

**SEATTLE FIRE DEPARTMENT**  
**Information Bulletin #972**



## **Requesting a Review by the Fire Code Appeals Board**

The following outlines the process for requesting a review of the Seattle Fire Code by the Seattle Fire Code Appeals Board.

### **Introduction**

Section 108 of the Seattle Fire Code provides that appeals from Fire Department decisions or actions pertaining to the application and interpretation of the Fire Code shall be addressed to the Fire Code official. If the appealing party is not able to resolve the problem with the Fire Code official, then he or she may submit a written request to the Fire Code official for a review by the Appeals Board, a subcommittee of at least five (5) members of the Fire Code Advisory Board (FCAB). There is no fee for this review. In accordance with City of Seattle Ordinance 122491, the Appeals Board's recommendation will be advisory only.

FCAB members are drawn from the general public, private industry and construction-related professions such as architecture and engineering. In addition to Appeals Board reviews, the FCAB makes recommendations to the Fire Department on proposed amendments to the Seattle Fire Code.

The process whereby parties apply for a review by the FCAB Appeals Board is intended to be simple and informal. It gives applicants the chance to present their views on particular Fire Code compliance situations to people outside of the Seattle Fire Department who are knowledgeable about Fire Code issues.

Only one request for review by the Appeals Board may be made for any one particular Fire Code compliance dispute. Any stay of Fire Code enforcement pending the panel's advisory

recommendation will be at the sole discretion of the Fire Chief. Situations involving emergency Fire Code enforcement are not subject to delay by the Appeals Board review process.

### **Preliminary Steps to Request Review by the Appeals Board**

Before requesting a review by the Appeals Board, the applicant should first explore resolution of the compliance problem by proposing modified Code requirements (SFC Section 104.8) or alternative materials and methods (SFC Section 104.9). The applicant should also have discussed the particular compliance situation in depth with the following representatives of the Fire Department:

1. the appropriate inspector from the Fire Marshal's Office (FMO), the Fire Prevention Division of the Seattle Fire Department;
2. the FMO inspector's supervisor, if the matter cannot be resolved with the inspector;
3. the Fire Marshal, if the matter cannot be resolved with the supervisor; and
4. if necessary, the Fire Chief, where agreement cannot be reached with the Fire Marshal; before
5. submitting a written request for an Appeals Board review, addressed to the Fire Chief and sent to the Fire Marshal's attention, concisely stating the issues involved, the factual background, and the relevant Seattle Fire Code section(s).

## Appeals Board Review and Recommendations

The time limits set forth below apply unless different time limits are mutually agreed to by the Fire Department, the applicant and the FCAB Chair (e.g., for reasons of urgency).

(1) *Written request for review:* The applicant will submit the written request for Appeals Board review to the Fire Chief within 10 business days after the Chief has notified the applicant of the Chief's decision on the applicant's particular compliance dispute.

(2) *Notifying FCAB of a request for review:* The Fire Marshal, acting on behalf of the Fire Chief, will make a reasonable effort to notify the FCAB Chair within one (1) business day (i.e., Monday through Friday, with Saturdays, Sundays and holidays excepted) of receiving an applicant's written request for a review by the Appeals Board. The Fire Marshal shall provide a copy of the applicant's written request to the FCAB Chair at this time, by fax or other reasonable means.

(3) *Scope of review:* Before selecting the Appeals Board, the FCAB Chair will determine if the applicant's request is within the scope of Fire Code matters that the Appeals Board is permitted to consider. In making this determination, the FCAB Chair will consult both with the applicant and the Fire Marshal.

(4) *Selecting members of the Appeals Board:* The members of the Appeals Board will be selected within five (5) business days of the time that the FCAB Chair receives the applicant's written request for review from the Fire Marshal. Selection of Appeals Board members shall be in accordance with City of Seattle Ordinance No. 119799, which provides that at least five (5) FCAB members form an Appeals Board, with one business/industry representative, one professional/technical representative, and one public citizen representative. Additional members may be

selected for reasons of particular expertise. To avoid conflict of interest, no applicant, or employee or agent of that applicant, may serve on the Appeals Board reviewing that applicant's compliance dispute (please refer to the City of Seattle's Code of Ethics, found at Ch. 4.16 of the Seattle Municipal Code).

(5) *Restriction on parties' contacts with the Appeals Board:* Outside of the Appeals Board meeting(s) and any site visit(s), neither the applicant nor the Fire Department will communicate with members of the Appeals Board about the compliance dispute, except through the FMO Technical Code Development Director.

(6) *Scheduling the meeting:* The Appeals Board will meet to review the applicant's compliance dispute within fifteen (15) business days from its selection by the FCAB Chair. The Technical Code Development Director will contact the FCAB Chair, the members of the Appeals Board, the Fire Department and the applicant to schedule a place and time for the Appeals Board's meeting(s).

(7) *Written statements and exhibits:* The applicant and the Fire Department will each submit a concise written statement of the issue(s), facts and relevant Seattle Fire Code section(s) involved to the Technical Code Development Director at least seven (7) business days before the date of the first Appeals Board meeting to consider the compliance dispute. These statements should include any relevant exhibits such as plans, as well as a list of any expert witnesses. The applicant and Fire Department must submit one copy of their respective statements and attachments for each Appeals Board member, with an additional copy for the other party. The Technical Code Development Director will have these copies delivered at least three (3) business days before the first Appeals Board meeting.

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(8) *The meeting:* The Appeals Board will select its own chairperson. The applicant will make its presentation first, followed by the Fire Department. The applicant and the Fire Department should each be limited to thirty (30) minutes for oral presentation, including questions from Appeals Board members, unless the Appeals Board Chair determines at the beginning of the meeting that more time is warranted. In any event, each party will be provided equal time to make its presentation to the Appeals Board. Each party's oral presentation should address the factual background, the issue(s) and the Seattle Fire Code section(s) involved. Each party may include design professionals or other persons in its presentation to the Appeals Board.

(9) *Site visits:* The Appeals Board may visit the site(s) involved in the compliance dispute, at the request of either the Fire Department or the applicant, or on the Appeals Board's own initiative. The applicant shall make the site available to the Appeals Board for a site visit. The site visit(s) will be scheduled through the Technical Code Development Director. No such site visit will be made without a representative of both the Fire Department and the applicant present.

(10) *The Appeals Board's recommendations:* Within five (5) business days of its final meeting or site visit regarding the compliance dispute, the Appeals Board shall make its written recommendations concerning the particular compliance situation to the Fire Chief. A copy of the Appeals Board's recommendations will also be provided to the applicant, the FCAB Chair, and the other members of FCAB. The Appeals Board's review and advisory recommendations should be completed within sixty (60) calendar days from the time that the Fire Chief notifies the applicant of the Chief's pre-appeal decision, although more time may be taken if both the applicant and the Fire Marshal agree to an extension of time.

The Appeals Board's recommendations are advisory only, and are not binding on the Seattle Fire Department.

If the Fire Chief declines the Appeals Board's recommendations, the Fire Chief will state the reasons why in writing. A copy of this statement shall be provided to the applicant, the members of the FCAB, the Mayor's Office and the City Council member who chairs the City Council's Public Safety Committee. In every case, the Fire Chief and Fire Marshal shall make themselves available to meet with the applicant after the conclusion of the Appeals Board review.

### **Additional Information**

As it may be revised, this document sets forth the FCAB procedures for Appeals Board review of particular Fire Code compliance matters. General inquiries about the Appeals Board process should be directed to the FMO Technical Code Development Director at 386-1373. General suggestions to FCAB for Fire Code changes should be submitted in writing on a form available through the Technical Code Development Director.