS MATERIALS OR OTHER DELETERIOUS SUBSTANCES FOR SALE IN ORIGINAL CONTAINERS WITH A CAPACITY OF LESS THAN OR EQUAL TO FIVE (5) GALLONS LIQUID OR ONE HUNDRED (100) POUNDS SOLID.~~

~~4. APPLICATION OF FERTILIZERS AND PESTICIDES AND THEIR COMMERCIAL FORMULATIONS, IF DONE IN ACCORDANCE~~

~~WITH STATE AND FEDERAL STANDARDS FOR ACCEPTED FARMING AND HORTICULTURAL PRACTICES.~~

~~5. TEMPORARY PRESENCE OF MAINTENANCE CHEMICAL SUBSTANCES, SUCH AS PAINTS AND PAINT THINNERS, THAT ARE ACTIVELY IN USE FOR NONROUTINE MAINTENANCE OR REPAIR OF A FACILITY IN INDIVIDUAL CONTAINERS NOT TO EXCEED FIVE (5) GALLONS LIQUID OR ONE HUNDRED (100) POUNDS SOLID.~~

~~C. IF IT IS DETERMINED THAT A FACILITY OR AN ACTIVITY THAT HAS BEEN EXEMPTED UNDER SUBSECTION B OF THIS SECTION POSES A SIGNIFICANT GROUNDWATER HAZARD, THE CITY MAY REQUIRE COMPLIANCE WITH RELEVANT PROVISIONS OF THIS CHAPTER.~~

~~D. IF THE USE OF AN EXEMPT FACILITY IS CHANGED OR IF THE FACILITY IS EXPANDED OR UPGRADED, THE OWNER OR OPERATOR SHALL SUBMIT A HAZARDOUS MATERIALS QUESTIONNAIRE WITHIN THIRTY (30) DAYS OF THE CHANGE TO DETERMINE THE REGULATORY STATUS OF THE FACILITY UNDER THIS CHAPTER.]~~

13.07.065 Hazardous Materials Inventory Statement required.

A. The International Fire Code as adopted by Section 15.06.011 establishes when Hazardous Materials Inventory Statements are required citywide. In addition to the Fire Code Official, the Public Works Director has the authority to require a Hazardous Materials Inventory Statement from the owner or operator of a facility or activity that poses a threat to groundwater quality within the Critical Aquifer Recharge Areas.

~~[13.07.070 HAZARDOUS MATERIALS INVENTORY STATEMENT REQUIRED.~~

~~A. IF THE HAZARDOUS MATERIALS QUESTIONNAIRE DETERMINATION ESTABLISHES THAT A FACILITY OR ACTIVITY TRANSFERS, STORES, HANDLES, USES, PRODUCES, RECYCLES, OR DISPOSES OF AGGREGATE QUANTITIES OF HAZARDOUS MATERIALS OR DELETERIOUS SUBSTANCES EQUAL TO OR GREATER THAN TWENTY (20) GALLONS LIQUID OR TWO HUNDRED (200) POUNDS SOLID, THE OWNER OR OPERATOR OF THE FACILITY OR ACTIVITY MUST SUBMIT A HAZARDOUS MATERIALS INVENTORY STATEMENT WITHIN THIRTY (30) DAYS OF RECEIPT OF NOTICE FROM THE CITY. THE HAZARDOUS MATERIALS INVENTORY STATEMENT SHALL REFLECT ALL CURRENT AND ANTICIPATED TYPES AND QUANTITIES OF HAZARDOUS MATERIALS AND OTHER DELETERIOUS SUBSTANCES THAT WILL BE STORED, HANDLED, TREATED, USED, PRODUCED, RECYCLED, OR DISPOSED OF AT A FACILITY. THE CITY SHALL REVIEW AND APPROVE THE HAZARDOUS MATERIALS INVENTORY STATEMENT. THE HAZARDOUS MATERIALS INVENTORY STATEMENT SHALL BE USED BY THE DIRECTOR TO DETERMINE IF A HAZARDOUS MATERIALS MANAGEMENT PLAN IS REQUIRED.~~

~~B. USE OF INFORMATION FROM OTHER JURISDICTIONAL AGENCIES. INFORMATION REQUIRED IN THE HAZARDOUS MATERIALS INVENTORY STATEMENT MAY BE SUBSTITUTED WITH OR SUPPLEMENTED BY INFORMATION ALREADY DOCUMENTED OR TABULATED IN AN EQUIVALENT LEVEL OF DETAIL IN A PERMIT ISSUED TO THE FACILITY OR ACTIVITY BY OTHER JURISDICTIONAL AGENCIES. THE INFORMATION MUST BE SUBMITTED IN A FORMAT ACCEPTABLE TO THE CITY.]~~

13.07.075 Hazardous Materials Management Plan required.

A. The International Fire Code as adopted by Section 15.06.011 establishes when Hazardous Materials Management Plans are required citywide. In addition to

the Fire Code Official, the Public Works Director has the authority to require a Hazardous Materials Management Plan from the owner or operator of a facility or activity that poses a threat to groundwater quality within the Critical Aquifer Recharge Areas.

B. Availability of the Hazardous Materials Management Plan. The facility owner or operator shall make certain that a copy of the Hazardous Materials Management Plan is available at the facility and is conspicuously located such that a copy or copies of the plan are immediately available to all employees involved with transferring, storing, handling, treating, using, producing, and recycling or disposing of hazardous materials or other deleterious substances.

C. Training Requirements. The facility owner or operator shall ensure that all employees involved with transferring, storing, handling, treating, using, producing, and recycling or disposing of hazardous materials or other deleterious substances are familiar with the Hazardous Materials Management Plan through regular training.

~~[13.07.080 HAZARDOUS MATERIALS MANAGEMENT PLAN REQUIRED.~~

~~[A. IF THE DIRECTOR DETERMINES THAT A FACILITY OR ACTIVITY HAS AGGREGATE QUANTITIES OF HAZARDOUS MATERIALS OR OTHER DELETERIOUS SUBSTANCES OF MORE THAN FIFTY (50) GALLONS LIQUID OR FIVE HUNDRED (500) POUNDS SOLID OR IF THE DIRECTOR DETERMINES THE FACILITY OR ACTIVITY WOULD POSE A SIGNIFICANT GROUNDWATER HAZARD, THE OWNER OR OPERATOR MUST SUBMIT A HAZARDOUS MATERIALS MANAGEMENT PLAN WITHIN SIXTY (60) DAYS OF RECEIPT OF NOTICE FROM~~

~~THE CITY. THE CITY MAY GRANT A ONE-TIME THIRTY (30) DAY EXTENSION AT THE WRITTEN REQUEST OF THE OWNER OR OPERATOR. THE HAZARDOUS MATERIALS MANAGEMENT PLAN SHALL BE SUBMITTED IN A FORMAT APPROVED BY THE CITY AND SHALL INCLUDE THE LOCATION OF THE MATERIAL SAFETY DATA SHEETS AT THE FACILITY.]~~

~~B. AVAILABILITY OF THE HAZARDOUS MATERIALS MANAGEMENT PLAN. THE FACILITY OWNER OR OPERATOR SHALL MAKE CERTAIN THAT A COPY OF THE HAZARDOUS MATERIALS MANAGEMENT PLAN IS AVAILABLE AT THE FACILITY AND IS CONSPICUOUSLY LOCATED SUCH THAT A COPY OR COPIES OF THE PLAN ARE IMMEDIATELY AVAILABLE TO ALL EMPLOYEES INVOLVED WITH TRANSFERRING, STORING, HANDLING, TREATING, USING, PRODUCING, AND RECYCLING OR DISPOSING OF HAZARDOUS MATERIALS OR OTHER DELETERIOUS SUBSTANCES.~~

~~C. TRAINING REQUIREMENTS. THE FACILITY OWNER OR OPERATOR SHALL ENSURE THAT ALL EMPLOYEES INVOLVED WITH TRANSFERRING, STORING, HANDLING, TREATING, USING, PRODUCING, AND RECYCLING OR DISPOSING OF HAZARDOUS MATERIALS OR OTHER DELETERIOUS SUBSTANCES ARE FAMILIAR WITH THE HAZARDOUS MATERIALS MANAGEMENT PLAN THROUGH REGULAR TRAINING.]~~

13.07.085 Prohibited Activities in Critical Aquifer Recharge Areas

A. The following are hereby prohibited in Critical Aquifer Recharge Areas I and II:

1. Permanent Dewatering of groundwater, unless permitted by the City prior to April 2019.

2. Reclaimed or recycled water use with the exception of uses that discharge to the sanitary sewer.

B. The following are prohibited in Critical Aquifer Recharge Area I:

1. Mobile fleet fueling operations with the exception of mobile fueling of equipment on construction sites.

2. Wood preserving and wood products preserving

3. Chemical manufacturing, including but not limited to organic and inorganic chemicals, plastics and resins, pharmaceuticals, cleaning compounds, paints and lacquers, and agricultural chemicals.

4. Drycleaners are prohibited from using perchloroethylene solvents.

~~[13.07.090 WAIVER OF FORMS SUBMITTAL.]~~

~~[A. THE SUBMISSION OF A NEW HAZARDOUS MATERIALS QUESTIONNAIRE, HAZARDOUS MATERIALS INVENTORY STATEMENT, OR HAZARDOUS MATERIALS MANAGEMENT PLAN MAY BE WAIVED IF THE PREVIOUSLY SUBMITTED FORMS ON FILE WITH THE DIRECTOR ARE ACCURATE AND UP-TO-DATE.]~~

~~B. THE REQUEST FOR WAIVER MUST BE SUBMITTED ANNUALLY ON A FORM PROVIDED BY THE DIRECTOR AND MUST BE SIGNED BY THE OWNER OR OPERATOR ATTESTING THAT THERE HAVE BEEN NO CHANGES IN OPERATION STANDARDS, OR QUANTITIES OR TYPES OF HAZARDOUS MATERIALS TRANSFERRED, STORED, HANDLED, USED, PRODUCED, RECYCLED, OR DISPOSED OF AT THE FACILITY AS REPORTED IN THE FORMS ON FILE.]~~

~~C. THE CITY MAY REQUIRE SUBMITTAL OF A RENEWED HAZARDOUS MATERIALS QUESTIONNAIRE, HAZARDOUS MATERIALS INVENTORY STATEMENT, AND/OR HAZARDOUS MATERIALS MANAGEMENT PLAN AT ITS DISCRETION.]~~

13.07.100 Performance standards.

A. General Standards. Any facility or activity within the Critical Aquifer Recharge Areas in ~~[EXISTING AS OF NOVEMBER 1, 2003, WITHIN]~~ which hazardous materials or other deleterious substances are present shall comply with the ~~[RELEVANT PERFORMANCE]~~ following general standards ~~[IN REDMOND ZONING CODE SECTION 21.64.050 (D) OR EQUIVALENT BEST MANAGEMENT PRACTICES ACCEPTABLE TO THE CITY]~~.

1. Secondary Containment. The owner or operator of any facility or activity shall provide secondary containment for hazardous materials or other deleterious substances in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid.

2. Property owners shall properly decommission all wells that are abandoned. This may include plugging the abandoned well with an approved inert and impervious substance so that groundwater contamination is not possible in the future. State Department of Ecology regulations describe the requirements for decommissioning in chapter 173-160-381 WAC, which is already required by law.

3. Loading and Unloading Areas. Secondary containment or equivalent best management practices, as approved by the City, shall be required at loading and unloading areas that store, handle, treat, use, produce, recycle, or dispose of hazardous materials or other deleterious substances in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid.

