

CHAPTER 3.16

FIRE CODE

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3.16.010 ADOPTION OF THE INTERNATIONAL FIRE CODE. The 2012 edition of the International Fire Code published by the International Code Council, Inc. including appendices A, B, F, and the amendments in Chapter 51-54A WAC as now adopted or hereafter amended by the State of Washington is hereby adopted by Benton County and all buildings hereafter erected or constructed, enlarged, altered, repaired, removed, demolished or converted shall be done in conformity with the provisions of the International Fire Code, except as expressly provided herein. [Ord. 105 (1975) § 1; Ord. 148 (1981) § 2; Ord. 193 (1986) § 1; Ord. 241 (1993) § 1; Ord. 275 (1996) § 1; Ord. 328 (1998) § 1; Ord. 400 (2004) § 4; Ord. 452 (2007) § 1; Ord. 478 (2010) § 1; Ord. 530 (2013) § 1]

3.16.015 DEFINITIONS. For the purposes of this chapter and the 2012 edition of the International Fire Code as adopted hereby, the following words and phrases shall have the indicated meanings:

(1) "Agricultural Burning" means the burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or burning identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on

agricultural practices. Propane flaming for the purpose of vegetative debris removal is considered commercial agricultural burning.

(2) "Benton Clean Air Agency" is the air pollution control authority activated by the Benton County Board of Commissioners under Chapter 70.94 RCW.

(3) "Electrical code" shall mean the National Electrical Code as adopted by the State of Washington.

(4) "Energy Release Component (ERC)" means a number related to the available energy (BTU) per unit area (square foot) within the flaming front at the head of a fire.

(5) "Expanded Resource Ordering Coordinator" means the one person so designated in writing by a majority of the fire protection districts operating in Benton County.

(6) "Fire Code" shall mean the International Fire Code.

(7) "Fire Code Official" shall mean the Benton County Fire Marshal or Representative.

(8) "Fire Chief," "Chief," "Local District Fire Chief" shall mean the chief officer of a fire protection district formed under Title 52 of the Revised Code of Washington and that operates in any portion of Benton County.

(9) "Fire Department" shall mean the fire authority normally responsible for fire protection in the area.

(10) "Fire Inspector" shall mean the personnel designated and assigned to perform fire inspection functions by the Benton County Fire Marshal.

(11) "Fire Marshal" shall mean the Benton County Fire Marshal or representative.

(12) "Fire Weather Watch" shall mean that critical fire weather conditions are imminent or are occurring.

(13) "Fireworks" shall mean those devices meeting the current definition of fireworks as found in the Washington State Fireworks Law, Chapter 70.77 RCW.

(14) "Hop Processing and Storage Facility" means a building or multiple buildings where the hop plant is harvested. Hop vines are brought to the facility, and cones are then separated from the leaf and vine of the plant. The cones are dried and then packaged into compressed bales. After bailing, the hops are temporarily stored and then prepared for shipment to customers.

(15) "Incidental Agricultural Burning" means the burning of orchard pruning, vegetative burning along fence lines or fence row and wind blown organic debris.

(16) "Jurisdiction" shall mean Benton County.

(17) "NFDRS" is the National Fire Danger Rating System produced by the Wildland Fire Assessment System operated by USDA Forest Service..

(18) "Outdoor Burning" means the combustion of material of any type in an open fire or in an outdoor container without providing for control of combustion or the control of emissions from the combustion. Outdoor burning means all types of outdoor burning except agricultural burning and silvicultural burning as described in RCW 70.94.743(3).

(19) "Police Department" or "Police Officers" shall mean the Benton County Sheriff's Department.

(20) "Red Flag Warning" is a notification so denoted issued by the Pendleton, Oregon Weather Forecast Office of the National Weather Service that considers both weather (heat, wind, atmospheric stability, lightning, and humidity) and fuel conditions in determining that the combined conditions indicate a higher probability of fire ignition and the potential rate of

spread and difficulty to control a fire once it ignites.

(21) "Urban Growth Area (UGA)" means those areas designated as such by Benton County pursuant to RCW 36.70A.110.

(22) "Weather" means predicted weather conditions or unpredicted weather events which may increase the probability of ignition and/or the potential rate of spread and difficulty to control a fire.

