

September 19, 2019

## MEMORANDUM

**To:** Gender Equity, Safe Communities, New Americans and Education Committee  
**From:** Greg Doss, Analyst  
**Subject:** Fire Code Citation Authority – Council Bill 119650

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On Thursday, September 19, 2019, the Gender Equity, Safe Communities, New Americans and Education Committee (GESCNA-Ed) will discuss [Council Bill \(CB\) 119650](#) which would amend the Seattle Fire Code to provide Seattle Fire Department (SFD) personnel with the authority to write civil citations to enforce the fire code. SFD staff will provide an overview of the legislation and the Department's plan to begin enforcement in early 2020.

### Summary

CB 119650 would create civil citation authority for SFD officers in the Fire Marshall's Office to enforce violations such as locked exit doors, failure to properly maintain fire protection systems like sprinklers, and repeated false alarms. Citations for first offenses will be \$373. Citations for subsequent offenses will be either \$746 or \$900 depending on the number of violations and the time period in which the violations occur. SFD will be providing a notice period as well as waiving citations during a grace period. Details on the notice period are still to be determined.

According to SFD personnel, the proposed citation amount of \$373 is equal to the current fee for fire code re-inspections and is in the lower-middle range of code compliance penalties used across the City. If a person receiving a citation wishes to have it reduced or overturned, they may request a hearing with the City's Hearing Examiner.

SFD officers in the Fire Marshall's Office may assess the \$373 penalty on the first occurrence of most code violations. One notable exception is the penalty for a false alarm. There is no penalty associated with the first false alarm. A single penalty is then incurred for each instance of between two and five false alarms during the same quarter of a calendar year. SFD staff have indicated that they anticipate that false alarm penalties will be incurred exclusively (or almost exclusively) by owners of commercial, industrial, and multi-family dwellings (like apartment buildings) rather than by owners of single-family residences.

Staff from the City Budget Office (CBO) and SFD have estimated that the citations will create \$90,000 in new revenues to the General Fund in 2020. SFD staff have indicated that they could issue a larger number of code violations and bring in more revenue than CBO's estimate, but the department plans to limit its enforcement to the most egregious violations and work with

responsible parties to ensure that code violations are fixed in a timely manner and do not incur multiple penalties.<sup>1</sup> Table 1 shows the expected distribution of citations.

*Table 1. Expectations Citations*

Citation Type	Estimated Distribution
Fire Code - General Compliance	5%
Joint Enforcement Team <sup>2</sup>	11%
False Alarms	51%
Fire Protection Systems - Building Owner	14%
Fire Protection Systems - Testing Company <sup>3</sup>	18%

Executive and SFD staff have indicated that two half-time positions and related budget authority will be added to the Mayor’s 2020 Proposed Budget for the Office of the Hearing Examiner and SFD Finance to provide staffing for administering the new citations.

### **Background**

The Seattle Fire Code is updated periodically in line with modifications/updates to the International Fire Code or “model code,” the Washington State Fire Code, and other construction codes adopted in Seattle such as the Building Code, Mechanical Code and Electrical Code. The updates typically incorporate current technologies, designs and the latest safety standards. The model code and Seattle’s Fire Code have for years included provisions for fines of up to \$1,000/day and referral for criminal prosecution. The new civil citation authority provided in CB 119650 will provide SFD with a more moderate tool to support compliance, help protect lives, and save property. The Seattle Fire Department and the Seattle Fire Code Advisory Board reviewed and recommend the City Council’s approval of the proposal to add citation authority to the code.

cc: Kirstan Arestad, Exec Director

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<sup>1</sup> SFD staff have indicated that additional enforcement would require additional administrative positions – beyond the two half-time positions that will be in the Mayor’s 2020 Proposed Budget.

<sup>2</sup> The Joint Enforcement Team (JET) is an interdepartmental team that helps ensure a safe nightlife in the city. JET members include SPD, FAS, SDCI, and Liquor Control in addition to SFD. The JET performs unannounced inspections in bars and clubs on evenings and weekends. The SFD citations would include blocked exits and overcrowding.

<sup>3</sup> The Seattle Fire Code requires annual testing and maintenance of fire protection systems including fire alarms and sprinklers in public and privately-owned buildings throughout the City. The private sector companies who perform the testing and maintenance are required by fire code to provide reports of the testing to SFD within timeframes specified by law, and failure to report timely will become a citable violation.