4. All businesses that use, store, transport or dispose of hazardous materials shall be required to

have a spill kit on-site with spill control materials in quantities needed to counter measure a spill.

B. Specific Performance Standards. **In addition to the general standards** ~~t~~^[T]he following specific performance standards apply to the following listed facilities within **Critical Aquifer Recharge Areas I and II**: ~~[WELLHEAD PROTECTION ZONE 1 OR 2:]~~

1. Sewer Pipelines. Should the Director have reason to believe ~~[THAT THE OPERATION OF]~~ a sewer pipeline **is** ~~[AND CONVEYANCE SYSTEM APPURTENANCES EXISTING AS OF NOVEMBER 1, 2003, MAY BE]~~ degrading groundwater quality, the Director may require that leak testing be conducted. Should leakage be detected, the Director shall require correction ~~[TO HIS/HER SATISFACTION]~~.

2. Stormwater Infiltration Systems. Owners or operators of stormwater infiltration systems ~~[EXISTING AS OF NOVEMBER 1, 2003,]~~ must address specific risks posed by hazardous material storage or processing. These risks may be mitigated by physical means and/or equivalent best management practices in accordance with an approved, site-specific Hazardous Materials Management Plan, Stormwater Pollution Prevention Plan, or equivalent plan accepted by the Director.

a. ~~[ANY]~~ **All** stormwater infiltration systems~~s~~ shall be registered with the Director ~~[BY FEBRUARY 3, 2009,]~~ using the registration form developed by the Director. Certain stormwater infiltration systems are regulated by the state as Underground Injection Control (UIC) wells under Chapter 173-218 WAC. **The owner operator of a stormwater infiltration system can** ~~[AND~~

~~MAY~~] meet the city's registration requirement by registering their system with ~~[SYSTEMS AS SEPARATELY REQUIRED BY THE]~~ Washington Department of Ecology ~~[BY FEBRUARY 3, 2009,]~~ and providing a copy of the Ecology registration to the Director.

b. *Repealed by Ord. 2422.*

c. *Repealed by Ord. 2422.*

d. An assessment of the potential risks to groundwater from any registered stormwater infiltration system shall be completed by the owner or operator and submitted to the Director by February 3, 2011. Assessment criteria have been developed by the Director in consultation with affected facility owners or operators. The assessment shall be completed for each stormwater infiltration system.

e. If through the assessment process, a stormwater infiltration system is determined to pose a potential significant groundwater hazard based on the assessment score, the Director shall issue an Authorized Work Letter detailing the work required to mitigate risks at the facility. Authorized work may include, but not be limited to, best management practices, system modifications, or infiltration system replacement to protect groundwater quality, pursuant to the guidance and schedule in the assessment criteria. If replacement of an infiltration system is required and there are no alternative stormwater discharge options available, then in addition to the authorized work, groundwater monitoring will be required, in accordance with the groundwater monitoring requirements in the assessment criteria, until an alternative discharge becomes

available. If monitoring results for such a facility indicate contamination of the groundwater at any time, all activities contributing to the contamination shall be required to cease immediately.

f. Provisions to prevent releases of hazardous materials into stormwater systems shall be updated in the Hazardous Materials Management Plan, Stormwater Pollution Prevention Plan, or equivalent plan accepted by the Director and supported by upgraded or new stormwater system designs, as necessary, to reflect significant changes in types, quantities, and handling of hazardous materials.

g. The owner or operator of a stormwater infiltration system shall notify the Director of the intent to modify or replace a stormwater infiltration system and shall obtain all appropriate approvals and permits prior to any modification or replacement.

3. ~~[UNDERGROUND]~~ **Hydraulic Elevator Cylinders and associated piping.** The owner or operator of any facility with ~~[AN UNDERGROUND]~~ **a** hydraulic elevator ~~[PRESSURE CYLINDER]~~ shall inspect the ~~[ANNULUS AT LEAST ONCE EVERY SIX (6) MONTHS]~~ **hydraulic system based on the schedule required by Washington State Department of Labor and Industries** for evidence of hydraulic fluid leakage. **An inspection and maintenance log is required and available upon request by the Public Works Director** ~~[AND REPORT THE RESULTS TO THE DIRECTOR]~~. If leakage is detected, the facility owner or operator shall complete repairs within thirty (30) days of discovery of leakage, and document such repairs **in the inspection and**

maintenance log [~~TO THE DIRECTOR WITHIN THIRTY (30) DAYS OF COMPLETION OF REPAIRS~~] .

4. Vehicle fuel dispensing facilities shall have the following to control the release of hazardous materials to the soil/groundwater during operation:

a. All underground storage tanks (USTs) and associated piping more than 30 years old must conduct annual inspections including tank and line tightness testing.

b. Fuel dispensing equipment and above ground storage tanks shall be secondarily contained and protected by bollards. Fuel dispensing equipment hoses shall not extend outside of the containment area.

c. A containment system consisting of the following:

i. Impervious pad, poured of Portland cement, or equivalent.

ii. The containment system pad and associated conveyance structures shall be inspected and repaired annually to ensure the functional integrity is maintained to prevent fuel and/or chemicals from reaching the ground. All seams and cracks on the pad and associated conveyance structures shall be sealed with chemical resistant sealers.

5. Vehicle Maintenance areas shall have the following to control the release of hazardous materials to the soil/groundwater during operation:

a. The facility shall conduct vehicle maintenance under a covered or indoor area with drainage to the sanitary sewer, a dead-end sump, or alternative

Best Management Practices as approved by the Public Works Director.

b. An impervious concrete pad with petroleum resistant sealant. The pad must be sloped/bermed to contain spills within the maintenance area and not allow stormwater run-on enter the vehicle maintenance area.

c. The maintenance pad and associated conveyance structures shall be inspected and repaired annually to ensure the functional integrity is maintained to prevent fuel and/or chemicals from reaching the ground. All seams and cracks on the pad and associated conveyance structures shall be sealed with chemical resistant sealers.

6. Legal pre-existing vehicle wrecking yards that store wrecked vehicles on pervious surfaces shall implement best management practices to reduce or eliminate the potential for environmental releases to protect groundwater resource.

C. Residential Users. Residential users of hazardous materials living in the City of Redmond shall reduce contamination risks to groundwater by:

1. Following storage, use, and disposal instructions on all household hazardous chemical containers;

2. Following storage, use, application, and disposal instructions for pesticides, herbicides, and fertilizers;

3. Following storage, use, and disposal instructions for automotive fuels, lubricants, and cleaning products; and

4. Reporting unauthorized releases of hazardous materials into the environment.

13.07.110 Wellhead monitoring program.

A. The City may develop and maintain a Citywide Wellhead Monitoring Program in order to monitor water quality and detect potential contamination before it reaches the City's water supply wells.

B. If the City has probable cause to suspect groundwater contamination at a facility, the City shall request permission of the owner or operator to install groundwater monitoring wells and sample at a frequency to be determined. If the request is denied, the City may apply for an administrative search warrant pursuant to Section 1.14.090 of the Redmond Municipal Code.

13.07.112 Source Control Program

The Public Works Director shall oversee a program that limits the amount of pollution entering the environment by requiring businesses to construct or implement source control best management practices. Redmond Stormwater Technical Notebook defines the required and recommended best management practices citywide and additionally are important to protect the water supply within the Critical Aquifer Recharge Areas. Through business assistance visits, and review of tenant improvement and new development applications, the Public Works Director will insure that operational and structural best management practices are in place to reduce the release of pollution. If environmental releases are identified during business assistance visits, the City may require subsurface investigation, including soil and groundwater sampling and testing, as

a condition of continued operation, and may require remediation as provided in Section 1.14.080 to mitigate natural resource damages.

13.07.115 Groundwater protection incentive program for existing infiltration system modifications.

(A) Goal of Groundwater Protection Incentive Program.

(1) The goal of the groundwater protection incentive program is to encourage the early and timely modification of existing stormwater infiltration systems in order to benefit the public through early implementation of groundwater pollution prevention measures, facilitation of proper permitting and construction, and minimization of enforcement actions. Through the program the city will reimburse owners for a portion of the cost of design, engineering, permitting and construction of city-required improvements to protect the groundwater and the city's drinking water resource. The city will reimburse all property owners who have completed or who hereafter complete improvements under the groundwater incentive protection program codified in this section or as provided in Resolution No. 1321 of the city to the full extent authorized by this section.

(2) As city ratepayer funds are proposed to be expended on private property the city has an obligation to strive for the most cost effective, protective upgrades that address the risks to the public, identified by the city, and also balance the property owner's operational needs and ongoing maintenance costs.

(B) Groundwater Protection Incentive Program Process.

(1) Parcels with infiltration systems installed before November 1, 2003, which have not already registered with the city, are required to submit a complete registration form. Upon notification from the city, the owner will have three months to submit the complete registration and to be eligible for reimbursement.

(2) After registration forms are reviewed, the city will provide notification that the owner must complete an assessment of their stormwater infiltration system.

(3) The owner will have six months from that notification date to submit a complete Existing Stormwater Infiltration System Assessment Form (assessment) to the city to be eligible for reimbursement.

(4) The city will evaluate the assessment and meet with the owner to discuss site risks, appropriate best management practices, and potential mitigation or modifications specific to each facility to reduce each system's risk level.

(5) After joint review of the assessment, the city will issue a draft authorized work letter identifying the risk score. Owners will have ten (10) calendar days to file a written request for a meeting with city staff to reconsider the risk score. If discussion with city staff does not result in a consensus, either party may request mediation and a meeting with the mayor as provided in [PMC] **Section**

13.07.140 by filing written requests as provided therein. After ten (10) calendar days, if the owners have not filed a written request with city staff as provided in this subsection, or if a request does not result in consensus and no request for mediation or a meeting with the mayor is filed, the city will issue the final authorized work letter.

(6) The authorized work letter will identify the final assessment risk score, required operational best management practices, and the schedule for completion, as well as provide options for meeting structural best management practices and/or system modification requirements to reduce the risk score.

(7) Owners and their engineer(s) will work with the city to develop and review design concepts for modifications, evaluate alternatives appropriate for the site, and select a cost effective alternative. The city will issue a draft authorized alternative letter identifying the selected alternative and approving the owner to prepare a complete cost estimate detailing the cost of all design work, permitting and construction. Owners will have ten (10) calendar days to file a written request for a meeting with city staff to reconsider the selected alternative. If discussion with city staff does not result in a consensus, either party may request mediation and a meeting with the mayor as provided in [RMC] **Section** 13.07.140 by filing written requests as provided therein. After ten (10) calendar days, if the owners have not filed a written request with city staff as provided in this subsection, or if a request does not result in consensus and no request for mediation or a

meeting with the mayor is filed, the city will issue the authorized alternative letter.

(8) Owners will submit design plans, bid specifications, and an estimate detailing the costs of all design work (incurred and future), permitting, and construction of the selected improvements. After this submittal, the city will issue a draft authorized notice to proceed letter identifying proposed improvements and authorized costs and directing the owner to submit for all required permits. Owners will have ten (10) calendar days to file a written request for a meeting with city staff to reconsider the selected alternative. If discussion with city staff does not result in a consensus, either party may request mediation and a meeting with the mayor as provided in [RMC] **Section** 13.07.140 by filing written requests as provided therein. After ten (10) calendar days, if the owners have not filed a written request with city staff, as provided in this subsection, or if a request does not result in consensus and no request for mediation or a meeting with the mayor is filed, the city will issue the final authorized notice to proceed.