[Ord. 148 (1981) § 3; Ord. 193 (1986) § 2; Ord. 241 (1993) § 2; Ord. 275 (1996) § 2; Ord. 385 (2003) § 1; Ord. 400 (2004) § 5; Ord. 452 (2007) § 2; Ord. 478 (2010) § 2; Ord. 530 (2013) § 2; Ord. 569 (2016) § 1]

3.16.019 BOARD OF APPEALS. Section A101.2 of the 2012 Edition of the International Fire Code is deleted and replaced with the following:

"BOARD OF APPEALS - In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretation of the provisions of this code there shall be and is hereby created a Board of Appeals "Board," consisting of seven members who are qualified by experience and training to pass upon matters pertaining to building construction. The Board shall be jointly appointed by the Mayors of the cities of Pasco, Kennewick, Richland and West Richland and the Chairmen of the Boards of County Commissioners of Benton and Franklin Counties, and shall serve at their pleasure. The Building Official of each appointing agency, or representative, shall be an ex-officio member of the Board and shall serve as secretary to the Board on a rotating basis. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to all the Building Officials with a duplicate copy to the appellant and may recommend to

the City Councils and/or Boards of County Commissioners such new legislation as is consistent therewith."

[Ord. 400 (2004) § 6; Ord. 452 (2007) § 3; Ord. 478 (2010) § 3; Ord. 530 (2013) § 3]

3.16.023 TANK STORAGE - BULK STORAGE. The geographical limits referred to in Sections 5404 2.9.6.1 and 5706.2.4.4 of the 2012 edition of the International Fire Code in which storage of Class I and Class II liquids in aboveground tanks inside or outside of buildings is prohibited, are hereby established. The prohibitions in those sections shall apply to all areas in which the International Fire Code is in force, except for within the following zoning districts: LI (Light Industrial District), HI (Heavy Industrial District), RL-5 (Rural Lands Five Acre District), RL-20 (Rural Lands Twenty Acre District), GMAAD (Growth Management Act Agricultural District), and U (Unclassified District); provided, however, that the Fire Marshal may issue a special permit for such storage, where in the judgment of the Fire Marshal, there is no undue danger to persons or property and where such storage would not be in conflict with other Benton County codes, ordinances or regulations.

[Ord. 148 (1981) § 6; Ord. 193 (1986) § 5; Ord. 241 (1993) § 5; Ord. 275 (1996) § 4; Ord. 400 (2004) § 7; Ord. 452 (2007) § 4; Ord. 478 (2010) § 4; Ord. 515 (2011) § 1; Ord. 530 (2013) § 4]

3.16.025 LIQUEFIED PETROLEUM GASES. The geographical limits referred to in Section 6104.2 of the 2012 edition of the International Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established and shall apply to all areas in which the International Fire Code is in force; provided, however, that the Benton County Fire Marshal or designee may issue a special permit for such storage, where in the judgment of the Fire Marshal, there is no undue danger to persons or property and where such storage would not be in

conflict with other Benton County codes, ordinances, or regulations.

[Ord. 148 (1981) § 8; Ord. 193 (1986) § 7; Ord. 241 (1993) § 6; Ord. 275 (1996) § 5; Ord. 400 (2004) § 8; Ord. 452 (2007) § 5; Ord. 478 (2010) § 5; Ord. 530 (2013) § 5]

3.16.026 BONFIRES AND OUTDOOR RUBBISH FIRES. Bonfires and outdoor rubbish fires shall comply with WAC 173-425.

[Ord. 241 (1993) § 7]

3.16.027 OPEN FLAME OR TORCHES. Section 308.1.3 of the 2012 edition of the International Fire Code is hereby amended to read:

Persons using a torch or other flame-producing device for removing paint, thawing pipes or sweating pipe joints from or in any building or structure shall provide a minimum of one (1) portable fire extinguisher which complies with Section 906 of the International Fire Code and with a minimum 4-A rating, two (2) portable fire extinguishers, each with a minimum 2-A rating, or water hose connected to the water supply on the premises where such burning is done. The person doing the burning shall remain on the premises one (1) hour after the torch or flame producing device is last utilized.

[Ord. 241 (1993) § 8; Ord. 275 (1996) § 6; Ord. 400 (2004) § 9; Ord. 452 (2007) § 6; Ord. 478 (2010) § 6; Ord. 530 (2013) § 6]

3.16.028 STORAGE OF EXPLOSIVES AND BLASTING AGENTS. The storage of explosives, blasting agents, and detonators is

allowed only within the LI (Light Industrial District) and HI (Heavy Industrial District) zoning districts.

[Ord. 241 (1993) § 9; Ord. 275 (1996) § 7; Ord. 400 (2004) § 10; Ord. 530 § 7]

3.16.029 SELF INSPECTION PROGRAM. At the request of the Fire Marshal, the occupant of any building within Benton County shall complete a self-inspection report in such form and detail as required by the Fire Marshal. The report shall be forwarded to the Fire Marshal within thirty (30) days of its receipt.

