



SEATTLE CITY COUNCIL

Legislative Summary

CB 119650

Record No.: CB 119650

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125948

In Control: City Clerk

File Created: 08/12/2019

Final Action: 10/04/2019

Title: AN ORDINANCE relating to violations of and compliance with the Seattle Fire Code; establishing citation authority for the Seattle Fire Department; amending Sections 108, 109, 202, 901, and 902 and Appendix A of the 2015 Seattle Fire Code as adopted by Section 22.600.020 of the Seattle Municipal Code and as regulated and allowed by the State Building Code Act, Chapter 19.27 of the Revised Code of Washington; and amending Sections 3.02.125 and 3.16.320 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: González

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Summary and Fiscal Note

Drafter: adam.schaefer@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	08/20/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	08/20/2019	sent for review	Council President's Office			
Action Text: The Council Bill (CB) was sent for review. to the Council President's Office							
1	Council President's Office	08/29/2019	sent for review	Gender Equity, Safe Communities, New Americans, and Education Committee			

Legislative Summary Continued (CB 119650)

- Action Text:** The Council Bill (CB) was sent for review. to the Gender Equity, Safe Communities, New Americans, and Education Committee
- 1 City Council 09/16/2019 referred Gender Equity,
Safe
Communities,
New Americans,
and Education
Committee
- Action Text:** The Council Bill (CB) was referred. to the Gender Equity, Safe Communities, New Americans, and Education Committee
- 1 Gender Equity, Safe 09/19/2019 pass Pass
Communities, New
Americans, and
Education Committee
- Action Text:** The Committee recommends that City Council pass the Council Bill (CB).
In Favor: 1 Chair González
Opposed: 0
- 1 City Council 09/23/2019 passed Pass
- Action Text:** The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
In Favor: 7 Councilmember Bagshaw, Councilmember González , Council
President Harrell, Councilmember Juarez, Councilmember Mosqueda,
Councilmember O'Brien, Councilmember Pacheco
Opposed: 0
Absent(NV): 2 Councilmember Herbold, Councilmember Sawant
- 1 City Clerk 09/27/2019 submitted for Mayor
Mayor's signature
- 1 Mayor 10/04/2019 Signed
Action Text: The Council Bill (CB) was Signed.
- 1 Mayor 10/04/2019 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
- 1 City Clerk 10/04/2019 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
-

CITY OF SEATTLE

ORDINANCE 125948

COUNCIL BILL 119650

AN ORDINANCE relating to violations of and compliance with the Seattle Fire Code; establishing citation authority for the Seattle Fire Department; amending Sections 108, 109, 202, 901, and 902 and Appendix A of the 2015 Seattle Fire Code as adopted by Section 22.600.020 of the Seattle Municipal Code and as regulated and allowed by the State Building Code Act, Chapter 19.27 of the Revised Code of Washington; and amending Sections 3.02.125 and 3.16.320 of the Seattle Municipal Code.

WHEREAS, citation authority will further the Seattle Fire Department's mission of preserving lives and protecting property through compliance with provisions in the Seattle Fire Code; and

WHEREAS, the Office of the Hearing Examiner is charged with conducting fair and impartial administrative hearings to review the actions of various City departments, and administers citation review for residents and businesses in Seattle; and

WHEREAS, the Seattle Fire Department and the Seattle Fire Code Advisory Board have reviewed and approved the additions and revisions to the 2015 Seattle Fire Code contained herein; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 108 of the Seattle Fire Code, enacted by Ordinance 125138, is amended as follows:

[A] 108.1 Appeals. Appeals from decisions or actions pertaining to the application and interpretation of this Code, except for enforcement actions pursuant to Sections 109.3, 109.4, and 111, shall first be addressed to the *fire code official*. If not resolved with the *fire code official*, the appellant may submit a written request to the *fire code official* for a review by the Fire Code Appeals Board in accordance with Appendix A, all applicable by-laws, rules, regulations, and

1 ordinances. The result of this review is advisory only, in accordance with City of Seattle
2 Ordinance 119799. Following receipt of the Fire Code Appeals Board recommendation the fire
3 chief, who shall not have acted as the *fire code official* in the first appeal of the application or
4 interpretation of the code, shall issue a final written decision.