(9) All improvements must receive all appropriate city, county, regional, state, and federal permits prior to beginning construction.

(10) During construction changes to the scope of work authorized in the notice to proceed must be documented in a change order request and submitted to the city before out of scope work is completed. The city will issue an authorized change order for approved out of scope work. Every effort will be made to authorize

change orders in the field. If additional review time is necessary, it will not extend more than seven days.

(11) When all authorized improvements are complete, and accurate record drawings, stormwater pollution prevention plans and operation and maintenance manuals, if applicable, are received and accepted as complete, the city will issue an acceptance letter within 30 days.

(12) The acceptance letter will identify the date of completion for the purposes of reimbursement. That date of completion shall be the date of final inspection.

(13) After receipt of the acceptance letter, the owner can submit to the city verifiable, itemized and detailed receipts for all authorized improvements and proof of payment for all invoices and lien releases in accordance with the reimbursement submittal checklist.

(14) Upon review of receipts and proof of payment for all authorized improvements, a draft authorized reimbursement of cost letter will be issued to the owner within 30 days.

(15) Owners will have ten (10) calendar days to file a written request for a meeting with city staff to reconsider the reimbursement amount. If discussion with city staff does not result in a consensus, either party may request mediation and a meeting with the mayor, as provided in [RMC] **Section** 13.07.140 by filing written requests as provided therein. After ten (10) calendar days, if the owners have not filed a written request with city staff as provided in this subsection, or if a

request does not result in consensus and no request for mediation or a meeting with the mayor is filed, the city will issue the final authorized reimbursement of cost letter.

(16) Upon owners' acceptance of the authorized reimbursement of cost letter, the city will process the reimbursement.

(C) Authorized Work Letter and Reimbursement Schedule.

(1) This schedule replaces the schedule in the assessment criteria referenced in city of Redmond Resolution No. 1321. Parcels will be divided into three groups based on the assessment scores:

(a) Group one parcels will be identified by scores of 19 or higher;

(b) Group two parcels will be identified by scores of eight to 18; and

(c) Group three parcels with scores of seven and below will not be required to modify their systems but will be required to meet appropriate stormwater best management practices. Operational and structural best management practices are defined in **RMC 15.24** [~~THE 2005 STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON, VOLUME IV – SOURCE CONTROL BMPS~~].

(D) Group One Authorized Work Letters.

(1) Group one parcels will be divided into three subgroups: 1A, 1B, and 1C, to facilitate scheduling:

(a) 1A parcels will be issued authorized work letters effective on or after October 1, 2013;

(b) 1B parcels will be issued authorized work letters effective on or after April 1, 2014;

(c) 1C parcels will be issued authorized work letters effective on or after October 1, 2015.

(E) Group One Reimbursement.

(1) For authorized improvements completed by the owner and accepted by the city within three and one-half years from the effective date of the authorized work letter, owners will be reimbursed for 75 percent of the costs approved in the notice to proceed and authorized change order(s).

(2) *Repealed by Ord. 2791.*

(3) There will be no reimbursement if all authorized improvements are not completed and accepted by the city within three and one-half years from the effective date of the authorized work letter.

(4) The owner will be in violation of this code if authorized improvements are not completed and accepted by the City within four and one-half years from the effective date of the authorized work letter.

(F) Group Two Authorized Work Letters.

(1) Group two parcels will be issued authorized work letters effective on or after January 1, 2018. One consideration for extending the effective date may be completion of groundwater modeling and aquifer delineation by the city.

(G) Group Two Reimbursement.

(1) For authorized improvements completed by the owner and accepted by the city within four years from the effective date of the authorized work letter owners will be reimbursed for 60 percent of the costs

approved in the notice to proceed and authorized change order(s).

(2) There will be no reimbursement if authorized improvements are not completed and accepted by the city within four years from the effective date of the authorized work letter.

(3) The owner will be in violation of this code if authorized improvements are not completed and accepted by the City within five years from the effective date of the authorized work letter.

(H) General Notes.

(1) Parcels that are identified to be in a different wellhead protection zone as a result of aquifer delineation will be re-assessed based on their new risk score.

(2) Parcels that have changes to operations or processes that increase or decrease risk will be re-assessed (i.e., if the score is lower than 8, no modification will be required, if the risk score is increased to 19 or above the parcel will be required to meet the Group one schedule and will be reimbursed at the Group one rate, etc.).

(I) Schedule Extensions.

(1) City review of submittals exceeding 30 calendar days will cause the extension of the authorized work letter effective date by one day for each day exceeding 30 days of review time.

(2) Permit review by other agencies exceeding 30 calendar days will cause the extension of the authorized work letter effective date by one day for each day exceeding 30 days of review time. To receive a

time extension, the owner must submit materials for review in a timeframe that would allow for issuance of permits assuming a typical permit review cycle and completion of construction within the required timeframe.

(3) Unless the appellant prevails, appeals will not extend the deadline for completion of improvements or eligibility for reimbursement.

(4) The technical committee may grant an extension for extenuating circumstances that result in significant unanticipated delays during construction.

(5) Except as noted above, reimbursement dates will not be extended; however, the technical committee may grant an additional one-year extension for owners that have shown proper justification towards compliance but are unable to reach full completion by the violation date. Demonstration of proper justification effort may include but is not limited to:

- (a) Demonstrated economic hardship;
- (b) Change of ownership;
- (c) Unanticipated construction and/or site design problems; or
- (d) Other circumstances beyond the control of the applicant determined acceptable by the technical committee.

(J) Reimbursement Requirements.

(1) To be eligible for reimbursement of authorized costs, the owner must:

- (a) Complete registration and assessment submittals within the specified schedule.

(b) Comply with the terms and schedule in the authorized work letter and authorized notice to proceed.

(c) Complete and maintain the required operational best management practices (BMPs) for stormwater and groundwater protection as required in the authorized work letter and authorized notice to proceed.

(d) Complete the requirements in the authorized work letter, authorized notice to proceed and approved permits.

(e) Authorized improvements and authorized change orders eligible for reimbursement may include:

(i) Conduct engineering feasibility studies, designs and drawings of stormwater improvements.

(ii) Construct and install structural stormwater best management practices.

(iii) Replace stormwater system components and associated permitting requirements.

(iv) Purchase equipment or materials to treat stormwater.

(v) Construct, replace, or decommission stormwater infiltration systems.

(vi) Install groundwater monitoring wells.

(vii) Work agreed upon, documented and conducted by qualified employees to design and/or install authorized improvements at rates appropriate for the tasks performed.

(viii) Prepare stormwater reports, pollution prevention reports, operations manuals, and record drawings of modifications.

(ix) Permit fees that were not waived (fire, state, county, etc.).

(f) Submit record drawings, stormwater pollution prevention plans, and operation and maintenance manuals.

(g) Submit receipts and proof of payment for all authorized improvements in accordance with the reimbursement submittal checklist.

(2) The following are not eligible for reimbursement:

(a) Routine and/or annual maintenance of stormwater best management practices or stormwater treatment systems.

(b) Cost of irrigation meters or water meters, installation costs and connection fees for: sanitary sewer, storm water, electricity, water, gas, phone or other utilities.

(c) Design, installation, construction, engineering, or other costs associated with unauthorized work, unauthorized modifications, work to rectify unauthorized modifications, or work not required by the city.

(d) Costs associated with investigation, characterization, analysis, remediation, removal, disposal or any other activities associated with contaminated soil, sediments, surface water, or groundwater.

(e) Modifications made to any stormwater system after February 1, 2008, not authorized by the city.

(f) Any modifications made in violation of city, county, state, or federal codes, rules, laws.

(g) Staff time, unless identified in the authorized notice to proceed, lost productivity, impacts to business, lost rents, vacancies, etc.

(h) Any other site improvements not required as part of this program.

(i) Costs not identified in the authorized notice to proceed or authorized change orders.

13.07.120 Reporting of hazardous substances releases and completion of cleanup.

A. The owner or operator of a facility shall provide a written notice to the Director at the same time as reporting a release under either of the following programs:

1. The Department of Ecology's Model Toxics Control Act (MTCA) (Chapter 173-3440-300 WAC) Cleanup Regulations, or

2. The U.S. Environmental Protection Agency's Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. Section 9503c).

B. The owner or operator of a facility shall provide written notice to the Director within five (5) business days of receipt of a No Further Action letter from the Department of Ecology, or a final Record of

Decision from U.S. Environmental Protection Agency, regarding confirmation of cleanup of a release at the facility.

13.07.130 Inspections.

A. The City shall have the right to inspect a facility at reasonable times for the purposes of determining compliance with this chapter. Inspections may include, but are not limited to, visual inspections of hazardous materials storage and secondary containment areas; and inspections of Hazardous Materials Management Plans[; ~~AND SAMPLING OF SOILS, SURFACE WATER AND GROUNDWATER~~]. If environmental releases are identified during inspections, the City may require subsurface investigation, including soil and groundwater sampling and testing, as a condition of continued operation, and may require remediation as provided in Section 1.14.080 to mitigate natural resource damages.

B. Prior to making inspections on private property for compliance with this chapter, the City's inspector shall present identification credentials, state the purpose of the inspection, and request entry.

C. If the property or any building or structure on the property is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.

D. If after reasonable effort the inspector is unable to locate the owner or other person(s) having charge or control of the property, and has reason to

believe the condition of the property creates an imminent hazard to human health or the environment, the inspector may enter.

E. In the event that access by a City inspector is denied, the City may apply to a court of competent jurisdiction for issuance of a search warrant authorizing entry for purposes of carrying out the inspections provided for under this section.

F. Coordination with Other City Inspection Programs. City inspectors shall endeavor to coordinate inspections for wellhead protection with stormwater, fire, and/or other applicable inspection programs.

13.07.140 Appeals.

(A) Appeals concerning the application and administration of this chapter shall be processed according to the administrative procedures provided in Redmond Zoning Code Chapter 21.76, Review Procedures, unless associated with another permit, in which case the appeal procedures in Redmond Zoning Code Chapter 21.76 for the associated permit will apply.

(B) Groundwater Protection Incentive Program Decisions. The following additional procedures apply to decisions made under the groundwater protection incentive program:

(1) Any property owner who disagrees with any final decision of the public works director under the groundwater incentive program may appeal that decision by following the appeal procedures for type I decisions

under the Redmond Zoning Code. The appeal shall proceed to hearing and final decision by the hearing examiner in the same manner as other type I appeals under the city's zoning code.

(2) Draft authorized work, notice to proceed, authorized alternative, and reimbursement of cost letters will be issued prior to final decision by the public works director. As provided in [RMC] **Section** 13.07.115, if a property owner disagrees with the terms of a draft authorized work, notice to proceed, authorized alternative, or reimbursement of cost letter, the property owner may file a written request that the city staff reconsider such terms within ten (10) calendar days of the issuance of the draft letter. If a timely request for reconsideration is filed, the property owner and the city will meet within ten (10) calendar days of the city having received the request in a good faith attempt to resolve the issues. If the meeting is not successful, either party may elect to submit any remaining issues to a neutral mediator by filing a mediation request within ten (10) calendar days of the unsuccessful meeting. Any required time period for the public works director to make a final decision is tolled pending completion of the reconsideration and mediation process and the submittal of a reconsideration request by a property owner constitutes the property owner's consent to such tolling.

(3) Notwithstanding the provisions of [RMC] **Section** 13.07.140(B)(2), either party may request that a neutral mediator be agreed upon at any time after the

property owner submits its issues in writing, even though the obligatory meeting to resolve disputes has not yet taken place.

