

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6443

AN ORDINANCE amending the Bellevue City Code to add new sections to BCC 23.11.113 related to fire inspection fees; and establishing an effective date.

WHEREAS, RCW 35.22.280(22) vests first class cities with the authority to provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks; and

WHEREAS, RCW 35.22.280(23) vests first class cities with authority to establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition; and

WHEREAS, Pursuant to RCW 35A.21.160 the City of Bellevue is granted the authority to exercise the powers of a first class city; and

WHEREAS, pursuant to RCW 19.27.031 and Ordinance 6292 the City has adopted the 2015 International Fire Code defining certain functions and authority for the Bellevue Fire Department; and

WHEREAS, proactive fire inspections enhance the safety of persons and property within the City of Bellevue; and

WHEREAS, the City of Bellevue has experienced significant growth necessitating the need for additional fire inspection resources; and

WHEREAS, the City of Bellevue desires to create a funding mechanism for the cost recovery of the fire inspection program; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new section is added to the Bellevue City Code to read as follows:

23.11.113.6.8 Inspection fee

The fire chief, or their designee, is authorized to assess a fire inspection fee for inspections made of commercial and multifamily buildings under International Fire Code Chapter 1, Section 104. The fire inspection fee shall be assessed at the

time the inspection is made. The fire chief or their designee shall calculate the inspection fee based on the following formula for each building or occupancy.

(Square Foot Factor)* multiplied by (Degree of Difficulty Factor)** multiplied by (Base Rate)*** = Inspection Fee

*Square Foot Factor:

#0	=	Under 1,000 Sq. Ft.
#1	=	1,000 Sq. Ft. or larger up to;
#2	=	3,000 Sq. Ft. or larger up to;
#3	=	10,000 Sq. Ft. or larger up to;
#4	=	40,000 Sq. Ft. or larger up to;
#5	=	80,000 Sq. Ft. or larger up to;
#6	=	100,000 Sq. Ft. or larger.

** Degree of Difficulty Factor:

#1 - Low. All buildings or portions of buildings classified as Group B, M, R (not to include Group R Division 3) and U occupancies.

#2 - Medium. All buildings or portions of buildings classified as Group A, E, S or LC occupancies

#3 - High. All buildings classified as high-rise buildings; all buildings or portions of buildings classified as Group F, H or I occupancies.

All occupancy classifications are in accordance with the International Building Code (IBC) as amended by Washington State Administrative Code Chapter 51-50. Accessory occupancies ancillary to the main occupancy or incidental uses shall be classified for the purpose of the degree of difficulty factor as the main occupancy.

*** Base Rate = \$180.00 commencing January 1, 2020.

The Square Foot Factor and Degree of Difficulty Factor shall be determined by the fire chief, or their designee performing the inspection.

23.11.113.6.9 Exemptions from Inspection Fee

Nonprofit organizations exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, recognized federal, state, and county agencies, and business occupying less than 1,000 square feet are exempt from the fire inspection fees established in BCC 23.11.113.6.8.

23.11.113.6.10 Reinspection and Special Inspections

The fire inspection fee shall cover the initial inspection and one follow-up visit, if necessary to determine correction of any violations. Any additional follow-up inspections necessitated by noncompliance or inspections for which no fee is specifically indicated, shall be assessed a fee at the time of the inspection and at the rates established in BCC 23.11.113.6.4.

23.11.113.6.11 Adjustments to Base Rate

The base rate used in BCC 23.11.113.6.8 shall be set by City Council and reviewed every two years, or as otherwise necessary, to accomplish cost recovery for the fire inspection program. The base rate shall be adjusted to account for inflation, additional commercial and multifamily square footage subject to fire inspection which has been added within the City, and additional fire inspection resources or personnel necessary to perform fire inspections on a regular basis.

23.11.113.6.12 Inspection fee -- Payment obligation

The obligation to pay the fee assessed pursuant to BCC 23.11.113.6.8 or BCC 23.11.113.6.10 shall be initially the responsibility of the occupant of the space subject to inspection. If the space subject to inspection is the common area of a building, or is unoccupied, the fee shall be assessed to the property owner.

If more than 50% of any floor within a building consists of occupancies exempt from inspection fees under BCC 23.11.113.6.9, the inspection fee shall be assessed to the property owner based on the total square footage of the floor regardless of occupancy, unless such property owner is exempt pursuant to BCC 23.11.113.6.9.

If the occupant does not pay the assessed fee(s) within 30 days, the property owner shall be notified of the unpaid fee. If the assessed fee is not paid within 90 days of the original assessment date, the property owner and occupant shall be jointly responsible for the inspection fee.

23.11.113.6.13 Inspection fee -- Collection procedure

The fees established in BBC 23.11.113.6.8 and BCC 23.11.113.6.10 shall be billed directly to the party responsible. All balances 30 days or greater past the date of original assessment shall incur late charges pursuant to BCC 23.11.113.6.7.

The Director of Finance, or their designee may use any lawful means to collect the balance or write off the obligation.

Section 2. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this _____ day of _____, 2018, and signed in authentication of its passage this _____ day of _____, 2018.

(SEAL)

John Chelminiak, Mayor

Approved as to form:

Nicholas Melissinos, Interim City Attorney

Chad Barnes, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

Published _____