



"Reducing Risk to Our Business Community"



# Fire Operational Permit Frequently Asked Questions

## **Why was the Fire Operational Permit (FOP) program initiated?**

The City's core business risk-management tool is the Fire Company Occupancy Survey (FCOS) which identifies and eliminates hazards in the business community. For over two decades, the Fire Department has utilized on-duty fire engine crews to perform life-safety surveys of all local businesses. The survey focuses on items such as, maintenance of existing exits, emergency responder access, housekeeping, and confidence testing of fire protection systems. Often, crews did not have the extensive training to properly evaluate certain complex and high-risk operational activities. In 2008, the Fire Department began developing the FOP program to ensure that the businesses conducting a qualifying operation were provided with a more proactive and specialized inspection service. The FOP program utilizes fire inspectors with the necessary training to evaluate fire code application and work with business owners/operators to ensure public and employee safety. Occupancies that participate in the FOP program will not be included in the FCOS program.

## **When was the Fire Operational Permit (FOP) program started?**

The FOP program started in 2010.

## **Who authorized the program?**

The program was authorized by the Fire Department pursuant to the International Fire Code as adopted by the State of Washington, WAC 51-54. The fee schedule was reviewed and adopted by the Bellingham City Council.

WAC 51-54-003 adopts by reference the International Fire Code, published by the International Code Council, with the additions, deletions, and exceptions identified in WAC 51-54.

WAC 51-54-0100 amends the published language of Section 105.1.1, "Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment, which is regulated by this code, or to cause any such work to be done shall first make application to the fire code official and obtain the required permit."

International Fire Code Section 105.1.2 identifies that, "An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either: (1.1) A prescribed period or (1.2) Until renewed or revoked.

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### ***How was the Fire Operational Permit (FOP) fee established?***

In late 2009, a Resolution was approved by City Council which established a fee schedule for the FOP program. The program fees were developed using an hourly rate of \$120 as identified in the recent Development Services Cost of Services study. A basic initial inspection was established at \$150 assuming an inspection should take 60 to 75 minutes. There is no initial permit fees for operations that are established through a Building or Fire construction permit. In 2011, the City Council removed the previously established renewal fees.

The basic initial inspection example includes one operational activity. A value of \$30 was established for each additional operational activity which equates to an additional 15 minutes. Travel time to and from the inspection site is included. The Fire Department estimates 750 businesses will require a FOP on a yearly basis generating approximately 2,253 inspection hours in 2010.

### ***How was my business selected?***

The existing Fire Company Occupancy Survey (FCOS) database does not identify businesses that perform specific special hazard operations. The Fire Department utilized three strategies for identifying businesses that may need to participate in the Fire Operational Permit (FOP) program. First, Fire Inspectors drove around the city to identify businesses that may be conducting a regulated activity. Examples of these activities include; places of assembly, storage of flammable liquids, and welding to name a few. A complete list of these activities can be found on the FOP Application. Secondly, engine-company crews referred qualified businesses from the FCOS program. Finally, a FOP is created at the when a construction permit establishes a new activity.

### ***How are these inspections different from the one my business received last year?***

The FOP Inspection is different from the Fire Company Occupancy Survey (FCOS) in the following ways;

- A Nationally-recognized ICC Fire Code Fire Inspector conducts the inspection,

- You will be able to schedule the inspection date and time since the Fire Inspector works weekdays,

- Knowledge and participation within the City-wide permit process will provide you a single point of contact when working through complex problems.

- The Fire Inspector will work with the business representative to complete the necessary initial and renewal process documentation.

### ***How will firefighters remain familiar with my business if I am in the FOP program?***

Using the information from the Fire Operational Permit (FOP) program, firefighters will be more aware of any special hazards and activities that could affect their safety and effectiveness during a emergency situation. The firefighters are encouraged to ask your permission for a "walk-thru". The intent of the "walk-thru" is to maintain their familiarity with you and your business.