(4) If the parties cannot agree upon a neutral mediator within five (5) business days of a request by either party that a mediator be named, either party may, on the shortest notice authorized by court rule, petition the presiding judge of the King County Superior Court to immediately appoint a neutral mediator with substantial land use, environmental, or civil engineering experience in addition to substantial mediation experience.

(5) Each party shall pay an equal share of the mediator's fees.

(6) Mediation shall be completed within thirty (30) calendar days from the date the request for mediation is filed. If mediation does not result in an agreement, either party may, within five (5) calendar days after mediation is completed, request that the owners and the city staff meet with the mayor in a good faith attempt to reach a resolution. The meeting will be scheduled as expeditiously as possible given the mayor's schedule.

(7) If a request for reconsideration, mediation, or a meeting with the mayor results in agreement on the terms of an authorized work, notice to proceed, authorized alternative, or reimbursement of cost letter, the public works director shall issue a final authorized work, authorized alternative, notice to

proceed, or reimbursement of cost letter containing the agreed-upon terms. If no agreement is reached as the result of a request for reconsideration, mediation, or meeting with the mayor, or if no timely request for reconsideration, mediation, or meeting with the mayor is made, the public works director shall issue a final authorized work, notice to proceed, authorized alternative, or reimbursement of cost letter setting forth the city's final position and the period for appealing the public works director's decision shall commence.

13.07.150 Enforcement authority.

The Director shall administer and enforce this chapter and shall have the authority to adopt and implement administrative procedures for such enforcement.

13.07.160 Enforcement policy.

Enforcement action shall be taken whenever a person has violated any provisions of this chapter. The choice of enforcement action taken and the severity of any penalty shall be based on the nature of the violation; the damage or risk to the public or to the underlying aquifer, groundwater wells, and drinking water infrastructure; and/or the degree of bad faith demonstrated by the person(s) subject to the enforcement action. In determining appropriate penalties to be assessed for violation(s) of the terms of the chapter, the City shall also consider the financial savings, if any, achieved by the violator in failing to comply with the terms of this chapter.

13.07.170 Orders.

The Director shall have the authority to issue to an owner or operator of a facility, or any other person, an order to bring the facility into compliance with this chapter in accordance with the provisions set forth in [RMC] **Section** 1.14.100.

13.07.180 Penalty for violations.

A. Persons Subject to Penalty. Any person who violates or fails to comply with the requirements of this chapter or who fails to conform with the terms of an approval or order issued by the Director shall be subject to civil and/or criminal penalties. Civil and criminal penalties shall be administered as provided in Chapter 1.14 of the Redmond Municipal Code. Each day of continued violation shall constitute a separate violation.

B. Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets a violation shall be considered to have committed a violation for the purposes of the civil penalty.

C. Procedures for Imposing Penalty. The procedures for notice of violation and imposition of penalties under this chapter shall be the same as for other code violations as described in Chapter 1.14 of the Redmond Municipal Code, provided, that such procedures may be initiated by either the Director or the Code Compliance Officer upon request of the Director.

D. Community Service or Supplemental Environmental Project Alternative. The Director may, at his/her discretion, provide the option for payment of all or

part of any penalties incurred by any person(s) to be made in the form of community service or a Supplemental Environmental Project that will be of benefit to the environment and the City. If a person(s) decides to avail himself/herself of this option when offered by the Director, the Director and the person(s) shall enter into a formal written agreement providing for the community service or Supplemental Environmental Project. This agreement shall include, in detail, the description of the service(s) to be rendered or the project to be implemented by the person(s) in penalty for noncompliance with this chapter. The description shall include the hours of service(s) needed to offset the aforementioned penalties based on a mutually agreed upon hourly rate for service.

E. Reinspection Fees. In addition to the penalties imposed by the Code Hearing Examiner, the Director may impose a reinspection fee for any facility found not to be in compliance with this chapter. The reinspection fee shall be independent of any current or future penalties that may be incurred by the facility owner or operator for noncompliance with this chapter.

13.07.190 Penalties due.

Penalties imposed by the Code Hearing Examiner under this chapter shall become due and payable thirty (30) calendar days after receiving notice of the penalty unless application for remission or mitigation is made or an appeal filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty (30) calendar days after receipt of the decision regarding the remission or mitigation.

Whenever an appeal of a penalty is filed, the penalty shall become due and payable after all review proceedings and a final decision has been issued confirming all or part of the penalty. If the amount of a penalty owed is not paid within the time specified in this section, the City may take actions necessary to recover such penalties.

13.07.200 Severability.

If any portion of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected.

13.07.210 Abrogation and restrictions.

It is not intended that this chapter repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions, unless specifically provided otherwise in this chapter. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

13.07.220 Interpretation.

The Director shall be responsible for interpreting the provisions of this chapter. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

13.07.230 Conflicts.

When any existing provision of the Redmond Municipal Code or the Redmond Zoning Code conflicts with this chapter, that which provides greater public health and

environmental protection, as determined by the Director, shall apply, unless specifically provided otherwise in this chapter.

13.07.240 State statutes and regulations adopted by reference
The following state statutes and administrative regulations
are hereby adopted by this reference as if set forth in full,
to the extent necessary to interpret and implement this
chapter:

<u>A. RCWs</u>	<u>Title</u>
<u>43.20</u>	<u>Drinking Water</u>
<u>70.95</u>	<u>Dangerous and Solid Waste</u>
<u>70.105</u>	<u>Dangerous Waste, MTCA, Sediment Standards</u>
<u>90.48</u>	<u>Ground Water, Surface Water, Sediment</u>
<u>90.54</u>	<u>Ground Water</u>
<u>90.70</u>	<u>Sediment</u>
<u>B. WACs</u>	<u>Title</u>
<u>173-200</u>	<u>Water Quality Standards for Ground Waters of the State of Washington</u>
<u>173-201</u>	<u>Water Quality Standards for Surface Waters of the State of Washington</u>
<u>173-216</u>	<u>State Waste Discharge Permit Program</u>
<u>173-220</u>	<u>National Pollutant Discharge Elimination System Permit Program</u>
<u>173-204</u>	<u>Sediment Management Standards</u>
<u>173-303</u>	<u>Dangerous Waste Regulations</u>
<u>173-304</u>	<u>Minimum Functional Standards for Solid Waste Handling</u>
<u>173-340</u>	<u>The Model Toxics Control Act Cleanup Regulation</u>
<u>246-290</u>	<u>Public Water Supplies</u>

Chapter 13.25 is hereby amended to read as follows:

Chapter 13.25
TEMPORARY CONSTRUCTION DEWATERING

Sections:

- 13.25.010 Definitions.
- 13.25.020 Purpose.
- 13.25.030 Compliance with other city, state, federal regulations.
- 13.25.040 Applicability.
- 13.25.050 Management of contaminated groundwater and water quality standards.
- 13.25.060 Temporary construction dewatering feasibility study.
- 13.25.070 Temporary construction dewatering plan.
- 13.25.080 TCD suspensions or revocation.
- 13.25.090 TCD effluent discharge.
- 13.25.100 Replacement of drinking water supply.
- 13.25.110 Administrative fees.
- 13.25.120 Appeals.

13.25.010 Definitions.

(A) As used in this chapter, the following terms have the meanings set forth below:

- "Contaminated groundwater" means groundwater that is contaminated by the presence of man-made pollutants, including, but not limited to, gasoline, oil, solvents, pesticides, fertilizers, and other deleterious substances whose presence may cause drinking water to fail to meet state, federal, and local standards.

- "Development project" means the private or public construction, remodeling, or repair of: buildings, structures, or utilities.

- "Groundwater" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

- "Radius of influence" means the radial distance from the center of a wellbore to the point where there is no lowering of the water table or potentiometric surface (the edge of the cone of depression). This distance can be calculated: a) as an estimate within hydrological groundwater modeling analysis conducted prior to the onset TCD at one or more development project sites, and b) via field observations occurring once TCD activities commenced at one or more development project sites.

- "Replacement water" means water purchased by the City Water Utility to offset drinking water supply that would have been produced by [~~DRINKING~~] city water supply wells, had [~~DRINKING~~] city water supply well production rates not been impaired by TCD activities.

- "Temporary construction dewatering" or "TCD" means the placement of wells or other mechanisms in order to capture, pump, and remove groundwater from a development site in order to conduct excavation, construct underground building features, or utility systems.

- "Temporary construction dewatering operating policy" means an administrative operating policy adopted by the City's Technical Committee that details the requirements for submittals and the methodologies required for submittals, and detail the methodologies the City of Redmond will use during review and oversight of TCD activities.

• "Waters of the state" as defined in WAC 173-226-030 and RCW 90.48.020 as here after amended. [~~MEANS ANY WATERS WITHIN THE TERRITORIAL LIMITS OF WASHINGTON STATE.~~]

13.25.020 Purpose.

(A) This chapter regulates temporary construction dewatering within the City of Redmond. The provisions of this chapter are intended to prevent, limit, and enable the City to respond to TCD activities which impair the City's ability to:

(1) Deliver drinking water from the City [~~WATER UTILITY OPERATED DRINKING~~] water supply wells;

(2) Safely convey and treat stormwater runoff within the City's municipal separate [~~MUNICIPAL~~] stormwater sewer system (MS4) and private stormwater sewer systems; and

(3) Manage the movement and disposal of contaminated groundwater in a manner that is in compliance with state and federal laws.

13.25.030 Compliance with other city, state, federal regulations.

(A) All temporary construction dewatering activities occurring within the City of Redmond must comply with this chapter and all other applicable City, State, and Federal regulations, including but not limited to the following:

(1) The Federal Safe Drinking Water Act, 42 U.S.C. §300f, et seq., as amended;

(2) The Federal Clean Water Act, 33 U.S.C. §1251, et seq., as amended;

(3) The Washington State Model Toxics Control Act (MTCA), Chapter 70.105D RCW, as amended;

(4) The Washington State Environmental Policy Act (SEPA), Chapter 43.21C RCW, as amended;

(5) The City of Redmond Wellhead Protection Ordinance, Chapter 13.07 RMC, as amended; and

(6) Water rights that have been granted to the City of Redmond by the State of Washington.

(B) In the case of conflict, the regulations that are more protective of water quality shall prevail.

13.25.040 Applicability.

(A) This chapter applies to all development projects that require temporary construction dewatering and for which cannot be demonstrated that groundwater will be captured, pumped, or removed from the development site at a rate of less than 500 gallons per minute.

(B) This chapter does not pertain to permanent dewatering of completed underground structures and does not authorize permanent dewatering within the City of Redmond.

13.25.050 Management of contaminated groundwater and water quality standards.

(A) Temporary construction dewatering activities shall not cause contaminated groundwater to move across property boundaries and/or towards a City [~~DRINKING~~] water supply well. Temporary construction dewatering activities shall also not accelerate the movement of contaminated groundwater towards a City [~~DRINKING~~] water supply well.

(B) Construction dewatering effluent discharged to Waters of the State shall meet Water Quality Standards for Surface Waters of the State of Washington (Chapter 173-201A WAC) or MTCA Surface Water Standards.

(C) Construction dewatering effluent that is infiltrated into the ground must meet State Groundwater Quality Standards.