5 Section 2. Section 109.2 of the Seattle Fire Code, last amended by Ordinance 125392, is
6 amended as follows:

7 **[A] 109.2 Owner/occupant responsibility.** Correction and abatement of the violations of this
8 code shall be the responsibility of the *owner* or owner's authorized *agent*. If an occupant,
9 operator, or other person creates, or allows to be created, hazardous conditions in violation of
10 this code, the occupant, operator, or other person (~~shall~~) may be held responsible for the
11 abatement of such hazardous conditions.

12 Section 3. Section 109.3 of the Seattle Fire Code, last amended by Ordinance 125392, is
13 amended as follows:

14 **[A] 109.3 ((Notice of violation)) Order to comply.** When the *fire code official* finds a building,
15 premises, vehicle, *vessel*, storage facility, or outdoor area that is in violation of this code, the *fire*
16 *code official* is authorized to issue a written (~~notice of violation~~) order to comply describing the
17 violation and, when immediate compliance is not required, specifying a time for achieving
18 compliance. Nothing in this subsection 109.3 shall be deemed to limit or preclude any other
19 enforcement action or proceeding, and nothing in this section 109 shall be deemed to obligate or
20 require the *fire code official* to issue (~~a notice of violation~~) an order to comply prior to the
21 imposition of civil or criminal penalties or remedies.

22 **[A] 109.3.1 Service.** (~~A notice of violation~~) An order to comply issued pursuant to this
23 code shall be served upon the *owner*, the owner's authorized *agent*, operator, occupant, or other

1 ~~person(s)~~ responsible for the condition or violation, either by personal service (~~(mail or by~~
2 ~~delivering the same to, and leaving it with, some person of responsibility upon the premises)) or~~
3 ~~by first-class mail~~. For unattended or abandoned locations, a copy of such (~~(notice of violation))~~
4 ~~order to comply may~~ be posted on the premises in a conspicuous place at or near the entrance to
5 such premises and the (~~(notice of violation))~~ order to comply (~~(may)~~) shall be mailed by
6 (~~(certified mail with return receipt requested or a certificate of mailing,))~~ first-class mail to the
7 last known address of the *owner*, (~~(the))~~ owner's authorized *agent*, occupant, or (~~(both))~~ any
8 other person(s) responsible for the condition or violation. Service by mail shall be deemed
9 served on the third day following the day upon which the order was placed in the mail, unless the
10 third day falls on a Saturday, Sunday, or legal holiday, in which event the order shall be deemed
11 received on the next day which is not a Saturday, Sunday, or legal holiday.

12 **109.3.1.1 Amending orders to comply.** An order to comply may be amended at
13 any time to correct clerical errors, correct other errors, or cite additional authority for a stated
14 violation, provided such amendments do not prejudice substantial rights.

15 [A] **109.3.2 Compliance with orders ((and notices)) to comply.** (~~(A notice of~~
16 ~~violation))~~ An order to comply issued or served as provided by this code shall be complied with
17 by the *owner*, (~~(the))~~ owner's authorized *agent*, operator, occupant, or other *person(s)*
18 responsible for the condition or violation to which the (~~(notice of violation))~~ order to comply
19 pertains.

20 [A] **109.3.3 Prosecution of violations.** If the (~~(notice of violation))~~ order to comply is
21 not complied with (~~(promptly or))~~ by the time specified in the (~~(notice))~~ order, the *fire code*
22 *official* is authorized to request legal counsel of the jurisdiction to institute the appropriate legal
23 proceedings at law or in equity to restrain, correct, or abate such violation, to require removal or

1 termination of the unlawful occupancy of the structure in violation of the provisions of this code
2 or of the order, ~~((or notice,))~~ or to collect a penalty for violation.

