

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Draft Interlocal Agreement between the City of Shoreline and Shoreline Fire Department
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Bob Olander, Deputy City Manager

PROBLEM/ISSUE STATEMENT:

State law requires that cities are responsible for adopting and enforcing building and fire codes. Since incorporation the City of Shoreline has contracted with the Shoreline Fire District (Department) to provide the review and inspection services required to implement the fire codes. The Fire Department has requested that we update our Interlocal Agreement since the one initiated in 1996 is out of date, unclear on certain points, and not in accord with some of our current practices and procedures. In addition, the fee paid to the Fire Department has not kept pace with workload and inflation.

The new attached Interlocal Agreement, while it does not contain any substantive changes, does clarify and streamline responsibilities of both parties. The only major change in the agreement relates to billings and payments.

There was one request from the Fire Department that was not included in the revised agreement. The Fire Department requested that the City adopt a fee for the routine annual fire prevention inspection of commercial establishments. While hazardous materials and practices (Section 105) such as welding, spray painting, etc. require an annual inspection and fee, the general commercial and occupancy inspections are not covered by a fee. These inspections examine exits, safe storage, extinguishers, etc. It is the opinion of City staff that since this is not required by code that it is optional and should be covered by the normal workload and budget of the Fire Department.

FINANCIAL IMPACT:

The financial impact of the new billing arrangement is illustrated in the attached comparison chart. Under the new agreement, the Fire Department will receive 100% of the revenue from tank inspections and Section 105 Permits. Currently the City processes these permits and retains 10% of the revenue as a processing fee. Under the new agreement the Fire Department will be responsible for all processing, billing, and inspection services. Since the Fire Department will be handling 100% of the work on these permits, it is appropriate that they receive all of the revenue.

Another change is under the section entitled "Fire Sprinkler, Alarm, Hourly". This involves reviewing all plans for fire, sprinkler and detection systems, fire access, general fire code review, etc. The fire sprinklers and alarms are billed per a fee table. The review of fire access and general fire code compliance is billed to the applicant on an hourly review schedule. Under the current contract the City retains all of these fees, and in turn has

made an annual payment to the Fire Department of \$55,000, regardless of the amount of fees and applications reviewed. Under the proposed contract, the Fire Department will bill the City for their actual hours involved in permit review and field inspection. The City payment would be at 80% of the hourly rate which we charge to the applicant, with the City of Shoreline retaining 20% to cover administration. The permits based on a fee table will have the same percentage retained by the City.

In general, the new arrangement is equitable for both parties in that payments are based on actual work performed. If applications and permits are high, then the Fire District will receive more compensation for the additional time required. When fees and applications are low, the City will not be burdened with the set fee regardless of workload. Based on 2002 numbers, the City would have gained approximately \$20,000 if the new contract had been in place.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to sign the Interlocal Agreement between the City of Shoreline and Shoreline Fire Department relating to development review process and enforcement of the Uniform Fire Code within the City of Shoreline, substantially the form that is attached.

Approved By:

City Manager



City Attorney



**INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHORELINE AND
SHORELINE FIRE DEPARTMENT RELATING TO DEVELOPMENT REVIEW
PROCESS AND ENFORCEMENT OF THE UNIFORM FIRE CODE WITHIN
THE CITY OF SHORELINE**

THIS AGREEMENT is made and entered this date by the Shoreline Fire Department, a political subdivision of the State of Washington (hereinafter referred to as "Fire Department") and the City of Shoreline, a non-charter optional municipal code city, incorporated under the laws of the state of Washington (hereinafter referred to as "City").

WHEREAS, RCW 39.34.080 authorizes public agencies to enter into agreements to perform any governmental service, activity, or undertaking which each public agency entering into the agreement is authorized to perform; and

WHEREAS, RCW 19.27.031 requires that there shall be in effect in all counties and cities the State Building Code, which includes the Uniform Fire Code and Uniform Fire Code Standards, as adopted and amended by RCW 19.27; and

WHEREAS, the City has adopted land use regulations, a series of safety codes having to do with building, maintenance, and use of structures that are included in the Shoreline Municipal Code and other standards that relate to protection of properties, and

WHEREAS, the Fire Department has a Fire Prevention Division qualified to enforce the provisions of the Uniform Fire Code and other regulations and standards related to fire prevention and safety, and

WHEREAS, the Fire Department is authorized by RCW 52.12.031 to conduct building inspections and fire investigations; and

WHEREAS, the City and the Fire Department wish to fully cooperate and coordinate activities so as to avoid unnecessary duplication of effort and resources,

THEREFORE, in consideration of the terms and conditions contained herein, it is mutually agreed by the City and the Fire Department as follows:

SECTION 1. SERVICES PROVIDED BY THE FIRE DEPARTMENT.