13.25.060 Temporary construction dewatering feasibility study.

(A) A Temporary Dewatering Feasibility Study is required for all construction projects that require temporary construction dewatering and for which it cannot be demonstrated that groundwater will be captured, pumped, or removed from the development site at a rate of less than 500 gallons per minute. A Temporary Construction Dewatering Feasibility Study shall be submitted prior to construction as part of site planning and entitlement review processes. This feasibility study shall consist of a site specific hydrogeological and engineering analysis which details the potential dewatering-related impacts to the City ~~[DRINKING]~~ water supply wells, to ~~[THE—MUNICIPAL]~~ stormwater conveyance and treatment systems, and on the potential movement of underground contaminants ~~[CONTAMINATES]~~.

(B) The feasibility study shall:

(1) Include analysis of geotechnical project, and water quality considerations detailed in the Temporary Construction Dewatering Operating Policy adopted by the City's Technical Committee;

(2) Be conducted using the procedures and methodologies identified in the Temporary Construction Dewatering Operating Policy adopted by the City's Technical Committee; and

(3) Include a site-specific assessment of potential contamination, and identify any known contaminated sites located within the proposed TCD's radius of influence.

(C) The City of Redmond shall review Temporary Construction Dewatering Feasibility Studies completed in accordance with the Temporary Construction Dewatering Operating Policy to determine if the City will allow proposed TCD activities to occur at a development project site. The City of Redmond retains the authority to condition, deny, or allow TCD activities at development projects based on this review.

(D) Development Projects who have adequately identified and demonstrated that potential impacts to:

(1) ~~[THE CITY'S DRINKING]~~ **City** water supply wells,

(2) The City's stormwater conveyance system,
[AND]

~~[(3) THE MOVEMENT OF CONTAMINANTS ACROSS PROPERTY BOUNDARIES AND TOWARD CITY DRINKING WATER SUPPLY WELLS, OR THE ACCELERATION OF SUCH MOVEMENT WHERE THE SAME ALREADY EXISTS, ARE NEGLIGIBLE OR CAN BE MITIGATED, WILL BE ALLOWED TO CONDUCT TCD CONTINGENT UPON THE SUCCESSFUL COMPLETION OF A TEMPORARY CONSTRUCTION DEWATERING PLAN.]~~

(4) Public or private stormwater runoff treatment systems, and

(5) The movement of contaminants across property boundaries and/or toward city water supply wells, or the acceleration of such movement where the same already exists are negligible or can be mitigated,

will be allowed to conduct TCD contingent upon the successful completion of a Temporary Construction Dewatering Plan.

13.25.070 Temporary construction dewatering plan.

(A) A complete Temporary Construction Dewatering Plan shall include the information and items identified in the Temporary Dewatering Operating Policy.

(B) The City of Redmond shall review Temporary Construction Dewatering Plans completed in accordance with the Temporary Construction Dewatering Operating Policy, to determine that the development project has addressed all potential impacts to City [~~DRINKING~~] water supply wells, stormwater conveyance **and treatment** systems, and the movement of contaminants. The City of Redmond retains the authority to add conditions and requirements to construction activities to the Civil Site Construction Permit. Private development projects shall not start TCD activities until the City of Redmond has granted the Civil Site Construction Permit. Temporary Construction Dewatering shall not begin at public capital improvement projects prior to approval of the site design by the City Engineer. Conditions and requirements shall be included with the development project construction contract as a special provision.

(C) A Contamination Mitigation Plan shall be included as part of the Temporary Construction Dewatering Plan to address all contamination identified at the development site or within the proposed TCD's radius of influence. Contamination Mitigation Plans shall include:

(1) A hydrogeological evaluation of the potential movement of contaminants due to TCD at a specific site; and

(2) All required information and actions detailed in the Temporary Construction Dewatering Operating Policy.

(D) Conditions regulating the monitoring, mitigation, treatment, and disposal of contaminated groundwater shall be imposed on the development project. Acceptance of the applicant's Temporary Construction Dewatering Plan shall be contingent on the City of Redmond's satisfaction with proposed mitigation measures.

13.25.080 TCD suspensions or revocation.

(A) The Public Works Director or his/her designee may order the suspension of temporary construction dewatering for any of the following reasons:

(1) [~~MUNICIPAL-STORM~~] **Storm** pipe capacity has been exceeded, resulting in an unacceptable increased risk of flooding.

(2) [~~MUNICIPAL-DRINKING~~] **City** water **supply** wells are impacted to such an extent that one or more City [~~DRINKING~~] water supply wells cannot produce specified minimum quantities of water to fulfill supply to water utility customers and the City or the City's wholesale water supplier has activated an emergency water response plan.

(3) Violations of state surface water quality standards (Chapter 173-201A WAC) when the TCD effluent discharges to surface Waters of the State.

(4) Violations of state groundwater quality standards (Chapter 173-200 WAC) when the TCD effluent is infiltrated via dispersion back into a groundwater aquifer.

~~[(5) WHEN OTHERWISE DEEMED NECESSARY BY THE PUBLIC WORKS DIRECTOR TO PROTECT PUBLIC SAFETY, PROPERTY, AND NATURAL ENVIRONMENT.]~~

(6) Stormwater runoff treatment system has been impaired.

(7) When otherwise deemed necessary by the Public Works Director to protect public safety, property, and natural environment.

(B) Notice of suspension or revocation shall be given in writing by mailing or otherwise delivering a copy to the applicant or the applicant's onsite construction personnel. The suspension or revocation shall become effective immediately upon delivery or receipt and the applicant shall immediately cease all TCD activities.

13.25.090 TCD effluent discharge.

(A) TCD effluent shall be allowed to be discharged to the City's stormwater conveyance system; provided, that the City's stormwater engineering staff is able to verify that:

(1) The effluent meets appropriate state water quality standards for dispersion into the surface Waters of the State;

(2) Effluent discharge rates do not exceed those designated within the Temporary Construction Dewatering Plan; and

(3) All other conditions stipulated in the Temporary Construction Dewatering Plan have been satisfied.

(4) Effluent discharge does not impair stormwater treatment systems.

13.25.100 Replacement of drinking water supply.

(A) The Public Works Director or his/her designees shall determine if TCD activities at one or more developments are impacting a City [~~DRINKING~~] water supply well. The following considerations shall be used to make this declaration of impact: Reduced expected instantaneous City water supply well production rate, water level within the City water supply well while pumping, time of year, and potential contamination or other factor to degrade the quality of potable water produced by the City water supply well. The evaluation of considerations leading to a determination of impact shall occur in accordance with the procedures and methodology detailed in the Temporary Construction Dewatering Operating Policy.

(B) The Public Works Director or his/her designees may, at their discretion, allow TCD activities to reduce the instantaneous and annual rates of withdrawal if regional drinking water supply is available for purchase from Cascade Water Alliance. It is presumed that if regional drinking water supply is not available for purchase, the regional water shortage plan has been activated.

(C) Development projects whose TCD activities have been determined to be solely or partly impacting the City of Redmond Water Utility's production of the drinking water at a specific supply well shall either:

- (1) Cease TCD activities; or
- (2) With the Public Works Director's consent, pay the City's costs of purchasing replacement supply, if available, from the City's water purveyor as a condition for continued operation of TCD activities. The

Public Works Director may require the applicant to deposit sufficient funds with the City to defray the cost of purchasing replacement water for the duration of the TCD activities impact to supply well production prior to allowing the TCD activities to continue.

13.25.110 Administrative fees.

(A) The Public Works Director shall have the authority to impose administrative fees for the review of the Temporary Construction Dewatering Feasibility Studies and Temporary Construction Dewatering Plans required by this chapter in order to recoup the City's costs of conducting the reviews. The administrative fees provided in this subsection shall be collected at the time the Temporary Construction Dewatering Feasibility Study and Temporary Construction Dewatering Plan is submitted and the City shall not be obligated to review the Study or Plan until the review fee is paid.

(B) The Public Works Director shall have the authority to impose an administrative fee in order to recoup the City's costs of inspection and monitoring during the implementation of Temporary Construction Dewatering Plans. Inspection and monitoring fees shall be paid at the time of construction permit issuance and the City shall not be obligated to issue permits until the administrative fees are paid.

(C) The Public Works Director shall have the authority to impose an administrative fee on the purchase of replacement water from the City's regional water supplier under this chapter in order to recoup the City's costs of processing requests for such water. The

administrative fees to be paid under this subsection shall be paid at the same time as the cost of the replacement water and shall be in addition to the cost of the water itself.

(D) The Public Works Director shall have the authority to require development permit applicants to pay the cost of any outside technical assistance necessary to review and resolve issues and disputes regarding technical issues relating to Temporary Construction Dewatering Feasibility Studies and Temporary Construction Dewatering Plans.

13.25.120 Appeals.

(A) The development project applicant and any party of record may appeal a decision of the City to approve, deny, or condition a Temporary Construction Dewatering Feasibility Study or Temporary Construction Dewatering Plan under this chapter. The appeal shall be made by appealing the decision on the underlying permit to which the Study or the Plan pertains and shall follow the procedures for appealing the underlying permit set forth in the Redmond Zoning Code.

(B) The development project permit holder may appeal a decision by the Public Works Director to suspend or revoke permission for Temporary Construction Dewatering activities. The appeal shall be to the Hearing Examiner and shall follow the procedure set forth in the Redmond Zoning Code for the appeal of Type I permit decisions. The filing of an appeal shall not stay the Public Works Director's order to cease Temporary Construction Dewatering Activities, but Public

Works Director may, but shall not be obligated to, allow Temporary Construction Dewatering activities to continue during the pendency of an appeal if the same can be done consistent with the public health, safety, and welfare.

(C) All appeals under this section shall be made on forms established under the Redmond Zoning Code and accompanied by any applicable appeal fee. No appeal shall be considered filed or complete until any applicable appeal fee is paid.

Section 8. Fire Code. RMC Chapter 15.06 is hereby amended to read as follows:

**Chapter 15.06
FIRE CODE***

Sections:

- | | |
|-----------|--------------------------------------------------------------------|
| 15.06.010 | Short title. |
| 15.06.011 | Adoption. |
| 15.06.012 | Restrictions. |
| 15.06.013 | Amendments. |
| 15.06.014 | <i>Reserved.</i> |
| 15.06.015 | Fire detection systems. |
| 15.06.016 | Fire sprinkler systems. |
| 15.06.017 | Restricted access buildings. |
| 15.06.018 | Preventable fire alarms. |
| 15.06.019 | New materials, processes or occupancies which may require permits. |
| 15.06.020 | Wellhead protection ordinance coordination. |
| 15.06.021 | Appeals. |
| 15.06.022 | Penalties and enforcement. |
| 15.06.023 | Building permit issuance and occupancy. |
| 15.06.024 | Nonconforming structures. |

15.06.010 Short title.

This chapter and amendments hereto shall constitute the Redmond Fire Code and may be cited as such.

15.06.011 Adoption.

(A) The International Fire Code, 2015 Edition, published by the International Code Council including Appendices F and I, together with the amendments, modifications, and exceptions in Chapter 51-54A WAC excluding the changes to IFC Section 503, in their entirety as the same now exist or as they may be hereafter amended, except such portions as are hereinafter by this chapter deleted, modified, amended or added to, are hereby adopted and incorporated as fully as if set out at length herein.

15.06.012 Restrictions.

(A) Occupancies Prohibited. No Group H, Division 1 occupancy as defined in Section 307, International Building Code, 2015 Edition, shall be permitted.

Exception No. 1: A Group H, Division 1 occupancy may be allowed when approved by the Chief and the Building Official and authorized by a valid Fire Code Permit.

(B) Bulk Plants. Bulk plants referred to in Section 5702 of the International Fire Code, 2015 Edition, shall be prohibited throughout the City except in areas zoned Manufacturing Park (MP) or Industry (I) pursuant to the Redmond Zoning Code and shall be limited to underground storage only.