[Ord. 322 (1998) § 1]

3.16.031 STORAGE OF FLAMMABLE CRYOGENIC FLUIDS. The storage of flammable cryogenic fluids in stationary containers outside of buildings shall be allowed only in the LI (Light Industrial District) and HI (Heavy Industrial District) zoning districts.

[Ord. 400 (2004) § 11; Ord. 452 (2007) § 7; Ord. 478 (2010) § 7; Ord. 530 (2013) § 8]

3.16.032 SPECIAL PERMITS - GENERAL. (a) A permit shall constitute permission to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permission shall not be construed as authority to violate, cancel, or set aside any of the provisions of this chapter. Such permit shall not take the place of any license required by law. A list of all activities requiring a special permit are listed in the 2012 Edition of the International Fire Code.

(b) All permits issued under this chapter shall be presumed to contain the proviso that the applicant or the applicant's agents

and employees shall carry out the proposed activity in compliance with all the requirements of this chapter and any other laws or regulations applicable thereto whether specified or not, and in complete accordance with the approved plans and specifications.

The Fire Marshal may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this chapter and any approval of plans and specifications given in connection with the issuance of such permit shall likewise be void.

(c) The Benton County Fire Marshal or designee shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used prior to issuance of a permit.

(d) Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the Benton County Fire Marshal or designee.

(e) Whenever, under the provisions of this chapter and the International Fire Code, more than one permit is required for the same location, such permits may be consolidated into a single permit with no additional costs involved.

[Ord. 241 (1993) § 10; Ord. 275 (1996) § 9; Ord. 400 (2004) § 12; Ord. 452 (2007) § 8; Ord. 478 (2010) § 8; Ord. 530 (2013) § 9]

3.16.033 SPECIAL PERMITS - APPLICATION - FEES - EXPIRATION - RENEWAL. (a) All applications for a permit required by this chapter shall be made at the Benton County Fire Marshal's office in such form and detail as necessary to complete the application. The permit fee shall be as set by resolution of the Board of County Commissioners.

(b) Permits shall be renewed at the Benton County Fire Marshal's office on or before June 1st of each year. The renewal fee shall be as set by resolution of the Board of County Commissioners. Billings for such renewals will be made by May 1st of each year. Failure to renew permits may result in penalties or late charges.

(c) A permit issued under this chapter shall continue until revoked or until the period of time designated therein at the time of issuance has expired. The permit shall be non-transferable and any change in the use, occupancy, operation, or ownership shall require a new permit.
[Ord. 241 (1993) ' 11; Ord. 452 (2007) § 9]

3.16.034 FALSE ALARMS. It shall be unlawful for any person responsible for an auxiliary fire alarm system which would initiate a Fire Department response due to improper or inadequate maintenance or because of defective equipment to have four or more such alarms within a 90-day period. The owner of any residence, business, or premises in which said alarm exists shall repair or replace the defective equipment.
[Ord. 275 (1996) ' 8]

3.16.036 OUTDOOR BURNING AND AGRICULTURAL BURNING--GENERAL. (a) All burning in Urban Growth Areas and elsewhere within unincorporated areas of Benton County shall comply with the requirements of the Benton Clean Air Agency and all state and local laws and regulations. During conditions of high, very high, or extreme fire danger, fire protection authorities may declare a fire danger burn ban and grant exceptions to such burn bans. The fire protection districts operating in Benton County have all passed resolutions requesting and authorizing the Benton County Fire Marshal to determine when such burn bans shall be in effect and to grant exceptions to such burn bans. Sections 3.16.036, 3.16.037, 3.16.038, and 3.16.039 of the Benton County Code set forth the rules and procedures related to

burn bans on outdoor burning and agricultural burning (including incidental agricultural burning) imposed due to fire danger weather conditions. These restrictions shall apply regardless of whether such burning is otherwise allowed by RCW 70.94 and the Benton Clean Air Agency.

(b) Any outdoor burning and agricultural burning restrictions imposed due to fire danger shall be effective each week from Wednesday through Tuesday, but such restrictions may be modified as set forth in BCC 3.16.038(c) or BCC 3.16.038(d).

(c) In the absence of the Fire Marshal, the Benton County Building Department Manager may assume the duties of the Benton County Fire Marshal.
[Ord. 385 (2003) § 2; Ord. 478 (2010) § 9]

3.16.037 OUTDOOR BURNING AND AGRICULTURAL BURNING--RESTRICTIONS--FIRE DANGER CLASSIFICATION--NOTIFICATION. (a) The Fire Marshal shall use an Energy Release Component (ERC), as defined by the National Fire Danger Rating System (NFDRS) and as determined for Benton County by Fire Protection District No. 1, along with the short range weather forecast, to determine outdoor and agricultural burning restrictions.