3 * * *

4 **109.3.5 Review by the fire code official.** Any person aggrieved by an order to comply
5 issued by the fire code official pursuant to this Section 109.3 may obtain a review of the order by
6 requesting such review in writing within ten days after service of the order. When the last day of
7 the period so computed is a Saturday, Sunday, or legal holiday, the period shall run until 5 p.m.
8 on the next business day. The request shall be in writing, and within 30 days of the request for
9 review the aggrieved person shall submit any additional information to be considered for the
10 review. Before the deadline for submission of information, any person aggrieved by or interested
11 in the order to comply (including any persons served the order to comply and the complainant)
12 may submit any additional information in the form of written material to the fire code official for
13 consideration as part of the review.

14 **109.3.5.1 Representative review.** A review may be made by a representative of
15 the fire code official who is familiar with the case and the applicable ordinances. The fire code
16 official's representative will review all additional information received by the deadline for
17 submission of information. The reviewer may also request clarification of information received
18 and a site visit.

19 **109.3.5.2 Decision.** After review of the additional information, the fire code
20 official may sustain the order to comply, withdraw the order to comply, continue the review to a
21 date certain for receipt of additional information or modify the order to comply, which may
22 include an extension of the compliance date.

1 **109.3.5.3 Final order.** The *fire code official* shall issue a final order containing
2 the decision of the *fire code official* and shall cause the same to be mailed by first-class mail to
3 the *person(s)* named on the order to comply. The *fire code official* may file the final order with
4 the King County Recorder's Office.

5 **109.3.5.4 Extension of compliance date.** The *fire code official* may grant an
6 extension of time for compliance with any order, whether pending or final, upon the *fire code*
7 *official's* finding that substantial progress toward compliance has been made and that the public
8 will not be adversely affected by the extension. An extension of time may be revoked by the *fire*
9 *code official* if it is shown that the conditions at the time the extension was granted have
10 changed, the *fire code official* determines that a party is not performing corrective actions as
11 agreed, or if the extension creates an adverse effect on the public. The date of revocation shall
12 then be considered the compliance date.

13 Section 4. Section 109.4 of the Seattle Fire Code, enacted by Ordinance 125138, is
14 renumbered 109.3.6 and further amended as follows:

15 [A] **109.((4)) 3.6 Penalties.** Penalties shall be in accordance with this section.

16 **109.((4.1)) 3.6.1 ((Alternative civil)) Civil penalties.** Any *person* who shall
17 violate a provision of this code or shall fail to comply with any of the requirements thereof or
18 who shall erect, install, alter, repair, or do work in violation of the *approved construction*
19 *documents* or directive of the *fire code official*, or of a permit or certificate used under provisions
20 of this code, shall be subject to a cumulative civil penalty in an amount not to exceed \$1,000 per
21 day for each violation from the time the violation occurs or begins until compliance is achieved.
22 The penalty shall be collected by civil action brought in the name of the City. The *fire code*
23 *official* shall notify the City Attorney in writing of the name of any *person*, firm, or corporation

1 subject to the penalty, and the City Attorney shall, with assistance of the *fire code official*, take
2 appropriate action to collect the penalty. In any civil action for a penalty, the ((city)) City has the
3 burden of proving by a preponderance of the evidence that a violation exists or existed.

4 **109.((4.2)) 3.6.2 Alternative criminal penalty.** Any person who shall violate a
5 provision of this code or shall fail to comply with any of the requirements thereof or who shall
6 erect, install, alter, repair, or do work in violation of the *approved construction documents* or
7 directive of the *fire code official*, or of a permit or certificate used under provisions of this code,
8 shall be guilty of a gross misdemeanor subject to the provisions of *Seattle Municipal Code*
9 Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation
10 or failure to comply and none of the mental states described in Section 12A.04.030 need be
11 proved. The *fire code official* may request the City Attorney prosecute such violations criminally
12 as an alternative to the civil penalties provision. Each day that a violation continues shall be
13 deemed a separate offense.

