


Administrative Rule 1.01.17

| | |
|---|---|
| <p>SUBJECT:</p> <p>FEE WAIVER POLICIES FOR COMPLIANCE RE-INSPECTION FEES CHARGED BY THE FIRE MARSHAL'S OFFICE</p> | <p>EFFECTIVE DATE:</p> <p>January 1, 2017</p> |
| <p>REFERENCES:</p> <p>Seattle Fire Code Seattle Municipal Code</p> | <p>SUPERSEDES:</p> <p>This is a new rule.</p> <p>FCAB REVIEW DATE:</p> <p>November 15, 2016</p> |
| <p>NOTICE: Notice: Administrative Rules are established per Seattle Fire Code Section 104.1, and they are subject to the Administrative Sections 104.8 Modifications, Section 104.9 Alternate Materials and Methods, and Section 108.1 Appeals.</p> | <p>APPROVED:</p>  <p>CHARLES CORDOVA, FIRE MARSHAL</p> |

Section 1. SCOPE

This rule shall apply to compliance re-inspection fees charged to responsible parties by the Fire Marshal's Office as established in the Seattle Municipal Code section 22.602.050. These fees are charged for re-inspections that are required after a notice of violation has been issued in order to gain compliance with the fire code.

Section 2. DEFINITIONS

For the purposes of this rule the following words and terms have the meanings indicated below:

Compliance Re-Inspection. An inspection conducted by the Fire Marshal's Office Compliance Unit that is required to gain compliance with Seattle Fire Code requirements after a notice of violation has been issued and at least two inspections have already been performed by the Seattle Fire Department.

Compliance Re-Inspection Fee. A fee established by Seattle Municipal Code 22.602.050.C that is charged whenever the Fire Marshal's Office Compliance Unit is required to perform an inspection after at least two inspections have been performed by the Seattle Fire Department to gain compliance with Seattle Fire Code requirements and the violation(s) remain unresolved.

Section 3. RE-INSPECTION FEE WAIVER POLICIES

A compliance re-inspection is triggered when a violation remains unresolved after the compliance date established in writing and provided to the responsible party by the Seattle Fire Department.

Compliance re-inspection fees are established in the Seattle Municipal Code, Section 22.602.050. The authority to waive fees is limited to the Fire Chief, the Fire Marshal, and the Assistant Fire Marshal. The following policies are used to determine whether a fee waiver is granted. The intent of the policies is to ensure all customers are treated consistently and fairly.

Compliance re-inspection fees will be waived under the following conditions:

1. Violation Invalid

The violation notice as originally written is determined by the Fire Marshal's Office (FMO) Compliance unit to be invalid during inspection or prior to inspection.

2. Unable to Validate Violation

The violation notice as written cannot be validated due to a building alteration or demolition, as determined by the FMO Compliance Unit.

3. Conflicting Enforcement

The violation notice as originally written is determined by the FMO Compliance Unit to pertain to a condition that was directed by another jurisdiction or agency. SFD will still work with customers to ensure fire code compliance, however compliance fees may be waived. Documentation of the direction from the other jurisdiction or agency is required in order to process this type of fee waiver request.

4. Conditions Caused by Third Parties

The violation pertains to conditions that are caused by someone who is not the owner, responsible party, or part of a tenant/landlord agreement with respect to the building address in the violation. Documentation may be required in order to process this type of fee waiver request.

5. Mitigating Circumstances Outside of Responsible Party's Control

The responsible party has initiated a good faith effort to resolve the violation notice timely however due to circumstances outside of the responsible party's control, the violation has not been corrected on the compliance timeline established by the FMO Compliance Unit. Documentation that demonstrates the responsible party has begun the good faith effort to resolve the violation timely will be required in order to process this type of fee waiver request.

Section 4. REQUESTING A RE-INSPECTION FEE WAIVER

Responsible parties who have received an invoice for a re-inspection fee and wish to request a fee waiver shall send a written request to the Fire Marshal's Office Compliance Unit. The

request shall provide information as to why the requester believes they are entitled to a fee waiver according to the established policies and include pertinent details along with copies of other supporting documentation including a copy of the original notice of violation.

Requests should be emailed to SFD_FMO_Compliance@seattle.gov or sent by USPS to Administrative Specialist/Compliance Unit, Seattle Fire Marshal's Office, 220 3rd Avenue South, Seattle, WA 98104-2608.