[NOTE: This chapter is continued on the following page.]

(b) Such determination shall be reflected in the selection by the Fire Marshal of one of the five classifications within the National Fire Danger Rating System (NFDRS) for describing the current fire danger weather. These classifications are as follows: low, moderate, high, very high, and extreme. The Benton County Fire Marshal shall select one of these NFDRS classifications to determine burning restrictions for each seven day fire danger weather forecast.

(c) The Fire Marshal shall establish the weekly burning limitations by designating one of the Fire Danger Classifications set forth in Table 1 below. The Fire Marshal may change the Fire Danger Classification during the applicable seven day period to a higher rating when the National Weather System Short Term Forecast warrants it. However, the weekly Fire Danger Classification shall not be lowered to a classification lower than indicated by the ERC value obtained from Benton County Fire Protection District No. 1 for that seven day period. The restrictions of outdoor burning and/or agricultural burning resulting from the Fire Danger Classification are as set forth in BCC 3.16.038.

TABLE 1

FIRE DANGER CLASSIFICATION

ERC Value	0 - 3	4 - 8	9-11	12 - 16	17+
Fire Danger Classification	Low	Moderate	High	Very High	Extreme

(d) Upon determining the Fire Danger Classification, the Fire Marshal shall notify in writing each fire protection district within the County, the Benton Clean Air Agency, Benton County

Emergency Management, and at least two local television stations, one print media and one local radio station of the Fire Danger Classification. The notifications will be made on each Wednesday during the applicable period and shall be in effect through the following Tuesday, unless changed as authorized by subsection (c) above. In the event of such a change, the Fire Marshal shall provide written notice to the entities set forth above.
 [Ord. 385 (2003) § 3; Ord. 413 (2005) § 1; Ord. 478 (2010) § 10]

3.16.038 OUTDOOR BURNING AND AGRICULTURAL BURNING--WHEN PROHIBITED DUE TO FIRE DANGER. (a) Outdoor burning, even if permitted by the Benton Clean Air Agency, is prohibited under the following conditions due to fire danger, except as allowed by subsection (c) below:

- (1) During a period when the Fire Danger Classification is High, Very High or Extreme as determined by the Fire Marshal;
- (2) When wind speeds exceed 20 mph;
- (3) During any period in which a Red Flag Warning is in effect; or
- (4) When the Fire Marshal has made the notifications as set forth in Section 5(c) below that a burn ban is in effect because of the deployment of significant local fire fighting resources.

(b) Agricultural burning (including incidental agricultural burning), even if permitted by the Benton Clean Air Agency, is prohibited under the following conditions due to fire danger, except as allowed by subsections (c) or (d) below:

- (1) During a period when the Fire Danger Classification is Extreme as determined by the Fire Marshal;

- (2) When wind speeds exceed 20 miles per hour;
- (3) During any period in which a Red Flag Warning is in effect; or
- (4) When Fire Marshal has made the notifications as set forth in Section 5(c) below that a burn ban is in effect because of the deployment of a significant amount of local fire fighting resources.

(c) Between September 1st and November 1st of any year, outdoor burning otherwise prohibited under subsection (a) above is allowed with the written permission of at least four (4) Fire Chiefs.

(d) Agricultural burning (including incidental agricultural burning) otherwise prohibited under subsection (b)(1) above may be allowed upon approval of the Fire Marshal and Fire Chief of the fire protection district, if any, in which the site of the requested burning is located. Such approval will be reflected by the issuance of a permit for an Agricultural Burn Exemption to Extreme Fire Danger Classification Burn Ban. Request for such a permit shall be made on the form provided by the Fire Marshal and submitted to the Fire Marshal and Fire Chief of the fire protection district in which the site of the proposed burning is located. Upon determination that the proposed agricultural burning does not pose a health and safety risk, the permit may be issued, with whatever conditions are deemed appropriate, by either the Fire Marshal or the Fire Chief of the fire protection district with jurisdiction over the site of the proposed burn.

[Ord. 385 (2003) § 4; Ord. 478 (2010) § 11]

3.16.039 OUTDOOR BURNING AND AGRICULTURAL BURNING--RED FLAG WARNINGS, AND DEPLOYMENT OF SIGNIFICANT FIRE FIGHTING RESOURCES--NOTIFICATION.

(a) Red Flag Warnings.