14 **[A] 109.((4.3)) 3.6.3 Abatement of violation.** In addition to the imposition of
15 civil and criminal penalties, the *fire code official* is authorized to institute appropriate action to
16 prevent unlawful construction; to restrain, correct, or abate a violation; to prevent illegal
17 occupancy of a structure or premises; or to stop an illegal act, conduct of business, or occupancy
18 of a structure on or about any premises.

19 Section 5. A new Section 109.4 is added to the Seattle Fire Code as follows:

20 **109.4 Citations.** Violations or failure to comply with any of the following provisions of this
21 code may be enforced under the citation or criminal provisions set forth in this Section 109.4:

22 1. Overcrowding or admittance of any person beyond the *approved* capacity of a
23 building, room, or space – Section 107.6

1 2. Reliability of the means of egress – Section 1031.2

2 3. Removal of or tampering with equipment – Section 901.8

3 4. Unsafe conditions that involve illegal or improper occupancy or inadequate
4 maintenance, or that are otherwise dangerous to human life or public welfare – Section 110.1.1

5 5. Failure to comply with a stop use or work order – Section 111

6 6. Inspection, testing, and maintenance of fire protection systems and radio enhancement
7 systems – Section 510.6, Section 901.6, and Administrative Rule 9.02

8 7. Failure to file reports of the test for the inspection, testing, and maintenance of fire
9 protection systems and radio enhancement systems within the required timeframes – Section
10 510.6, Section 901.6, and Administrative Rule 9.02

11 8. Preventable fire alarms – Section 901.12

12 Any enforcement action or proceeding pursuant to this Section 109.4 shall not affect,
13 limit, or preclude any previous, pending, or subsequent enforcement action or proceeding taken
14 pursuant to Section 109.3.

15 **109.4.1 Documentation.** If after investigation the *fire code official* determines that the
16 standards or requirements of provisions referenced in Section 109.4 have been violated, the *fire*
17 *code official* may issue a citation to the owner and/or other *person(s)* responsible for the
18 violation. The citation shall include the following information: (1) the name and address of the
19 *person* to whom the citation is issued; (2) a reasonable description of the location of the property
20 on which the violation occurred; (3) a separate statement of each standard or requirement
21 violated; (4) the date of the violation; (5) a statement that the *person* cited must respond to the
22 citation within 15 days after service; (6) a space for entry of the applicable penalty; (7) a
23 statement that a response must be sent to the Hearing Examiner and received not later than

1 5 p.m. on the day the response is due; (8) the name, address, and phone number of the Office of
2 the Hearing Examiner where the citation is to be filed; (9) a statement that the citation represents
3 a determination that a violation has been committed by the *person(s)* named in the citation and
4 that the determination shall be final unless contested as provided in this Section 109.4; and (10) a
5 certified statement of the *fire code official's* representative issuing the citation, authorized by
6 RCW 9A.72.085, setting forth facts supporting issuance of the citation.

7 **109.4.2 Service.** The citation may be served by personal service in the manner set forth in
8 RCW 4.28.080 for service of a summons or sent by first-class mail, addressed to the last known
9 address of such *person(s)*. Service shall be complete at the time of personal service, or if mailed,
10 three days following the date of mailing. If a citation sent by first-class mail is returned as
11 undeliverable, service may be made by posting the citation at a conspicuous place on the
12 property.