1. General

The Fire Department's Fire Marshal, or designee, shall work in conjunction with the City's City Manager or designee to enforce the provisions of the Uniform Fire Code as adopted and amended by the City. The Fire Department and City will annually review the need for adopting amendments to the Uniform Fire Code.

2. Meetings and Correspondence

The Fire Department will appoint a qualified representative to participate in the City's development review process including pre-application meetings, technical review committee meetings, pre-construction conferences, and other meetings as requested by the City. The City will advise the Fire Department in a timely manner of meetings that require attendance. Correspondence between the City and Fire Department and assignments to the Fire Department shall be confirmed in writing or by e-mail.

3. Building or Land Use Permits

A. Plan Review

The Fire Marshal, or other qualified designee, shall review all plans for new construction, remodels and additions, tenant improvements, site development, and land use applications for compliance with the Uniform Fire Code. Review comments will be sent to the City's designated project manager in a timely manner. Plan reviews shall include, but not be limited to the following:

- a. Analyzing fire flows and supplied water flows
- b. Fire Department access to property and buildings for fire fighting purposes
- c. The designation of Fire Lanes
- d. Required fire protection systems
- e. Required fire detection systems
- f. The need for fire hydrants and their location
- g. The need for standpipes and their locations
- h. Locations of Fire Department Connections and Post Indicator Valves
- i. Key box needs and locations
- j. Acceptable locations of fuel storage tanks and dispensing systems
- k. Compliance with water availability and access requirements for Adult Family Homes
- l. Review for hazardous processes and storage

B. Inspections

The Fire Department's Fire Marshal, or designated representative, shall inspect permitted projects, for compliance with the requirements of the approved plans, the Uniform Fire Code, and other applicable regulations and standards.

4. Annual Inspections and Uniform Fire Code (UFC) Section 105 Permits

The Fire Department shall carry out the intent of the Uniform Fire Code for the City by conducting annual inspections. The Fire Department shall also issue UFC section 105 Permits and provide related inspections. Non-compliant occupancies shall be referred to the City for enforcement as described in Section 1.6.

4.1 Inspections of all occupancies except R-3 will be conducted as follows:

- a. Inspections shall be performed per UFC Section 103 including medical gas systems per Section 7404.2.3

- b. Inspections in accordance with Section 105.4 shall be conducted at least annually. In all cases the inspections are to be conducted in a regularly scheduled manner.
- c. The Fire Department will serve written notice on violation of the UFC to gain compliance and follow up with a reinspection in a time frame appropriate with the violation, but not to exceed 30 days in any situation.
- d. If compliance is not achieved after the first reinspection, a second written notice will be served with a specified time frame for compliance, but not to exceed 15 days in any situation.
- e. After a second re-inspection for violation and a non-compliance still exists, then the Fire Marshal will refer the non-compliant occupancy to the City's Building Official for Code Enforcement and assist as needed in the preparation of the enforcement action.
- f. At the time of the first inspection, Fire Prevention Division Inspectors will determine if a valid permit is held by occupancies requiring a permit, pursuant to UFC Article 105. If a valid permit is not held, an application will be given to the occupant along with instructions that the application must be filed with the Fire Department.

5. Fire Investigations

The Fire Department will carry out the intent of UFC Section 104 and RCW 48.48.060 and will coordinate fire investigations concerning cause and origin in compliance with the requirements of the Uniform Fire Code and other local, state, and federal regulations. Investigations involving the crimes of arson are the responsibility of the City, and will be referred to and investigated by the King County Fire Marshall's Office. The Fire Department shall have the authority to directly call in the King County Fire Marshall's Office for investigation of possible arson fires, according to the criteria approved by the City. The Fire Department shall also notify the Shoreline Police Department of all criminal investigations. This does not preclude any coordination or cooperation of any other appropriate agency.

6. Code Enforcement

The Fire Marshall shall coordinate and cooperate in code enforcement actions related to the UFC. The representative shall assemble evidence, provide potential alternate solutions, and interpretations within their expertise. The City shall have the final authority on code interpretation and enforcement decisions. When required by the City, the Fire Department shall provide testimony in legal actions.

SECTION 2. SERVICES PROVIDED BY THE CITY.

1. The City, through its Director of Planning & Development Services or designee, shall provide assistance in the interpretation and application of the City's adopted codes, so as to ensure consistency.
2. For development requiring Fire Department review and inspections, the City will:

- a. Receive and process applications, print permits and collect fees, except for Section 105 permits.
- b. The City will make submittal documents available to the Fire Department for review, comment, and/or approval in a timely manner
- c. The City will provide customer information and city staff coordination.
- d. The City will provide archiving, and file storage space
- e. The City will provide the use of Hansen, a tracking system for all work provided by the Fire Department to the City
- f. The City will provide the Fire Department with a quarterly report showing the number of permits processed, which included fire review, and the fees collected.