The Pendleton, Oregon Office of the National Weather Service Forecast Office may issue Red Flag Warnings from time to time. When the Benton County Fire Marshal receives notification that a Red Flag Warning has been issued for areas within Benton County, the Fire Marshal shall notify in writing each fire protection district operating in Benton County, the Benton Clean Air Agency, Benton County Emergency Management, and at least two local television stations, one print media and one local radio station that a burn ban is in effect due to a Red Flag Warning.

(b) Deployment of Significant Local Fire Fighting Resources.

When the Fire Marshal has been notified by the Expanded Resource Ordering Coordinator designated by the fire protection districts in Benton County that significant local fire fighting resources have been dispatched to one or more fires, the Fire Marshal may exercise his or her discretion and implement a burn ban by notifying in writing each fire protection district operating in Benton County, the, Benton Clean Air Agency, and at least two local television stations, one print media and one local radio station of the burn ban due to this condition.

[Ord. 385 (2003) § 5; Ord. 478 (2010) § 12]

3.16.040 LIABILITY OF COUNTY OFFICIALS. This chapter shall not be deemed to impose upon Benton County in the unincorporated areas of Benton County, their officials, agents and employees any liability whatsoever for damages resulting from fire or explosion or faulty storage, handling or disposal of materials, in any manner whatsoever. The act of the County issuing permits and conducting inspections shall in no way be

deemed to be a waiver of governmental immunity, it being agreed and understood that such inspection and licensing as is performed by the County defined herein is performed pursuant to the police power of such County for the protection of the public health, safety and well-being.
[Ord. 105 (1975) ' 5]

3.16.041 KEY BOXES. (a) Key boxes shall be required for premises that have either a water based automatic sprinkler system, an automatic fire detection system, or for other premises that are required by the respective Fire District Fire Chief.

(b) The type and location of key boxes allowed within the Benton County Fire Districts shall be as specified by the respective Fire District Fire Chief.
[Ord. 452 (2007) § 10]

3.16.042 AUTOMATIC SPRINKLER SYSTEM-WHERE REQUIRED. Section 903.2 of the 2012 Edition of the International Fire Code shall be amended to read as follows:

Approved automatic sprinkler system in new buildings and structure shall be provided in the locations described in Section 903.2.1 through 903.2.12.

Exceptions: *Hop processing and storage facilities* and spaces or areas in telecommunications buildings used exclusively for telecommunication equipment, associated electrical power distribution equipment, batteries and standby engines, provided those facilities and spaces or areas are equipped throughout with an automatic smoke detection system if required by the terms of Section 907.2. Additionally, the spaces and areas in telecommunications buildings must be separated from the remainder of the building by not less than 1-hour *fire barriers* constructed in accordance with Section 707 of the *International Building Code* or not less than 2-hour *horizontal assemblies* constructed in accordance with Section 711 of the *International Building Code*, or both.
[Ord. 569 (2016) § 2]

3.16.045 VIOLATIONS - PENALTIES. (a) Upon a finding of a first violation of any provision of this chapter, any person or contractor shall be punished by a civil penalty not to exceed five hundred dollars (\$500) for said violation, shall be responsible for court costs, if applicable, and shall be ordered to pay restitution for any damages caused by said violation.

(b) Upon the court's finding of a second or subsequent violation of the same provision of this chapter, any person or contractor shall be found guilty of a misdemeanor.

[Ord. 148 (1981) ' 11; Ord. 193 (1986) ' 9; Ord. 241 (1993) ' 12; Ord. 304 (1997) ' 5]

3.16.050 INJUNCTIVE RELIEF. Notwithstanding the existence or use of any other remedy or means of enforcement of the provisions hereof, Benton County may seek legal or equitable relief to enjoin any acts or practices which constitute a violation of any of the provisions hereof and compel compliance with all provisions of this chapter. The costs of such action shall be taxed against the person violating the provisions of this chapter. The Planning and Building Department may accept a written assurance of discontinuance of any act in violation of this chapter from any person who has engaged in such act. Failure to comply with the assurance of discontinuance shall be a further violation of this chapter.

[Ord. 148 (1981) ' 14; Ord. 193 (1986) ' 10; Ord. 241 (1993) ' 13]

3.16.060 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

[Ord. 193 (1986) ' 11]

3.16.070 EFFECTIVE DATE. This ordinance shall take effect and be in full force on July 1, 2004.

[Ord. 328 (1998) ' 3; Ord. 400 (2004) § 14]

3.16.080 EFFECTIVE DATE. Ordinance 515 shall take effect and be in full force on September 1, 2011.

[Ord. 515 (2011) ' 3]