13 **109.4.3 Response to citations.** A *person* must respond to a citation in one of the
14 following ways:

15 1. Paying the amount of the monetary penalty specified in the citation, in which case the
16 record shall show a finding that the *person* cited committed or is responsible for the violation; or

17 2. Requesting in writing a mitigation hearing to explain the circumstances surrounding
18 the commission of the violation and to request a reduction of the penalty, and providing an
19 address to which notice of such hearing may be sent. A mitigation hearing cannot occur unless
20 the violation is cured and compliance has been confirmed by the *fire code official* prior to the
21 hearing; or

1 3. Requesting a contested hearing in writing specifying the reason why the cited violation
2 did not occur or why the *person* cited is not responsible for the violation, and providing an
3 address to which notice of such hearing may be sent.

4 A response to a citation must be received by the Office of the Hearing Examiner no later
5 than 15 days after the date the citation is served. When the last day of the appeal period so
6 computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on
7 the next business day. Parties may withdraw an appeal if they no longer wish to request a
8 mitigation hearing or a contested hearing, in which case parties must pay the amount of the
9 monetary penalty specified in the citation and the record shall show a finding that the *person*
10 committed the violation. The *fire code official* may withdraw the citation, in which case it is
11 dismissed and no penalty is due.

12 **109.4.4 Failure to respond.** If a *person* fails to respond to a citation within 15 days of
13 service, an order shall be entered by the Hearing Examiner finding that the *person* cited
14 committed the violation stated in the citation, and assessing the penalty specified in the citation.

15 **109.4.5 Mitigation hearings.** Mitigation hearings shall comply with Sections 109.4.5.1
16 through 109.4.5.5.

17 **109.4.5.1 Date and notice.** If a *person* requests a mitigation hearing, the
18 mitigation hearing shall be held within 30 days after written response to the citation requesting a
19 hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing
20 shall be sent to the address specified in the request for hearing not less than ten days before the
21 date of the hearing.

1 **109.4.5.2 Violations cured before the hearing.** Prior to a mitigation hearing, all
2 violations noted in the citation shall be corrected and compliance with provisions of this code
3 shall be verified by the *fire code official*.

4 **109.4.5.3 Procedure at hearing.** The Hearing Examiner shall hold an informal
5 hearing that shall not be governed by the Rules of Evidence. The Hearing Examiner shall review
6 the citation and supporting report and documents if those documents are filed by the Fire
7 Department. The *person* cited may present witnesses, but witnesses shall not be compelled to
8 attend. A representative from the Seattle Fire Department may also be present and may present
9 additional information, but attendance by a representative from the Seattle Fire Department is not
10 required.

11 **109.4.5.4 Disposition.** The Hearing Examiner shall determine whether the
12 person's explanation justifies reduction of the monetary penalty. Factors that may be considered
13 include (1) conditions caused by third parties – the violation was caused by the act, neglect, or
14 abuse of a third party who is not the owner, responsible party, or part of a tenant/landlord
15 agreement with respect to the building address in the violation; (2) mitigating circumstances
16 outside of responsible party's control – the responsible party has initiated a good faith effort to
17 resolve the violation timely however due to circumstances outside of the responsible party's
18 control, the violation has not been corrected on the compliance time established by the fire code
19 official; and (3) for penalties in subsection 109.4.8.3, no penalty shall be assessed if any
20 individual who was on or near the premises, or who had viewed a video communication from the
21 premises, called for the dispatch and confirmed a need for Fire Department response.

22 **109.4.5.5 Entry of order.** After hearing the explanation of the *person* cited and
23 any other information presented at the hearing, the Hearing Examiner shall enter an order finding

1 that the *person* cited committed the violation and assessing a monetary penalty in an amount
2 determined pursuant to Section 109.4.8. The Hearing Examiner's decision is the final decision of
3 the City on the matter.

4 **109.4.6 Contested hearings.** Contested hearings shall comply with Sections 109.4.6.1
5 through 109.4.6.7.

6 **109.4.6.1 Date and notice.** If a *person* requests a contested hearing, the hearing
7 shall be held within 60 days after receipt of the hearing request.

