

**CITY OF CHENEY, WASHINGTON  
ORDINANCE NO. X-39**

**AN ORDINANCE ENACTING A NEW CHAPTER 18.06 OF THE CHENEY MUNICIPAL CODE ENTITLED "FIRE CODE" WHICH BOTH AMENDS AND SUPPLEMENTS THE 2015 INTERNATIONAL FIRE CODE, WITH STATE AMENDMENTS, ADOPTED BY THE CITY IN CHENEY MUNICIPAL CODE SECTION 19.06.020(5) AND PROVIDING FOR OTHER MATTERS RELATED THERETO**

**WHEREAS**, the 2015 International Fire Code addresses conditions which are hazardous to life and property resulting from fire, explosion, handling or use of hazardous materials and the use and occupancy of buildings and premises;

**WHEREAS**, the 2015 International Fire Code contains numerous chapters and appendices, which pursuant to RCW 19.27.040 may be amended provided the performance standards of the codes and objective standards set forth RCW 19.27.020 shall not be diminished by such amendments; and

**WHEREAS**, to promote the best interest of the City and its residents and provide for the public and safety, the Council desires to adopt a new chapter known as the "Fire Code."

NOW, THEREFORE, the City Council of the City of Cheney does ordain as follows.

**Section 1.** **New Chapter.** A new chapter 18.06 entitled "Fire Code" is added to the Cheney Municipal Code.

**Section 2.** **New Section.** A new section 18.06.010 entitled "Title" is added to the Cheney Municipal Code as follows:

**18.06.010 - Title.**

This chapter shall be known as the "Fire Code" of the City.

**Section 3. New Section.** A new section 18.06.020 entitled "Purpose" is added to the Cheney Municipal Code as follows:

**18.06.020 - Purpose.**

The purpose of this title shall be as set forth in the codes and regulations adopted herein. Notwithstanding anything in this chapter or adopted codes to the contrary, this title and the adopted codes shall be administered for the benefit of the health, safety and welfare of the general public and shall not be construed to establish any duties to protect or benefit any particular person or class of persons.

**Section 4. New Section.** A new section 18.06.030 entitled "Conflict" is added to the Cheney Municipal Code as follows:

**18.06.030 - Conflict.**

Should there be a conflict between the provisions of this chapter, any ordinance or of this municipal code, the provisions of this chapter shall prevail over such other provisions adopted by the city, provided the performance standards of the International Fire Code shall not be diminished.

**Section 5. New Section.** A new section 18.06.040 entitled "Authority" is added to the Cheney Municipal Code as follows:

**18.06.040 - Authority.**

(a) The fire marshal, or designee, of the city shall be deemed:

(1) The "fire code official" as defined in section 202 of the International Fire Code.

(b) Where provisions of the International Building Code are duplicated in the International Fire Code, the fire marshal shall have authority over those provisions to render decisions as provided for in Chapter 9 of the IFC, except for those provisions regarding the installation of single- and multiple-station smoke alarms, and carbon monoxide detection. The building official shall have authority over all other duplicated provisions.

**Section 6. New Section.** A new section 18.06.050 entitled "Notice and Order of Correction" is added to the Cheney Municipal Code as follows:

**18.06.050 – Notice and Order of Correction.**

The fire marshal, or designee, of the city shall be authorized to issue a notice and order of correction in accordance with CMC 1.28 to require compliance with any provision of the fire code.

**Section 7. New Section.** A new section 18.06.060 entitled "Adoption of amendments" is added to the Cheney Municipal Code as follows:

**18.06.060 - Adoption of amendments.**

The following amendments to the adopted codes in CMC 18.06.060 are adopted and apply within the City of Cheney:

(1) The International Fire Code, section 105.6.15.1 shall be added and shall read as follows:

**Sale Prohibited.** No permit may be issued for common fireworks to be sold or offered for sale at retail within the incorporated areas of the City of Cheney.

**Section 8. New Section.** A new section 18.06.070 entitled "Board of Appeals" is added to the Cheney Municipal Code as follows:

**19.06.070 - Board of Appeals.**

IFC section 108 is hereby deleted. Appeals of decisions of the fire marshal, or designee, shall be in accordance with CMC Chapter 9.06.

**Section 9. New Section.** A new section 18.06.080 entitled "Fees" is added to the Cheney Municipal Code as follows:

**18.06.080 - Fees.**

The fees and costs provided in the codes adopted herein shall be established by the city council through resolution.

**Section 10. New Section.** A new section 18.06.090 entitled "Unlawful acts" is added to the Cheney Municipal Code as follows:

**18.06.090 - Unlawful acts.**

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure, occupancy, premises, or system regulated by the fire code in the city, or cause the same to be done, contrary to, or in violation of any of the provisions of this chapter.

**Section 11. New Section.** A new section 18.06.100 entitled "Violation – Penalty" is added to the Cheney Municipal Code as follows:

**18.06.100 - Violation—Penalty.**

Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00, or imprisonment in jail for not more than 90 days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

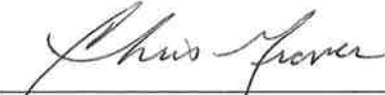
**Section 12. Severability.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 13. Effective Date.** This ordinance shall become effective thirty (30) days after its passage, approval, and publication.

Introduced this 14 day of August, 2018.

Passed by the City Council this 22 day of January, 2019.

Approved by the Mayor this 22 day of January, 2019.

  
Chris Grover, Mayor

ATTEST:

  
Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

  
Stanley M. Schwartz, City Attorney