Exception No. 1: Unless prohibited by the City of Redmond Wellhead Protection [ORDINANCE] or Critical Aquifer Recharge Area regulations.

(C) Liquefied Petroleum Gas Storage. The limits referred to in Section 6104.2 of the International Fire Code, 2015 Edition, in which bulk storage of liquefied petroleum gas is restricted are established throughout the City limits except areas zoned Manufacturing Park (MP) or Industry (I) pursuant to the Redmond Zoning Code.

(D) Flammable Cryogenic Fluids. Flammable cryogenic fluids referred to in Section 5806 of the International Fire Code, 2015 Edition, shall be prohibited throughout the City except in areas zoned Manufacturing Park (MP) or Industry (I), or when approved by the Fire Code Official and the Building Official and authorized by a valid Fire Code Permit.

15.06.013 Amendments.

(A) The following are modifications or amendments to the International Fire Code, 2015 Edition, as adopted in RMC 15.06.011 and shall correspond to the context of said International Fire Code as if set out at length in their respective sections in lieu of or in addition to published sections or subsections. Where an amendment or modification replaces a published section or subsection, the published section or subsection shall be deemed void and deleted.

(1) Amend 102.7 to read as follows:

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be the Redmond Fire Department Standards and those that are listed in Chapter 80. Such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated

in sections 102.7.1; 102.7.2, and 102.7.3. Redmond Fire Department Standards shall constitute the primary reference document and guideline. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

(2) Add Section 102.7.3 as follows:

102.7.3 Supplemental Rules and Regulations.

The Fire Code Official is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations in order to carry out the application and intent of its provisions. Such interpretations, rules, and regulations shall be known as "Redmond Fire Department Standards" and shall be in conformance with the intent and purpose of this code and shall be available to the public during normal business hours.

(3) Amend Section 104.11.2 to read as follows:

104.11.2 Obstructing operations.

No person shall obstruct the operations of the fire department in connection with extinguishment, control, or investigation of any fire or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

(4) Add Section 104.12 as follows:

104.12 Assistance from other agencies.

Police and other enforcement agencies shall have authority to render necessary assistance in the enforcement of this code as requested by the Fire Code Official.

(5) Amend Section 105.6.24 to read as follows:

105.6.24 Hot work operations.

An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.

2. Use of portable hot work equipment inside a structure.

Exception 1: Work that is conducted under a construction permit.

Exception 2: Less than 16 ounces in self-contained, hand-held devices that do not allow gas flow or flame when the trigger is released.

3. Fixed-site hot work equipment such as welding booths.

4. Hot work conducted within a wildfire risk area.

5. Application of roof coverings with the use of an open-flame device.

6. When approved, the Fire Code Official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 35. These permits shall be issued only to their employees or hot work operations under their supervision.

(6) Amend Section 105.6.28 to read as follows:

105.6.28 LP-gas.

An operational permit is required for:

1. Storage and use of LP-gas.

Exception 1: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893L) serving occupancies in Group R-3.

Exception 2: In other than R-3 occupancies, a permit is not required in noncommercial outdoor use of propane barbecue grills.

2. Operation of cargo tankers that transport LP-gas.

(7) Add Section 105.6.50 as follows:

105.6.50 Battery systems.

An operational permit is required to operate a stationary storage battery system having a liquid capacity of more than 50 gallons (189 L).

(8) Add Section 105.6.51 to read as follows:

105.6.51 Fire alarm systems.

An operational permit is required when using an approved Central Station Service alternative.

(9) Add Section 105.6.52, Emergency responder radio coverage system, as follows:

105.6.52 Emergency responder radio coverage system.

An operational permit is required to operate an emergency responder radio coverage system as prescribed in Section 510.

(10) Amend Section 105.7.4 to read as follows:

105.7.4 Cryogenic fluids.

A construction permit is required for installation of or alteration to stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.11. Maintenance performed in accordance with this code is not considered an alteration and does not require a construction permit.

(11) Amend Section 105.7.14 as follows:

105.7.14 Smoke control or smoke exhaust systems.

Construction permits are required for installation of or alteration to smoke control or smoke exhaust systems regulated by Chapter 9. Maintenance performed in

accordance with this code is not considered to be an alteration and does not require a permit.

(12) Add Section 105.7.21 as follows:

105.7.21 HPM Facilities.

A construction permit is required to install equipment or facilities that store, handle, or use hazardous production materials.

(13) Add Section 105.7.22 as follows:

105.7.22 High Piled Storage.

A construction permit is required to establish and construct high piled storage areas exceeding 500 square feet in a building or portion thereof.

(14) Add Section 105.7.23 as follows:

105.7.23 Refrigeration Equipment.

A construction permit is required to install a mechanical refrigeration unit or system regulated by Chapter 6 of the IFC.

(15) Add Section 105.7.24 as follows:

105.7.24 Places of Assembly.

A construction permit is required for all new Place of Assembly uses.

(16) Add Section 110.5 as follows:

110.5 Fire or explosion damaged buildings. The owner, occupant or other person having under his control any property or materials on a property damaged by fire or explosion shall, when ordered by the Chief, immediately

secure the property against entry or unauthorized access by the public, by boarding up all openings, fencing, barricading or utilizing other appropriate measures. Within 30 days after written notice to do so has been served, all debris and/or damaged materials shall be removed from the property and proof furnished that contractual arrangements have been made for prompt demolition, replacement or repair of all fire or explosion damaged structures remaining on the property involved in the fire or explosion.

(17) Add/amend Section 202 as follows:

1. Amend the definition(s) of "Facility" and "High Rise Buildings" to read as follows:

FACILITY.

A building or use in a fixed location including exterior storage areas for flammable and combustible substances and hazardous materials, piers, wharves, tank farms, parks, plazas, sport fields or other public assembly areas and similar uses. This term includes recreational vehicles, mobile home and manufactured housing parks, sales and storage lots.

HIGH-RISE BUILDINGS:

A building with an occupied floor level located more than 75 feet above the lowest level of fire department vehicle access.

2. Add the following definition(s):

GROSS AREA:

The gross area means the total area of all floors, measured from the exterior face, outside dimensions or exterior column line of a building, including basements, cellars, and balconies, but not including

unexcavated areas. Where walls and columns are omitted in the construction of a building, such as an open shed or marquee, the exterior wall of the open side or sides, for the purpose of calculating gross area, will be the edge of the roof, including gutters.

POWER TAP:

A listed device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end with overcurrent protection.

(18) Amend Section 307.1 to read as follows:

307.1 General. A person shall not kindle or maintain, or authorize to be kindled or maintained, any open burning unless conducted and approved in accordance with Sections 307.1.1 through 307.5, see also Chapter 173-425 WAC.

(19) Amend Section 307.4.3 to read as follows:

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

(20) Add Section 308.1.6.4 as follows:

308.1.6.4 Fixed installations of open flame devices. Fixed installations of open flame devices, including but not limited to LPG fireplaces and fire pits, shall require permits as set forth in Section 105.

(21) Amend 314.4 to read as follows:

314.4 Vehicles.

Liquid- or gas-fueled vehicles, fueled equipment, boats or other motorcraft shall not be located indoors except as follows:

1. Batteries are disconnected.
2. Fuel in fuel tanks does not exceed one-quarter tank or 5 gallons (19 L) (whichever is least).
3. Fuel tanks and fill openings are closed and sealed to prevent tampering.
4. Vehicles, fueled equipment, boats, or other motorcraft equipment are not fueled or defueled within the building.

(22) Add Section 503.1.1.1 to read as follows:

503.1.1.1 Extent of access.

The fire apparatus access roadway shall extend to within 50 feet of at least 25 percent of the perimeter of the building. Where access roadway cannot be provided, the Fire Code Official is authorized to require an approved fire protection system or systems as provided in RMC 15.06.017.

Exception: Detached one- and two-family dwelling units.

(23) Add Section 503.1.1.2 to read as follows:

503.1.1.2 Easements.

When directed by the Fire Code Official, emergency vehicle access routes or areas, including Emergency Vehicle Operations Areas, turnarounds, overhang areas, firefighter access, emergency egress, or similar, that are not within a public right-of-way shall be maintained in an approved and recorded Emergency Vehicle Access and/or Firefighter Access Easement.

(24) Add Section 503.2.7.1 as follows:

503.2.7.1 Maximum grade.

All required access roadways shall be constructed so that the maximum gradient is 10 percent. Where this requirement cannot be met, the Fire Code Official is authorized to require approved safeguards as identified in RMC 15.06.017.

(25) Amend Section 503.2.8, to read as follows:

503.2.8 Angles of approach and departure.

The angles of approach and departure for fire apparatus access roads shall be within the limits established by the Fire Code Official based on the fire department's apparatus. No access roadway or access road approach to a public way shall have an arc higher than 12 inches in less than 20 feet. Where these requirements cannot be provided, the Fire Code Official is authorized to require approved safeguards as identified in RMC 15.06.017.

(26) Amend Section 503.4 as follows:

503.4 Obstructions of fire lanes and fire apparatus access roads. Fire lanes and fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and 503.2.2 shall be maintained at all times. The Chief shall have the power and authority to remove or cause to be removed without notice, any vehicle, vessel, or thing parked or placed in violation of Section 503.4 of the International Fire Code. The Chief may direct a property owner or property manager of a commercial or multi-family development to have such vehicles towed and/or contract with a towing company to have such vehicles towed when necessary to maintain fire access

unobstructed. The owner of any item so removed shall be responsible for all towing, storage, and other charges connected therewith.

(27) Add Section 505.3 to read as follows:

505.3 Street and road designations. Street and road designations shall be as determined and assigned by the Chief.

(28) Amend Section 507.5 to read as follows:

507.5 Fire hydrant systems.

Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. Hydrant spacing in commercial and multi-family shall be 300' on center; hydrant spacing for single-family residences shall be 600' on center.

(29) Amend Section 507.5.1 to read as follows:

507.5.1 Where required.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Code Official.

Exceptions:

1. For group R-3, Group U and one- and two-family dwellings, the distance requirement shall be 300 feet.

2. For Group R-3, Group U, and one- and two-family dwellings equipped throughout with an approved automatic sprinkler system installed in accordance with

Section 903.3, the distance requirement shall be 600 feet.

(30) Amend Section 507.5.1.1 to read as follows:

507.5.1.1 Hydrant for sprinkler and standpipe systems. Buildings equipped with a sprinkler or standpipe system installed in accordance with Section 903 or 905 shall have a fire hydrant within 40 feet (12.2 m) of the fire department connections.

Exception: The distance shall be permitted to exceed 40 feet (12.2 m) where approved by the Fire Code Official.

(31) Replace the existing language in Section 510 with the following:

Section 510 Emergency responder radio coverage.

Emergency responder radio coverage systems shall be provided in buildings if it is determined by the Fire Code Official that there is inadequate emergency radio coverage within the building. Such systems shall be installed as required in Redmond Fire Department Standards.

(32) Amend Section 602 to read as follows:

602.1 Definitions. The following terms are defined in Chapter 2:

BATTERY SYSTEMS, STATIONARY LEAD-ACID

BATTERY TYPES

COMMERCIAL COOKING APPLIANCES

CRITICAL CIRCUIT

EMERGENCY POWER SYSTEM

HOOD

Type I

Type II

POWER TAP

REFRIGERANT

REFRIGERATION SYSTEM

(33) Amend Section 603.3 to read as follows:

603.3 Fuel oil storage systems.

Fuel oil storage systems shall be installed in accordance with this code. Fuel oil piping systems shall be installed in accordance with the International Mechanical Code. Secondary containment shall be provided for all new installations of storage tanks and associated piping.

