



Staff Report

To: Planning Advisory Board
From: Brigid Reynolds, Director of Community Planning
Meeting Date: March 6, 2019

Purpose

To begin the process to implement LMC Ch. 15.06 Annual Fire Inspection.

Background/Discussion

Annual Fire Inspection LMC Ch. 15.06 (attached) was adopted by ordinance No. 763 in 1998.

Requires annual inspection by building official or fire department or other professional for buildings and structures for different occupancy types (assembly, office, professional and services type businesses, education, fabrication, institutional, mercantile, residential (three or more units), and home occupations). This type of inspection is also required prior to beginning occupancy of buildings and structures for these different occupancy types.

Annual fire inspections have been done only for a brief period in the late 90's.

The Director of Planning has had an initial discussion with South Whidbey Fire Department to enter into an inter-governmental agreement between the two agencies to implement the program. The Fire Department is building up their staffing. The agreement is dependent upon the Fire Department being adequately staffed.

Prior to implementing this code a number of actions are necessary:

- Enter into agreement with the Fire Department.
- Inform affected property owners about this process.
- Update Ch. 15.06 and fee schedule

Recommendation

To recommend to Council that the Department of Community Planning begin the process.

Chapter 15.06

ANNUAL INSPECTIONS

Sections:

15.06.010 Definitions.

15.06.020 Annual inspection – Notice of occupancy.

15.06.030 Fees.

15.06.040 Receipt.

15.06.050 Responsibility of landlord.

15.06.060 Penalty.

15.06.070 Limitation of liability.

15.06.010 Definitions.

The term “building official” as found in this chapter shall mean and include the person charged with the responsibility of enforcing the building and fire related codes and ordinances of the city of Langley, or his designees. (Ord. 763, 1998)

15.06.020 Annual inspection – Notice of occupancy.

A. Buildings or structures in occupancy groups A – assembly, B – office, professional and service type businesses, E – education, F – fabrication, H – hazardous, I – institutional, M – mercantile, R – residential (except one- and two-family homes and private dwelling areas), S – storage, U-1 – agricultural buildings, and U-2 – tanks and towers, as defined by the Uniform Building Code and Uniform Fire Code, 1994 Edition, as adopted by the city of Langley, and future editions of the Uniform Building Code and Uniform Fire Code, as may in the future be in effect in the city of Langley, and buildings or structures in which home industries are conducted shall be subject to an annual inspection by the building official or his designees. The building official may exempt from inspection those places inspected by the State Fire Marshal.

B. No person shall begin or commence an occupancy or home industry subject to inspection under this chapter after the effective date of this chapter without first having the building and fire inspection. If no occupancy inspection has occurred within seven working days of written application thereof, occupancy may commence and continue, subject to a subsequent satisfactory inspection. (Ord. 763, 1998)

15.06.030 Fees.

A. Fees shall be charged for the inspections based upon the square footage of the occupancy inspected as set by council resolution.

B. The fee schedule applies to the initial inspection and, if a notice of violation is issued, includes a second inspection to verify compliance. The fee is not prorated for midyear inspections.

C. An additional fee, as set by council resolution, per inspection shall be charged for each re-inspection beyond the second inspection when subsequent compliance checks are needed within the same calendar year.

D. All fees not paid within 30 days of the date of billing shall be considered delinquent. All delinquent billings shall bear interest at the rate of one percent per month of the delinquent amount, plus a late fee, as set by council resolution, will be assessed. (Ord. 763, 1998)

15.06.040 Receipt.

The city clerk-treasurer shall issue a receipt for payment of the inspection fee. The person responsible for carrying on or causing the occupancy shall pay the fee, shall post the receipt in a conspicuous place on the premises, and shall show it on request to the building official or his/her designee. The receipt shall not excuse violations of the law. (Ord. 763, 1998)

15.06.050 Responsibility of landlord.

When any building or premises are rented or leased or when use, occupancy or control of any building or premises is divided, the owner or landlord shall be the responsible party under this chapter for those portions of the building or premises which remain under his control, use, or occupancy and for common or shared areas such as entrances, halls, restrooms, storage rooms, and parking lots. (Ord. 763, 1998)

15.06.060 Penalty.

It shall be unlawful and punishable as a misdemeanor for any person or corporation to:

- A. Refuse entry to the building official or his/her designee for the purpose of conducting the inspection or re-inspection after the official has identified him/herself, stated his/her purpose to inspect, and displayed a search warrant for inspection; or to obstruct or interfere with the inspection or re-inspection;
- B. Fail or refuse to post the receipt as required by this code;
- C. Fail or refuse to show the receipt to the building official, or his/her designee upon request;
- D. Fail or refuse to pay the fee for the inspection or re-inspection in accordance with this chapter;
- E. Fail to abate any fire hazard or code violation noted during the inspection;
- F. Begin an occupancy or home industry subject to inspection under this chapter, after the effective date of this chapter, without first having the required inspection.

The misdemeanor shall be punishable by a fine not to exceed \$1,000, or by imprisonment in jail, not to exceed 90 days, or by both the fine and imprisonment. Each day or portion thereof during which any violation occurs or continues shall be a separate offense and separately punishable. Conviction shall not excuse the violation or a continuation of the violation. (Ord. 763, 1998)

15.06.070 Limitation of liability.

This chapter is not intended to create any class of persons to be benefited or protected or to create any reliance relationship between the city of Langley or its officials and the owners, tenants, or users of any buildings, structures, or premises or their successors. This chapter is not intended to create any duty running in favor of particular persons. The building official and his/her designees are not required to conduct any inspections beyond the resources of the city of Langley or its officials or employees responsible for any damage to persons or property by reason of any inspection or re-inspection or any other action or omission taken pursuant to this chapter. The receipt is for accounting purposes and is not to be construed as proof of code compliance. (Ord. 763, 1998)