8 **109.4.6.2 Hearing.** Contested hearings shall be conducted pursuant to the
9 procedures for hearing contested cases contained in Seattle Municipal Code Section 3.02.090 and
10 the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by
11 this section. The issues heard at the hearing shall be limited to those that are raised in writing in
12 the response to the citation and that are within the jurisdiction of the Hearing Examiner. The
13 Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of
14 documents.

15 **109.4.6.3 Sufficiency.** No citation shall be deemed insufficient for failure to
16 contain a detailed statement of the facts constituting the specific violation which the *person* cited
17 is alleged to have committed or by reason of defects or imperfections, provided such lack of
18 detail or such defects or imperfections do not prejudice substantial rights of the *person* cited.

19 **109.4.6.4 Amendment of citation.** A citation may be amended prior to the
20 conclusion of the hearing to conform to the evidence presented if substantial rights of the *person*
21 cited are not thereby prejudiced.

22 **109.4.6.5 Evidence at hearing.** The certified statement or declaration authorized
23 by RCW 9A.72.085 shall be prima facie evidence that a violation occurred and that the *person*

1 cited is responsible. The certified statement or declaration authorized under RCW 9A.72.085 and
2 any other evidence accompanying the report shall be admissible without further evidentiary
3 foundation. Any certifications or declarations authorized under RCW 9A.72.085 shall also be
4 admissible without further evidentiary foundation. The *person* cited may rebut the Seattle Fire
5 Department's evidence and establish that the cited violation(s) did not occur or that the *person*
6 contesting the citation is not responsible for the violation.

7 **109.4.6.6 Disposition.** If the citation is sustained at the hearing, the Hearing
8 Examiner shall enter an order finding that the *person* cited committed the violation and impose
9 the applicable penalty. The Hearing Examiner may reduce the monetary penalty in accordance
10 with the mitigation provisions in Section 109.4.5. If the Hearing Examiner determines that the
11 violation did not occur, the Hearing Examiner shall enter an order dismissing the citation.

12 **109.4.6.7 Final decision.** The Hearing Examiner's decision is the final decision
13 of the City.

14 **109.4.7 Failure to appear for hearing.** Failure to appear for a requested hearing will
15 result in an order being entered finding that the *person* cited committed the violation stated in the
16 citation and assessing the penalty specified in the citation. For good cause shown and upon terms
17 the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a
18 failure to appear.

19 **109.4.8 Penalties.** Penalties shall be in accordance with Section 109.4.8.1 through
20 109.4.8.3.

21 **109.4.8.1** The first time that a *person(s)* is found to have violated one of the
22 provisions referenced in Section 109.4, except subsection 109.4(8), the *person(s)* shall be subject
23 to a penalty of \$373.

1 **109.4.8.2** The second time, and any subsequent times, that a *person(s)* is found to
2 have violated one of the provisions referenced in Section 109.4, except subsection 109.4(8),
3 within a 12 month period, the *person(s)* shall be subject to a penalty of \$746 for each such
4 violation.

5 **109.4.8.3** The *person(s)* found to have violated provisions referenced in
6 subsection 109.4(8) shall be subject to the following penalties:

7 1. No penalty for the first violation within a quarter of a calendar year.

8 2. \$373 if at least two but fewer than six violations have occurred in the same
9 quarter of a calendar year.

10 3. \$746 if at least six but less fewer than nine violations have occurred in the same
11 quarter of a calendar year.

12 4. \$900 if at least nine violations have occurred in the same quarter of a calendar
13 year.

14 **109.4.8.4 Alternative criminal penalty.** Any *person* who shall violate a
15 provision of this code or shall fail to comply with any of the requirements thereof or who shall
16 erect, install, alter, repair or do work in violation of the *approved construction documents* or
17 directive of the *fire code official*, or of a permit or certificate used under provisions of this code,
18 shall be guilty of a gross misdemeanor subject to the provisions of *Seattle Municipal Code*
19 Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation
20 or failure to comply and none of the mental states described in Section 12A.04.030 need be
21 proved. The *fire code official* may request the City Attorney prosecute such violations criminally
22 as an alternative to the civil penalties provision. Each day that a violation continues shall be
23 deemed a separate offense.

