

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6490

AN ORDINANCE amending Bellevue City Code section 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, fire inspections enhance the safety of persons and property within the City of Bellevue; and

WHEREAS, the City of Bellevue desires to create a funding mechanism for fire inspections; and

WHEREAS, the City of Bellevue has piloted a fire inspection fee program for the past year and now desires to make changes to the fire inspection fee program to more equitably balance the fees charged and to simplify the process; now, therefore

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

Section 1. Prior Bellevue City Code sections 23.11.113.6.8 through 23.11.113.6.13 are repealed and replaced with the following code sections:

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 (Occupancy Factor)** multiplied by (Base Rate)*** = Inspection Fee

The Square Foot Factor and Occupancy Factor shall be determined by the fire chief, or their designee performing the inspection. The Base Rate shall be set by city council.

23.11.113.6.8.1 Square Foot Factor

The *Square Foot Factor shall be determined as follows:

- #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.

23.11.113.6.8.1.1 Covered Mall Buildings

The square footage for *Covered Mall Buildings* shall not include *anchor buildings*, which will be assessed separately. *For Covered Mall Building* 500,000 sq. ft or larger the square footage factor shall be as follows:

- #7 = 500,000 Sq. Ft. or larger up to;
- #8 = 750,000 Sq. Ft. or larger up to;
- #9 = 1,000,000 Sq. Ft. or larger.

23.11.113.6.8.2 Occupancy Factor

The ** Occupancy Factor shall be determined as follows:

- 0.1 *Group R* Townhomes & single-story *Group S* self-storage warehouses.
- 0.3 *Group R Buildings* not exceeding 3 stories in height; *Group S* Self-storage warehouses not exceeding 3 stories in height
- 1.0 All buildings or portions of buildings classified as *Group B, M, R* (not to include *Group R Division 3*) and *U* occupancies.

- 2.0 All buildings or portions of buildings classified as Group A, E, S or LC occupancies.
- 3.0 All buildings classified as high-rise buildings; all *covered mall buildings* not to include *anchor buildings*; all buildings or portions of buildings classified as Group F, H or I occupancies.

23.11.113.6.8.2.1 High-Rise Buildings with common podiums

When multiple High-Rise buildings are located above a common podium, the associated parking garage and podium areas shall be assigned an occupancy factor of 2.0 and treated as one building.

23.11.113.6.8.2.2 Mixed Occupancy Buildings

All occupancy classifications are in accordance with the International Building Code (IBC) as amended by Chapter 51-50 WAC. Mixed occupancy buildings shall be classified for the purpose of the occupancy factor based upon the predominate occupancy of the building by square footage.

23.11.113.6.8.3 Base Rate

*** Base Rate = \$180.00.

23.11.113.6.9 Maximum Fee

Where multiple buildings have a single owner and comprise a single complex, the maximum fee for a single complex containing *Group E or R occupancies* that do not exceed 4 stories in height shall be \$3,240.00.

23.11.113.6.10 Exemptions from inspection fee.

Buildings owned by nonprofit organizations exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, buildings owned by the federal government and buildings less than 1,000 square feet are exempt from the fire inspection fees established in BCC 23.11.113.6.8. This exemption does not apply to nonprofit organizations when a majority of the building is occupied by tenants not exempt from federal income tax under Section 501 (c)(3).

23.11.113.6.11 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.

23.11.113.6.12 Adjustment to base rate.

The Base Rate in BCC 23.11.113.6.8.3 shall be set by city council and reviewed in 2020 and then every two years thereafter, 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.

23.11.113.6.13 Inspection fee – Payment obligation.

The obligation to pay the fee assessed pursuant to BCC 23.11.113.6.8 or 23.11.113.6.11 shall be the responsibility of the building or complex owner.

23.11.113.6.14 Inspection fee – Collection procedure.

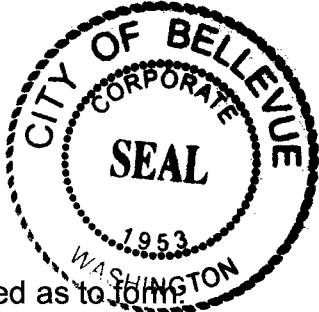
The fees established in BCC 23.11.113.6.8 and 23.11.113.6.11 shall be billed to the party responsible. All balances 30 days or greater past the date of original assessment shall incur late charges pursuant to BCC 23.11.113.6.7.

The director of finance and asset management, 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 2nd day of December, 2019,
and signed in authentication of its passage this 2nd day of December,
2019.

(SEAL)



John Chelminiak
John Chelminiak, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney

Chad Barnes
Chad Barnes, Assistant City Attorney

Attest:

Charmaine Arredondo
Charmaine Arredondo, City Clerk

Published December 5, 2019,