Exception: Piping that is integral to the fuel-fired appliance.

(34) Amend Section 901.4.1 to read as follows:

901.4.1 Required fire protection systems.

Fire protection systems required by this code or the International Building Code shall be installed, repaired, operated, tested, and maintained in accordance with this code. A fire protection system for which a design option, exception, or reduction to the provisions of this code or the International Building Code has been granted shall be considered to be a required system. The Redmond Fire Department Standards applicable to the particular system shall constitute the primary reference document.

(35) Amend Section 901.7 to read as follows:

901.7 Systems out of service.

Where a fire protection system is out of service, the fire department and the Fire Code Official shall be notified immediately and, where required by the Fire Code Official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service.

Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.

(36) Add Section 901.11 to read as follows:

901.11 Problematic Fire Protection Systems: In the event of repeated system malfunctions or maintenance

related activations, the Fire Code Official may declare the system to be a problematic system and is authorized to direct corrective action to be taken. The Fire Code Official is authorized to have the fire protection system placed out of service. The procedures found in Section 901.7 "Systems out of service" shall be followed.

(37) Amend Section 903.2 to read as follows:

903.2 Where Required.

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in the Redmond Municipal Code Section 15.06.016, and Sections 903.2.1 through 903.2.12.

(38) Amend Section 903.4.2 to read as follows:

903.4.2 Alarms.

Approved audible and visible alarm notification appliances shall be provided for every automatic sprinkler system in accordance with Section 907 and throughout areas designated by the Fire Code Official. Sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, activation of the automatic sprinkler system shall activate the building fire alarm system.

Exception: With approval of the Fire Code Official, audible and visible alarm notification appliances may be omitted for approved residential sprinkler systems in 1- or 2-dwelling units if not otherwise specifically required.

(39) Amend Section 903.4.3 to read as follows:

903.4.3 Floor control valves.

Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in multi-story buildings.

Exception: When specifically approved by the Fire Code Official.

(40) Add Section 905.3.9 to read as follows:

905.3.9 High Rise Building Standpipes.

High rise standpipe risers shall be combination standpipe/sprinkler risers using a minimum pipe size of 6 inches. One 2 1/2 inch hose connection shall be provided on every intermediate floor level landing in every required stairway and elsewhere as required by NFPA 14. Where, and only where, static or residual water pressures at any hose outlet exceeds 175 psi (1207kPa), approved pressure regulating devices (PRV) shall be installed to limit the pressure to a range between 125 and 175 psi at not less than 300 gpm. The pressure on the inlet side of the pressure-regulating device shall not exceed the rated working pressure of the device. An additional non-regulated hose connection located

directly below the PRV or an equally sized bypass around the PRV with a normally closed control valve shall be provided at each reduced pressure connection. Each non-regulated hose connection shall be labeled 'High Pressure-No PRV'. Each sign shall have 1/2" white letters on a red background.

(41) Amend Section 907.2 to read as follows:

907.2 Where required - new buildings and structures.

An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures where there is a required sprinkler system, except one- and two-family dwellings as defined in the IRC and in accordance with Sections 907.2.1 through 907.23, and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

A minimum of one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal to fire alarm systems employing automatic fire detectors or water-flow detection devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.

Exceptions:

1. The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.

(42) Amend section 1103.8.1 to read as follows:

1103.8.1 Where required. Existing group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Section 907.2.11. Interconnection and power sources shall be in accordance with sections 1103.8.2 and 1103.8.3, respectively.

Exception: Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

(43) Amend Section 3311.1 to read as follows:

3311.1 Stairways required.

Where a building has been constructed to a building height of 50 feet or four stories as measured from the lowest level of fire department vehicle access, or where an existing building exceeding 50 feet in building height is altered, at least one temporary lighted stairway shall be provided unless one or more of the permanent stairways are erected as the construction progresses.

(44) Amend Section 5001.5.1 to read as follows:

5001.5.1 Hazardous Materials Management Plan.

Where required by the Fire Code Official, an application for a permit shall include a Hazardous Materials Management Plan (HMMP). The HMMP shall include a facility site plan designating the following:

1. Access to each storage and use area.
2. Location of emergency equipment.
3. Location where liaison will meet emergency responders.
4. Facility evacuation meeting point locations.
5. The general purpose of other areas within the building.
6. Location of all above-ground and underground tanks and their appurtenances including, but not limited to, sumps, vaults, below grade treatment systems, and piping.
7. The hazard classes in each area.
8. Locations of all control areas and Group H occupancies.
9. Emergency exits.
10. Location of spill control equipment.

(45) Amend Section 5001.5.2 to read as follows:

5001.5.2 Hazardous Materials Inventory Statement (HMIS) .

Where required by the Fire Code Official, an application for a permit shall include an HMIS. The HMIS shall be provided using a Redmond Fire Department approved format. The HMIS shall include the following information:

1. Manufacturer's name.
2. Chemical name, trade names, hazardous ingredients.
3. Hazard classification.
4. MSDS or equivalent.
5. United Nations (UN), North America (NA) or the Chemical Abstract Service (CAS) identification number.
6. Maximum quantity stored or used on-site at one time.
7. Storage conditions related to the storage type, temperature, and pressure.

(46) Amend Section 5003.1 to read as follows:

5003.1 Scope. The storage, use and handling of all hazardous materials shall be in accordance with this section and shall comply with the provisions of the City of Redmond Wellhead Protection [~~ORDINANCE~~] **and Critical Aquifer Recharge Area regulations.**

(47) Add Section 5003.9.11 as follows:

5003.9.11 Manufacturer's limitations. The storage and use of hazardous materials shall not exceed the

manufacturer's limitations on shelf life and any other restrictions on use.

(48) Amend Section 5004.2.2 to read as follows:

5004.2.2 Secondary containment for hazardous material liquids and solids.

Where required by Table 5004.2.2 buildings, rooms, tanks, and associated piping or areas used for the storage of hazardous materials, liquids, or solids shall be provided with secondary containment in accordance with this section when the capacity of an individual vessel or the aggregate capacity of multiple vessels exceeds the following:

1. Liquids: Capacity of an individual vessel exceeds 55 gallons (208 L) or the aggregate capacity of multiple vessels exceeds 1,000 gallons (3785 L); and
2. Solids: Capacity of an individual vessel exceeds 550 pounds (250 kg) or the aggregate capacity of multiple vessels exceeds 10,000 pounds (4540 kg).

(49) Amend Section 5307.5.2 to read as follows:

5307.5.2 Emergency alarm system.

An emergency alarm system shall comply with all the following:

1. Continuous gas detection shall be provided to monitor areas where carbon dioxide can accumulate.
2. The threshold for activation of an alarm shall not exceed 5,000 parts per million (9,000 mg/m³).
3. Activation of the emergency alarm system shall initiate a local alarm at the entrance to, and inside rooms or areas where a CO₂ system is installed.

4. A warning sign is required at the entrance to the room or area: 'Carbon Dioxide Alarm. Do Not Enter. Call 911'

(50) Add Section 5608.1.1 as follows:

5608.1.1 Fireworks.

Refer to Chapter 9.26 RMC (Fireworks) and to RCW 70.77.120 et seq. (State Fireworks Law).

(51) Add Section 5703.4.1, to read as follows:

5703.4.1, Secondary Containment.

Secondary containment shall be provided for all new installations of storage tanks and associated piping.

15.06.014 Reserved.

15.06.015 Fire detection systems.

The following regulations constitute general requirements of fire detection and alarm systems and supervisory and alarm requirements for buildings with automatic fire sprinklers. Specific requirements may be found in the Redmond Fire Department Standards, Redmond Fire Code and NFPA 72.

Where Required:

(1) In structures with an approved fire sprinkler system.

Exception 1: Fire Sprinkler System with 10 or less heads with the approval of the Fire Marshal.

Exception 2: 1 and 2 Family dwellings per IRC.

(2) Structures in annexed areas. Any structure with a gross area of 6,000 square feet or more annexed to the City shall install a fire detection system within one year from the date of annexation.

Exception: Single family and multi-family residential occupancies.

(3) Where required elsewhere by the Redmond Fire Code or the IBC.

15.06.016 Fire sprinkler systems.

(A) The following regulations constitute general requirements for fire sprinkler systems:

(1) All approved fire sprinkler systems shall meet the requirements of the Redmond Fire Department Standards, Redmond Fire Code, and the applicable NFPA Standards. All systems shall have an adequate water supply, system of piping, and sprinkler heads designed to discharge water on a fire at an appropriate time and in an effective manner. All underground sprinkler supply piping shall be included on civil drawings and shall be approved by the water supplier and the Redmond Fire Department.

(2) An area separation wall or fire wall, or occupancy separation or fire barrier wall, or a distance of 10 feet or less shall not constitute a separation between two structures on the same property.

(B) For the purposes of this section, the following definition shall apply:

Gross Area. The gross area means the total area of all floors, measured from the exterior face, outside dimensions or exterior column line of a building, including basements, cellars, and balconies, but not including unexcavated areas. Where walls and columns are omitted in the construction of a building, such as an open shed or marquee, the exterior wall of the open side or sides, for the purpose of calculating gross area, will be the edge of the roof, including gutters.

(C) Where Required. An approved fire sprinkler system shall be required in the following structures:

(1) Commercial.

(a) In any structure where the gross area is 3,000 square feet or more.

Exception: Fire Sprinklers are allowed to be omitted under roof structures when all of the following conditions exist:

(i) Roof structures are stand alone, detached, and built with non-combustible building materials.

(ii) Used to provide weather protection for people.

(iii) Are open on greater than fifty percent of the perimeter sides to allow ventilation of heat and smoke.

(iv) Are not intended to store combustibles or have combustible materials contained beneath the roof line. The roof structure shall not extend over any transit vehicle or curb.

(v) When no other code or applicable standard is requiring fire sprinklers.

* These can include: bus and transit shelters, covered pedestrian paths, and similar structures not attached to or within ten feet of buildings.

(b) In any structure where the calculated fire flow demand exceeds available flow.

(c) In buildings with an A-2 occupancy where one or more of the following exists:

- An occupant load greater than 100,

- An A-2 fire area is located on a floor other than the level of exit discharge.

(d) All nightclubs, defined as follows:

Nightclub. An A-2 Occupancy use under the 2006 International Building Code in which the aggregate area of concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds three hundred fifty square feet, excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.

(e) In any building with an assembly occupancy where the total occupant load of the building is over 200.

(f) Existing commercial buildings, where one of the following applies:

- Additions resulting in a gross area greater than 5,000 square feet, or
- Sprinklers may be required in buildings that undergo a change of use or occupancy, refer to IFC Section 102.3.

(2) Residential - One- and Two-Family dwellings:

(a) An approved automatic fire sprinkler system shall be installed in new one- and two-family dwellings and townhouses as described in the International Residential Code in accordance with Section 903.3.1 of the International Fire Code, 2015 Edition.

Exception: This subsection (2)(a) does not require the installation of an approved fire sprinkler system in any mobile home or manufactured home. This exception is

limited to this subsection (2)(a) and nothing herein exempts a mobile home or manufactured home from any other requirement to install an approved automatic fire sprinkler system under any other section or subsection of this code or of any international code adopted by the City.

(b) Existing detached one- and two-family dwelling units where additions result in a gross area greater than 6,000 square feet must be retrofitted with an automatic sprinkler system throughout.