1 **109.4.8.5 Abatement of violation.** In addition to the imposition of civil and
2 criminal penalties, the *fire code official* is authorized to institute appropriate action to prevent
3 unlawful construction; to restrain, correct, or abate a violation; to prevent illegal occupancy of a
4 structure or premises; or to stop an illegal act, conduct of business, or occupancy of a structure
5 on or about any premises.

6 **109.4.9 Collection of penalties.** If the *person* or entity cited fails to pay a penalty
7 imposed pursuant to Section 109.4, the penalty may be referred to a collection agency. The cost
8 to the City for the collection services will be assessed as costs, at the rate agreed to between the
9 City and the collection agency and added to the penalty. Alternatively, the City may pursue
10 collection in any manner allowed by law.

11 **109.4.10 Each day a separate violation.** Each day a *person* or entity violates or fails to
12 comply with a provision referenced in Section 109.4 may be considered a separate violation for
13 which a citation may be issued.

14 **109.4.11 Additional relief.** The *fire code official* may seek legal or equitable relief at any
15 time to enjoin any acts or practices that violate provisions referenced in Section 109.4 or abate
16 any condition that constitutes a nuisance, and those costs may be added to the penalty.

17 Section 6. Section 202 of the Seattle Fire Code, last amended by Ordinance 125392, is
18 amended as follows:

19 **SECTION 202**

20 **GENERAL DEFINITIONS**

21 * * *

22 **ALARM, NUISANCE.** See “Nuisance alarm”.

23 **ALARM, PREVENTABLE FIRE.** See “Preventable fire alarm.”

1 * * *

2 **PRESSURE VESSEL.** A closed vessel designed to operate at pressures above 15 psig
3 (103 kPa).

4 **PREVENTABLE FIRE ALARM.** Any activation of a fire alarm system that results in
5 notification to the Seattle Fire Department of an event of fire that leads to a response by Seattle
6 Fire Department personnel when no such danger exists. Preventable fire alarm includes all
7 activations when there is no fire, when such activations are caused by mechanical failure or
8 malfunction due to insufficient or improper testing and maintenance, accidental activation,
9 malicious activation, or misuse, by any *person*, including *persons* who sell, install, maintain, test,
10 or monitor fire alarm systems. “Preventable fire alarm” does not include activations caused by
11 weather conditions, telephone line problems, water surges, water hammers, or natural disasters.

12 * * *

13 Section 7. Section 901 of the Seattle Fire Code, enacted by Ordinance 125138, is
14 amended as follows:

15 **SECTION 901**

16 **GENERAL**

17 **901.1 Scope.** The provisions of this chapter shall specify where *fire protection systems* are
18 required and shall apply to the design, installation, inspection, operation, testing and maintenance
19 of all *fire protection systems*.

20 * * *

21 **901.12 Preventable fire alarms.** It shall be unlawful for any *person* to give, signal, or transmit
22 or for any *person* to cause or permit to be given, signaled, or transmitted in any manner any
23 *preventable fire alarm*.

1 Section 8. Section 902 of the Seattle Fire Code, enacted by Ordinance 125138, is
2 amended as follows:

3 **SECTION 902**

4 **DEFINITIONS**

5 **902.1 Definitions.** The following terms are defined in Chapter 2:

6 * * *

7 PORTABLE SCHOOL CLASSROOM.

8 PREVENTABLE FIRE ALARM.

9 * * *

10 Section 9. Appendix A of the Seattle Fire Code, enacted by Ordinance 125138, is
11 amended as follows:

12 **APPENDIX A**

13 **BOARD OF APPEALS**

14 **SECTION A101**

15 **GENERAL**

16 **A101.1 Scope.** A board of appeals shall be established as needed within the jurisdiction for
17 appeals of Fire Department decisions or actions pertaining to the application and interpretation of
18 the fire code, except for enforcement actions. The board shall be established and operated in
19 accordance with this section and shall be authorized to hear evidence from appellants and the *fire*
20 *code official* pertaining to the application and intent of this code.