SECTION 3. PROCEDURES

1. Plan Check

Applications and documents will be accepted through the City for building, land use, and fire systems permits. The City shall notify the Fire Department representative of documents requiring plan check. The Fire Department representative will be responsible for picking up and returning all plans and documents, as well as maintaining the fire files, which will be kept at the City. For building and land use permits, the Fire Department representative shall provide a comment list to the project manager if there are revisions to be made. The timeline for this work shall not exceed two weeks, one week for resubmittals, unless the project manager indicates a different timeline.

The Fire Department representative shall work directly with the applicant for fire protection systems and UFC Section 105 permits, and copy the City on correspondence and decisions. The review process shall continue until the drawings are approved. If there is an issue that is not resolved in a timely manner, or is disputed by the applicant, it shall be brought to the attention of the project manager and the Building Official for resolution. The Fire Department representative shall provide all necessary stamps on the drawings, maintain a file at the City of correspondence, and keep the City's tracking system current. The City will keep the approved files and documents and provide archiving.

2. Construction Inspections

The Fire Department representative shall respond to City or applicant requests to provide inspections on building, land use, and fire protection systems permits. Inspection communications shall be maintained in the file, in the City's tracking system and kept current. If reinspections are required, they shall be made in a timely manner. When an inspection is finalized the permit cards shall be signed off at the site and plans at the City shall be pulled and organized for archiving. If there is an issue that is not resolved in a timely manner, or is disputed by the applicant, it shall be brought to the attention of the project manager and the Building Official for resolution.

3. Fire Scene Posting and Notification

Notification shall be provided to the City's Building Official by the Fire Department for all fires involving City owned property; or where the Fire Investigator determines there to be a public safety hazard; or where a permit may be required for repair. Notification shall consist of a written notice delivered the next business day. In the event of an immediate hazard, the notification shall be by telephone to the City's Customer Response Team as soon as reasonable. If it is necessary for the Fire Department to leave the scene prior to the arrival of the City's representative, the Fire Department will post the structure or portion of the structure with warning tape.

SECTION 4. COMPENSATION.

1. Fees assessed for the Fire Department's fire prevention services relating to this agreement shall be established by ordinance of the City Council.
2. Land Use and Building Permits Meetings, plan check and inspection services, including fire safety during construction, and related to construction compliance with the adopted fire code, shall be paid at 80% of the City's hourly rate. Time tracked at meetings not related to building or development permits shall not be charged to the City.
3. Fire Construction Permits and Inspections The Fire Department shall be paid for plan review and inspection of all fire construction permits based on 80% of the fees charged to the applicant by the City of Shoreline.
4. UFC Section 105 Permits and Inspections The Fire Department is responsible for collecting all fees directly from the applicants.
5. The Fire Department shall not be paid fees for investigating origin and cause of fires.
6. The Fire Department shall provide a detailed invoice to the City on a quarterly basis. The invoice shall provide the City a report listing hourly services provided, by project name and number. These services shall be broken down into plan check, inspection, meetings (with type), fire safety during construction, and fire systems.
7. The City shall forward payment of the Fire Department on a quarterly basis in the month following receipt of the invoice.

SECTION 5. INDEMNITY.

The City enters into this contract to obtain the Fire Department's expertise, which the Fire Department acknowledges and warrants its personnel possess. The employees of the District performing services under this Agreement shall, under no circumstances, be construed as being employees of the City.

The Fire Department, with respect to the services provided by the Fire Department pursuant to the Agreement, hereby agrees to indemnify, defend, and hold the City harmless from any and all claims for personal injury, property damage, or other claims of any nature whatsoever arising out of the acts, omissions, or performance of any of the Fire Department's personnel in carrying out services contracted to be provided under this Agreement. Said agreement of indemnification shall include indemnification by the Fire Department to the City for any claims for injuries made by the District's agents or employees as against the City, notwithstanding any immunities that might otherwise have been available to the Fire Department by virtue of the Workman's Compensation Act, Title 51 RCW. This waiver of industrial indemnity immunity was specifically negotiated by the parties.

SECTION 6. DURATION.

This agreement shall be effective January 1, 2004 and shall renew annually at the beginning of each calendar year unless amended or terminated as provided herein. An annual review of the terms and conditions shall commence by October 1 of each year.

SECTION 8. TERMINATION.

Either party may terminate this agreement by written notice to the other party at least 90 days prior to the date of termination. All permits or inspections initiated prior to termination shall be completed by the Fire Department and compensation paid regardless of whether some work is performed after the termination date.

CITY OF SHORELINE

By: _____

Title: _____

17544 Midvale Avenue North
Shoreline Washington 98133

SHORELINE FIRE DISTRICT

By: _____

Title: _____

17525 Aurora Avenue North
Shoreline Washington 98133