### ***How does the Fire Inspector conduct the inspection?***

The Fire Inspector will come to the business at a mutually agreed upon date and time and will meet with the responsible business party to gather pertinent business contact information. They will inspect the inside and outside of the business (preferably accompanied by the business representative so observations and consultation can occur on the spot), provide an Inspection Notice documenting the inspection findings, including any identified deficiencies/violations. The Fire Inspector will work with the business representative to define a correction plan, timelines for compliance and additional inspection dates (if necessary).

### ***What do the Fire Inspectors look for?***

The inspection has two parts; general fire safety and operational activity evaluations.

The general fire safety portion is applied to all businesses and includes evaluation of the housekeeping, exiting system maintenance, proper use of heating appliances, emergency access and a variety of other items. The operational activity portion of the inspection is related to the activities that you engage in. Some activities take one or more additional chapters to evaluate compliance. The complete list of items is too lengthy to list here. You are encouraged to speak with the your assigned Fire Inspector or make arrangements to visit the Life Safety Division to view the Bellingham Fire Code. Three website addresses are provided at the end of this document for online viewing of the Code.

### ***What happens if hazards are found?***

If hazards are found, the Fire Inspector will provide a clear explanation of the hazard and work with the business representative to identify a course of action to eliminate the hazard. The Inspector will schedule a time to confirm the corrections are complete. In some cases, corrections may require additional permitting and inspections from other city departments to comply with applicable building codes, such as electrical, mechanical, etc.

### ***What happens if I choose not to comply?***

We believe every business owner wants to protect their assets and employees from catastrophic loss. We will do everything we can to work with businesses to achieve compliance. However, if a business chooses not to correct identified violations we may take one or both of the following options: (1) if the uncorrected violation is a clear and adverse threat to human life, safety or health, the premise, building or structure or any building system, on whole or part will be posted unsafe and cannot be occupied or operated until the violation is corrected or (2) when there is no clear and adverse threat the violation will be referred to the City's Code Enforcement Officer. The Code Enforcement Officer will serve a Notice to the owner, operator, occupant or other person responsible for the condition or violation. If the notice is not complied with promptly, the Code Enforcement Officer will coordinate with the Fire Marshal to engage the Prosecuting Attorney to start legal proceedings. In addition to the legal proceedings, failure to make required corrections may result in civil or criminal penalties. It is important to note that every day the violation exists is deemed a separate offence.

### ***Is there an appeal process?***

Appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this code may be appealed to the City of Bellingham Hearing Examiner within 14 days of issuance of the order, decision, or determination. Refer to Bellingham Municipal Code 17.20.020 Section 108 for more details.

### ***What if I don't pay my fee?***

A payment of required fees are necessary for the issuance of a FOP. If you choose not to pay the fee, you will not obtain a required permit as required by WAC 51-54-0100. This is considered a violation and you will receive an Notice of Violation which will document the violation and a date for correction. If the violation is not corrected, the violation will be referred to the City's Code Enforcement Officer. See frequently asked question "*What happens if I choose not to comply?*" option 2 for more details.

***Why is the city implementing this program during an unprecedented economic downturn?***

This program was developed before the full effect of the current economic crisis became a reality. We understand many businesses are facing financial challenges at this time. We also realize the importance of ensuring that local businesses are resilient and hardened against catastrophic loss during a time where local businesses are extremely vulnerable from even minor business interruptions resulting from preventable accidents or consequences from natural disaster. Our goal is to keep businesses operating safely. The Fire Inspectors are empowered to establish correction timeframes that work for the business while balancing the threat.

***What is the Bellingham Fire Code?***

The Bellingham Fire Code is document that is made up of the International Fire Code published by the International Code Council as adopted and amended by Washington Administrative Code Title 51, Chapter 54 and the local amendments of Bellingham Municipal Code Chapter 17.20.

***How do I get a copy of the Bellingham Fire Code?***

The Bellingham Fire Code can be reviewed, upon request, at the Life Safety Division, 1800 Broadway St. If you would like to view it online please use the following websites.

To see the published International Fire Code:

<http://publiccodes.citation.com/icod/ifc/2009/index.htm>

To see the changes made upon adoption by the State of Washington:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=51-54>

To see the changes made upon adoption by the City of Bellingham:

<http://www.cob.org/web/bmcode.nsf/CityCode!OpenView&Start=1&Count=30&Expand=16.3#16.3>