21 * * *

22 **A101.4.2 The Appeal Process.** After the preliminary steps shown above have been
23 pursued, and the applicant has submitted a written request for review by the board of appeals, the

1 next steps in the appeals process, to be completed within the timelines detailed in Section
 2 A101.4.3, are as follows:

3 * * *

4 6. The board of appeals' recommendations are advisory only and are not binding on the
 5 Seattle Fire Department. If the Fire Chief declines the board of appeals' recommendations, the
 6 Fire Chief will state the reasons why in writing. A copy of this statement shall be provided to the
 7 applicant, the members of the FCAB, the Mayor's Office and the City Council member who
 8 chairs the City Council's Public Safety Committee. In every case, the ~~((Fire Chief and the))~~ Fire
 9 Marshal shall ~~((make themselves))~~ be available to meet with the applicant after the conclusion of
 10 the board of appeals review.

11 Section 10. Subsection 3.02.125.A of the Seattle Municipal Code, which section was last
 12 amended by Ordinance 125056, is amended as follows:

13 **3.02.125 Hearing Examiner filing fees**

14 A. The filing fee for a case before the City Hearing Examiner is \$85₂ ~~((,00,))~~ with the
 15 following exceptions:

Basis for Case	Fee in dollars
* * *	
SDOT Citation (Chapter 15.91)	No fee
<u>Seattle Fire Department Citation (Section 109.4 of the 2015 Seattle Fire Code)</u>	<u>No fee</u>
Tenant Relocation Assistance (Chapter 22.210)	No fee
* * *	

16 * * *

17 Section 11. Section 3.16.320 of the Seattle Municipal Code, last amended by Ordinance
 18 124707, is amended as follows:

19 **3.16.320 Powers and duties of the Board**

1 The Board shall act in an advisory capacity. The Board shall have the power to: (1) examine
2 proposed amendments relating to the Fire Code and to make recommendations to the Fire
3 Marshal, the Fire Chief, and the City Council for changes in the Fire Code; and (2) hear appeals
4 relating to the interpretation and application of the Fire Code, except for enforcement actions,
5 and to make recommendations to the Fire Chief relating to such appeals.

6 Section 12. The Council requests that the Seattle Fire Department, as soon as practicable,
7 submit updates consistent with this ordinance to the Office of the City Clerk for the 2015 Seattle
8 Fire Code.

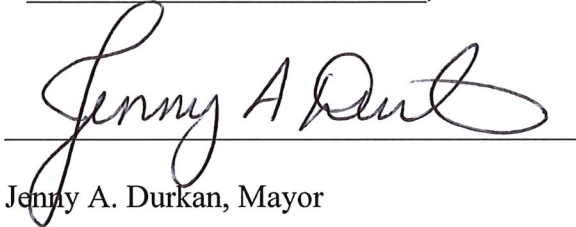
1 Section 13. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 23rd day of September, 2019,
5 and signed by me in open session in authentication of its passage this 23rd day of
6 September, 2019.

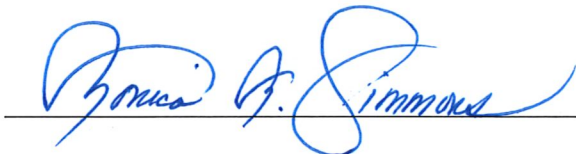
7 

8 President _____ of the City Council

9 Approved by me this 4th day of October, 2019.

10 
11 Jenny A. Durkan, Mayor

12 Filed by me this 4th day of OCTOBER, 2019.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)