Exception: Additions to detached one- or two-family dwellings of up to 500 square feet are permitted without compliance with this section. This is a one-time exemption, and this exemption must be recorded with King County Records and Elections.

Point of Information:

Application of this exception only applies if you have adequate fire flow as required by RFDS 3.0; this exception is uncommon due to the water system design.

(3) Where required elsewhere by the Redmond Fire Code or the International Building Code.

15.06.017 Restricted access buildings.

(1) Where a building or portion of a building is so located or constructed with grades, elevations, vegetation, or other natural or manmade obstacles which make exterior or interior access and/or use by fire apparatus, equipment, or personnel unduly difficult, unsafe or impossible, additional safeguards may be required by the Fire Code Official. Where such access is being proposed as part of a land subdivision, the Fire Code Official may declare a proposed lot inaccessible

and therefore deny that proposed lot. Safeguards may consist of one or more of the following applicable items or alternates suitable for firefighting, fire protection, EMS, and/or rescue operations as specified by the Fire Code Official:

- (a) Automatic fire sprinkler throughout.
- (b) Smoke detection system.
- (c) Automatic fire alarm systems.
- (d) Communication systems.
 - (i) Voice alarm system;
 - (ii) Public address system;
 - (iii) Fire department communication system.
- (e) Central control station.
- (f) Smoke control systems.
- (g) Emergency elevator systems.
- (h) Emergency exits.
- (i) Emergency areas of refuge including horizontal exits and smoke-proof enclosures.
- (j) Vertical and horizontal standpipes.
- (k) Standby power, light, and emergency systems.

(l) Emergency medical services-sized elevator (4' x 7' clear interior).

(m) Reduction or deletion of non-sprinklered areas.

(n) Fire-resistive construction.

(o) Noncombustible siding (limited, protected, or no openings).

(p) NFPA 13 compliant sprinkler coverage.

(q) Brushed concrete access drive or similar.

(r) Firefighter access stairs/ramps.

(s) Ladder operations area (not just aerial but also ground ladders).

(t) Electrically controlled access doors or gates provided with emergency services override (strobe, radio, etc.).

(u) Dedicated Emergency Service access and parking areas.

(2) All systems shall meet the design requirements set forth in the Redmond Fire Department Standards and Redmond Fire Code.

15.06.018 Preventable fire alarms.

A preventable fire alarm is the activation of any fire protection or alarm system which results in the response of the Fire Department and is caused by malfunction,

improper maintenance, negligence, or misuse of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

1. Preventable alarms shall include situations such as the following:

a. Erroneous transmission of an alarm or trouble signal by a fire alarm monitoring company.

b. Transmission of an alarm or trouble signal while working on a fire protection system connected to an alarm system when reasonable steps were not taken to prevent the reporting of an alarm to the Fire Department.

c. Transmission of an alarm or trouble signal during fire drills, or testing of a fire protection or alarm system when reasonable steps were not taken to prevent the reporting of an alarm to the Fire Department.

d. Work such as painting, welding, cleaning, cooking, dust-producing activities, or similar which activate a signal from the fire alarm system.

e. Accidental activation of a fire alarm system or component when reasonable steps were not taken to prevent the activation and reporting of an alarm to the Fire Department.

f. Damaging any system device, panel, wiring or component when reasonable steps were not taken to prevent such damage and the reporting of an alarm to the Fire Department.

g. Improper installation or use of system components, including location in, or near, atmospheres incompatible with the device (moisture, acidic, high air flow, vents, fans, dust, etc.).

h. Installation of unapproved or incompatible components or devices, or improper modification to components or devices which result in a signal from the fire alarm system.

i. Activation of the alarm for a nonemergency situation that does not warrant an emergency Fire Department response.

2. Preventable alarms shall not include situations such as the following:

a. System activation due to actual fire, explosion, smoke production, overheating, or similar that did or could have produced fire.

b. Manual activation of a fire alarm where it was believed a fire or other emergency existed which required emergency Fire Department response.

c. A system signal caused by unintentional release of steam, heat, gases, water, or vapor which might activate a detector when reasonable steps have been taken to prevent such release.

d. A system signal caused by earthquake, lightning, or other natural occurrences that result in power fluctuations, movement, or flooding of a building.

e. Work on telephone lines or central office equipment that causes disruption in the signal, or produces erroneous signals, when reasonable steps have been taken to prevent such disruption.

f. Accidental activation of a fire alarm system or component when reasonable steps have been taken to prevent the activation and reporting of an alarm to the Fire Department.

3. Owner Responsibilities.

a. A fire alarm system is a building system which is the responsibility of the building owner to install correctly and maintain properly.

b. The owner shall have a contractual relationship with a qualified company for provision of equipment and service to meet requirements established for the installation and maintenance of such systems. The owner may change to any qualified company to provide such equipment and service but must provide a smooth transition so that equipment is not damaged nor service interrupted. The owner shall provide the Redmond Fire Department with a minimum 30 days' notice prior to the occurrence of such a change. Details of these general requirements are found in RMC 15.06.015 and the Redmond Fire Department Standards.

4. Notification and Fees.

a. If an alarm is deemed by the Fire Code Official to be a preventable alarm, the Fire Code

Official shall determine who was responsible for the initiating of the preventable alarm. The responsible individual, company, occupant, owner, or the agent for the occupant or owner shall receive notice in writing from the Fire Code Official indicating the date and time of the alarm, the determination made, notice of the fee to be imposed, and steps which can be taken for relief from the fee if applicable. An employee acting on behalf of a company with a contractual relationship with the owner or occupant shall be considered to be under the direction of their company and generally the company shall be held responsible for the actions of the employee that have caused a preventable alarm. If the initiation is not directly attributable to the action of an individual, company, or occupant, the owner or owner's agent shall be responsible and receive the notice noted above.

b. The owner shall not be considered to have caused a preventable alarm if such preventable alarm is caused by malicious action of another who is not under the control of, nor under contract with, the owner.

c. Fees shall be as established by the adopted fee schedule. The next annual business license shall not be issued until all past due fees are paid.

5. Relief From Fees.

a. If the preventable alarm is caused by a malfunction, improper maintenance, or similar, relief from fees against an owner or owner's representative may be waived entirely if:

i. In a non-certificated (or labeled) building, the owner or owner's representative provides to the Redmond Fire Department a valid certificate or placard for central station service within 30 calendar days of the notice of preventable alarm activation having been issued. A copy of a completed "Service, Repair, or Confidence Report" documenting system repair shall accompany the certificate or placard. Such central station service certificate or placard shall conform to Redmond Fire Department Standards; or

ii. In a certificated building, the owner or owner's representative provides to the Redmond Fire Department, within 15 calendar days of the notice of preventable alarm activation, a copy of a completed "Service, Repair, or Confidence Report" documenting system repair.

6. Fire Watch. When a fire protection system is under repair or for any reason is unable to transmit an alarm signal, the Fire Code Official is authorized to require a fire watch per Redmond Fire Department Standards. Failure to maintain a continuous and systematic fire watch, failure to have a working method of notifying fire dispatch of an incident, or failure to comply with written directions of the Fire Code Official shall constitute a failure to maintain the alarm system and the individual, or company providing the fire watch, or the building owner or the owner's agent shall be subject to a fee per the adopted fee schedule of no less than the fee for a preventable alarm.

7. Procedures. Administrative procedures and forms necessary for the implementation of this section shall be as identified in the Redmond Fire Department Standards.

15.06.019 New materials, processes or occupancies which may require permits.

The Fire Code Official shall determine and specify, after giving the affected person an opportunity to be heard, any new materials, processes or occupancies which may require permits, in addition to those now enumerated in said code. The Chief of the Fire Department shall cause such list to be posted in a conspicuous place in his office and distribute copies thereof to interested persons.

15.06.020 Wellhead protection ordinance coordination.

Fire Department construction and maintenance, reviews and inspections occur within Critical Aquifer Recharge Areas established within the RMC and the Redmond Zoning Code. A major component of these fire department reviews and inspections is the verification that storage, handling, use, and operations involving hazardous materials comply with adopted codes. In order to coordinate and minimize overlap in the enforcement of the Redmond Fire Code with wellhead protection regulations, the following shall apply:

1. Regulations imposed through the Wellhead Protection [~~ORDINANCE~~—(WPO)] **and Critical Aquifer Recharge Area regulations** are enforceable by the Fire Code Official.

2. Where, within a particular Critical Aquifer Recharge Area, a threshold amount noted within the [~~WPO~~] **Wellhead Protection or Critical Aquifer Recharge Area regulations** is less than the threshold in the Redmond Fire Code, the lower threshold shall apply and be enforceable by the Fire Code Official.

3. The Fire Code Official shall exercise authority over all Hazardous Materials Inventory Statements and Hazardous Material Management Plans for materials regulated by the Redmond Fire Code.

4. The Fire Department shall have the authority to enforce rules governing "deleterious substances" for such substances so identified by the Redmond Environmental and Utilities Division (EUSD). Substances so identified by EUSD shall be listed under the subcategory "other health hazards" of Hazardous Materials. Other health hazards may include irritants, sensitizers, pyrophoric, unstable-reactive, or radioactive material, as identified by the Fire Code Official.

15.06.021 Appeals.

Whenever the Fire Code Official or designee disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal to the Chief of the Fire Department in accordance with the procedures for Type 1 review, Redmond Zoning Code 21.76.060(D). Appeals from the

decisions of the Chief to the Hearing Examiner shall be made as prescribed in Redmond Zoning Code Section 21.76.060 (D) (4) .

15.06.022 Penalties and enforcement.

(1) Penalties for Violations. Any person who violates any of the provisions of the Redmond Fire Code or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction, within the time fixed herein, shall, severally for each and every such violation and non-compliance respectively, be subject to the penalties for violations provided in RMC 1.01.110 or 1.14.060 as deemed applicable by the Chief. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

(2) The imposition of penalties upon conviction shall not preclude the City and the Chief from taking further appropriate legal action to cause compliance with the provisions of the Fire Code or to remove prohibited conditions.

15.06.023 Building permit issuance and occupancy.

The passage of the ordinance codified in this chapter is necessary for the protection of the public health, safety and welfare of the citizens of the City. No building permit shall be issued until plans, which are in compliance with this chapter, have been submitted and approved. No building shall be occupied until such approved systems have been inspected and are operational.

15.06.024 Nonconforming structures.

Nonconforming structures shall comply with the following:

(1) A nonconforming structure may not be expanded or altered in any way so as to increase that nonconformity.

(2) When a nonconforming structure has been destroyed, damaged or has incurred a loss equal to or greater than 60 percent of its assessed value, it shall comply with the requirements of RMC 15.06.015 and 15.06.016.

(3) A nonconforming structure shall be brought into full compliance with RMC 15.06, the Redmond Fire Code, when alteration or expansion of the structure takes place and the following takes place within any three-year period:

(a) The gross floor area of the structure is increased by 100 percent or more; or

(b) The costs stated on all approved building permit applications for the structure equal or exceed the value of the existing structure at the beginning of that three-year period.

Section 9. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance.

Section 10. Authority to Make Necessary Corrections. The City Clerk, other appropriate City staff, and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbering, section/subsection numbers and any reference thereto.

Section 11. Effective Date. This ordinance shall become effective five days after its publication, or publication of a summary hereof, in the City's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this ____ day of
_____, 2019.

CITY OF REDMOND

JOHN MARCHIONE, MAYOR

ATTEST:

MICHELLE M. HART, CMC, CITY CLERK (SEAL)

APPROVED AS TO FORM:

JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: